



International
Labour
Organization



Ending forced labour by 2030:

A review of
policies and
programmes



**CONTRIBUTION
TO ACHIEVING
SDG TARGET 8.7**

Achieving a World Without Forced Labour

Forced labour remains tragically common in today's world

Almost **25 million people were caught in the grip of forced labour** on any given day in 2016. **Four-fifths** of them were working in the **private economy**.

An immense challenge and a global imperative

Target 8.7 of the Sustainable Development Goals is to **end all forms of forced labour by 2030** and to end the forced labour of children, along with all other forms of child labour, by 2025.

Renewing the commitment

Two international instruments — the **2014 Protocol to ILO Convention No. 29 on Forced Labour, 1930** and its accompanying **Recommendation No. 203** — are the focus of this report. They explicitly recognize modern forms of trafficking for forced labour, including for forced sexual commercial exploitation, and the increased number of workers who are in forced labour in the private economy, especially people who are on the move.

How will we meet the SDG targets and end forced labour once and for all?

Four elements outlined in the 2014 Forced Labour Protocol and Recommendation — underpinned by strengthened international cooperation and social dialogue — form the key pillars of a strategic framework for addressing forced labour:

- 1. PREVENTION:** Addressing the wide assortment of factors — socio-cultural, economic, legal, and political — that push and pull people into forced labour.
- 2. PROTECTION:** Ensuring that people already in forced labour are released and enabled to recover from their subjection to this crime.
- 3. REMEDIES:** Providing those subjected to forced labour with access to justice and compensation for injury, loss, or harm — material or moral — that they have sustained.
- 4. ENFORCEMENT:** Strengthening the administration of labour and criminal justice in order to prevent the degeneration of labour violations into forced labour, to increase the number of identified forced labour cases, and to bring perpetrators to justice.



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programmes

GENEVA, 2018



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Executive Summary

“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 International Labour Organization

Our ultimate aim is clear — a world in which no human being is ever subjected to forced labour in any of its various forms.

However, on any given day in 2016, 25 million people were caught in the grip of forced labour, 4.3 million of them children below the age of 18 years. This moral and legal scandal is an indictment of the failure of global and national governance to ensure social justice and full respect for human rights in the global economy. And with a greater prevalence today of forced labour in the Europe and Central Asia region than in Africa, it is evident that forced labour is a product not just of the poverty of nations but of enduring social injustice and inadequate political will.

The international community clearly faces an immense challenge in honouring the global commitment made in **Target 8.7 of the Sustainable Development Goals to end all forms of forced labour by 2030 and to end the forced labour of children, along with all other forms of child labour, by 2025**. This report reflects on this challenge and the way forward. It is aimed at helping to guide efforts in the lead up to the Target 8.7 end dates by bringing together and highlighting instructive practices in national law and policy to address forced labour.

Two international instruments — the **2014 Protocol to ILO Convention No. 29 on Forced Labour, 1930 and its accompanying Recommendation No. 203** (henceforth, the Forced Labour Protocol and Forced Labour Recommendation) — are the principal points of reference for the report.



24.9 MILLION

PEOPLE IN FORCED LABOUR:



PEOPLE IN FORCED LABOUR SUFFER A VARIETY OF FORMS OF **COERCION:**





ENDING FORCED LABOUR: PUTTING THE 2014 FORCED LABOUR PROTOCOL AND RECOMMENDATION INTO ACTION

A KEY ADDITIONAL IMPETUS AND STRATEGIC FRAMEWORK FOR THE GLOBAL FIGHT AGAINST FORCED LABOUR

The Forced Labour Protocol and Recommendation, adopted by the International Labour Conference at its 103rd Session in June 2014, bring ILO standards against forced labour into the modern era and provide an important additional impetus and strategic framework for the global effort to eradicate it.

Without altering the basic definition of forced labour, the Forced Labour Protocol and Recommendation complement and update – but do not replace – the fundamental ILO standards of 1930 and 1957 by accounting for changes in the contexts and forms of forced labour in the contemporary global economy. The instruments explicitly recognize modern forms of trafficking for forced labour, including for forced sexual commercial exploitation, as the subject of growing international concern requiring urgent action. The instruments also recognize the increased number of workers who are in forced labour in the private economy, and that certain groups of workers have a higher risk of becoming victims of forced labour, especially people on the move.

The Forced Labour Protocol and Recommendation also constitute a watershed in strategic terms by placing a new emphasis on addressing causes of forced labour and on ensuring the full respect of all offended persons, irrespective of their legal status in the national territory.

Specifically, the Protocol establishes the obligations to prevent forced labour, to protect those subjected to forced labour, and to provide them with access to remedies, and it emphasizes the link between forced labour and trafficking in persons. In line with Forced Labour Convention No. 29 of 1930, the Forced Labour Protocol also reaffirms the importance of enforcement and of ending the impunity of perpetrators. The Forced Labour Recommendation provides guidelines for implementing these obligations and underscores the importance of international cooperation and social dialogue in this regard.

These four elements – **PREVENTION, PROTECTION, REMEDIES, and ENFORCEMENT** – underpinned by strengthened international cooperation and social dialogue, form the key pillars of comprehensive strategy for addressing forced labour and for reaching the ambitious SDG targets of ending the forced labour of children by 2025 and universally by 2030.



Prevention: addressing the factors that push and pull people into forced labour

It is self-evident that achieving the goal of eradicating forced labour rests, first and foremost, on prevention. We must address the wide assortment of factors — socio-cultural, economic, legal, and political — that push and pull people into forced labour if it is to be relegated definitively to history. Remedial measures will never be enough if the flow of people into forced labour is not first stemmed.

Article 2 of the Forced Labour Protocol, reflecting research and experience, sets forth an overall strategy for the prevention of forced labour and outlines measures that member States must put in place in several specific areas. Prominent among these are awareness-raising, ensuring fair recruitment, supporting “due diligence by both the public and private sectors”, and addressing root causes and risk factors. In context of the last, the Forced Labour Recommendation stresses the importance, among other things, of ensuring freedom of association, of providing of basic social security guarantees, and of skills training for at-risk populations. Forced labour occurs overwhelmingly in the informal economy, and these measures to address root causes are therefore of particular relevance in this setting.

AWARENESS-RAISING

The Forced Labour Protocol and Recommendation 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. A review undertaken for this report indicates that most countries have undertaken measures in this area (see graph at right).



Awareness-raising is the most common forced labour prevention measure, implemented in a total of 154 countries.

154
TOTAL
COUNTRIES



- Arab States
- Asia and the Pacific
- Americas
- Europe and Central Asia
- Africa

Number of countries undertaking awareness-raising measures, by region

Country-level awareness-raising efforts utilize a broad spectrum of traditional and non-traditional communication channels. Public service announcements, local radio and television spots, documentary films, theatre productions, lectures and film discussions, social media campaigns, video testimonials by victims, school curricular materials, mobile phone applications, and printed information in local languages are some examples identified in the review undertaken for this report. Religious leaders are targeted in awareness-raising efforts in several countries in light of their important role as change agents. Mass media professionals are another common focus given their key role in shaping the public debate on forced labour. Transport corridors, and points of arrival and departure, are used in a number of contexts for reaching migrants with information on the risks of forced labour.

Communication contents, however, are typically narrower in scope. Most focus on human trafficking for forced labour; awareness-raising activities targeting forms of forced labour that do not involve trafficking are much less common. Few awareness-raising initiatives to date have generated evidence of their impact on knowledge, attitudes, and practices relating to forced labour, which is in turn critical for fine-tuning communication strategies and for identifying those with the most potential for broad-scale replication moving forward.

FAIR RECRUITMENT

With increasing frequency, the recruitment of migrant workers is carried out by private employment agencies. These private agencies can play an important role — complementing public employment services — in helping to match labour supply with labour demand and thereby improve the operation of the labour market. However, the growth of the private recruitment industry has also been accompanied by a disturbing number of reports about the exploitation and abuse of workers, especially migrant workers, by

unscrupulous labour recruiters and fraudulent and abusive employment agencies. In recognition of recruitment as a risk factor in forced labour, the Forced Labour Protocol reinforces other international legal instruments in requiring the protection of workers, and particularly migrant workers, from abusive and fraudulent practices during the recruitment and placement process.

Addressing gaps in the governance of labour recruitment

Although laws governing recruitment agencies and recruitment fees have been passed in more than 90 countries, a recent ILO review suggests that few deal with these issues in a comprehensive fashion. Important governance gaps persist, leaving room for abuse. Regulatory reform aimed at closing these and other governance gaps is therefore vital. There are a number of instructive measures undertaken by countries of relevance in this regard.

- Joint liability schemes that make both labour recruiters and employers liable for fraudulent or abusive recruitment or labour practices;
- bilateral agreements between origin and destination countries that formalize their shared responsibility in dealing with labour recruitment issues;
- joint liability schemes within bilateral agreements, in order to ensure that the concept of joint liability is applied across borders;
- stipulations in bilateral agreements between source and destination countries requiring that recruitment information is provided to migrant workers; and
- government-to-government recruitment mechanisms that effectively bypass private employment agencies and instead rely on government entities in both the origin and destination countries to handle the selection and placement of workers.



A recent ILO review of recruitment policies in 90 countries suggests that few deal with this issue in a comprehensive fashion.

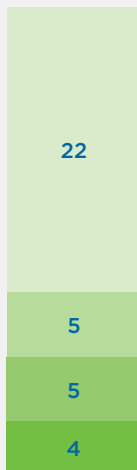
63
TOTAL
COUNTRIES



No. of policies prohibiting the charging of fees and costs to workers and jobseekers

Arab States
Asia and the Pacific
Americas
Europe
Africa

36
TOTAL
COUNTRIES



No. of policies regulating the charging of fees and costs to workers and jobseekers

National policies on charging of recruitment fees and related costs, by region^(a)

Note: (a) The total number of policies (99) exceeds the total number of countries (90) because some countries have multiple policies.

Source: Global comparative study on the definition of recruitment fees and related costs, as cited in Findings from the global comparative study on the definition of recruitment fees and related costs. Background paper for discussion at the Tripartite Meeting of Experts on Recruitment Fees and Related Costs (Geneva, 14–16 November 2018), International Labour Office, Conditions of Work and Equality Department, Geneva, ILO, 2018.

Preparing and empowering migrant workers

Unprepared and ill-informed migrants are at significantly greater risk of forced labour and other labour abuses. In recognition of this basic reality, the Forced Labour Recommendation also calls for orientation and information for migrants. Current practice also offers a number of models for preparing and informing prospective and actual migrant workers:

- pre-departure orientation seminars and briefings for prospective migrant workers;
- migrant support centres, providing free information and counsel to prospective migrants prior to departure;
- public awareness-raising programmes aimed at promoting “migration by choice”, including door-to-door visits, referral services, pre-decision counselling sessions, life skill training, and other outreach efforts;
- migrant workers’ centres in destination countries, providing migrant workers with accurate information, advice, and other support concerning safe migration and rights at work; and
- the Migrant Recruitment Advisor, a crowd-sourced global web platform enabling prospective migrant workers to quickly identify fair recruiters and avoid abusive ones, and, more broadly, to benefit from the knowledge and experiences of their peers.

ADDRESSING FORCED LABOUR IN BUSINESS OPERATIONS AND SUPPLY CHAINS

The Global Estimates indicate that forced labour is overwhelmingly concentrated in the private economy, underscoring 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. The Forced Labour Protocol requires measures for “supporting due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour” in recognition of this.

Strengthening public governance

There has been a surge of recent regulatory initiatives and other measures aimed at strengthening the public governance of business operations and supply chains. A number of countries have adopted laws that impose mandatory reporting of due diligence measures allowing parties concerned to easily discern a company’s commitment in this regard. Rather than relying only on transparency requirements to increase the pressure on firms to act, other countries have gone a step further in passing laws that directly require due diligence measures. While there are indications that these laws have helped stimulate investor activism and monitoring initiatives by NGOs and advocacy groups, there is as yet little evidence pointing to their contribution to sustained improvements in compliance on the part of the firms affected. A particular concern in the context of forced labour is that these laws typically extend only to suppliers at the top of supply chains and not to those operating further down the supply chain in the informal economy where forced labour is concentrated.

The insertion of labour clauses in public procurement contracts and in trade agreements is also increasingly common as

means of promoting fundamental labour rights in business operations and supply chains within and across national boundaries.

Strengthening private and social governance

A growing number of private compliance and multi-stakeholder initiatives seek to strengthen the private and social governance of business operations and supply chains. Recent years have seen a gradual shift in the private compliance debate towards approaches built on the principles of transparency, collaboration, and accountability.

One important emerging practice in this regard relates to voluntary supply chain transparency, involving the voluntary public disclosure on the part of lead firms of the names, addresses, and other details of the suppliers in their supply chains. Another emerging practice is that of business-led, industry-wide collaborative initiatives in which participating firms agree to a set of common labour standards in their operations and supply chains. These initiatives help ensure a level playing field in which firms do not gain advantage over their competitors by ignoring labour standards — the “race to the bottom” scenario.

Different types of multi-stakeholder initiatives can also be now be found across a number of supply chains. These initiatives are based on the premise that fundamental labour violations in global supply chains concern a variety of parties — including workers, government, employers’ and workers’ organizations, and civil society — and that bringing these parties together to identify and coordinate responses can therefore be critical to their ultimate effectiveness and sustainability.

International framework agreements between multinational enterprises and global trade union federations are another instrument of growing importance for promoting core labour standards throughout global supply chains. In contrast to unilateral and voluntary private compliance initiatives, these international

accords have the critical added value of being the outcome of negotiations between business and organized labour. The number of global framework agreements has increased in recent years and currently totals more than 100 worldwide across a wide array of economic sectors. But the vast majority of global framework agreements — nine out of every 10 — apply only to direct suppliers rather than the entire supply chain of the multinational enterprise, a limitation that is again of particular relevance for forced labour.

ADDRESSING ROOT CAUSES: A FOCUS ON THE INFORMAL ECONOMY

Forced labour imposed by private actors occurs overwhelmingly in the informal economy. This correlation between informality and forced labour is by no means spurious. We know from a wide body of research that workers in the informal economy are among the most vulnerable and at the same time least protected groups. The Forced Labour Protocol and Recommendation contain provisions in a number of areas of relevance to “formalizing” informal work, 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.

Organizing workers in the informal economy

Forced labour is almost always linked to restrictions on workers’ ability to exercise their rights to organize and bargain collectively. The reasons for this are straightforward. In situations in which these fundamental labour rights are denied, workers are unable to exert a collective voice, to defend their interests, or to positively influence the conditions of their working lives, in turn leaving them much more vulnerable to other fundamental rights violations, including forced labour.

There is no single or simple formula for organizing informal economy workers. Indeed, the extreme heterogeneity of the informal

economy, and of the production modalities and work arrangements within it, mean that numerous complementary approaches to organizing workers are required. There are a growing number of innovative and instructive experiences in organizing workers in parts of the informal economy in which forced labour is prevalent, for example, among agricultural, brick kiln, domestic, and commercial sex workers, offering valuable guidance for expanded efforts in this regard. These include the establishment of bespoke trade unions, the integration of informal economy workers into existing national trade unions, and the building of alternative organizing frameworks, such as associations and workers’ cooperatives.

Reducing vulnerability through social protection systems, including floors

The link between a lack of social protection and forced labour is also clear — social protection, and basic social security guarantees in particular, are a key prerequisite for a workforce that is healthy and prepared to cope with adverse social or economic contingencies, and therefore that is resilient to forced labour. In recognition of this point, the Forced Labour Recommendation calls for “basic social security guarantees forming part of the national social protection floor, in order to reduce vulnerability to forced or compulsory labour”. This applies particularly to informal economy workers and their families, who are among the principal groups excluded from social protection.

Here too, the diversity of the informal economy means that there can be no one-size-fits-all responses. Expanding coverage to the wide array of workers in the informal economy requires the development of a number of different instruments tailored to the specific characteristics of the different groups, to the contingencies to be covered, and to the local context. A broad range of instructive practices, including cash transfers and other schemes delinked from formal employment, offer guidance in this regard. The organization of informal economy workers can be an important common starting point to extending social protection to them.

Addressing skills deficits

The Forced Labour Recommendation highlights the importance of skills training programmes for at-risk population groups to increase their employability and income-earning capacity. Training programmes can be especially important for prospective migrants — improving employability in the domestic labour market they can help reduce employment-related pressures to migrate, although myriad other factors can also underlie migration decisions. Education and training can also help facilitate good job matches for migrants in destination countries and help them to avoid forced labour and other abusive job situations.

Training needs to be responsive both to the diverse requirements of informal economy workers and to the evolving demands of the labour market. Informal apprenticeship schemes have shown considerable promise in imparting skills in the informal economy in many developing countries, particularly in Africa. Skill accreditation is another important priority. The ability of many informal economy workers to move up the skills ladder is constrained by the fact that skills acquired through experience, on-the-job training, and apprenticeship are not recognized in formal labour markets or by training institutions.



Protection and remedies: Ensuring that people are released and enabled to recover from their subjection to forced labour

Prevention measures do not directly touch the 25 million people who are already in situations of forced labour on any given day, or the untold millions more who have escaped or been rescued from forced labour but continue to suffer from its cruel consequences — financial ruin, legal jeopardy, psychosocial trauma, social stigma or ostracism, to name just a few. The rights — and urgent needs — of these people for protection and remedies must also not be forgotten. The Forced Labour Protocol and Recommendation reiterate the obligations on member States and provide relevant policy guidelines in this regard.

The protection of those who have endured forced labour has multiple dimensions. Protection begins with the timely identification of people in forced labour, as failure to identify them is likely to result in further denial of their rights and expose them to continued forced labour. But the obligation to protect extends beyond their initial identification and release, encompassing additional measures for immediate assistance recovery, rehabilitation, and support, with special consideration for needs of children and migrant workers. Protection also means that persons in

forced labour should not be prosecuted or punished for offences committed as a direct consequence of their situation. Remedies start with ensuring access to justice and include compensation for injury, loss, or harm — material or moral — sustained through forced labour.

ENSURING TIMELY IDENTIFICATION AND RELEASE OF PEOPLE IN FORCED LABOUR

The identification of those in forced labour, the necessary starting point for protecting them, is difficult for a number of reasons. Unscrupulous employers have a strong incentive to conceal forced labour situations to avoid sanctions and therefore to locate production in remote or hidden sites. In other instances, the nature of production, e.g. mining or timber logging camps, entails remote, difficult-to-reach locations. People in forced labour themselves may be reluctant to come forward to seek help out of distrust of the system, or due to fear of deportation or prosecution, even when the information and services they would need to do so are available.

There are a number of emerging practices designed to help address these challenges and strengthen identification. Of particular importance are efforts to actively engage the wide range of frontline actors who come into contact with people subjected to forced labour, and to develop standardized procedural guidelines, common operational indicators, and national referral mechanisms to help meet the critical need for coordination among these diverse actors. Labour inspectors are especially important in this regard, as their unique access to workplaces means that they are often among the first actors to encounter situations of forced labour, as are police officers and other frontline law enforcement officials. Other contexts see actors including trade unions, social workers, immigration officers, public health workers, employers' organizations, non-governmental organizations, civil society groups, embassy personnel, and members of the religious community active in identification efforts.

Complaints mechanisms and hotlines have also been set up in a number of countries enabling persons concerned to self-identify and contact an agency or organization that can assist them in seeking protection and remedies. A still-limited group of countries is investing in systems for the regular collection of forced labour statistics, offering real-time information on changes in forced labour prevalence and characteristics, to guide identification of people subjected to forced labour and follow-up efforts.

ENSURING IMMEDIATE ASSISTANCE AND LONG-TERM RECOVERY AND REHABILITATION

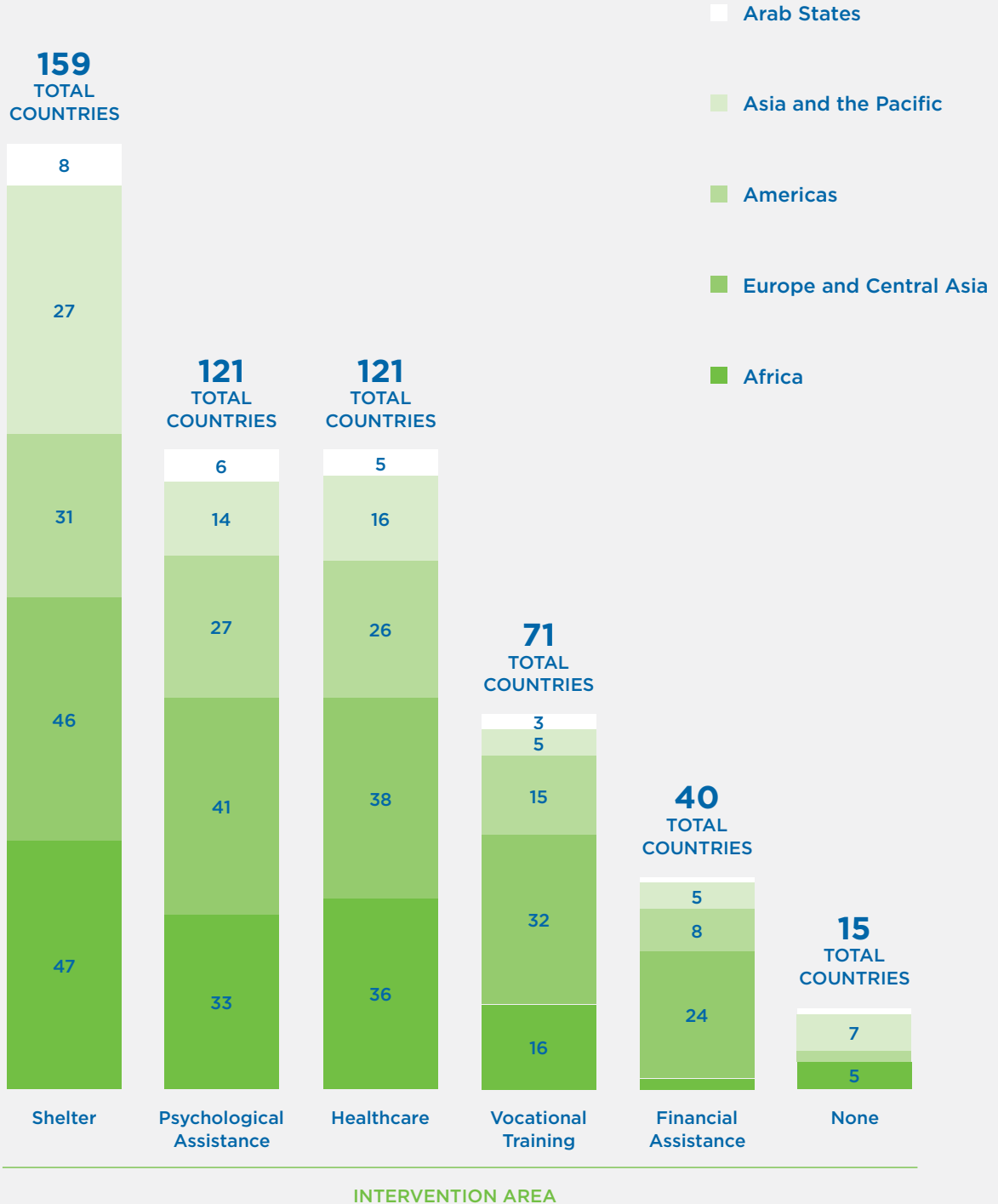
The Forced Labour Recommendation calls on member States to take “the most effective protective measures to meet the needs of all victims for both immediate assistance and long-term recovery and rehabilitation”. The review undertaken for this report points to substantial implementation gaps relating to the provision of these protection measures, particularly relating to services such as vocational training or financial assistance designed to ensure the long-term reintegration of people exposed to forced labour and to prevent their re-victimization.

Coverage is also often an issue even when protection services technically exist. Assistance commonly focuses on trafficked persons specifically rather than on all persons who were in forced labour and, while generally not explicitly restricted to women and children, in practice protection services focus primarily on these two groups and not on men. Migrant workers are confronted with a number of unique obstacles — legal, administrative, linguistic, cultural, and informational — in accessing protection services.

As a key starting point in strengthening protection services, several countries have sought to map existing protection services, their typology, and the locations where they are concentrated, so that local service gaps can be identified and addressed. A common strategy employed for extending protection services, particularly for those relating to longer term rehabilitation and recovery, is to leverage existing public services and programmes in these areas; accommodating people formerly in forced labour into existing public employment and training programmes is one example of this. In other contexts, specialized rehabilitation packages have been developed, including, among others, rehabilitation grants, skill development training, psychosocial support, microcredit, and micro-enterprise development.



While most countries provide basic immediate assistance to people released from forced labour, far fewer provide services designed to ensure long-term reintegration and recovery.



Protection measures

Note: Some of the countries counted as providing shelter to people released from forced labour did not provide shelter to all of the released population, e.g. some provided shelter to only women and children. The quality of the psychosocial and health care assistance provided was not taken into account, nor was the adequacy of the financial assistance. The figures indicate whether the services are available but do not take into account who is responsible for providing them. In many cases, protection is funded and/or organized by international or national NGOs with some, little or no contribution from the State.

ENSURING THAT THE PROVISION OF PROTECTION SERVICES IS NOT CONDITIONAL ON COOPERATION IN CRIMINAL AND OTHER PROCEEDINGS

The Forced Labour Recommendation states that while steps may be taken to encourage the cooperation of people who were subjected to forced labour in the identification and punishment of perpetrators, protection measures should not be conditional on such cooperation. In practice, the picture in terms of the conditionality of assistance to people freed from trafficking and forced labour is mixed. The review undertaken for this report indicates that of the total of 106 countries with laws mandating assistance, 57 link this assistance to cooperation in criminal proceedings (see graph at right).

Moreover, a closer look at laws in countries where assistance is ostensibly unconditional suggests that there are often exceptions. In some cases, only certain protection services are guaranteed by law. In other cases, it is the length of time for which they can access protection provisions that is dependent on cooperation. Often, access to protection provisions is conditional upon cooperation with the judiciary only for migrants who otherwise would face deportation or repatriation. Yet the biggest access barrier in many countries is not conditionality but rather the outright lack of services. In such circumstances, people freed from forced labour may be legally entitled to receive assistance unconditionally but there are no services available for them to exercise this entitlement.



Access to protection services for persons freed from forced labour remains conditional on their cooperation in legal proceedings in many countries.

106
TOTAL
COUNTRIES



Assistance
mandated by law

- Arab States
- Asia and the Pacific
- Americas
- Europe and Central Asia
- Africa

57
TOTAL
COUNTRIES



Assistance
conditional on
cooperation

Countries with legal provisions relating to assistance for persons freed from forced labour



A total of 132 countries have provisions ensuring freedom from prosecution and penalties, but actual state practice in this area remains far from consistent.

132
TOTAL
COUNTRIES



- Arab States
- Asia and the Pacific
- Americas
- Europe and Central Asia
- Africa

Non-Liability Provision

Countries reporting legal provisions for ensuring freedom from prosecution for victims

ENSURING FREEDOM FROM PROSECUTION AND PENALTIES

The Forced Labour Protocol and Recommendation also reaffirm the principle that people subjected to forced labour should not be prosecuted or penalized for unlawful activities they have been compelled to commit as a direct consequence of being subjected to forced labour. In addition to constituting a further abuse, prosecution or penalization discourages the people concerned from coming forward to get the help they need – even, in some cases, urgently-needed medical treatment – and from cooperating with law enforcement authorities in proceedings against perpetrators.

The review undertaken for this report indicates that many countries now have legal provisions concerning freedom from prosecution (see graph at left), but state practice in this area is also far from consistent. Many such laws relate only to trafficked persons and, within this group, those committing immigration-related offences. In a number of conflict-affected countries, forced recruitment by armed groups is a category that is especially prone to prosecution and penalties for those who are subjected to it. In many instances, an especially important constraint to ensuring freedom from prosecution is the common failure to identify persons in forced labour as such.

IDENTIFYING AND ADDRESSING LOCAL BARRIERS TO ACCESSING REMEDIES

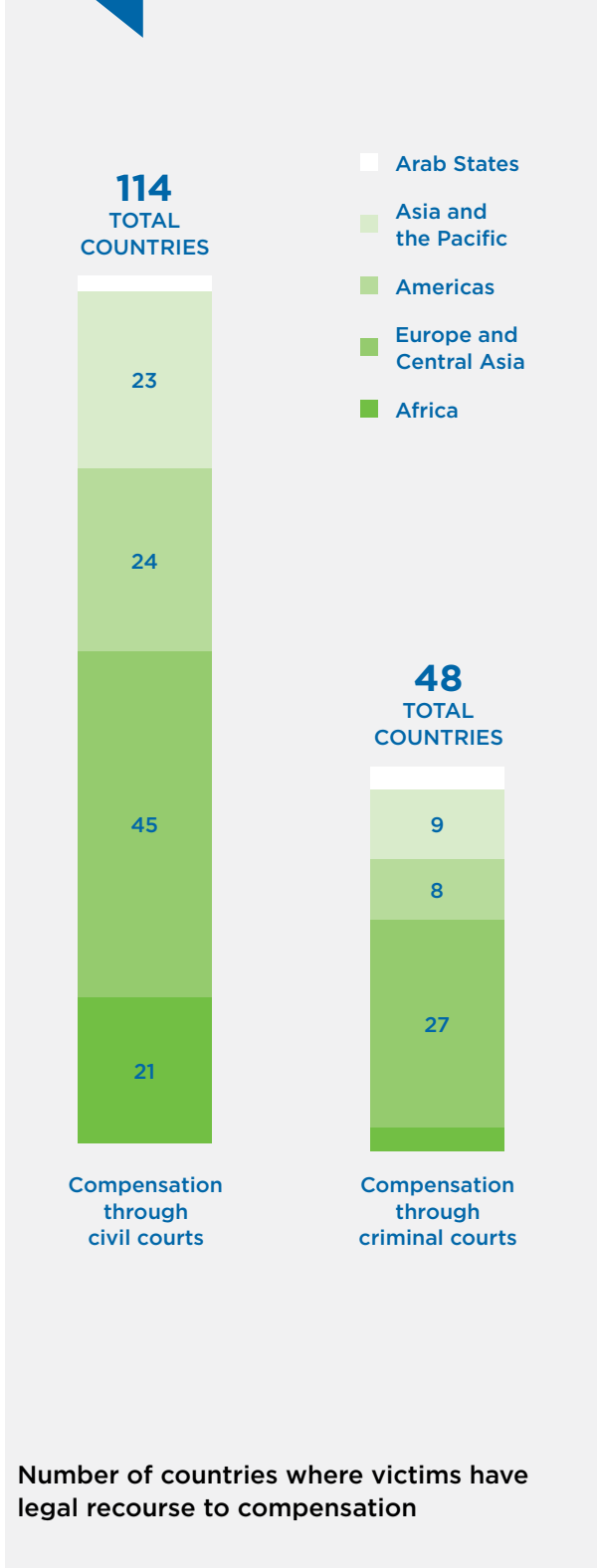
A growing number of countries are adopting legislation and measures specifically relating to the rights to remedies of people freed from forced labour, but this too is an area where much remains to be done. A review undertaken for this report looking at the specific remedy of financial compensation shows that persons in forced labour have legal recourse through civil courts to financial compensation, including

unpaid wages, in a total of 114 countries, while in 48 countries, laws permit the awarding of financial compensation to persons freed from forced labour following convictions in criminal courts (see graph at right). In some countries it is possible for them to access compensation through both civil and criminal proceedings.

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. 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 linguistic and cultural challenges, are typically among the groups who are least aware of their rights. A lack of knowledge concerning the assistance and support services available to them is an important related obstacle. Aggrieved people may also be unable to afford the direct cost of legal assistance or the indirect cost of a prolonged legal process.

In number of countries, paralegal support is being promoted as a strategy for helping people freed from forced labour to gain access to and navigate systems of criminal and labour justice and seek remedy. In some instances, this strategy is backed up by legislation enabling paralegals and other third parties to present lawsuits and seek redress on behalf of people subjected to forced labour.

In 114 countries, people who have been subjected to forced labour can pursue compensation through civil courts, while in 48 countries they can do so only after convictions in criminal courts.



Number of countries where victims have legal recourse to compensation



Enforcement: Strengthening the administration of criminal and labour justice

Strengthening enforcement through the administration of both criminal and labour justice is the fourth key policy pillar in a comprehensive response to forced labour. While enforcement can never be the only response to forced labour — or, indeed, in many situations even the principal response to it — a robust criminal justice capacity is nonetheless necessary for ensuring persons subjected to forced labour have access to justice, for bringing perpetrators to justice, and for deterring would-be offenders. Also vital is the effective administration of labour justice, so as to detect and address labour and human rights violations before they degenerate into forced labour, and to ensure the prompt identification and referral of forced labour cases.

These priorities are reflected in the principal international legal instruments on forced labour. The Forced Labour Convention, 1930 (No. 29) requires the prohibition of forced labour to be made effective through the imposition of penalties that are adequate and strictly enforced. The Forced Labour Protocol and Recommendation, while broadly worded to encompass all legislation relevant to combating forced labour, highlight the key roles of labour law and labour inspection in particular.

STRENGTHENING THE LEGAL ARCHITECTURE AROUND FORCED LABOUR

An adequate legal architecture is a critical precondition for effective enforcement and compensation for those who have endured forced labour. A review undertaken for this report suggests that, despite important progress, significant gaps in the legal framework for forced labour persist in a number of countries. A total of 83 countries have laws that define, criminalize, and assign penalties for both forced labour and human trafficking, but in the remaining countries there are gaps in one or both these areas.

Outdated laws are a related challenge. The laws in many countries have not kept pace with recent mutations of forced labour linked to trafficking, recruitment debts, and other developments. Another common weakness in national legislation is a lack of precision and clarity in terms of how forced labour is defined. A general prohibition of forced labour or general provisions on the freedom of work, in the absence of more precise accompanying language, may not suffice for the conviction of persons who exact forced labour. Several countries have undertaken “gap analyses” of existing legislation as a first step in bringing laws and regulations into line with international legal standards.

BUILDING CAPACITY FOR ENSURING ENFORCEMENT

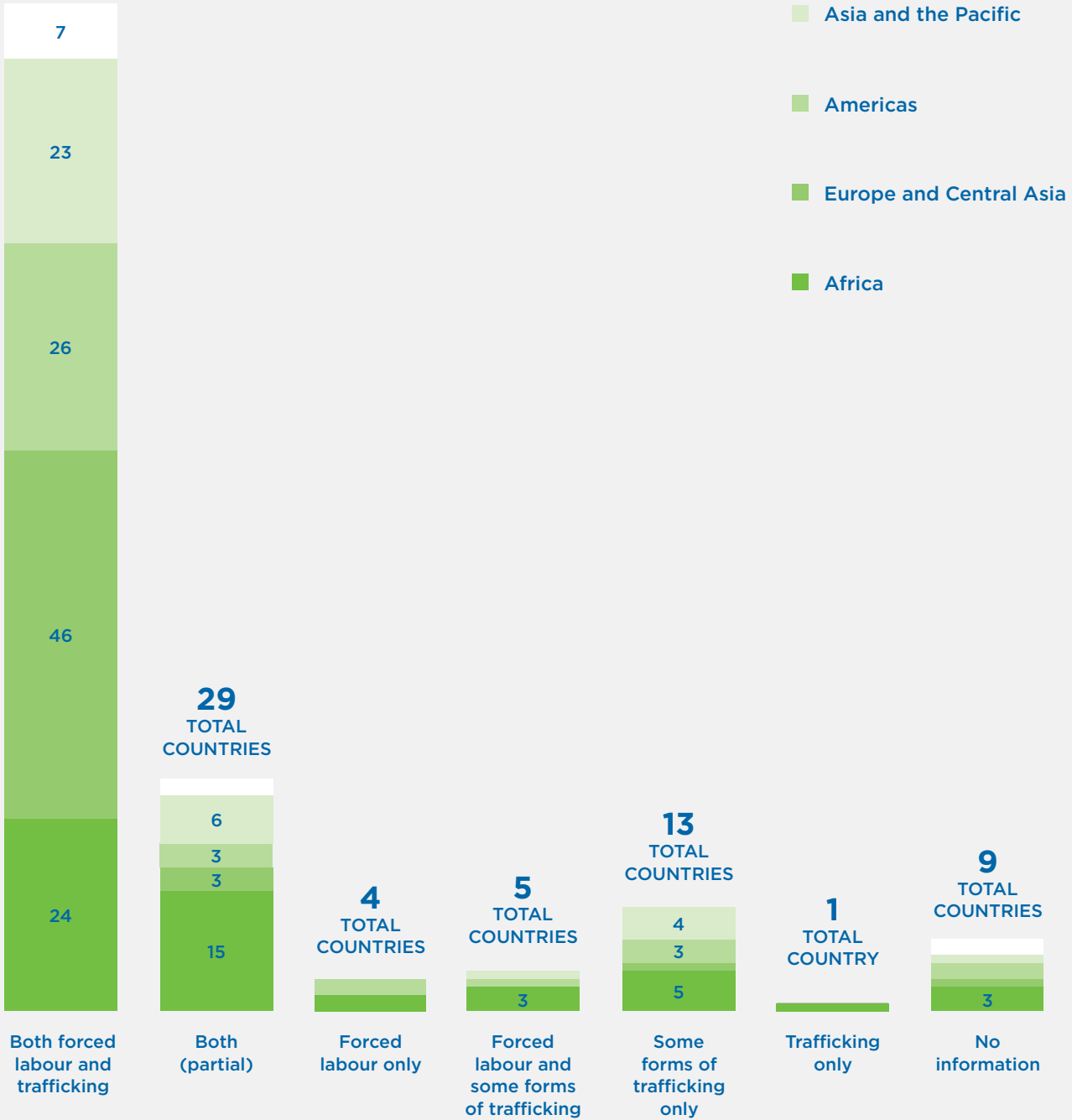
Laws alone are insufficient if not accompanied by adequate capacity for their enforcement. There has been huge investment worldwide in training various enforcement actors, yet the continued low numbers of prosecutions and convictions relative to the total prevalence of forced labour suggest that much remains to be done in terms of strengthening enforcement capacity. National studies and comments from the ILO Committee of Experts on the Application of Conventions and Recommendations point to a range of capacity needs at all levels of the process.

In some instances, capacity needs are conceptual in nature, e.g. the legal definition of forced labour, its constituent elements, and concrete manifestations. In others they are more technical, e.g. the evidentiary requirements needed to adjudicate claims or to secure convictions; while in still others the challenge relates more to overcoming cultural obstacles to enforcement, e.g. instances of traditional slavery that may be seen as part of local culture rather than as the serious crimes that they are. Several countries have



Significant gaps in the legal framework for forced labour persist in a number of countries.

126
TOTAL
COUNTRIES



LEGAL AREA

Number of countries with national laws that define, criminalize, and assign penalties for forced labour and trafficking

undertaken local assessments training needs and, on this basis, organized specialized training for the different enforcement actors, consistent with the unique roles that each plays in ensuring that those subjected to forced labour receive justice and that perpetrators are prosecuted.

STRENGTHENING LABOUR ADMINISTRATION AND INSPECTION

Criminal laws and their enforcement are a vital part of any national response to forced labour, but it is at least as important to strengthen the administration of labour justice. Labour inspectorates are uniquely equipped to detect and act on violations before they degenerate further into forced labour. Labour inspectorates

by virtue of their mandate in many jurisdictions have easier access than police and prosecutors to workplaces, enabling them to undertake initial investigations and information-gathering on the basis of which criminal charges can later be brought. A growing number of countries have acted to provide national labour administrations and labour inspectorates with the necessary legal mandate, training, and resources to play a full role in preventing forced labour and in enforcing forced labour laws. It is of course critical that broad mandates are accompanied by the human capacity to fulfil them effectively, and expanded programmes of pre- and in-service training of inspectors have been launched in several countries with this goal in mind.



The road forward to 2025 and 2030

THE FOUR POLICY PILLARS OF A COMPREHENSIVE RESPONSE

The Forced Labour Protocol and Recommendation, the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105) together send an unambiguous message: the exaction of forced labour is a serious crime and needs to be dealt with as such. But the instruments also make clear that forced labour cannot be eliminated through criminal law enforcement alone. Rather, a broad-based approach is needed, with a strong emphasis on preventing and addressing root causes of forced labour and on ensuring protection and remedies for the people already affected by it. Thus, the instruments indicate four key policy pillars for a comprehensive response to forced labour — prevention, protection, and remedies, in addition to enforcement — underpinned by strengthened international cooperation and social dialogue.

There has been a steady growth in laws and policy measures in all of these areas since the

ILO published its first global report on forced labour in 2001. But these efforts should be seen more as a starting point and as guidance for the future rather than as a job completed. The persistence of forced labour at an alarming scale provides irrefutable evidence that efforts to date have fallen far short of total need.

Prevention

Prevention, as framed in the Forced Labour Protocol and Recommendation, includes ensuring fair recruitment, supporting “due diligence by both the public and private sectors”, and addressing root causes and risk factors. This report highlights instructive practices in all these areas, but much more needs to be done in each to reduce of pool of people vulnerable to forced labour.

Information activities targeting the general public and specific vulnerable groups have been implemented in a wide range of countries, but in most contexts they have not been sufficiently comprehensive or sustained to fill knowledge gaps, erase misconceptions, or combat misinformation about forced labour

and its risks. Recent years have seen a surge of regulatory efforts and a growing number of private compliance and multi-stakeholder initiatives aimed at improving transparency and promoting human rights due diligence, but these efforts to date have yielded little evidence in term of impact on compliance in business operations and supply chains, particularly in instances in which these extend into the informal economy where forced labour is concentrated. Efforts in support of fair recruitment have also gained recent momentum, yet we know that governance gaps in this area too remain significant, and that half of all forced labour involves debt bondage, often linked to exorbitant fees, withheld wages, and other coercive practices during recruitment.

Prevention also requires, critically, addressing the roots of forced labour in the informal economy. This means, above all, tackling the decent work deficits in the informal economy that increase susceptibility to forced labour. This report reviewed a number of organizing strategies and social protection initiatives targeting workers in the informal economy but in these areas, too, the challenge remains immense — most of the 2.5 billion workers in the informal economy remain without a collective and representative voice and excluded from social protection, two key ingredients to decent work and resilience to forced labour.

Protection and remedies

This report also highlights many actions promoting protection and remedies for people subjected to forced labour. While these efforts offer hope and useful direction for the future, again they should not provide a false sense of progress — we have also seen in this report that huge implementation gaps persist across all dimensions of protection and remedy. Indeed, the sad reality is that today only a small fraction of those affected by forced labour actually benefit from protection services or are provided with compensation or other forms of remedy, which, in turn, can be critical to their ability to recover and rebuild their lives. In

filling these implementation gaps, far greater attention must also be paid to ensuring the voice of those affected, recalling that they are not simply individual “victims” to be “rescued”, but always, and first and foremost, rights-holders whose rights include not only the right to be free from forced labour but also the rights to be free from discrimination and to organize and have their collective voices heard.

Administration of criminal and labour justice

Despite the enactment of criminal laws on forced labour and human trafficking in many countries, the legal architecture around forced labour is far from complete, and international statistics indicate that the number of investigations, prosecutions, and convictions is very small relative to the scale of the overall problem. Strengthening enforcement will require attention not only to the administration of criminal and labour law, but also to providing national labour administrations and labour inspectorates with the necessary legal mandate, training, and resources to play a full role in enforcing laws against forced labour. The need for improved enforcement is linked to the weakness or absence of the rule of law — criminal and labour — which are characteristic of the informal economy and of persisting feudal relations in some parts of the rural economy in some countries.

OTHER OVERARCHING PRIORITIES

Crisis and state fragility

Far greater attention must be paid to the additional vulnerability to forced labour created in situations of crisis and state fragility, which are growing in number and in terms of people affected around the world. Apart from the ultimate objective of the ILO — to ensure that peace is secured through the cultivation of social justice — the rights of those displaced and on the move must be fully protected in the here and now in order to prevent them from falling victim to forced labour. Some of the most egregious violations of fundamental rights occur in contexts of armed conflict

and adequate protection measures in these contexts are therefore especially important. This applies above all to children in conflict zones. Despite the obvious urgency, the review undertaken for this report suggests that we have only just begun to explore how forced labour considerations can be integrated into crisis preparedness efforts, humanitarian responses, and post-crisis recovery programmes.

Gender considerations

An effective policy response needs to also clearly reflect gender-specific patterns of abuse and the role of gender more broadly as a determinant of forced labour. The Global Estimates indicate that there are profound differences in the way forced labour affects women and men. The means of coercion in particular depend to an important extent on whether the person concerned is male or female, and on the gendered job that they must consequently perform. While prevention efforts need to reflect and prioritize the generally higher risk profile faced by females, they also need to account for the unique vulnerabilities of males and, relatedly, for the gendered work that males must carry out.

International cooperation and partnership

The complex, global, and multi-dimensional nature of forced labour means that many of its forms cannot be resolved by national governments and national actors alone. Bilateral, regional, and international cooperation is needed in an integrated, coordinated effort to address root causes and ensure protection and remedies for the aggrieved. Alliance 8.7, a multi-stakeholder partnership committed to achieving Target 8.7 of the Sustainable Development Goals, has an important role

to play in this context, in conjunction with other SDG initiatives and related partnerships involving other key allies. Cooperation should include bilateral, regional, and international agreements on the exchange of knowledge and experience. Within countries, stronger national coordination efforts are needed to provide coherence between different authorities dealing with policy areas with a bearing on forced labour — education, social protection, internal and cross-border migration and population movement, labour markets and labour rights, and crime prevention, among others.

Research and statistics

The Forced Labour Recommendation of 2014 underscores the importance of reliable information and statistics on forced labour. While substantial progress has been made in this regard, as reflected by the Global Estimates presented at the outset of this report, there nonetheless remains a need for more and better data and statistics, particularly at the national level. Informed policy responses also require more detailed information on the drivers of the different typologies of forced labour. From age-old, deeply-engrained forms of forced labour linked to debt bondage to forced labour in the supply chains of the latest consumer products, we need to know more about the socio-cultural, economic, legal, and political factors underlying forced labour in order to inform and guide our responses to it. Relatedly, we need much more information about the concrete impact of the wide array of policy initiatives and legal measures described in this report to permit the identification of good practices with greatest potential for broad scale replication.

FINAL CONSIDERATIONS

Forced labour and the global economy

This report has sought to illustrate the complexity of the forced labour phenomenon and some of the wide array of policies and practices of relevance in addressing it. But there are also broader, fundamental questions to be asked — and answered — about the systemic role of forced labour in the production of goods and services in the global economy and the systemic changes in the production of goods and services and in labour relations required to achieve the future we want in the world of work.

In parts of the global economy today, forced labour may be a non-systemic aberration, driven by greed and criminality. But there is also an urgent need to ascertain the economic role of forced labour and just how dependent on forced labour the global economy — and specific sectors or sub-sectors within it — remain or have become, whatever the goods or services and wherever they are being produced, if we are to respond with the most appropriate and effective economic, social, and legal measures that put rights-holders first

Countries in which forced labour exists in the context of vast informal economies, including in isolated rural areas, also need a fairer share of global wealth and more progress in transitioning from the informal to the formal economy, if vulnerable population groups are to have access to decent work and livelihoods, if the rule of law is to apply throughout the economy, and if all people are to exercise their human rights, every day, in the world of work.

Political will is required everywhere, but the material inequality within and between countries that drives forced labour also hinders action. And we need to remind ourselves constantly that the economic and social systems that drive forced labour are designed and created by human beings, and that, in the words of ILO Director General Guy Ryder, “we have to decide the future of the world of work we want”.

A more balanced political discourse

The search for more appropriate and effective responses to forced labour must be grounded in a more balanced discourse about its nature and causes. Today, some powerful forces concentrate their discourse on the movement of people from the global South to the global North and seek to conflate trafficking for forced labour in the global North with the legitimate desire of people for migration from poverty and drought and for safe refuge from crisis and conflict. Such conflation is profoundly damaging both to the understanding of contemporary forced labour and to the development of appropriate and adequate responses.

So too, the widespread focus in donor countries and elsewhere in the global North on forced labour in the production of easily visible consumer products in global supply chains must not obscure the extent of forced labour in materials — such as cobalt and mica — which are essential but hidden components of larger products. Nor must a narrow focus on globally traded goods obscure and ignore forced labour in national and local production, largely divorced from the high-profile debates on trafficking, global supply chains, and cross-border recruitment.

To have any hope of achieving the targets set in the Sustainable Development Goals and to assist member States in fulfilling their obligations under international law, we must address, urgently, both the needs of people already affected by forced labour and, in order to stem the flow of people into it, understand and address far more coherently and effectively the social, economic, legal, and political forces that lead to forced labour and to its malign persistence in the world of work. Neither piecemeal approaches nor treating the symptoms while ignoring the root causes will do. And even if we can — as we must — agree on the need for policy coherence and for cooperation at all levels to put those policies into practice, another watchword must guide us — urgency.



Introduction

It is estimated that almost 25 million people were caught in the grip of forced labour on any given day in 2016, 4.3 million of them children below the age of 18 years. And, owing to the difficulty of measuring forced labour, these estimates may well substantially understate the true extent of this egregious violation of human rights in the world of work. Whatever the precise number, the international community clearly faces an immense challenge in honouring the global commitment made in Target 8.7 of the Sustainable Development Goals to end all forms of forced labour by 2030 and to end the forced labour of children, along with all other forms of child labour, by 2025.

The present report reflects on this challenge and the way forward. It is aimed at helping to guide efforts in the lead up to the Target 8.7 end dates by bringing together and highlighting instructive practices in national law and policy to address forced labour. Two international instruments — the 2014 Protocol to ILO Convention No. 29 on Forced Labour, 1930¹ and its accompanying Recommendation No. 203² (henceforth, the Forced Labour Protocol and Forced Labour Recommendation) — are the principal points of reference for the report.

An additional impetus to the global fight against all forms of forced labour

The Forced Labour Protocol and

Recommendation, adopted by the International Labour Conference at its 103rd Session in June 2014, bring ILO standards against forced labour into the modern era and provide an important additional impetus in the global effort to eradicate it. They supplement and complement – but do not replace – the existing **ILO Forced Labour Convention, 1930 (No. 29)**.

Indeed, Convention No. 29 and its principles have proved to be of enduring importance, and provide a bedrock, in conjunction with the **Abolition of Forced Labour Convention, 1957 (No. 105)**, of the ILO normative framework and jurisprudence and of the universally binding fundamental principles and rights at work concerning the elimination of forced labour.

Without altering the basic definition of forced labour, the Forced Labour Protocol of 2014 and Recommendation update the fundamental ILO standards of 1930 and 1957 by accounting for changes in the contexts and forms of forced labour in the contemporary global economy. The instruments explicitly recognize modern forms of trafficking for forced labour, including for sexual commercial exploitation, as the subject of growing international concern requiring urgent action.

The instruments also recognize the increased number of workers who are in forced 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 labour, especially people on the move. The Forced Labour Protocol requires ratifying States to act with full respect for the human rights of all offended persons, irrespective of their legal status in the national territory. This is increasingly important as national, regional, and global debates about the rights of people seeking to improve their lives by migrating, or who are displaced by crises and conflict, or seeking asylum from war or persecution, have assumed an increasingly high profile and often alarmingly negative tenor.

The new mutations of forced labour highlighted in the Forced Labour Protocol and Recommendation do not of course mean that long existing, widespread, and deeply-engrained forms of forced labour – most notably, debt bondage – have been defeated, nor that attention should be diverted from them. Indeed, there remains a huge need for transformation of persisting feudal practices – and the malfunctioning enterprises and economic relationships linked to them – that continue to drive a significant share of forced labour, especially in developing countries, not least in the rural economy. Similarly, present concerns about the nature and extent of trafficking for forced labour must not be allowed to undermine integrated fundamental rights approaches that seek to tackle all forms of forced labour wherever they exist. Every person from whom forced labour is exacted, whatever the nature or geographical or sectoral location of that forced labour, has the right to be free.

And a framework for addressing forced labour

The Forced Labour Protocol also constitutes a watershed in strategic terms by placing a new emphasis on addressing causes of forced labour and on ensuring the full respect for the human rights of the offended persons. Specifically, the Protocol establishes the obligations to prevent forced labour, protect those subjected to forced labour, and to provide them with access to remedies, and emphasizes the link between forced labour and trafficking in persons. In line with Convention No. 29, the Forced Labour Protocol also reaffirms the importance of enforcement and of ending the impunity of perpetrators. The Forced Labour Recommendation provides guidelines for implementing these obligations and underscores the importance of international cooperation and social dialogue in this regard. These four elements – **prevention, protection, remedies, and enforcement – underpinned by strengthened international cooperation and social dialogue, form the key pillars of comprehensive strategy for addressing forced labour.**

MAKE A STAND TO END MODERN SLAVERY

25 million people in forced labour. \$150 billion in illegal profits. Support the international treaty to help end modern slavery for good.

50forfreedom
Sign up to end modern slavery

Join the thousands of people who want to help end modern slavery.

I support ILO's Protocol on Forced Labour

Enter your email

I'm from

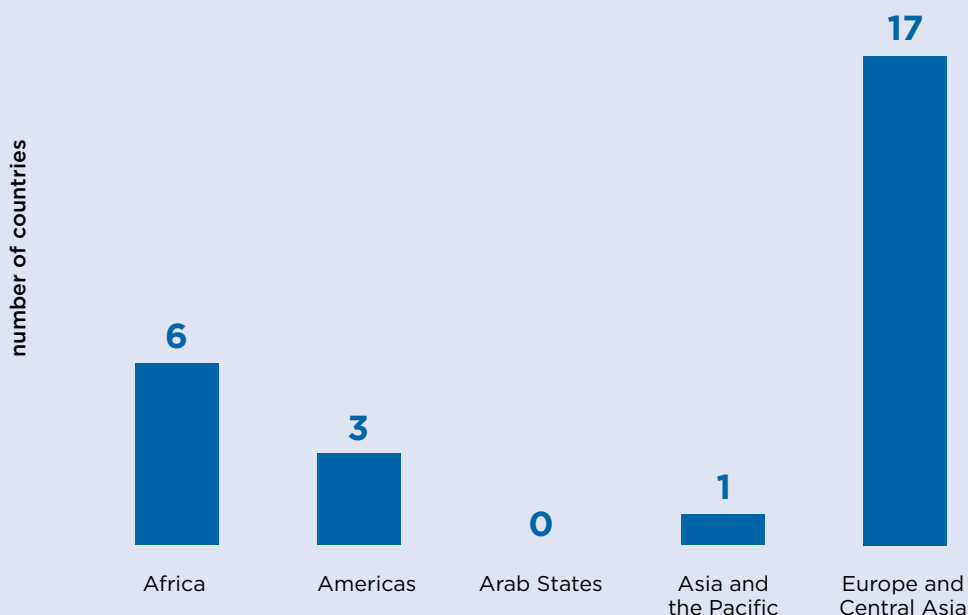
ENTER

50 FOR FREEDOM CAMPAIGN

The 50 for Freedom Campaign, an initiative led by the ILO and its partners, the International Trade Union Confederation and the International Organisation of Employers, is aimed at accelerating the worldwide implementation of the Forced Labour Protocol by encouraging its rapid ratification by an initial group of at least 50 countries.

As of October 2018, ratifications have reached 27 worldwide, as reported in the figure below.

Ratifications of the Forced Labour Protocol, by region



The campaign website (50forfreedom.org) provides an important platform for information and public engagement on forced labour at the global level. It provides information in areas including facts and myths associated with contemporary slavery, the Forced Labour Protocol, survivor experiences, and, importantly, provides the opportunity for the public to become involved in efforts to end forced labour.

A focus on forced labour

The present report focuses on “forced labour” as its central concept, in line with the ILO’s mandate and its decent work agenda. Forced labour, in turn, can be understood as work that is performed involuntarily and under the menace of any penalty, as described further in Panel 1.

Trafficking in persons and forced labour are closely related, but not identical phenomena. There are forms of forced labour that may not be considered as trafficking in persons, such as forced prison labour and some instances of bonded labour. Similarly, there are forms of trafficking in persons, including for organ removal or for forced marriage or wrongful adoption, that are not necessarily forced labour (although the last two practices could constitute forced labour if the intent is to exploit the labour of the woman or child held in such circumstances). Nevertheless, there is a

significant overlap between the two concepts because most trafficking in persons results in forced sexual exploitation or other forms of forced labour. Other closely related concepts, defined elsewhere in international law, include slavery and slavery-like practices, debt bondage, serfdom, and servitude.³

THE REPORT IS STRUCTURED AS FOLLOWS:

Part 1 revisits the Global Estimates of Forced Labour to provide an overview of the prevalence and manifestations of forced labour in the world today; Part 2 reviews instructive policy approaches and practices, including in the four policy pillars spelled out in the Forced Labour Protocol and Recommendation of 2014 – prevention, protection, remedies and enforcement; and Part 3 concludes the report by looking at the key building blocks and policy considerations for the accelerated action that is now urgently needed, if the global community is to meet the ambitious SDG goal 8.7.

PANEL 1

What is forced labour?



Forced labour can be understood as work that is performed involuntarily and under the menace of any penalty.

The Forced Labour Convention, 1930 (No. 29) defines “forced or compulsory labour” as “all work or service that is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”.

THIS DEFINITION CONSISTS OF THREE ELEMENTS:

- 1. Work or service:** “All work or service” refers to all types of work, service and employment, occurring in any activity, industry or sector, including in the informal economy. Forced labour can occur in both the public and private sectors.
- 2. Menace of any penalty:** The “menace of any penalty” refers to a wide range of penalties used to compel someone to perform work or service, including penal sanctions and various forms of direct or indirect coercion such as physical violence, psychological threats or the non-payment of wages. The “penalty” may also consist of a loss of rights or privileges (such as a promotion, transfer, or access to new employment).
- 3. Involuntariness:** The terms “offered voluntarily” refer to the free and informed consent of a worker to enter into an employment relationship and his or her freedom to leave the employment at any time. For example, an employer or recruiter could interfere with this freedom by making false promises to induce a worker to take a job that he or she would not otherwise have accepted.

continued on next page

What is forced labour? (continued)

The ILO Committee of Experts has explained that “[w]hen adopting the Convention, ILO constituents opted for a broad definition of the term ‘forced labour’ – comprising the three elements examined above – rather than enumerating a list of prohibited practices. The use of a broad definition has enabled the ILO supervisory bodies to address deeply engrained practices of forced labour, such as vestiges of slavery or slave-like practices, and various forms of debt bondage, as well as new forms of forced labour that have emerged in recent decades, such as human trafficking.”^(a)

The Forced Labour Protocol (Article 1.3) explicitly reaffirms the definition of forced labour in Convention No. 29 and confirms that it encompasses situations of trafficking in persons for the purposes of forced or compulsory labour.

EXCEPTIONS TO THE “FORCED LABOUR” DEFINITION

Convention No. 29 describes several limited exceptions to the “forced labour” definition. According to this provision of the Convention, the following five situations do not constitute forced labour:

- Work exacted under compulsory military service for the necessity of national defence, provided that the work imposed on conscripts is of purely military character.
- Normal civic obligations of a fully self-governing country, such as compulsory jury service, or the duty to assist a person in danger.
- Prison labour as a consequence of a conviction in a court of law, provided it is carried out under the supervision and control of a public authority and the convicted persons are not hired to or placed at the disposal of private individuals, companies, or associations.
- Work exacted in cases of emergency, such as war, calamity or threatened calamity (e.g. fire, flood, famine, earthquake), or any circumstance that would endanger the lives or well-being of the whole or part of the population.
- Minor communal services performed by the members of a community in the direct interest of that community, provided that the community or its direct representatives are consulted regarding the need for such services.

ADDITIONAL PROHIBITIONS


The Abolition of Forced Labour Convention, 1957 (No. 105) supplements Convention No. 29 by placing a strict prohibition of recourse to any form of forced labour in five specific circumstances:

- As a means of political coercion or education, or as a punishment for holding or expressing 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 a strike.
- As a means of racial, social, national, or religious discrimination.

Note: (a) ILO, General Survey on the fundamental Conventions concerning rights at work in light of the ILO Declaration on Social Justice for a Fair Globalization, Report of the Committee of Experts on the Application of Conventions and Recommendations, 2012, ILC.101/III/1B, para. 272.

Source: Adapted from ILO Standards on Forced Labour - The new Protocol and Recommendation at a Glance / International Labour Office, Fundamental Principles and Rights at Work Branch (FUNDAMENTALS) - Geneva: ILO, 2016.

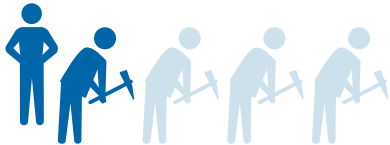


A photograph of a brick kiln interior. The scene is filled with stacks of bricks. In the foreground, a large pile of bricks is visible, some of which are being fired in a furnace. The bricks are arranged in neat stacks, and the overall atmosphere is one of industrial activity. The text is overlaid on the image in a white, sans-serif font.

Part 1.
Forced Labour in
the World Today:
Numbers and
Manifestations



FORCED LABOUR BY THE NUMBERS



24.9 MILLION

PEOPLE IN FORCED LABOUR:



20.8 million in privately-imposed forced labour

4.1 million in state-imposed forced labour

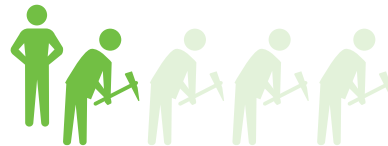


4.3 million of those in forced labour are **children**

Women and girls comprise **63%** of people in forced labour and **99%** of those who are subjected to forced commercial sexual exploitation



Debt bondage accounts for **50%** of forced labour in the private economy



PEOPLE IN FORCED LABOUR SUFFER A VARIETY OF FORMS OF

COERCION:

24% experienced withholding, or threatened **withholding, of wages**



17% threatened with violence



16% experienced **physical violence**

12% experienced **threats against family**



TABLE 1: Forced labour in the world todayNumber and prevalence of persons in forced labour, by category, sex, and age^(a)

		Forced labour sub-categories		Total forced labour
		Privately-imposed forced labour	State-imposed forced labour	
World	No. ('000s)	20,791	4,060	24,850
	Prevalence (‰)	2.9	0.5	3.4
Sex	Male	No. ('000s)	6,795	9,206
		Prevalence (‰)	1.8	2.4
	Female	No. ('000s)	13,996	15,646
		Prevalence (‰)	3.8	4.2
Age	Adults	No. ('000s)	16,786	20,564
		Prevalence (‰)	3.2	3.9
	Children	No. ('000s)	4,004	4,286
		Prevalence (‰)	1.7	1.9

Note: (a) As no single source provides suitable and reliable data for all forms of forced labour, a combined methodology was adopted for the Global Estimates, drawing on a variety of data sources as required. The central element is the use of 54 specially designed, national probabilistic surveys involving interviews with more than 71,000 respondents across 48 countries. Administrative data from IOM databases of assisted victims of trafficking were used, in combination with the 54 datasets, to estimate forced commercial sexual exploitation and forced labour of children, as well as the duration of forced labour abuse. Forced labour imposed by state authorities was derived from validated sources and systematic review of comments from the ILO supervisory bodies with regard to ILO Conventions on forced labour. The methodology used to build these Global Estimates combined this data, which covers a five-year reference period from 2012 to 2016. All the data on cases of forced labour and forced marriage that took place between 2012 and 2016 was analysed and processed to build the main estimates of forced labour presented here. For further details on methodology, see: Methodology of the Global Estimates of modern slavery: forced labour and forced marriage, International Labour Organization (ILO) and Walk Free Foundation, Geneva, 2017.

There were an almost 25 million people in forced labour in 2016.

Forced labour remains tragically common in today's world. The latest Global Estimates indicate that on any given day in 2016, there were nearly 25 million men, women, and children forced to work against their will and under threat. In terms of the prevalence of forced labour, there were 3.4 persons in forced labour for every thousand people in the world in 2016.

Women and girls accounted for nearly two of every three persons in forced labour. Children in forced labour numbered nearly 4.3 million, or 17 per cent of the total. Children in forced labour include those whose parents themselves are in forced labour, in which case the children work with their parents or at least for the same

employer, as well as those who are in forced labour on their own as a result of trafficking, deceptive recruitment, or coercive means used by their direct employer. While all children in forced labour face severe risks and abuses, this is especially case for those who are on their own.⁴

It should be underscored that these estimates, already alarming, are likely to be conservative due to limitations of the methodology and data. The actual size of the challenge facing the international community in ending forced labour is probably considerably larger than these estimates suggest. The ILO, along with its partners, is continuing to fine tune its estimation methodology in order to capture the population of persons victimized by forced labour as fully as possible (see Panel 2).

PANEL 2

Developing Statistical Standards for the Measurement of Forced Labour: 20th Meeting of the International Conference of Labour Statisticians (ICLS)



A shared understanding of forced labour requires a common set of statistical standards for its effective measurement. In recognition of this point, the International Conference of Labour Statisticians (ICLS), the world's acknowledged standard-setting body in the area of labour statistics, at its 19th session in 2013 called for “discussing and developing international guidelines to harmonize concepts, elaborate statistical definitions, standard lists of criteria and survey tools on forced labour...” The forced labour survey methodologies tested in more than 10 countries, and reflected in the initial ILO survey guidelines for the measurement of forced labour (“Hard to see, harder to count”, ILO, 2012), were discussed at the same ICLS session as the starting point for this effort.

In follow-up to the ICLS resolution, six preparatory expert meetings took place in 2015 and 2016 to discuss various challenges for developing adequate sampling tools and statistical definitions for forced labour within the framework of ILO Forced Labour Convention, 1930 (No. 29). The first meeting reviewed the concepts and definitions and various methods to measure forced labour used by different stakeholders and discussed key indicators to be measured through surveys. In the second meeting, statisticians and researchers shared their survey tools and discussed the measured framework used. The meeting concluded with a draft list of indicators of involuntariness and what penalties to assess for perpetrating forced labour. The third meeting focused on forced labour of children and on traditional forms of slavery. The fourth meeting was focused on bonded labour and concluded with a draft operational definition of bonded labour for measurement. The fifth meeting focused on measuring trafficking for forced labour. The sixth and final meeting discussed the measurement of forced commercial sexual exploitation of adults and children.

On the basis of the six preparatory meetings, and the initial measurement work reflected in the “Hard to see, harder to count” publication, a working group of member States’ representatives and international experts was convened to develop and discuss guidelines for forced labour measurement. The guidelines were endorsed by the 20th session of the International Conference of Labour Statisticians (ICLS) in October 2018, representing a critical step forward towards the improved measurement of forced labour.^(a) 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 will provide a much-needed impetus to national efforts to accurately measure and monitor forced labour using standardized concepts and definitions, and more broadly, to the global monitoring of progress towards eradicating forced labour.

(a) Guidelines concerning the measurement of forced labour. ICLS/20/2018/Guidelines 20th International Conference of Labour Statisticians, Geneva, 10-19 October 2018 (https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/meetingdocument/wcms_648619.pdf).

The Asia and the Pacific region was host to by far the largest number of persons in forced labour.

Figures for the absolute numbers of persons in forced labour underscore the importance of the Asia and Pacific region, where 16.5 million persons in forced labour were located, accounting for two-thirds of all those in forced labour worldwide. This was followed by the Africa region (3.4 million persons in forced labour), Europe and Central Asia (3.3 million), the Americas (1.3 million), and finally the Arab States (350,000). While the regional figures offer initial insight into how forced labour is distributed across the world, they should be interpreted in light of critical gaps and limitations in the data.⁵ This is especially the case in the Arab States and in the Central Asia sub-region, where few surveys have been conducted despite reports of forced labour.⁶ More research and survey work is required at the national level to provide a more comprehensive picture.

The overwhelming majority of persons in forced labour – 84 per cent – were in the private economy.

Privately-imposed forced labour can be found in almost all economic sectors. Total persons in forced labour in the private economy included 4.8 million in forced commercial sexual exploitation. Among cases outside the commercial sex industry where the type of work was known, the largest share – almost a quarter – was in domestic work. This was followed by the construction (18 per cent), manufacturing (15 per cent), and agriculture and fishing (11 per cent) sectors (Figure 3). Within each of these broader economic activity areas, forced labour exploitation can take on a number of forms. They range from the servile practices still found in parts of the world's poorer countries, often the vestiges of slavery or longstanding practices of ethnic and social discrimination, to the abuses in the supply chains of major modern companies.

The overall sectoral distribution of forced labour masks large differences by sex, suggestive of the broader importance of gender as a determining factor in forced labour. Males in forced labour were much more



Two-thirds of all those in forced labour worldwide are in the Asia and the Pacific region.

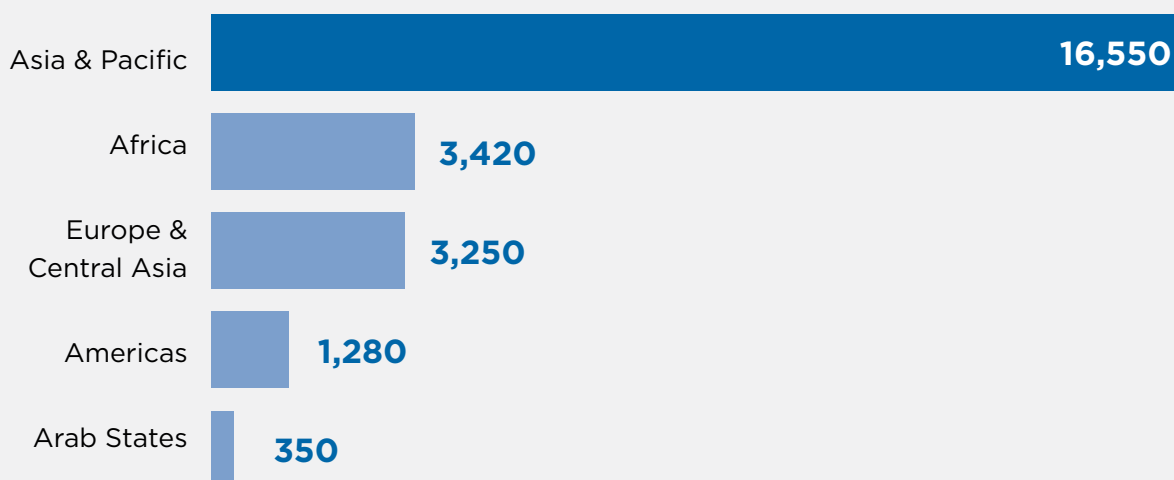


FIGURE 1: Regional prevalence of forced labour (in thousands)



More than four-fifths of those in forced labour are in the private economy.

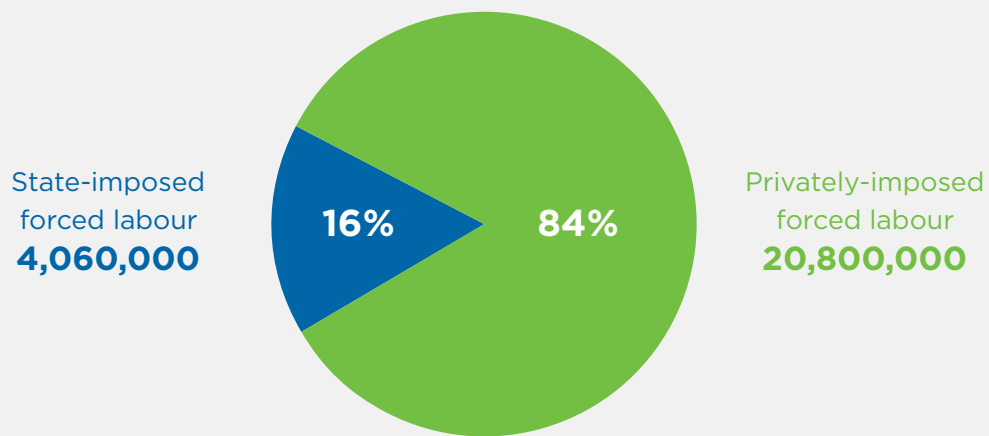


FIGURE 2: Categories of forced labour



Privately-imposed forced labour is spread across a variety of economic sectors.

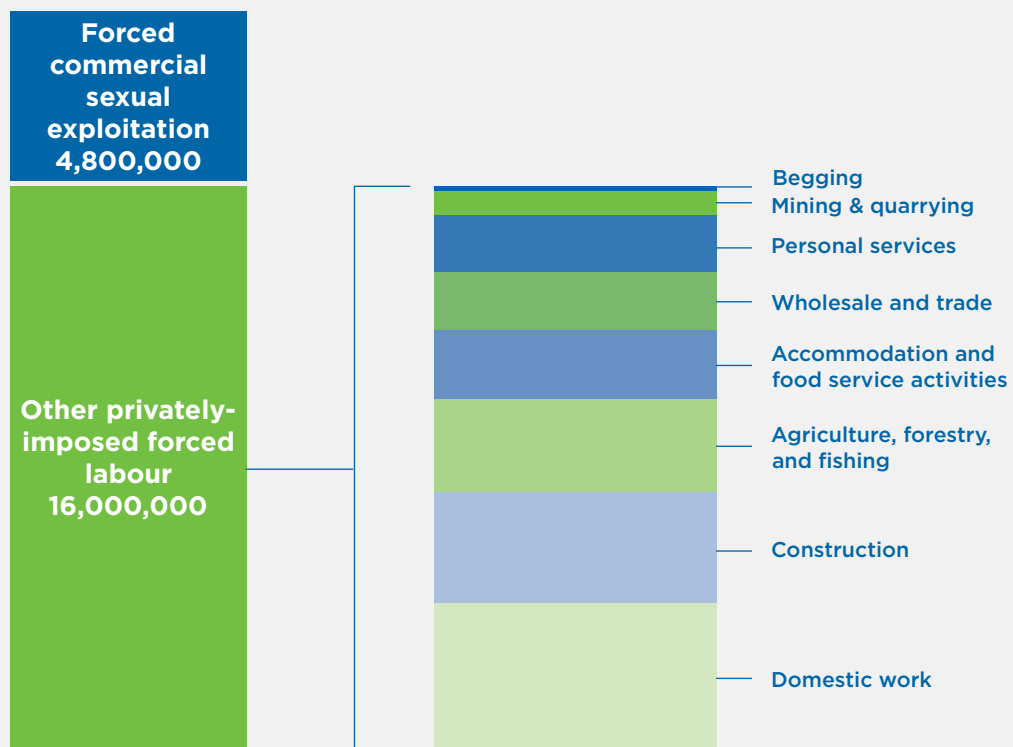


FIGURE 3: Privately-imposed forced labour

Notes: These figures are based on cases of forced labour exploitation where industry was reported. Information on the industry was available for 65 per cent of all cases of forced labour exploitation. With the exception of begging, categories are based on the International Standard Industrial Classification of All Economic Activities, Rev.4 (1-digit level). For further detail and explanation see United Nations Statistics Division (<https://unstats.un.org/unsd/cr/registry/regcst.asp?Cl=27>).

likely than females in forced labour to be in the mining, manufacturing, construction, and agriculture sectors. Females in forced labour were much more likely than males to be in the accommodation and food services industry and in domestic work.

An estimated 4.8 million people — almost all of them women and girls — were in forced commercial sexual exploitation in 2016.

Forced commercial sexual exploitation includes people who have involuntarily entered a form of commercial sexual exploitation, or who have entered the commercial sex industry voluntarily but are prevented from leaving. It also includes all forms of commercial sexual exploitation involving children.

Women and girls accounted for more than 99 per cent of those in forced commercial sexual exploitation. There were one million children in commercial sexual exploitation, more than one-fifth of the total in this category.⁷ Children in commercial sexual exploitation can be difficult to detect, either through efforts by law enforcement and child protection agents or through survey data collection. It is therefore feared that the true number of children in commercial sexual exploitation is far higher. Information from the International Organization for Migration database suggests that the duration of abuse was typically protracted — an average of about two years (23.4 months) before being freed or managing to escape.

Apart from the abhorrent nature of forced commercial sexual exploitation, it is also remarkable for the extremely high illegal profits made from it. The 2014 ILO *Report Profits and Poverty: The economics of forced labour* estimated that globally, two-thirds of the profits from forced labour were generated by forced commercial sexual exploitation, amounting to an estimated US\$99 billion per year. The estimates produced in the report reflect that forced commercial sexual exploitation produces US\$21,800 profit per person, making it between five and 10 times more profitable than other forms of forced labour.⁸

Some 4 million persons were affected by state-imposed forced labour worldwide.

State-imposed forced labour includes forced labour exacted by the military, compulsory participation in public works, and forced prison labour. The last category comprises not only forced labour camps but also work imposed in semi-privatized or fully privatized prisons, as well as work in publicly-run prisons where prisoners' labour is put at the disposal of private enterprises in conditions that do not approximate to a free employment relationship. When the ILO's first instrument on forced labour was adopted in 1930, and even more so when the second instrument was adopted during the height of the Cold War in 1957, state-imposed forced labour was a major global issue and cause for concern. This is less the case today, as state-imposed forced labour has diminished relative to that imposed by private actors. Uzbekistan, where state-imposed forced labour was once common in the cotton harvest, is one of the countries that has seen progress in eliminating it (see Panel 3). State-imposed labour nonetheless remains present in a number of countries — an estimated 4 million persons were affected worldwide in 2016.

Of the total number of people in state-imposed forced labour, the majority (64 per cent) were forced by their government to work for the purpose of furthering economic development. This group, however, is concentrated in only a few States. Fifteen per cent of those in state-imposed forced labour were subjected to abuse of conscription and 14 per cent were forced to carry out prison labour under conditions that violate the pertinent ILO standards. The remaining 8 per cent were either forced to perform work or services going beyond normal civil obligations or to perform communal services exceeding the nature and scope of these activities as permitted by the ILO standards.



Compulsory labour for the purpose of economic development accounts for nearly two-thirds of all state-imposed forced labour in the world.

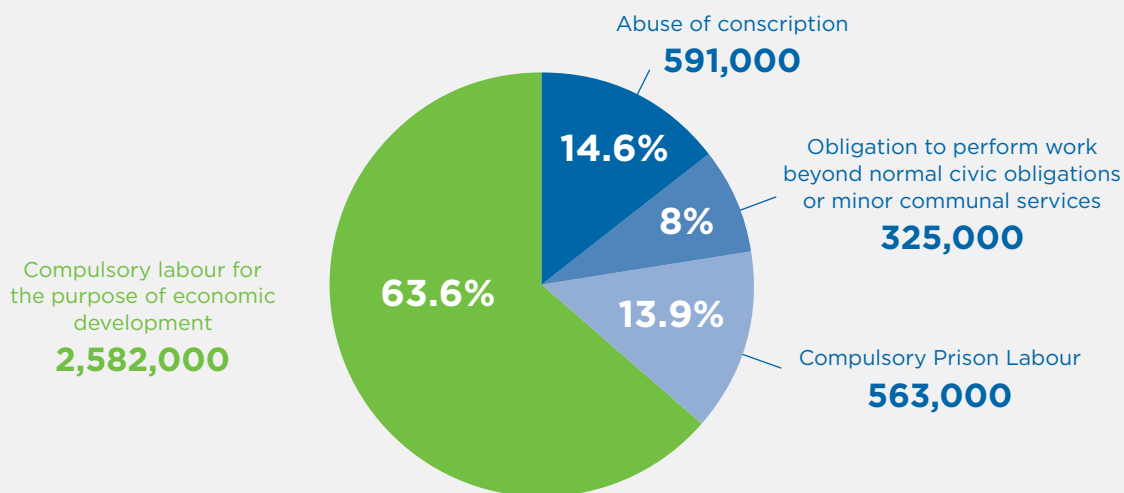


FIGURE 4: State-imposed forced labour

PANEL 3

Progress against state-imposed forced labour in Uzbekistan: a case study



The annual cotton harvest in Uzbekistan is a unique large-scale effort. In 2017, an estimated 2.6 million people were recruited to pick cotton during a period starting in September and stretching out to early November.

The government and social partners — employers and trade unions as well as civil society representatives — have over the last five years been engaged in implementing policies with the aim of ensuring that all recruitment and cotton picking is voluntary.

This process has intensified significantly over the last 12 months due to high-level attention paid to the issue by the Uzbek government, improved governance, measures to enforce voluntary recruitment, and increased transparency and national and international dialogue and cooperation.

The ILO has concluded that the systematic use of child labour in Uzbekistan's cotton harvest has come to an end. This is based on observations made through monitoring of the harvest and various forms of technical cooperation since 2013. Today, there is clear political commitment at the central level to completely end the use of forced labour. The most compelling signals of change were given by the President of Uzbekistan, Shavkat Mirziyoyev, in his speech at the General Assembly of the United Nations in September 2017, and by the subsequent measures taken nationally to implement a policy of voluntary recruitment for the cotton harvest. Uzbekistan also pledged to engage with independent civil society groups at the IV Global Conference on the Sustained Eradication of Child Labour, held in Argentina on November 14-16, 2017.

continued on next page

Progress against state-imposed forced labour in Uzbekistan: a case study *(continued)*

During the 2017 harvest, ILO experts carried out 3,000 unaccompanied interviews with cotton pickers and others involved in the harvest in all provinces of the country. This covered local authorities, as well as education and medical personnel. In addition, a telephone poll of 1,000 randomly selected persons was conducted. Before the harvest, the ILO experts organized training for some 6,300 people directly involved with the recruitment of cotton pickers, and provided participants with key tools to reduce risks of child and forced labour during the recruitment phase.

The results confirm that there is a high level of awareness of the unacceptability of both child and forced labour. There was no systematic use of child labour, and instructions were given and measures undertaken to ensure that all recruitment of cotton pickers is on a voluntary basis. Certain risk groups (students, education and medical personnel) were withdrawn from the harvest at its early stage.

The picture emerging from the interviews was one of intensifying efforts to ensure voluntary recruitment. The monitoring and assessment confirm that most of cotton pickers engage voluntarily in the annual harvest. They received wages that had been increased in line with recommendations by the ILO and the World Bank. Furthermore, productivity was comparable to previous harvests.

The prohibition of any forced recruitment of students or education and medical personnel appears to be well known, aided by comprehensive annual awareness-raising campaigns that in 2017 included the strategic distribution of 100,000 brochures and 44,500 posters to educational and healthcare facilities, 400 roadside banners along all of the country's major highways, TV and radio commercials on all major networks, and more than 3 million SMS messages.

The Federation of Trade Unions of Uzbekistan's (FTUU) Feedback Mechanism is becoming better known, handling thousands of cases received from the public and scoring some important successes in resolving cases. It is important to develop this mechanism so that it is accessible and can react in a timely fashion to different issues that are raised, ranging from immediate problems to specific violations that require institutional and judicial follow-up.

Some of the issues observed at the local level show that there is a need for further awareness-raising and capacity building, which varies somewhat between provinces and districts. In addition, the pattern of requesting various fees for placing pickers in their jobs has not yet been eliminated. In the immediate future, it is important to make sure that no recruiter should ask for such payments, and that no one should feel obliged to make them. All those involved in recruitment should have the information and tools needed to ensure that cotton pickers are engaged in conformity with international labour standards.

But overall, the 2017 cotton harvest took place in the context of increased transparency and dialogue. This has encompassed all groups of civil society, including critical voices of individual activists. This is an encouraging sign for the future. An all-inclusive exchange of information creates a solid basis for employment and labour market policies not only in agriculture but throughout the economy.

Adapted from: Third-party monitoring of measures against child labour and forced labour during the 2017 cotton harvest in Uzbekistan / A report submitted to the World Bank by the International Labour Office, February 2018.

People in forced labour suffer a variety of forms of coercion.

A full understanding of the factors underpinning forced labour requires information on the means of coercion at both the recruitment and employment stages. For example, were violence or threats of violence used? How important was the debt factor? Were workers physically prevented from leaving the workplace? And, in the case of migrant workers,⁹ was the coercion or deception used at the initial place of recruitment, in the country of origin, and/or at the workplace?

The Global Estimates shed significant light on these issues. Withholding of wages, or the threat that this would be done, was the most common means of coercion, experienced by almost a quarter of people (24 per cent) who were forced to work. This was followed by threats of violence (17 per cent), acts of physical violence (16 per cent), and threats against family (12 per cent). The estimates also confirm that different forms of coercion may be used depending on whether the person is male or female, and on the gendered work that they consequently perform, a finding that can help inform identification and responses. For example, the estimates suggest that males in forced labour 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, females in forced labour suffered much higher rates of sexual violence and were more likely to have their passports withheld.

Debt bondage, through the manipulation of debt by employers or recruiting agents, is a key factor in trapping vulnerable workers in forced labour situations.

The United Nations Special Rapporteur on contemporary forms of slavery warned in September 2016 that debt bondage “remains one of the most prevalent forms of modern slavery in all regions of the world, despite being banned in international law and most domestic jurisdictions”.¹⁰ The Global Estimates substantiate this warning, indicating that half of all persons in forced labour are in situations of debt bondage. Agriculture, mining, brick-making, fish-processing, gem-cutting, and carpet-weaving — all occurring almost exclusively in the informal economy — are among the specific sectors where bonded labour has been identified in research by the ILO and other groups.

Today's bonded labour is associated in part with precarious labour migration, and in particular with the exorbitant fees, withheld wages, and other coercive practices of unscrupulous recruitment agencies, labour market intermediaries, and job providers at their place of destination. But other older, deeply-ingrained forms of debt bondage also still survive, particularly in rural areas in countries where land and tenancy reforms have not taken place and where landowners still exert wide powers and political influence. In some instances, they are inter-generational, with children born into bondage, paying off debts accumulated by their forebears.



Males and females in forced labour face very different forms of coercion.

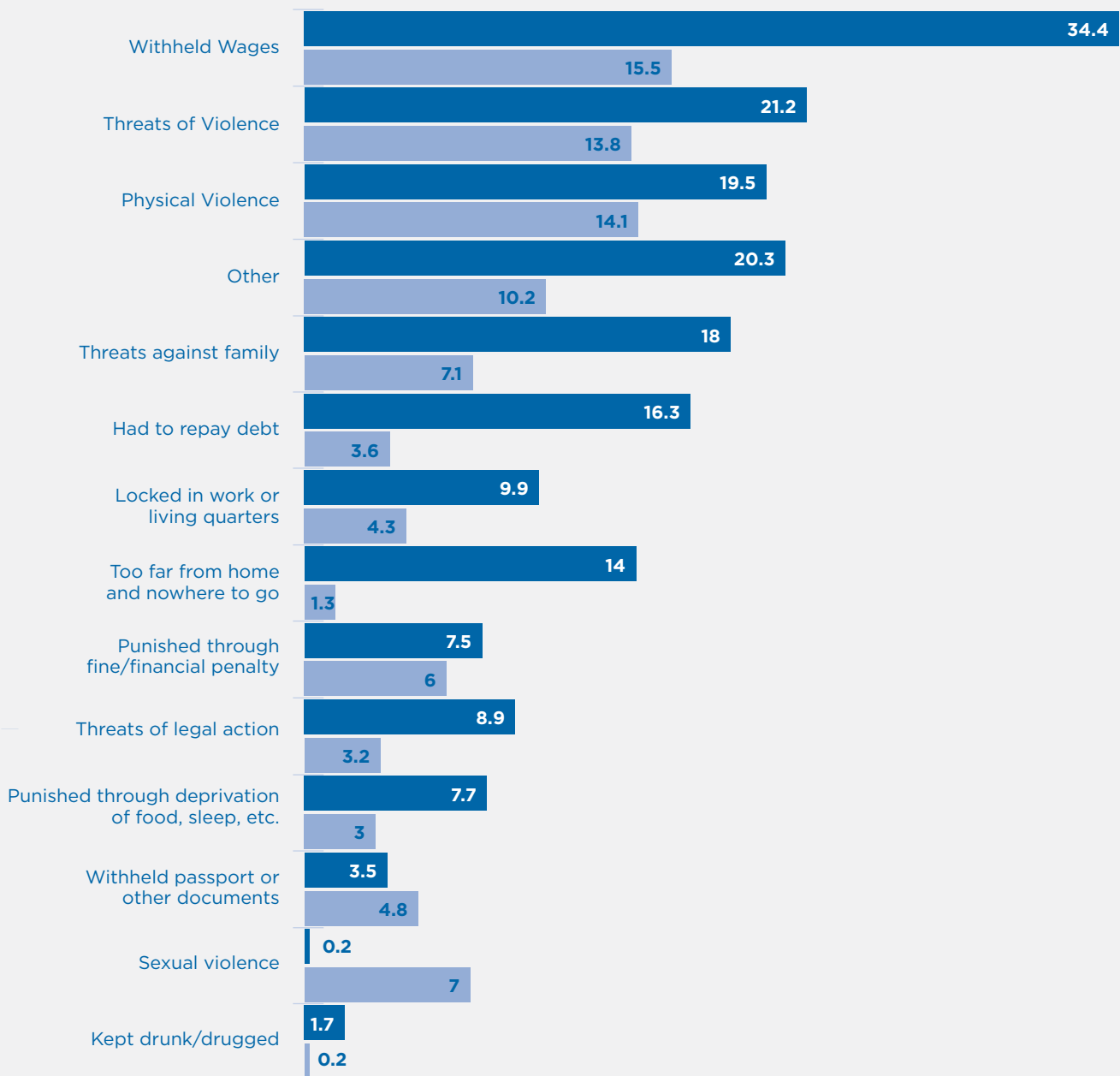
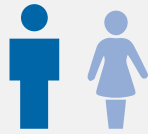


FIGURE 5: Means of coercion (percentage of those in forced labour)



Part 2.
Ending Forced Labour:
Putting the 2014
Forced Labour
Protocol into Action





PREVENTION

Addressing the factors that push and pull people into forced labour

While, as discussed in the next chapter, there is a continued urgent need for actions to protect people who are subjected to forced labour and ensure their access to justice and remedies, such remedial actions are not a substitute for prevention measures designed to stop people from falling victim to forced labour in the first place. Ending forced labour, in other words, requires addressing the factors pushing and pulling people into forced labour as well as helping people escape and recover from it.

Article 2 of the Forced Labour Protocol, reflecting research and experience, sets forth an overall strategy for the prevention of forced labour, and outlines measures that member States must put in place in several specific areas. Foremost among these are awareness-raising, ensuring fair recruitment, supporting “due diligence by both the public and private sectors”,¹¹ and addressing (other) root causes and risk factors. In context of the last, the Forced Labour Recommendation stresses the importance, among other things, of ensuring freedom of association, of providing of basic social security guarantees, and of skills training for at-risk populations to increase their employability and earning potential. Forced labour occurs overwhelmingly in the informal economy, and these measures to address root causes are therefore of particular relevance in this context.

Implicit in both the Forced Labour Protocol and Recommendation is the need to incorporate prevention efforts across an array of government policy areas, including labour markets, social protection, poverty reduction, migration, and industrial relations, in addition to bespoke national laws, policies, and action plans.¹² This reflects the recognition that the determinants of forced labour and related abuses are multiple, complex, and interrelated, and prevention strategies that address only a single or a narrow range of factors will therefore be limited in their impact. A comprehensive approach to prevention is instead needed to change the environment in which forced labour and related abuses arise and persist. Using the well-known economics metaphor of supply and demand, prevention requires attention to the “supply-side” elements that lead to groups of workers who are vulnerable to fundamental labour abuses, and to the “demand-side” aspects that create openings or pressures within the economy for resort to abusive forms of labour.¹³

The key provisions relating to prevention contained in the Forced Labour Protocol and Recommendation are summarized in Table 2 and are discussed in more detail in the following sections.

TABLE 2: Prevention of forced labour: key provisions of the Forced Labour Protocol and Recommendation

Thematic Area	Provisions ^(a)	Policy Branch	Reference
Awareness-raising	Educating and informing workers, especially those considered to be particularly vulnerable, of their labour rights to prevent abuses that can lead to forced labour.	Education, Public information	P029, Art. 2(a)
	Educating and informing employers to prevent their becoming involved in forced or compulsory labour practices.		P029, Art. 2(b)
Fair recruitment	Protecting persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process.	Labour administration, Migration	P029, Art. 2(d)
	Eliminating the charging of recruitment fees to workers.		R203, Para. 8(a)
	Requiring transparent contracts that clearly explain terms of employment and conditions of work.		R203, Para. 8(b)
	Establishing adequate and accessible complaint mechanisms.		R203, Para. 8(c)
	Imposing adequate penalties.		R203, Para. 8(d)
	Regulating or licensing recruitment services.		R203, Para. 8(e)
	Orientation and information for migrants, before departure and upon arrival.		Public information
Addressing forced labour in business operations and supply chains	Supporting due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour.	Industrial relations, Corporate governance	P029, Art. 2(e)
	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.		R203, Para. 4(j)
Addressing root causes and risk factors – a focus on the informal economy	Respecting, promoting, and realizing fundamental principles and rights at work.	Labour relations, Labour administration, Industrial relations, Corporate governance	R203, Para. 3(a)-(c);
	Basic social security guarantees forming part of the national social protection floor, as provided for in the Social Protection Floors Recommendation, 2012 (No. 202).	Social security	R203, Para. 3(d)
	Skills training programmes for at-risk population groups to increase their employability and income-earning opportunities and capacity.	Vocational education and training	R203, Para. 3(d)

Note: (a) For the full text of the provisions, see P029 - Protocol of 2014 to the Forced Labour Convention, 1930 at http://www.ilo.ch/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:P029; and R203 - Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203) at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:3174688



Awareness-raising: educating the general public and employers on forced labour prevention

Heightened awareness is critical to changing behaviour and practices that can lead to forced labour and related abuses. The Forced Labour Protocol requires two broad types of awareness-raising measures. The first involves educating and sensitizing the general public and persons considered particularly vulnerable to forced labour.¹⁴ Sensitizing the general public can help people identify situations in which forced labour might be likely to occur, or even spot potential victims of forced labour. This may also help them better understand what needs to change in order for forced labour to be prevented, including in their own consumption and purchasing choices. The Preamble of the Forced Labour Protocol notes that certain sectors of the economy and certain groups of workers, particularly migrants, have a higher risk of falling into the grip of forced labour. Targeting these high-risk groups can prevent them from being caught up in forced labour situations. The second category of awareness-raising required in the Forced Labour Protocol involves educating and informing employers in order to help prevent their becoming involved in forced labour practices.¹⁵ For example, providing employers with information about possible early warning signs of forced labour, or about its causes, may help them to prevent forced labour situations from arising in the first place.

INFORMING THE PUBLIC AND VULNERABLE GROUPS

Awareness-raising is the most common of the prevention provisions contained in the Forced Labour Protocol and Recommendation. As reported in Figure 6, a total of 154 countries have undertaken measures in this area. Country-level awareness-raising efforts utilize a broad spectrum of traditional and non-traditional communication channels. Public service announcements, local radio and television spots, documentary films, theatre

productions, lectures and film discussions, social media pages, video testimonials by victims, and printed information in local languages are some examples identified in the review undertaken for this report.

Communication *contents*, however, are typically less broad in scope. Most focus on human trafficking for forced labour; awareness-raising activities targeting forms of forced labour that do not involve trafficking are much less common. What is more, few awareness-raising initiatives to date have generated evidence of their impact on knowledge, attitudes, and practices relating to forced labour, which is in turn critical for fine-tuning communication strategies and for identifying those with the most potential for broad-scale replication moving forward.

Awareness-raising efforts targeting migrants and prospective migrants

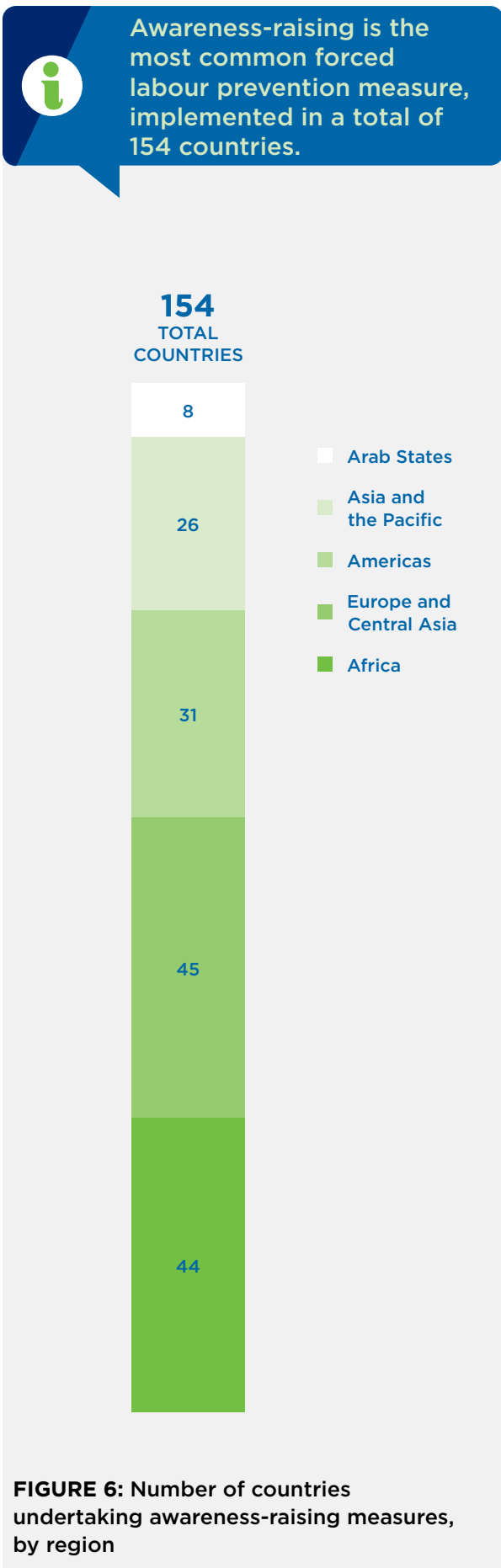
The Forced Labour Protocol highlights the special risks faced by migrants and their consequent need for information about how to avoid falling victim to forced labour.

Transport corridors and departure points used by migrant workers are useful informal channels for reaching them with information on the risks of forced labour. An innovative effort in Peru, for example, saw the development of a series of entertaining mini-dramas on forced labour that are screened on inter-city bus routes in the country. Peruvian transport officials and drivers in different terminals and interprovincial transport agencies have also been mobilized to help in awareness-raising efforts targeting passengers and in recognizing dangerous situations. Another Peruvian effort sees a range of information events, including live theatre performances, an information stand, and the distribution of a printed cartoon¹⁶ and other information materials, organized near the port

where many workers embark on their way to Amazonian logging camps and sawmills.¹⁷ In Paraguay, brochures and billboards on trafficking and forced labour risks are present in bus terminals, airports, and border crossings, while in Argentina, public information videos have been developed targeting passengers on long-distance buses.

A growing number of **destination countries** are also developing awareness-raising activities targeting their at-risk migrant populations. These activities in many instances complement more formal social integration programmes that often do not reach the migrant groups most vulnerable to abuses. In the United Kingdom, there is an ongoing anti-slavery poster and sticker campaign on buses, at police stations, and in airports.¹⁸ In Bahrain, booklets are distributed outlining labour rights in 13 languages common among expatriate and migrant worker populations. Mobile phones containing SIM cards and the migrant assistance hotline number are also distributed to foreign workers upon arrival at Bahrain International Airport.¹⁹ Other migrant destinations, including Kuwait, the United Arab Emirates, and Hong Kong Special Administrative Region, also distribute information in multiple languages on the risks of trafficking and forced labour to migrant workers at airports and other migrant gathering points.

On a global level, the **mobile phone application “MigApp”**, an innovative initiative led by the International Organization for Migration, leverages the ubiquity of mobile phones to reach migrants with critical information on migration risks, support services, and other topics.²⁰



Awareness-raising activities targeting young persons

Young people are another important risk group. In situations where they are faced with limited job prospects, for example, they can be especially susceptible to false job offers that lead to forced labour.

The school system constitutes an especially important entry point for reaching young persons with information on forced labour. In Peru, for example, an education manual on forced labour is being introduced for students in their last years of high school in high-risk areas. Mentoring materials are also being introduced and workshops organized to support Peruvian teachers and high school directors in discussing forced labour risks with students. Other examples include the Anhui province of China, where textbooks containing information on trafficking risks and protection have been distributed to more than 9 million students, Ethiopia, where primary school textbooks include material on the prevention of child labour and trafficking,²¹ Croatia, where teachers are receiving training on indicators of trafficking,²² and Hungary, where a handbook, leaflets, and posters have been distributed in secondary schools.²³

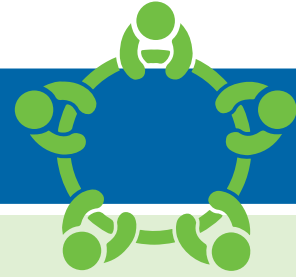
Social media channels are another key way of informing young persons, and a number of countries are now developing social media communication strategies with this goal in mind. Peru has produced a Facebook page on preventing forced labour²⁴ and a range of YouTube videos and other video clips featuring cultural personalities popular with young people on topics including false job offers and other recruitment abuses. These initiatives have proved highly successful with their

young audiences, generating many thousands of page views since their launch.²⁵ Other examples of innovative information initiatives targeting youth include the development of popular music songs containing anti-forced labour messages, and youth-oriented theatre productions on forced labour themes, in countries including Mauritania.

Mobilizing change agents

Religious leaders are targeted in awareness-raising efforts in several countries in light of their important role as change agents. Mauritania, for example, has held roundtable and focus group discussions for religious and traditional leaders on existing legal instruments to combat slavery-like practices, and in particular on the 2015 law criminalizing slavery.²⁶ In Senegal, the government has launched a programme that includes the sensitization and mobilization of religious teachers in efforts to end the practice of forced child begging.²⁷ **Mass media professionals** are another important focus given their key part in shaping the public debate on forced labour. Workshops for journalists and other mass media professionals have been organized in countries including Malaysia, Mauritania, and Nepal aimed at sensitizing them on topics including the definition of forced labour, local manifestations of forced labour, and national and international legal instruments addressing forced labour. The ILO is also supporting the development of a web-based training kit on forced labour for journalists worldwide. The aim of these efforts is to promote wider and more informed media coverage of the forced labour problem.

PANEL 4 Global Business Network on Forced Labour



A GLOBAL PARTNERSHIP

The Global Business Network on Forced Labour is a forum for collaboration convened by the ILO where companies, employer organizations, and business networks come together with the ultimate aim of leveraging comparative advantages and collective action towards the elimination of forced labour and human trafficking.

By bringing business and employers together in a structured and inclusive way to advance collaboration at the global and country levels, the initiative aims to drive action, scale, and sustainability while supporting the call for a broader-based, expanded response that tackles the structural issues undermining progress and threatening sustainability.

Additionally, in providing an interface for business with Alliance 8.7, the Network will serve as a vehicle for the private-sector to make recognized contributions towards the achievement of SDG Target 8.7.

FOCUS

Coordination and Collaboration

Creating space for business membership networks, industry coalitions, and enterprises of all sizes to work together on improving how initiatives are coordinated and fostering a culture of inclusive collaboration to build on and continuously develop subject-matter and industry expertise.

Catalyzing Innovation

Identifying, investing in, and promoting the tools and approaches needed to translate ideas into action at scale by small enterprises in high-risk sectors and geographies.

Structural Change

Supporting business to play a more active role in national policy and programme formulation. This will in turn help to promote a coherent response across agencies, sectors, and geographies, and in keeping a focus on the structural issues that undermine progress and threaten sustainability.

WORKERS' AND EMPLOYERS' ORGANIZATIONS

The Forced Labour Protocol specifically calls for “educating and informing employers, in order to prevent their becoming involved in forced or compulsory labour practices”.²⁸ Much of the experience in this area to date involves actions by workers’ and employers’ organizations and advocacy groups working across national boundaries. Organizations

providing social auditing and related services, including Verité,²⁹ Business and Human Rights Resource Centre,³⁰ Social Accountability International,³¹ KnowTheChain,³² and the Fair Labour Association,³³ as well as broader business, civil society, and trade union alliances or partnerships such as the Ethical Trading Initiative,³⁴ are also active in providing information, training, and other support to business on addressing forced labour.

The **Global Business Network on Forced Labour**, a new platform for partnership and collaboration between the ILO, enterprises of all sizes, and employers' and business membership organizations, is also designed to educate and support employers in addressing forced labour (see Panel 4). The network will help members navigate the complex array of actors, mechanisms, and resources to tackle forced labour and human trafficking across different regulatory landscapes and supply chains, while actively promoting closer collaboration and coordination through regular forums and targeted activities. It will place a particular emphasis on reaching out to small and medium sized enterprises (SMEs), where the risk of

forced labour is often greatest but at the same time where information and guidance on how to address it has hitherto been less available.

Trade unions have long history of carrying out effective awareness-raising campaigns, leveraging the fact that they are mass membership organizations with direct access to the workforce.

A guide published by the International Trade Union Confederation highlights many instructive trade union efforts in this regard.³⁵ For example, in a number of European countries, trade unions have established networks of information and support centres

PANEL 5

Strategies to raise awareness and prevent trafficking in the Philippines



The Trade Union Congress of the Philippines (TUCP) has considerable experience in developing and implementing programmes to fight both internal and cross-border trafficking. These activities have had a major impact in preventing trafficking and increasing the number of cases that are reported to the authorities, and include:

- Setting up help desks in transport terminals which provide information and advice on how to avoid trafficking;
- Showing anti-trafficking videos in buses, boats, transport terminals and offices;
- Advertising trafficking helplines to travel agencies and tourist guides;
- Creating hotlines that offer emergency assistance and a 24/7 SMS service for reporting trafficking;
- Creating a website with advice, activities, publications, news articles, campaigns, and other information materials;
- Running community education programmes and prevention campaigns in schools;
- Developing standard reporting and monitoring forms for trafficking cases and complaints, along with computerized monitoring systems and flowcharts for accessing services;
- Providing counselling services and temporary shelter, tracing family members, and facilitating free transport so that migrants can return home; and
- Monitoring the activities of private recruitment agencies and reporting instances of labour exploitation or illegal activities to the authorities.

Source: Reproduced from: International Trade Union Confederation (ITUC): *How to Combat Forced Labour and Trafficking: Best practices manual for trade unions* (Brussels).

for migrant workers who may face risks of trafficking and forced labour.³⁶ Trade unions have also participated in setting up Migrant Worker Resource Centres with the same focus in a number of Southeast Asian countries. The National Federation of Wood and Related Industry of Peru in conjunction with the Netherlands Trade Union Confederation has trained local trade unionists and indigenous leaders involved in the logging industry on issues including forced labour, collective bargaining, and organizing effective protests. The Trade Union Congress of the Philippines has also undertaken a range of awareness-raising activities to prevent trafficking (see Panel 5).

Trade unions in many contexts also support wider awareness-raising and advocacy campaigns targeting the employers, consumers, policy makers, and other groups on forced labour and trafficking issues and their respective roles and responsibilities in helping to eradicate these abuses. The International Trade Union Confederation, for example, co-founder of the Global Trade Union Alliance to Combat Forced Labour and Human Trafficking, has a longstanding commitment to drawing broad attention to forced labour in its various forms.



Fair recruitment: protecting workers from possible abusive and fraudulent practices during the recruitment and placement process

With increasing frequency, the recruitment of migrant workers is carried out by private employment agencies, of which there are an estimated 260,000 operating worldwide.³⁷ These private agencies can play an important role — complementing public employment services³⁸ — in helping to match labour supply with labour demand, and thereby improve the operating of the labour market. However, gaps in regulation and enforcement have led to a disturbing number of reports about the exploitation and abuse of workers, especially migrant workers, by unscrupulous labour recruiters and fraudulent and abusive employment agencies.³⁹ Reported abuses include charging of exorbitant fees; deception about the nature and conditions of work; retention of passports; illegal wage deductions; and threats against leaving employers, coupled with fears of subsequent expulsion from a country. In some cases, these abuses amount to trafficking in persons for the purpose of forced labour.

A key finding of recent ILO research is that the payment of recruitment fees in particular increases workers' risk of ending up in forced labour.⁴⁰ 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 usurious rates. High recruitment costs tend to particularly affect workers in low-skill construction, agriculture, 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.⁴¹

This discussion makes clear that 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.

The Forced Labour Protocol and Recommendation in this context call for measures to “protect persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process”⁴² and for the “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”.⁴³

The Forced Labour Protocol and Recommendation complement the Private Employment Agencies Convention, 1997 (No. 181), which is the principal ILO instrument dealing directly with private recruitment. The Convention prohibits private employment agencies from charging any fees or costs to workers, requires measures to prevent abuses of migrant workers recruited by private employment agencies, and calls for penalties for private employment agencies that engage

in fraudulent practices and abuses.⁴⁴ The ILO Multilateral Framework on Labour Migration also offers guidelines on recruitment as part of a broader right-based approach to labour migration.⁴⁵

Additionally, in 2016, the ILO endorsed a set of non-binding general principles and operational guidelines for fair recruitment to inform the recruitment policies and practices of governments, enterprises and public employment agencies, labour recruiters, and employers (see Panel 7).⁴⁶ Among other things, these principles and guidelines call on enterprises, in cases where they do not practice direct recruitment, to utilize only compliant recruiters and to never undertake recruitment “as a means to displace or diminish an existing workforce, lower wages or working conditions, or otherwise undermine decent work”.⁴⁷ In 2018, in follow up to the general principles and operational guidelines and after tripartite deliberations, the ILO adopted definitions of recruitment fees and related costs that take into account the practical realities and context-specific conditions that workers, labour recruiters, enterprises, and employers face.

PANEL 6 ILO Fair Recruitment Initiative



Building on the growing political will to address fraudulent and abusive labour recruitment practices, the ILO in 2014 launched the Fair Recruitment Initiative, which is based on a four-pronged approach that places social dialogue at its centre. It focuses on:

- Enhancing global knowledge on national and international recruitment practices;
- Improving laws, policies, and enforcement mechanisms to promote fair recruitment practices;
- Promoting fair business practices; and
- Empowering and protecting workers.

This multi-stakeholder initiative is being implemented in collaboration with the ILO’s social partners, notably the International Trade Union Confederation (ITUC) and the International Organisation of Employers (IOE), governments, UN agencies, civil society organizations, and other stakeholders.

ADDRESSING GAPS IN THE GOVERNANCE OF LABOUR RECRUITMENT

A recent ILO review of national regulations and measures in the labour recruitment sphere in 90 countries suggests that few deal with this issue in a comprehensive fashion.⁴⁸ Important governance gaps persist, leaving room for abuse.

Of the 99 recruitment policies identified in the review, 63 involved the prohibition of recruitment fees and related costs but the remaining 36 involved only their regulation. But these overall numbers mask great variation in terms of the breadth of the policies. For example, nearly one-third of all policies prohibiting recruitment fees and related costs, and nearly two-thirds of policies regulating them, do not deal with both national and cross-border recruitment, but only with one or the other. Just 27 of the countries have formulated full (6 countries) or partial (21 countries) definitions of recruitment fees and related costs. One-third of all policies do not explicitly provide for sanctions for violations. Policies are also sometimes limited to specific cost items or apply only to particular types of recruiters or to certain sectors. Of particular concern, recruitment regulations commonly cover only recruiters operating at the upper end of the labour supply chain, leaving the various labour intermediaries and subcontractors acting on behalf of the recruiters outside of the government's regulatory authority.⁴⁹

Ensuring compliance with laws and regulations dealing with recruitment is another major challenge. The nature of the labour recruitment industry — low barriers to entry, minimal capital requirements, absence of a need for fixed premises — has led to a proliferation of actors along the labour migration chain, frequently overwhelming the enforcement capacity of regulatory authorities.⁵⁰

Regulatory reform aimed at closing these and other governance gaps is therefore vital. The ILO Private Employment Agencies Convention, the Forced Labour Protocol and



A recent ILO review of recruitment policies in 90 countries suggests that few deal with this issue in a comprehensive fashion.

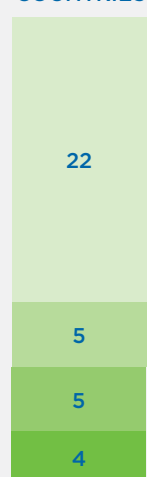
63
TOTAL
COUNTRIES



No. of policies prohibiting the charging of fees and costs to workers and jobseekers

- Arab States
- Asia and the Pacific
- Americas
- Europe
- Africa

36
TOTAL
COUNTRIES



No. of policies regulating the charging of fees and costs to workers and jobseekers

FIGURE 7: National policies on charging of recruitment fees and related costs, by region^(a)

Note: (a) The total number of policies (99) exceeds the total number of countries (90) because some countries have multiple policies.

Source: Global comparative study on the definition of recruitment fees and related costs, as cited in Findings from the global comparative study on the definition of recruitment fees and related costs, Background paper for discussion at the Tripartite Meeting of Experts on Recruitment Fees and Related Costs (Geneva, 14–16 November 2018), International Labour Office, Conditions of Work and Equality Department, Geneva, ILO, 2018.

PANEL 7 General principles for fair recruitment



The ILO Governing Body in November 2016 endorsed a set of non-binding general principles and operational guidelines for fair recruitment. The objective of principles and guidelines is to “inform the current and future work of the ILO and of other organizations, national legislatures, and the social partners on promoting and ensuring fair recruitment”. There are 13 general principles to orient implementation at all levels and an additional 31 operational guidelines identifying the responsibilities of key actors in the recruitment process and containing possible interventions and policy tools.

The 13 principles are as follows:

1. Recruitment should take place in a way that respects, protects, and fulfils internationally recognized human rights, including those expressed in international labour standards, and in particular the right to freedom of association and collective bargaining, and prevention and elimination of forced labour, child labour, and discrimination in respect of employment and occupation.
2. Recruitment should respond to established labour market needs and not serve as a means to displace or diminish an existing workforce, to lower labour standards, wages, or working conditions, or to otherwise undermine decent work.
3. Appropriate legislation and policies on employment and recruitment should apply to all workers, labour recruiters, and employers.
4. Recruitment should take into account policies and practices that promote efficiency, transparency, and protection for workers in the process, such as mutual recognition of skills and qualifications.
5. Regulation of employment and recruitment activities should be clear and transparent and effectively enforced. The role of the labour inspectorate and the use of standardized registration, licensing, or certification systems should be highlighted. The competent authorities should take specific measures against abusive and fraudulent recruitment methods, including those that could result in forced labour or trafficking in persons.
6. Recruitment across international borders should respect the applicable national laws, regulations, employment contracts, and applicable collective agreements of countries of origin, transit, and destination, and internationally recognized human rights, including the fundamental principles and rights at work, and relevant international labour standards. These laws and standards should be effectively implemented.
7. No recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers.
8. The terms and conditions of a worker’s employment should be specified in an appropriate, verifiable, and easily understandable manner, and preferably through written contracts in accordance with national laws, regulations, employment contracts, and applicable collective agreements. They should be clear and transparent, and should inform the workers of the location, requirements, and tasks of the job for which they are being recruited. In the case of migrant workers, written contracts should be in a language that the worker can understand, should be provided sufficiently in advance of

continued on next page

General principles for fair recruitment (continued)

departure from the country of origin, should be subject to measures to prevent contract substitution, and should be enforceable.

9. Workers' agreements to the terms and conditions of recruitment and employment should be voluntary and free from deception or coercion.
10. Workers should have access to free, comprehensive, and accurate information regarding their rights and the conditions of their recruitment and employment.
11. Freedom of workers to move within a country or to leave a country should be respected. Workers' identity documents and contracts should not be confiscated, destroyed, or retained.

12. Workers should be free to terminate their employment and, in the case of migrant workers, to return to their country. Migrant workers should not require the employer's or recruiter's permission to change employer.
13. Workers, irrespective of their presence or legal status in a State, should have access to free or affordable grievance and other dispute resolution mechanisms in cases of alleged abuse of their rights in the recruitment process, and effective and appropriate remedies should be provided where abuse has occurred.

Source: General principles and operational guidelines for fair recruitment / International Labour Office, Fundamental Principles and Rights at Work Branch (FUNDAMENTALS); Labour Migration Branch (MIGRANT) - Geneva: ILO, 2016.

Recommendation, and the non-binding general principles and occupational guidelines for fair recruitment provide the framework for efforts in this regard.

Joint liability schemes

One emerging regulatory strategy is to shift part of the compliance burden from recruiters onto employers through joint liability schemes. Such schemes make both labour recruiters *and* employers liable for fraudulent or abusive recruitment or labour practices. Their underlying justification is straightforward: employers at the end of the recruitment chain draw benefit from the work of the labour recruitment contractors and subcontractors along the chain – specifically, in the form of reduced recruitment costs – and therefore should bear some responsibility for the practices of these recruitment entities. Importantly, these schemes leverage the market power of employers to influence of the practices of the recruitment agencies

they contract. This in turn can help lighten the enforcement burden of the regulatory authorities, enabling them to focus their limited enforcement resources on the (relatively few) employers rather than on the (relatively numerous) recruitment actors.⁵¹

One of the best-known and most oft-cited joint liability schemes is that originating in the Canadian province of Manitoba and subsequently replicated with some variations in several other Canadian provinces. As detailed in Panel 8, this scheme uses government regulation to hold both employers and their recruiters liable if the foreign worker hired is charged recruitment fees at any point in the process. The Netherlands provides another model of joint liability through a combination of public and private initiatives. In the Dutch model, a non-governmental entity, the Foundation for Employment Standards, offers voluntary but stringent certification for employment agencies, and Dutch law partially releases firms from joint liability if they contract

with a Foundation-certified labour provider. In both the Manitoba and Dutch models, extending liability to employers is a means of using them to drive and correct the market for recruitment.

Another model in Jordan covering the domestic work sector includes employer insurance as an additional positive incentive for employer compliance. As part of a regulation enacted in 2015, Jordanian employers contribute to a recruitment insurance scheme that provides them with coverage for the recruitment fees and other recruitment costs that they have incurred in case a domestic worker leaves their employ, provided no human or labour rights abuses have taken place. Such insurance makes it less likely that employers place undue pressure on domestic workers to remain in their employ.⁵²

Bilateral agreements

National regulations, including those relating to joint liability, are often not enough to effectively regulate a phenomenon that crosses national legal jurisdictions and borders. Indeed, one of the key shortcomings of the regulatory regimes governing labour recruitment in many countries is their predominantly inward focus. They regulate private recruitment agencies present within national borders but not the practices of other actors along the same recruitment chain operating outside national borders. Moreover, even in the few instances where recruitment regulations do extend across borders — innovative laws in the Philippines concerning the recruitment and work conditions of migrant domestic workers constitute one example of this⁵³ — jurisdictional issues can make them difficult to effectively enforce.

This discussion underscores the central importance of collaboration between origin and destination countries through bilateral agreements that formalize their shared responsibility in dealing with labour recruitment issues. While recent years have seen a resurgence of different types of bilateral agreements relating to labour migration generally, many fail to deal specifically or adequately with the issue of labour recruitment.

Indeed, a recent study undertaken by the ILO mapped a total of more than 140 such bilateral agreements on labour migration, of which more than one-third did not include any reference to recruitment, only eight — all in Asia — mentioned “ethical recruitment” or “ethical practice”, and just one cited “fair and transparent” recruitment.⁵⁴ The same study found that only 6 per cent of agreements contained provisions prohibiting the confiscation of passports or identity documents. Given the central importance of recruitment-related concerns to the risk of forced labour, this clearly needs to change.

There are several recent cases that provide positive examples in this regard. For example, as part of a broader “zero cost to migrants” policy, successive governments of Nepal have sought to include in bilateral agreements signed with countries including the Republic of Korea, Japan, Qatar, United Arab Emirates, and Bahrain stipulations that employers pay the costs of recruitment and migration.⁵⁵ Agreements between the Kingdom of Saudi Arabia and source countries concerning domestic workers represents another instructive practice. The agreement with the Philippines, for example, aims to “ensure the recruitment of domestic workers through recruitment offices, companies or agencies that practice ethical recruitment and are licensed by their respective governments”.⁵⁶ The Saudi agreements on domestic workers have also set a precedent by including a provision for workers to retain their travel and identity documents.

The ILO for its part is providing technical support alongside its partners to the development and operationalization of agreements designed to promote fair recruitment in a number of important migration corridors in South Asia, the Middle East, and North Africa, including between the Philippines and Hong Kong SAR China for Filipina domestic workers, between Nepal and Malaysia in the electronics sector, and between Nepal and Jordan in the ready-made garments sector.⁵⁷ The last is especially advanced, and has resulted in the deployment of fairly-recruited

PANEL 8

The Manitoba approach and the growth of Provincial licensing regulations and proactive enforcement



In 2008, Manitoba's Worker Recruitment and Protection Act (WRAPA) was passed and marked a subsequent shift in Provincial legislation towards licensing systems for agencies recruiting foreign workers that provide for proactive and enforcement mechanism (discussed below). Following WRAPA, new or updated licensing regulations were adopted in several Canadian Provinces, including: Nova Scotia in 2011, Alberta in 2012, Saskatchewan in 2013, and New Brunswick in 2014.

WRAPA bans recruiters from charging any fees to foreign workers and prohibits employers from recovering recruitment fees from workers. It applies to all migrant workers in all labour migration programmes in Manitoba and provides for both recruitment agency licensing and employer registration, coupled with proactive enforcement measures. For recruiters, Manitoba requires licensees to: hold a professional license as a lawyer, paralegal or immigration consultant; keep detailed records on all recruitment agreements; put down a security deposit of CAD10,000; and be willing to undergo comprehensive investigations of their character, history, and general eligibility for a license. These requirements have limited the number of recruiters licensed to recruit foreign workers in Manitoba, with only 23 valid license holders as of May 2015.

Employers who want to hire foreign workers are also required to register with the Director of Employment Standards and may not use a recruiter who does not hold a license under the Act. The registration process requires the employer to provide details regarding their business, the entity in charge of recruiting the foreign worker, and the position that the foreign worker(s) will hold. Registering companies must be in compliance with labour standards and have no outstanding labour violations. Upon hiring a migrant worker, the employer must provide detailed information about the worker, his or her contact information, and details about the job and its duties, and must also be prepared to provide expense records and any contracts or agreements signed with foreign workers.

In addition to the recruiter licensing requirements and the registration requirements placed on employers, Manitoba Employment Standards has taken a proactive approach to enforcement. The Province has dedicated resources to a Special Investigations Unit that conducts both audits of groups of employers in particular sectors/regions and audits of individual employers. While these audits do not require complaints to initiate them, workers may also file complaints and the Employment Standards may instigate subsequent investigations.

Legislation developed subsequently in other provinces has further enhanced the regulatory framework established in Manitoba under WRAPA. Several provinces have included provisions that put even greater pressure on employers to scrutinize recruiters and their labour supply chains. These additional measures include enhanced reporting obligations that require recruiters to disclose all partners, affiliates, or agents in or out of the province.

Source: Reproduced from Fair recruitment initiative: regulating labour recruitment to prevent human trafficking and to foster fair migration: models, challenges and opportunities / Beate Andrees, Alix Nasri, Peter Swiniarski, International Labour Office - Geneva: ILO, 2015, (Working paper; No. 1/2015), International Labour Office, pp. 47-48.

workers in Jordanian garment factories. The bilateral agreement between Nepal and Jordan for this fair recruitment corridor benefited from tripartite consultations and incorporates ILO standards.

Joint liability within bilateral agreements

To be fully effective, joint liability needs to be incorporated into bilateral agreements in order to ensure that the concept is applied across borders. In other words, it is not enough for an agreement to cover recruiters operating in the country of destination if they, in turn, utilize potentially non-compliant labour intermediaries

or brokers in the source country. It is interesting to note in this context that the laws in Manitoba and other Canadian provinces have provided the basis for a series of individual memoranda of understanding regarding labour migration with the government of the Philippines, one of the most important source countries for migrants to Canada.⁵⁸ In the Manitoba memorandum of understanding, the Philippines agrees to hold Filipino recruiters of workers bound for Manitoba to the standards of the Manitoba Act, and Manitoba-based recruiters may enter into agreements only with these recruiters.⁵⁹

PANEL 9

Government-to-government recruitment mechanisms: the Republic of Korea's Employment Permit System



The Employment Permit System of the Republic of Korea is one of the most advanced models of a government-to-government recruitment system. As of early 2015, the Republic of Korea had signed memoranda of understanding with 15 countries of origin under framework of the Employment Permit System.^(a)

The procedures of the Employment Permit System integrate protective provisions to limit abusive practices against workers. The agreements stipulate the duties and responsibilities of the respective governments — South Korea and the governments of sending countries — and coordinates the actions of both sides regarding recruitment, selection, placement, protection, and work-related benefits of migrant workers bound for Korea. Strict selection criteria for migrant workers are applied, including passing a Korean language proficiency test and having a high school diploma. Origin countries that violate the requirements of the memorandum of understanding may be suspended from the scheme for a fixed duration.

Employers must obtain permits in order to access the labour pool of the Employment Permit System. Their applications are reviewed by Ministry of Employment and Labour to verify that they have fewer than 300 employees and have first tried to fill the position(s) with nationals.

A review of the system indicated that while it faced important challenges, e.g. ensuring employer compliance and raising participating workers' awareness of their rights, it has nonetheless significantly reduced instances of migrant workers being trapped in fraud and debt and instead has promoted transparent and accountable labour migration mechanisms and institutions.

Notes: (a) Including: Bangladesh, Cambodia, China, Indonesia, Kyrgyzstan, Mongolia, Myanmar, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand, Timor-Leste, Viet Nam, and Uzbekistan.

Sources: The Republic of Korea's employment permit system (EPS): background and rapid assessment / Min Ji Kim; International Labour Office, Conditions of Work and Equality Department, Labour Migration Branch - Geneva: ILO, 2015 (International migration papers; No. 119, ISSN: 1020-2668; 1564-4838 (web pdf)); and B. Andrees et al.: Fair recruitment initiative: regulating labour recruitment to prevent human trafficking and to foster fair migration: models, challenges and opportunities (Geneva, ILO, Working paper; No. 1, 2015).

Government-to-government recruitment mechanisms

Government-to-government recruitment mechanisms are an alternative form of bilateral arrangement that effectively bypass private employment agencies and instead rely on government entities in both the origin and destination countries to handle the selection and placement of workers. Research on these programmes suggests that they have dramatically reduced recruitment fees, but have not eliminated workers' costs.⁶⁰

The Employment Permit System of the Republic of Korea is one of the most advanced models of government-to-government recruitment. Set up in 2003 and currently involving 15 origin countries, the system is built on government-to-government bilateral agreements between the government of Korea and the governments of the selected origin countries. These agreements stipulate that the recruitment, selection, and placement of workers under the scheme be managed entirely by the relevant government bodies of the two countries (see also Panel 9). A review of the system suggests it has significantly reduced instances of fraud and indebtedness incurred by migrant workers and played an important role in promoting fair recruitment practices.⁶¹

A mechanism set up between Bangladesh and Malaysia is another modality of government-to-government recruitment, in this case targeting a more specific migration corridor — that of plantation workers moving from the former to the latter country. Set up in 2012 as a response to various recruitment malpractices in both countries, a 2016 review of the mechanism suggests that it too, notwithstanding some operational challenges in the pilot phase, has led to “dramatic reductions in the cost of migration, eliminated debt burdens, and demonstrated that a state-managed recruitment and placement option is a credible one”.⁶²

Complementary role of workers' organizations

Workers' organizations can play a key complementary role in the design of regulations in the labour recruitment sphere, using their direct experience with the recruitment process to ensure that rules protect workers from abuses. The crucial contribution made by trade unions in the drafting and approval of the ILO Convention on Private Employment Agencies, 1997 (No. 181) is a particularly important illustration of this. The United States agriculture sector provides three specific examples of the direct engagement of workers' organizations in recruitment, as described in Panel 10.⁶³

PREPARING AND EMPOWERING MIGRANT WORKERS

Unprepared and ill-informed migrants are at significantly greater risk of forced labour and other labour abuses. In recognition of this basic reality, the Forced Labour Recommendation calls for “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 a better understanding about trafficking for forced labour situations.”⁶⁴ Similarly the General Principles and Operational Guidelines for Fair Recruitment state that “Workers should have access to free, comprehensive and accurate information regarding their rights and the conditions of their recruitment and employment”.⁶⁵

Current practice offers a number of models for preparing and informing prospective and actual migrant workers in order that they are better equipped to face the risks associated with migration. Countries including Indonesia, Nepal, Sri Lanka, and the Philippines, for example, have government-mandated **pre-departure orientation seminars and briefings for prospective migrant workers**.⁶⁶ Pre-departure training is also undertaken in pilot effort in Nepal for workers going to Jordan; initial results from an ongoing independent evaluation of this effort suggests a major impact in terms of reducing the risk of indebtedness, improving

PANEL 10

The involvement of workers' organizations in recruitment: experiences from the United States agriculture sector



The United States agriculture sector provides three specific examples of the direct engagement of workers' organizations in recruitment.

In the first, the Farm Labour Organizing Committee, a farm workers union with approximately 10,000 members in Ohio and North Carolina, succeeded in setting out new terms of recruitment for agricultural migrant workers in a collective bargaining agreement with North Carolina Growers' Association, the largest employer of agricultural guest workers in the United States. Critically, the agreement grants the union the right to oversee recruitment, in turn helping to curtail the abusive recruitment practices — including the banning from future recruitment of guest workers demanding respect for their rights — that had previously prevailed in the sector.

The second model involves a union-run recruitment enterprise within a broader ethical food initiative. The recruitment enterprise, known by the Spanish language acronym CIERTO, was established by the United Farmworkers Union on a pilot basis in 2014. It provides an alternative recruitment vehicle for growers wishing to demonstrate that their recruitment practices meet the certification requirements of the Equitable Food Initiative. Certification by the latter, in turn, is an increasingly important factor in the produce purchasing decisions of a number of major supermarket chains. In addition to its recruitment function, CIERTO also provides training to workers in the sector.

The third model involves direct recruitment and the barring of subcontracted labour altogether. The Coalition of Immokalee Workers is a membership-based human rights organization of farmworkers focused on improving the wages and working conditions of tomato pickers in Florida. As part of its efforts, the Coalition has developed a Fair Food Code of Conduct for growers, which has gained the assent of a number of the most important companies in the food industry. Among other provisions designed to safeguard workers, the Code forbids labour intermediaries and mandates that the growers hire all field workers directly. Participating produce buyers must stop purchasing from growers who are found in violation of this rule and do not promptly remedy the situation. The rule has effectively eliminated independent labour contractors, who were previously notorious for their recruitment abuses.

Source: J. Gordon: Global labour recruitment in a supply chain context (Geneva: ILO, Fair recruitment initiative series; No. 1, 2015), pp. 33-42.

workers' understanding of the contracts and strengthening their sense of agency.⁶⁷ **Support centres** providing free information and counsel to prospective migrants have been established in source countries including Armenia,⁶⁸ Cape Verde,⁶⁹ and Nepal.⁷⁰ In Egypt, an Integrated Migration Information System Project supports the government in providing preparatory information to prospective migrants.⁷¹ In Zambia, the 2008 Anti-Human Trafficking Act provides for public awareness-raising programmes to inform persons of common recruitment techniques used by traffickers and of other risks of trafficking and labour abuse.⁷²

The ILO-supported **Work in Freedom programme**, which targets South Asian migrant women and girls working in domestic work and in the garment industry in the Middle East, contains a number of awareness-raising interventions aimed at promoting “migration by choice”. As described further in Panel 11, these include door-to-door visits, orientation sessions, referral services, pre-decision counselling sessions, street drama, life skill training and other outreach efforts, all with the aim of promoting more informed and prepared migration. Since the programme's inception in 2013, these activities have benefited more than 170,000 women in Bangladesh, Nepal, and India.

Workers' centres have been established in a number of destination country contexts as part of broader efforts to strengthen collective support networks for migrant workers. One of the most successful and best known is the *Al Hassan Workers' Centre* for migrant garment workers in Jordan. The Centre, the first of its kind in the region, provides a safe space for workers to socialize, receive training, obtain legal advice, and access a range of other support services. A network of Migrant Worker Resource Centres set up as part of a broader ILO-supported tripartite action project to support the rights of migrant

workers in the Greater Mekong Sub-region operates along similar lines.⁷³ The 23 centres located across six countries provide migrant workers and potential migrant workers with accurate information, advice, and other support concerning safe migration and rights at work. In Viet Nam, the centres also maintain copies of migrant workers' contracts and passport information in case problems arise in their workplace.⁷⁴

Another important good practice involves **stipulating in bilateral agreements between source and destination countries that recruitment information is provided to migrant workers**. The agreement between New Zealand and Kiribati within the New Zealand Recognized Seasonal Employer (RSE) programme, for instance, calls on both countries to make efforts to increase workers' awareness and understanding of the programme and the recruitment conditions associated with it, to correct any misleading information concerning it and to place documentation regarding the programme online in the public domain. One function of the Joint Coordinating Committees set up as part of Spanish bilateral agreements with Colombia, Romania, and the Dominican Republic is to disseminate information about the contents of the agreement in both countries so that workers understand the stipulated recruitment and work arrangements. The memoranda of understanding for the Korean Employment Permit System (see previous discussion) also have a provision requiring the public recruitment agency in the origin country to explain the contract contents to the worker before signing. However, the 2015 review of more than 140 bilateral agreements concerning labour migration suggests that these information provisions are the exception rather than the rule. Most of the agreements covered by the review did not, in fact, address migrant workers' information requirements.⁷⁵

PANEL 11

The Work in Freedom programme: reducing vulnerability to trafficking and forced labour of women and girls in South Asia and the Middle East



The challenge

For women and girls in South Asia, especially those of indigenous, low-caste, or low-income backgrounds, the prospect of continued poverty and discrimination makes migration a viable option. While many are able to improve their livelihoods in cities at home or abroad, many also face deception by recruitment intermediaries or serious abuses by employers — practices that amount to forced labour.

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.

An integrated and targeted approach

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). The programme expects to reach to at least 200,000 women and girls by 2018. Efforts involve partnership with organizations, such as the Global Alliance Against Trafficking of Women, Anti-Slavery International, the International Trade Union Confederation, and multiple national organizations and social partners.

The programme has set up a series of interventions engaging migrants, civil groups, trade unions, businesses, and regulators in a collaborative effort to begin addressing the multiple facets of forced labour in source and destination areas of migrant domestic and garment workers. Interventions are designed to reduce vulnerability to forced labour along those channels and shape fairer labour markets. Activities focus on promoting mobility by choice, fair recruitment to decent jobs, and safety and dignity for migrant workers. Importantly, in addition to directly targeting migrants, the programme helps build and strengthen migrant collective support networks through worker centres, organizing, training, and information.

Mobility by choice

The programme includes context-tailored interventions to support more informed and prepared migration both by directly targeting migrants and by working with groups and institutions that work with migrants.

Interventions strengthen both migrants' and aspiring migrants' understanding of their own rights in the context of patriarchy, mobility, and work. This includes building women's capacity to assert their rights in situations of potential disempowerment; for example, in their relations with relatives, labour recruiters, border officials, and employers. The programme also provides guidance and referral support for local and regional groups and institutions to better guarantee labour mobility and livelihood options for migrating women.

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The Work in Freedom programme: reducing vulnerability to trafficking and forced labour of women and girls in South Asia and the Middle East *(continued)*

More than 170,000 women in Bangladesh, Nepal, and India have already benefited from interventions, such as door-to-door visits, orientation sessions, referral services, pre-decision counselling sessions, street drama, life skill training, and other outreach initiatives to promote more informed migration and livelihood choices. The programme builds on, rather than simply adds on, community groups, structures, and programmes that support women's empowerment, employment, and social protection. The programme also strengthens migrant collective support networks through worker centres, organizing, training, and information.

Fair recruitment to decent jobs

Migrants face multiple risks and challenges in their efforts to find jobs. These include payment of exorbitant recruitment fees, taking out high-interest loans ahead of their departure that can lead them into debt bondage, deception about the nature and conditions of work, having contracts substituted by less favourable ones on arrival, having passports confiscated, and being subject to illegal wage deductions, threats, or physical violence.

The Work in Freedom programme works with employers, labour recruiters, trade unions, and regulators both in the places of origin and destination of migrant workers to support better recruitment regulation and practices. It reviews laws and regulations on foreign employment and recruitment, and it tests and assesses recruitment practices. The programme also works with migrant rights organizations and trade unions to increase accountability in the recruitment process.

Safety and dignity for migrant workers

There are multiple, overlapping laws, policies, and practices spanning across borders that generate environments where migrant garment and domestic workers are pushed and trapped into forced labour. These laws and regulatory practices affect working and living conditions, migration options, and mobility. They differ considerably across countries, mobility regimes, contracting practices, sectors of employment, and labour practices.

The Work in Freedom Programme has and is developing strategic alliances with programmes and organizations, such as Better Work Jordan, the Asia Floor Wage Alliance, Migrant Forum Asia, Global Alliance Against Trafficking of Women, United Nations Office on Drugs and Crime, the International Domestic Workers Federation, ministries of labour, local governments, and other social partners in order to review current gaps in decent work and propose evidence-based solutions.

Policy briefs, roundtables, and coordinated advocacy efforts by partner organizations in areas such as domestic work and women's mobility have played an important role in guiding migration, foreign employment, and labour policies and practices in Nepal and India. The programme is also working on policy reviews and advocacy in policy domains that can significantly aggravate or diminish vulnerability to forced labour such as gender-based violence, discrimination, social protection, collective bargaining, living wages, and anti-trafficking laws relating to domestic and garment work.

Source: Reproduced from: Work in Freedom Reducing vulnerability to trafficking of women and girls in South Asia and the Middle East. Programme Information pamphlet, ILO and UK Department for International Development (DFID), 2017.

PANEL 12

Recruitment Advisor: a web-based platform for information on recruitment agencies and workers' rights when looking for a job abroad



“Unscrupulous recruitment agencies take advantage of the lack of law enforcement by governments or because workers are simply not aware of their rights. It’s time to put power back into workers’ hands to rate the recruitment agencies and show whether their promises of jobs and wages are delivered.”

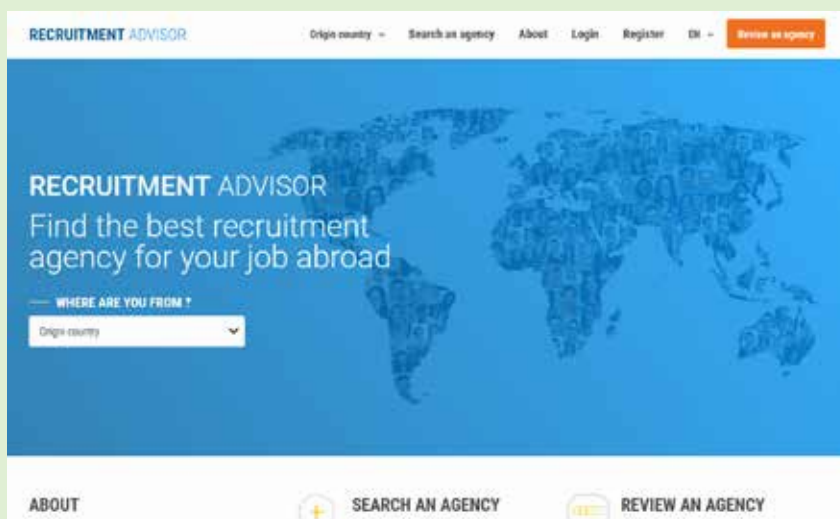
-ITUC General Secretary, Sharan Burrow

Recruitment Advisor is a new web platform launched by the International Trade Union Confederation to help protect migrant workers from abusive employment practices.

The platform, developed with support from the ILO Fair Recruitment initiative, is designed to empower and protect workers, promote trade union rights, share recruitment experiences, and promote those recruiters that follow a fair recruitment process based on ILO General Principles and Operational Guidelines for Fair Recruitment.

It currently lists more than 10,000 agencies in Nepal, Philippines, Indonesia, Qatar, Saudi Arabia, Hong Kong, Malaysia, Singapore, and other countries. Governments provided the list of licensed agencies and a network of trade unions and civil society organizations in all target countries ensures the sustainability of the platform by reaching out to workers and speaking to them about their rights.

Recruitment Advisor allows workers to comment on and rate their experiences so that others can learn from them. By “crowd-sourcing” responsibility for the collection of information on recruitment agencies to migrants themselves, it is hoped that a critical mass of information will quickly be accumulated. Initially available in English, Indonesian, Nepali, and Tagalog, it will be further developed in more languages.



Sources: Adapted from “ITUC Launches Migrant Worker Recruitment Adviser Platform”, ITUC press release, 04-04-2018 (<https://www.ituc-csi.org/ituc-launches-migrant-worker>) and the Recruitment Advisor website at <https://www.recruitmentadvisor.org/>.

The **Recruitment Advisor**, a web platform recently launched by the International Trade Union Confederation with support from the ILO and other groups, is a promising global effort for empowering migrant workers with information about recruitment. The platform is unique in adopting a crowd-sourcing strategy that engages migrant workers themselves as important information agents. It lists thousands of recruitment agencies in a variety of source and destination countries and encourages migrants to share and rate their experiences in using them through peer-to-peer reviews undertaken through the web platform. The goal is to build up a critical mass of experience that will enable prospective migrant workers to quickly identify fair recruiters and avoid

abusive ones, and, more broadly, to benefit from the knowledge and experiences of their peers (see Panel 12). However, while access to internet-based technology is growing rapidly, such technology is not yet in the hands of all migrants or prospective migrants. This is likely to be especially the case for the groups of migrants who are most vulnerable to fundamental labour abuses. It is important, therefore, that such internet-based information measures are part of broader, multi-channel information efforts on recruitment that are also able to reach migrants and prospective migrants who find themselves on the other side of the “digital divide,” without access to the internet.

PANEL 13 Sponsorship reform in the Middle East region



The sponsorship system used in the Gulf countries and in certain other Arab States, including Jordan and Lebanon, involves the State delegating responsibility for a migrant worker’s immigration and employment status to a private sponsor. Although it is important to recognize that there are many sponsors who strive to provide decent working and living conditions, the modern functioning of the sponsorship system is rife with opportunities for unscrupulous employers to violate the fundamental human rights of the migrant workers under their sponsorship.

A 2017 ILO study of the employer-migrant worker relationships in the Middle East sets forth a specific set of evidence-based recommendations for reforming the sponsorship system:

- (a) ensuring that a migrant worker’s entry, residence, and work permit are not tied to a specific employer;
- (b) enabling the migrant worker to be responsible for renewing his or her own visas, work permits, and residence permits;
- (c) creating the option for migrant workers to resign and terminate his/her contract (upon reasonable notice, as per his/her contract terms and conditions), without losing valid immigration status;
- (d) ensuring that a migrant worker has the possibility to change employers (upon reasonable notice, as per his/her contract terms and conditions) without the consent of his/her current employer and without losing valid immigration status; and,
- (e) permitting the worker to exit the country without seeking approval from his/her employer.

continued on next page

Sponsorship reform in the Middle East region *(continued)*

The same study also identifies a number of emerging practices in the region incorporating some or all of these recommendations. Altogether, there appear to be marked signs of a shift towards drawing a distinction between the immigration aspects of the sponsorship system and those aspects that correspond more directly to the employment relationship. There are also signs that, albeit with some limitations, emerging policies will allow for more scope for migrant workers in the region to change their employer without obtaining the permission of their current employer or sponsor. However, as much of the relevant legislation has either been adopted very recently, or is now in preparation after public policy announcements, there is a need to monitor its application in practice and to ensure that it applies to all categories of migrant workers.

The most extensive changes to sponsorship have taken place in the United Arab Emirates, where the adoption of three Decrees represents an important change in employer-worker relations by allowing “either party... to unilaterally terminate the employment relation at any time; neither party may be obliged to continue in this relationship against his/her free will” (Article 6, Decree 764). This applies both to the “first two-year” contract and a “renewed” contract, provided that the notice provisions are complied with, or payment is made in lieu of notice being given (maximum notice of three months) (Decree 765).

Furthermore, the UAE now also allows a migrant worker to transfer to a new employer and be issued a new work permit without the permission of their current employer when the current employer has failed to meet his or her legal or contractual obligations, when the business has closed down, when a worker has brought a successful labour complaint against their current employer, or when the worker settles indemnities with the first employer in line with contract termination clauses (up to three months’ salary). In addition, any worker who has completed the first two-year contract may be transferred to the new employer without conditions, and without their current employer’s approval (Decree 766).

Other relevant changes include Oman’s announcement in October 2016 of plans to scrap the No Objection Certificate required to transfer to another employer and Bahrain’s introduction in 2017 of a “flexible” work permit for migrant workers with expired work permits, under which workers can apply to work without a sponsor for two years at their own expense. In Qatar, the government has embarked on a three-year technical cooperation programme (2018-2020) with the ILO, reflecting the country’s commitment to reforming laws and regulations on employment in line with ratified international labour conventions. The project will support ongoing reforms to replace the sponsorship system with an employment contract system and improve labour recruitment procedures and their monitoring.

Source: Employer-migrant worker relationships in the Middle East: exploring scope for internal labour market mobility and fair migration / International Labour Organization, Regional Office for Arab States - Beirut: ILO, 2017. (White paper; Feb. 2017).



Due Diligence: addressing forced labour in business operations and supply chains

The Global Estimates indicate that forced labour is overwhelmingly concentrated in the private economy — 84 per cent of total cases are imposed by private actors. 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.

The Forced Labour Protocol, in recognition of this importance, requires measures for “supporting due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour”.⁷⁶ Along similar lines, the G20 Leaders Declaration issued in 2017 states that “We will work towards establishing adequate policy frameworks in our countries such as national action plans on business and human rights and underline the responsibility of businesses to exercise due diligence. We will take immediate and effective measures to eliminate child labour by 2025, forced labour, human trafficking and all forms of modern slavery.”

With the approval of the UN “Protect, Respect and Remedy” Framework and the endorsement of the UN Guiding Principles on Business and Human Rights, and the updates of the ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy (MNE Declaration) and the OECD Guidelines for Multinational Enterprises, there is also now broad international consensus on the complementary — but distinct — duties and responsibilities of government and business in ensuring fundamental labour rights in the operations of businesses and enterprises.

Government has the duty to adopt, implement, and enforce national laws and regulations, and to ensure that the fundamental principles and rights at work that ratified international labour Conventions protect are applied to all workers. Business has a responsibility to respect human and labour rights in their operations and supply chains and to comply with national law wherever they do business. Business enterprises should carry out human rights due diligence in order to identify, prevent, mitigate, and account for how they address their adverse human rights impacts. In line with the autonomy of social partners, the social partners should jointly promote decent work and fundamental principles and rights at work for all workers, including in domestic and global supply chains.

But much remains to be done to translate this global consensus into law and practice at the national level.

STRENGTHENING PUBLIC GOVERNANCE OF BUSINESS OPERATIONS AND SUPPLY CHAINS

Public governance describes the State's duty to promote compliance and enforce national labour laws and regulations, and to ratify and implement international labour standards.⁷⁷ The crucial public governance functions of labour administration, inspection, and enforcement are discussed further in the next chapter of this report. Here, we look at other dimensions of public governance that are of relevance to protecting fundamental labour rights in the operations and supply chains of business.

Adequate regulatory framework

In accordance with the UN Guiding Principles on Business and Human Rights, States should set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights throughout their operations. There has been a surge of recent regulatory initiatives aimed at achieving this.⁷⁸ A number of countries have adopted **laws that impose mandatory reporting of due diligence measures** allowing parties concerned (e.g. workers and their trade unions, advocacy groups, consumers, investors) to easily discern a company's commitment in this regard. The expectation is that this will in turn increase the pressure on companies to act responsibly.

The California Transparency in Supply Chains Act of 2010 was one of the first laws of this kind. 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 in a "conspicuous and easily understood" document accessible via a link that is prominently displayed on the homepage of the organization's website.⁷⁹ The Modern Slavery Act adopted by the United Kingdom in 2015 has similar provisions but has a lower turnover threshold (GBP36 million) and applies to companies in all sectors.

A critical challenge in terms of regulating labour practices in supply chains relates to extraterritoriality. Supply chains may extend across national borders, yet States have limited jurisdiction to regulate corporate activities and labour practices that occur beyond their national confines. At the same time, the home State may have a significant interest in promoting decent working conditions along global supply chains and ensuring the good conduct of its corporate citizens abroad. Some would argue that this is the State's responsibility.⁸⁰

Importantly, the United Kingdom Modern Slavery Act contains a provision that deals explicitly with the issue of extraterritoriality. This provision makes the Act applicable to all companies around the world with turnover of over GBP36 million that operate in the United Kingdom market. Australia has announced its intention to adopt legislation with similar extraterritorial reach, introducing supply chain transparency obligations for companies headquartered or operating in the country.⁸¹

Rather than relying only on transparency requirements to increase the pressure on firms to act, other countries have gone a step further in passing **laws that directly require due diligence measures**. Again, there are a growing number of examples in national law, most of which are designed to have at least some degree of extraterritorial reach.

Legislation adopted by the French Parliament in 2017 (No. 2017-399) on corporate "duty of care" (*devoir de vigilance*) requires the largest French companies to have a due diligence plan to identify and address adverse human rights impacts in their operations, supply chains, and business relationships. In the Netherlands, an Act on child labour due diligence passed in 2017 requires companies selling products or services to Dutch end-users to identify whether child labour is present in their supply chain and, if this is the case, to develop a plan of action to address it and issue a due diligence statement. In the United States, the US Trade Facilitation and Trade Enforcement Act of 2015 (P.L. 114-125) prohibits the import of all products made



Laws that impose mandatory reporting of due diligence measures

- **California Transparency in Supply Chains Act, 2010.** One of the first laws of this kind, it requires retail sellers and manufacturers doing business in California with at least US\$100 million in annual worldwide gross receipts to divulge their actions to eliminate slavery and human trafficking from their supply chains.
- **United Kingdom Modern Slavery Act, 2015.** The law contains provisions that are similar to the California Act, but affects a wider range of companies because it has a lower revenues threshold and is not limited to companies in the retailing and manufacturing sectors.
- **Australia (under discussion).** A proposed act would require companies meeting a threshold of AUD100 million in total annual global revenue to report annually on their efforts to address contemporary slavery in their operations and supply chains

Laws that directly require due diligence measures

- **Indonesia Regulation No. 35/PERMEN-KP/2015.** The Regulation adopted by Ministry of Maritime Affairs and Fisheries introduces a certification system to mandate supply chain due diligence of fisheries companies. It requires that each fishing company obtain a certificate from an independent certification body accredited by a Human Rights Team within the Ministry.
- **French Law No. 2017-399 on corporate 'duty of care' (devoir de vigilance).** The law requires largest French companies to have a due diligence plan to identify and address adverse human rights impacts in their operations, supply chains, and business relationships.
- **The Netherlands Child Labour Due Diligence Law.** The law requires companies selling products or services to Dutch end-users to identify whether child labour is present in their supply chain and, if this is the case, to develop a plan of action to address it and issue a due diligence statement.
- **European Regulation 2017/821.** The regulation sets out supply chain due diligence requirements for EU importers of "conflict minerals", including tin, tantalum, and tungsten, their ores, and gold originating from conflict-affected and high-risk areas.
- **United States Trade Facilitation and Trade Enforcement Act of 2015.** The law prohibits the import of all products made by forced labour and places the burden on the importing company to conduct supply chain due diligence to prove their products are forced labour free.
- **Switzerland, Responsible Business Initiative (under discussion).** The proposed initiative would legally oblige Swiss companies to incorporate respect for human rights and the environment in all their activities, including those of Swiss-based companies abroad.

by forced labour and places the burden on the importing company to conduct supply chain due diligence to prove their products are forced labour free. European Regulation 2017/821 sets out supply chain due diligence requirements for EU importers of “conflict minerals” in areas including management systems, risk management, and independent third-party audits.⁸²

Finally, in Indonesia, an innovative regulation adopted in 2015 by the Ministry of Maritime Affairs and Fisheries introduces a certification system to mandate the supply chain due diligence of fishing companies. The regulation requires that each fishing company obtain a certificate from an independent certification body accredited by a “Human Rights Team” within the Ministry.

While there are indications that these laws have helped stimulate investor activism and monitoring initiatives by NGOs and advocacy groups,⁸³ there is as yet little evidence pointing to their contribution to sustained improvements in compliance on the part of the firms concerned, both within and beyond the national confines of the countries where the laws were promulgated.⁸⁴ A particular concern in the context of forced labour is that these laws typically extend only to suppliers at the top of supply chains, and not to those operating further down the supply chain in the informal economy where forced labour is concentrated.

Public procurement policies

The major role of public spending in most national economies means that 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.⁸⁵

There are numerous examples of public procurement instruments and initiatives at the regional, national, and local levels that promote decent work in supply chains.⁸⁶ Most of these efforts, however, are limited to first-tier contractors, and few contain provisions relating specifically to forced labour.

A 2014 European Union directive on public procurement, for example, 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. Other European initiatives, including the LANDMARK and Responsibility in Procurement projects, offer guidance to public procurers at the local level in Europe in socially-responsible public procurement procedures.

In the United States, an Executive Order issued in 1999 requires federal contractors who supply products on a watch list produced by the Department of Labor to certify that they have made a good faith effort to determine whether “forced or indentured child labour” was used in the products.⁸⁷ The local government of Barcelona in Spain requires guarantees that the production of the textiles it procures respects ILO fundamental Conventions. To demonstrate compliance, bidders for procurement contracts must obtain certification from the Social Accountability Accreditation Services (SA8000) or another compliance initiative, or, alternatively, have an independent external audit involving visits to production sites across the supply chain.

Labour provisions in trade agreements

Trade agreements offer another important means of promoting fundamental labour rights in supply chains within and across national boundaries. Their significance in the global economy has grown considerably over last two decades — in 2014 almost 55 per cent of exports took place within the framework bilateral or plurilateral trade agreements, compared to 42 per cent in 1995 — meaning that their potential to influence labour conditions has also grown. Increasingly, this potential is being realised through the inclusion of provisions governing labour. As of December 2015, there were 76 trade agreements in place covering 135 economies that included labour provisions, nearly half of which were concluded after 2008 (see Figure 8). Over 80 per cent of agreements that came into force since 2013 contain such provisions.⁸⁸

An early and influential example of a trade agreement with labour provisions was the 2001-2004 United States-Cambodia Textile Trade Agreement, which provided Cambodia better access to United States markets in exchange for improved working conditions in the garment sector and involved complementary measures for firm-level monitoring and social dialogue. The trade agreement gave rise to Better Factories Cambodia, a unique partnership between the government, the ILO, and the International Finance Corporation of the World Bank Group, involving a combination of factory assessments, tailored training for both workers and managers, factory advisory services, and public disclosure of working conditions on factory floors.⁸⁹ A retrospective study of the first decade of the effort suggests that it has played a key role in improving compliance with ILO core labour standards and national labour law in factories concerned in the Cambodian apparel sector.⁹⁰



Provisions governing labour are increasingly common in trade agreements.

Share of trade agreements with labour provisions as a percentage of total trade agreements in force (year by year, %)

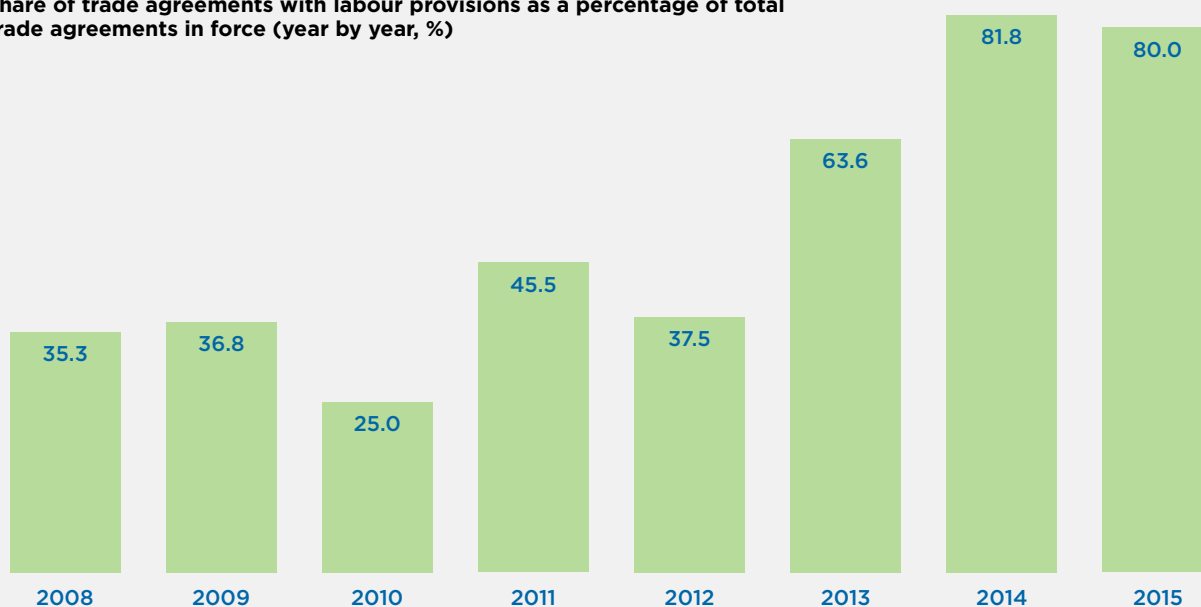


FIGURE 8: Trade agreements with labour provisions

Source: Reproduced from ILO: Assessment of labour provisions in trade and investment arrangements / International Labour Office, (Geneva, ILO, 2016), p. 23.

A great majority of the 76 trade agreements that include labour provisions are based on the commitment not to lower labour standards or stray from labour laws in order to gain competitive advantage. The provisions also aim at ensuring national labour laws are effectively enforced and consistent with already existing labour standards. In about three out of four instances, trade-related labour provisions make reference to ILO instruments. The Comprehensive and Progressive Agreement for Trans-Pacific Partnership, a new free trade agreement between Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, and Viet Nam, is an important recent example. It contains a chapter on labour that is based on the ILO 1998 Declaration on Fundamental Principles and Rights.⁹¹

ILO research indicates that trade agreements containing labour provisions are associated with important benefits in both economic and social terms.⁹² Rather than reducing or diverting trade flows, they actually increase the value of trade by an amount equal to or higher than the increase in the value of trade associated with trade agreements without labour provisions. At the same time, labour provisions support labour market access, particularly for working-age women. However, more research is needed to determine how these provisions in trade agreements are affecting workers' rights and working conditions, and workers' vulnerability to fundamental rights violations, including forced labour. The Cambodia experience, however, suggests that complementary policies, including social dialogue and rigorous compliance monitoring, are likely to be critical ingredients to success in this regard.⁹³

Labour provisions in the project and loan agreements of international finance institutions

International finance institutions (IFIs) play a significant role in social and economic development efforts in many developing and transitional economies. The insertion of labour provisions in their project and loan agreements can therefore be important not only to avoiding labour abuses in the implementation of these specific agreements, but potentially also to encouraging broader improvements in the governance of labour practices.

A number of international finance institutions attach labour conditions to their projects and loans.⁹⁴ Since 2006, for example, the International Finance Corporation, part of the World Bank Group, has required compliance with a series of eight social and environment performance standards, one of which relates directly to labour and working conditions, as a contractual prerequisite for financing.⁹⁵ More recently, in 2016, the World Bank approved a new safeguard that requires borrowers to respect basic labour standards, alongside updated environmental and social standards, on World Bank-funded projects. The Bank has also developed guidance notes for borrowers on how the standards should be applied. The notes include detailed steps to prevent the abuse of migrant workers, child labour and forced labour, and worksite hazards.⁹⁶

A study of the impact of social provisions in the loans of the International Finance Corporation found that there were only a few instances in which observable changes could be connected to the provisions, and that in these instances the impact depended on the presence of active trade unions already in a position to act for their members. The social provisions, and employers' commitment to them, provided the trade unions with additional leverage to use in promoting workers' labour rights.⁹⁷ This result points to the broader importance of active trade union involvement in ensuring that labour provisions in IFI projects and loans become a reality in the workplace.

STRENGTHENING PRIVATE AND SOCIAL GOVERNANCE

Private governance is led by enterprises, employers' organizations, or industry associations and relates to the responsibility of business to respect human and labour rights in their operations, consistent with the UN Guiding Principles on Business and Human Rights (UN Guiding Principles). Social governance describes the interaction between the social partners at the enterprise, sectoral, national, or international levels. In social governance, unions, enterprises, employers' organizations, and other civil society organizations engage in a process to define and implement joint governance schemes.⁹⁸ Neither private nor social governance substitutes the role of the State to protect, in law and practice, human rights in business operations, but they can play an important part in complementing and reinforcing State efforts.

Corporate social responsibility (CSR) and private compliance initiatives (PCIs)

Corporate social responsibility (CSR) is commonly used as the broader term for enterprises' voluntarily self-regulating social, environmental, or economic issues. Private compliance initiatives (PCIs) are private mechanisms voluntarily established by lead firms or groups of enterprises to monitor compliance with codes of conduct or other specific standards. PCIs may include codes of conduct and social auditing, certification initiatives, or other self-reporting mechanisms. Many were established as a voluntary and unilateral response to concerns raised by trade unions and civil society. They are more common in industries where international brand image is susceptible to trade union, consumer, and NGO pressure. Private governance schemes to promote labour rights are far less common in business-to-business supply chains.⁹⁹

Unilateral voluntary codes of conduct emerged in the 1990s and, in conjunction with social audits, have hitherto formed the core of the approach to corporate social responsibility in

the social and environmental realms pursued by lead firms. However, a growing recognition of the fundamental limitations of this approach by itself in ensuring long-term compliance¹⁰⁰ is prompting a gradual shift in the CSR debate from unilateral conduct codes and auditing to new approaches built on the principles of transparency, collaboration, and accountability.

One important emerging practice in this regard relates to **voluntary supply chain transparency**, involving the voluntary public disclosure on the part of lead firms of the names, addresses, and other details of the suppliers in their supply chains. Voluntary supply chain transparency can play an important role in building trust among key actors (trade unions, NGOs, consumers) and help facilitate collaboration in promoting fundamental labour rights in supply chains. The garment sector is one of the most advanced regarding voluntary supply chain transparency due, in part, to the Rana Plaza tragedy.¹⁰¹ The move to supply chain transparency is benefiting from recent technological advances in traceability, including those applying block chain principles¹⁰² or making use of remote satellite sensing.¹⁰³ However, these technological advances in traceability are not unambiguously positive from a labour standpoint; care must be exercised that they are not applied in ways that lead to worker oppression or that otherwise act *against* workers' rights.

The emergence of **business-led, industry-wide initiatives** is part of a broader focus on collaboration. These initiatives help ensure a level playing field in which firms do not gain advantage over their competitors by ignoring labour standards — the “race to the bottom” scenario. Such industry-wide collaboration also helps address reputational risks affecting entire industries and that therefore require a coordinated response. Among numerous examples include the Initiative for Responsible Mining Assurance, the Consumer Goods Forum, the Responsible Business Alliance, and Together for Sustainability, as described in Panel 15.

PANEL 15

Business-led, industry-wide collaboration initiatives



One important example of a business-led, industry-wide collaboration initiative is the **Initiative for Responsible Mining Assurance**, a coalition bringing mining companies and businesses purchasing minerals and metals together with trade unions, nongovernmental organizations, and local stakeholders. The Initiative centres on the development of a best-practice standard and third-party, independent assurance system intended to improve the social and environmental performance of industrial mining operations. Chapter 2 of the draft standard explicitly prohibits the use of forced labour in companies' direct operations and requires that they implement procedures to monitor and act on any instances of forced labour among primary suppliers.

A second example is the **Consumer Goods Forum**, a CEO-led initiative bringing together retailers and consumer goods manufacturers. The Forum promotes responsible business actions against forced labour and other fundamental labour violations in member supply chains through tools such as the Business Actions Against Forced Labour booklet, a compendium of best practices and key learnings of members in tackling forced labour.

Other prominent industry-wide collaboration initiatives include the **Responsible Business Alliance**, founded in 2004 by a small group of electronics companies seeking to create an industry-wide standard on social, environmental, and ethical issues in the electronics industry supply chain, and **Together for Sustainability**, an industry-led initiative in the global chemicals supply chain that “seeks to use supply chain dynamics and the collective actions of a critical mass of chemical producers and brands to improve working conditions among companies, such as distributors and small- and medium-sized enterprises, that are less exposed to public pressure or lack capacity, thereby raising standards across the entire chemicals global supply chain”.

International framework agreements between multinational enterprises and global trade union federations

International framework agreements between multinational enterprises and global trade union federations are another instrument for promoting core labour standards throughout global supply chains. In contrast to unilateral and voluntary private compliance initiatives, these international accords have the critical added value of being the outcome of negotiations between business and organized labour.

The number of global framework agreements has increased in recent years and currently totals more than 100 worldwide across a wide

array of economic sectors. There have been substantial qualitative improvements alongside this numerical growth — increasingly, they are based on international instruments and principles, including the ILO Conventions, the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, and the OECD Guidelines for Multinational Enterprises.

An in-depth review of 29 global framework agreements identifies numerous instances in which they have played a direct role in promoting fundamental labour rights in global supply chains.¹⁰⁴ They have, for example, been used to generate international solidarity and underpin successful unionization efforts

and have prompted suppliers to make new commitments to respect the labour provisions specified in the framework agreement and to incorporate the provisions into their firm-specific guidelines and auditing checklists.¹⁰⁵

Yet the review also suggests that the potential of global framework agreements as a vehicle for promoting fundamental labour rights in global supply chains is not yet fully realized. Challenges include strengthening local involvement in their negotiation and local ownership if their contents, strengthening links between local unions and the global trade union federations that sign the agreements, and improving awareness of the agreements among subsidiaries, local suppliers, and local trade unions. Another overriding challenge is extending their reach. Currently, most — nine out of every 10 — global framework agreements apply only to direct suppliers rather than the entire supply chain of the multinational enterprise, a limitation that is again of particular relevance for forced labour, which is often most concentrated at lower ends of extended supply chains. While there is a trend towards agreements that foresee the possibility of terminating business relationships with suppliers that do not adhere to the provisions of the agreement, most still focus on “informing”, “promoting”, and “encouraging” the compliance of suppliers.¹⁰⁶ These broad lessons from current experience offer useful guidance for the design of future global framework agreements.

Promoting collective, multi-stakeholder action

Multi-stakeholder initiatives are based on the premise that fundamental labour violations in global supply chains concern a variety of parties — including workers whose livelihoods depend on enterprises, government, industry, international buyers, employers’ and workers’ organizations, and civil society — and that bringing these parties together to identify and coordinate responses can therefore be critical to their ultimate effectiveness and sustainability.

Different types of multi-stakeholder initiatives can be found across many supply chains. The **Ship to Shore Rights Project**¹⁰⁷ involves the Thai government, employers’ organizations, workers’ organizations, and global seafood buyers in a collaborative effort towards the prevention and reduction of unacceptable forms of work in the Thai fishing and seafood processing sectors (see Panel 16).¹⁰⁸ The **Fair Recruitment Initiative**, discussed in the previous section, employs a multi-stakeholder strategy to address abuses in the recruitment industry.¹⁰⁹

BetterWork, a garment industry initiative, active in more than 1,500 factories in seven countries and reaching more than 2 million workers, is also grounded in a multi-stakeholder approach.¹¹⁰ A partnership between the International Labour Organization and the International Finance Corporation of the World Bank Group, Better Work brings diverse groups together — governments, trade unions, global brands, and factory owners — to improve compliance with labour standards in the supply chains of the garment industry.

A comprehensive study of BetterWork indicates that it has had a direct impact in improving working conditions — abusive practices including forced labour in factories have diminished, excessive overtime has been curbed, and the gender pay gap has decreased as a result of the programme — although it also shows that there remains significant scope for further improvements in these and other areas including sexual harassment in the workplace.¹¹¹ As noted earlier, preliminary findings of a study of a fair recruitment effort along the Nepal-Jordan migration corridor also point to a positive impact in improving the situation of workers and protecting them from recruitment fees.¹¹²

Further research is however needed before generalized conclusions can be drawn about the impact of various forms multi-stakeholder initiatives. In this context, a recently completed study on fishers and seafood workers in Thailand will provide a baseline for measuring the impact of the Ship to Shore Rights project.¹¹³

PANEL 16

Combating unacceptable forms of work in the Thai fishing and seafood industry



Reports in recent years have shed light on the serious human and labour rights abuses committed in the Thai commercial fishing and seafood processing industries, particularly against migrant workers coming from neighbouring Myanmar and Cambodia. To respond to this critical situation, the ILO's EU-funded Ship to Shore Rights Project works with the Thai Government, employer associations, unions, and civil society organizations to reduce forced labour, child labour, and other unacceptable forms of work and progressively eliminate the exploitation of workers — particularly migrant workers — in these sectors.

The Ship to Shore project aims to address labour abuses via four inter-related objectives. At the foundation is improving the Thai legal and regulatory framework, which currently suffers from significant gaps in application and needs to be strengthened in line with international standards (Project Objective 1). Given the extent of serious rights violations, effective enforcement of Thai labour law (Objective 2) is also central to the programme. These are complemented by industry-led capacity and accountability initiatives (Objective 3) developed through a broad partnership with unions, government, global buyers, and civil society organizations. Finally, it is critical to invest in building the capacity of unions and civil society organizations to serve, organize, and educate workers, and to hold government and industry accountable for higher standards (Objective 4).

The Ship to Shore Rights Project responds to the major changes in the Thai and global seafood industries in the last few years. A short list of recent changes in the seascape includes new Thai law and enforcement regimes for work in fishing and seafood, the ILO Forced Labour Protocol and Work in Fishing Convention (C. 188), higher forced labour standards for U.S. and U.K. importers, closer scrutiny of Thai agro-industry from global buyers, a “yellow card” from the European Union for illegal and unregulated fishing, and “watch list” status on the U.S. Trafficking in Persons report.

In a few short years, the talk of global labour standards in seafood has shifted. Instead of soft-focus discussions of ethical sourcing strategy, parties now have harder-edged discussions about keeping major-market access and complying with criminal codes. The seafood industry, like apparel, chocolate, and consumer electronics before it, has responded with a profusion of codes and benchmarks, protocol, and multi-stakeholder initiatives to find and suppress the worst abuses in the supply chain. Helping Thai industry — as well as government, unions, and civil society — make sense of these initiatives is a priority for the project.

Source: ILO (http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_554738.pdf)



Addressing root causes and risk factors: a focus on the informal economy

Forced labour imposed by private actors occurs overwhelmingly in the informal economy.¹¹⁴ This correlation between informality and forced labour is by no means spurious. We know from a wide body of research that workers in the informal economy are among the most vulnerable and least protected groups.

As stated in a 2014 ILO report on transitioning from the informal to the formal economy, most informal economy workers are “... exposed to inadequate and unsafe working conditions, and have high illiteracy levels, low skill levels and inadequate training opportunities; have less certain, less regular and lower incomes than those in the formal economy, suffer longer working hours, an absence of collective bargaining and representation rights and, often, an ambiguous or disguised employment status; and are physically and financially more vulnerable because work in the informal economy is either excluded from, or effectively beyond, the reach of social security schemes and safety and health, maternity and other labour protection legislation”.¹¹⁵ All of these characteristics of the informal economy run contrary to the concept of decent work and increase susceptibility to forced labour.

This discussion makes clear that addressing decent work deficits in the informal economy is central to the sustained eradication of forced labour.

The Forced Labour Protocol and Recommendation 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.¹¹⁶ Approaches and practices relating to each are discussed below.

But before proceeding to this discussion, it is worth underscoring that the dynamics of formality and informality are complex and vary from one context to another. This means that a multidimensional policy approach to informality is required that can be adapted to specific national and local contexts. Such an approach includes, but is by no means limited to, the provisions of the Forced Labour Protocol and Recommendation. A separate instrument, the ILO Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), provides guidance to governments and workers’ and employers’ organizations on the multiple policy dimensions of the transition from the informal to the formal economy (see Panel 17).

ORGANIZING WORKERS IN THE INFORMAL ECONOMY

Forced labour is almost always linked to restrictions on workers’ ability to exercise their rights to organize and bargain collectively. The reasons for this are straightforward. In situations in which these fundamental labour rights are denied, workers are unable to exert a collective voice, to defend their interests, or to positively influence the conditions of their working lives, in turn leaving them much more vulnerable to other fundamental rights violations, including forced labour. It is for this reason that freedom of association and the right to collective bargaining are the “first among equals” of the fundamental labour rights — foundational rights that are indispensable for the realisation of the other three categories of fundamental labour rights (namely, *freedom from* child labour, forced labour, and discrimination in the world of work).

PANEL 17

Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)



Adopted by the International Labour Conference (ILC) in June 2015, Recommendation No. 204 is the first international instrument dealing specifically with the informal economy.

Defining the informal economy

Article 4 of the Recommendation states that it applies to all workers and economic units — including enterprises, entrepreneurs, and households — in the informal economy, in particular: (a) those in the informal economy who own and operate economic units, including: (i) own-account workers; (ii) employers; and (iii) members of cooperatives and of social and solidarity economy units; (b) contributing family workers, irrespective of whether they work in economic units in the formal or informal economy; (c) employees holding informal jobs in or for formal enterprises, or in or for economic units in the informal economy, including but not limited to those in subcontracting and in supply chains, or as paid domestic workers employed by households; and (d) workers in unrecognized or unregulated employment relationships.

An integrated policy framework

The Formal Economy Recommendation provides guidance to the tripartite constituents (governments and workers' and employers' organizations) of the International Labour Organization on how to facilitate the transition from the informal to the formal economy and was developed with the aim of ensuring decent work for all. The Recommendation calls on member States to ensure that an integrated policy framework to facilitate the transition to the formal economy is included in national development strategies or plans as well as in poverty reduction strategies and budgets (paragraph 10). It states (in paragraph 11) that the integrated policy framework should address:

- (a) the promotion of strategies for sustainable development, poverty eradication and inclusive growth, and the generation of decent jobs in the formal economy;
- (b) the establishment of an appropriate legislative and regulatory framework;
- (c) the promotion of a conducive business and investment environment;
- (d) respect for and promotion and realization of the fundamental principles and rights at work;
- (e) the organization and representation of employers and workers to promote social dialogue;
- (f) the promotion of equality and the elimination of all forms of discrimination and violence, including gender-based violence, at the workplace;
- (g) the promotion of entrepreneurship, micro, small and medium-sized enterprises, and other forms of business models and economic units, such as cooperatives and other social and solidarity economy units;
- (h) access to education, lifelong learning, and skills development;
- (i) access to financial services, including through a regulatory framework promoting an inclusive financial sector;

Transition from the Informal to the Formal Economy Recommendation, 2015 *(continued)*

- (j) access to business services;
- (k) access to markets;
- (l) access to infrastructure and technology;
- (m) the promotion of sectoral policies;
- (n) the establishment of social protection floors where they do not exist, and the extension of social security coverage;
- (o) the promotion of local development strategies, both rural and urban, including regulated access for use of public space and regulated access to public natural resources for subsistence livelihoods;
- (p) effective occupational safety and health policies;
- (q) efficient and effective labour inspections;
- (r) income security, including appropriately designed minimum wage policies;
- (s) effective access to justice; and
- (t) international cooperation mechanisms.

Despite progress, the challenge of organizing informal economy workers remains immense – 2.5 billion workers, or half of the total global workforce, are found in the informal economy, the vast majority of whom remain without a collective and representative voice. There is no single or simple formula for reaching this group. Indeed, the extreme heterogeneity of the informal economy, and of the production modalities and work arrangements within it, mean that numerous complementary approaches to organizing workers are required.

There are a growing number of innovative and instructive experiences in organizing informal economy workers in a variety of sectors and national contexts, offering valuable guidance for expanded efforts in this regard.

Examples of these efforts, described in Table 3, are noteworthy above all for their diversity. Some involve the establishment of bespoke trade unions for particular categories of informal economy workers (e.g. Hong Kong Domestic Workers' General Union). Others involve bringing informal economy workers from a variety of sectors under the umbrella

of an existing national trade union (e.g. Sierra Leone Labour Congress). Still others rely on alternative organizing frameworks, such as associations (e.g. Catalan Association of self-employed persons), workers' cooperatives, or hybrid structures containing elements from each (e.g. Self-Employed Women's Association, India). A number leverage the provision of specific services, such as training, health insurance, or social security, as entry points for broader organizing efforts (e.g. Hind Mazdoor Sabha union, India). Many are also cross-national in scope, encompassing migrant workers along specific migration corridors (e.g. fruit workers from Pacific islands in Australia). It is worth noting that a number of the sectoral trade unions involved (as well as the Self-Employed Women's Association) are also affiliated to the relevant sectoral global trade union federations.

All of these varied organizing experiences are of relevance in meeting the broader challenge of organizing workers in the informal economy and, in so doing, reducing their susceptibility to forced labour.

The Global Estimates of Forced Labour and a growing body of other empirical evidence are providing an increasingly detailed picture of *where* in the informal economy workers are most at risk and where organizing efforts should therefore focus. Domestic work stands out as one important priority in this context, and, as discussed in Table 3, has been a particular target of organizing efforts to date.¹¹⁷ Domestic workers, whose work was so often denied to be a type of employment, and many of whom were and remain often confined to the premises of their employers, have nonetheless found ways to meet and organize — and to establish a global trade union federation.

Beyond sector, the Global Estimates of Forced Labour indicate that one of every two persons falling victim to forced labour are in situations of debt bondage, pointing to the overarching need for organizing strategies that deal with the unique nature of bonded labour. Today, bonded labourers are still organizing — for example in rural workers' and brick kiln workers' unions — or take part in village child labour monitoring committees despite their bondage but also as a vehicle to combat it.

BASE (Backward Society Education) in Nepal, a mass membership organization of 300,000 people, is one of the largest social movements in South Asia and played a vital role in ending the *Kamaiya* bonded labour system. It has a political structure with committees elected on the village, area, district, and central levels. General members can join for US\$ 0.05 cents per annum. It is not only involved in a wide range of development work but also provides a collective voice to promote indigenous people's rights and to campaign for the abolition of child labour and for social justice. Its beneficiaries, apart from children and many of its general members, are poor, discriminated-against rural people, *ex-Kamaiya*, *Dalit*, predominantly Tharu, youth, and women. These efforts — not least the mass demonstrations that called for new legislation — were strongly supported by the national trade union centre GEFONT, an affiliate of the ITUC.

PANEL 18 The rights to freedom of peaceful assembly and of association



Freedom of peaceful assembly and association are foundational rights precisely because they are essential to human dignity, economic empowerment, sustainable development and democracy. They are the gateway to all other rights; without them, all other human and civil rights are in jeopardy.

The majority of the world's workers, including informal, women, domestic, migrant and agricultural workers and day labourers, are often excluded from national legal protective frameworks, leaving them unable to exercise their fundamental rights to associate or assemble, and without access to remedies when their rights are violated... Without assembly and association rights, workers have little leverage to change the conditions that entrench poverty, fuel inequality and limit democracy.

The rights to freedom of peaceful assembly and of association are fundamental worker rights. Since they enable people to voice and represent their interests, they are key to the realization of both democracy and dignity, to holding Governments accountable and to empowering human agency. These rights are also a means to level the unequal relationship between workers and employers, thereby helping workers correct abuses and gain access to fair wages, safe working conditions and a collective voice.

From the 2016 Report of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association.

TABLE 3: A variety of approaches to organizing informal economy workers

Organization(s)	Targeted sector or category of workers	Organizing modality/approach
Hong Kong Confederation of Trade Unions (HKCTU)	Domestic workers	Establishment of local trade union for specific category of informal economy worker. Participants in HKCTU-run training programmes on domestic worker skills were assisted by organizers in forming groups, which, over an 18-month period, developed into the Hong Kong Domestic Workers' General Union. The union organizes around the issues of compensation for work-related injuries, minimum wages, pensions, insurance, and revision of labour laws to revise work hours and determine employee status.
Latin American and Caribbean Confederation of Household Workers (CONLAC-TRAHO)	Household workers	Formation of international trade union confederation. Formation of international trade union confederation. CONLACTRAHO brings together domestic workers associations and trade unions from 13 countries in Latin America and the Caribbean. While highlighting the vulnerability of many domestic workers, it lobbies for reforms to labour codes and extension of social protection to domestic workers and for the recognition of domestic work on the basis of equality and non-discrimination.
Hind Mazdoor Sabha union (HMS), India	Ship breakers	Integration of a specific category of informal economy worker into existing trade union. HMS began by providing workers with services, including drinking water, first aid training, and an on-site ambulance. Through this process, workers gained confidence in the union and became interested in becoming members. Shipbreaking workers in Mumbai and other ports are better organized and represented as a result of these efforts.
National Union of Workers (NUW), an affiliate of the Australian Council of Trade Unions	Fruit pickers	Integration of a specific category of informal economy worker into existing trade union affiliate; transnational trade union agreements. NUW is organizing Pacific Island workers who come to Australia on temporary work visas, mainly to work as fruit pickers, and has signed agreements with unions in their countries of origin regarding the protection of migrant workers and the provision of information to workers before their departure and upon arrival; these countries include Samoa and Vanuatu.
Self-Employed Women's Association (SEWA), India	Poor women in the informal economy	Elements of a union, cooperative, and a women's movement. SEWA provides a wide-range of services, including mobilization and negotiations along sectoral lines, formation of production and service cooperatives, financial services, insurance and social security associations. SEWA has more than one million self-employed women members and it is affiliated to the international trade union movement both at a sectoral and central level.
Sierra Leone Labour Congress (SLLC)	Informal economy workers from a variety of sectors	Establishment of trade unions for specific categories of informal economy workers; affiliation with national trade union. The SLLC registered 10 trade unions for workers in the informal economy, with a declared number of 279,856 members from sectors including trading, transport, agriculture, fishing, services, and entertainment. In addition to benefiting from the broader protective umbrella of the SLLC, union members are able to access low interest loans and benefit from training programmes provided by the SLLC.

TABLE 3: A variety of approaches to organizing informal economy workers (continued)

Organization(s)	Targeted sector or category of workers	Organizing modality/approach
Congress of South African Trade Unions (COSATU)	Informal economy workers from a variety of sectors	Integration of specific categories of informal economy workers into existing trade union affiliates. COSATU affiliates in different economic sectors organize and extend membership to informal economy workers who are linked to the sector concerned. Such workers include organized home-based workers, caregivers, taxi drivers, cleaners, security guards, plantation workers, farm workers, and construction workers.
Catalan regional organization of the Trade Union Confederation of Workers' Commission, Spain	Self-employed persons from a variety of sectors	Association of self-employed persons. The Catalan regional organization of the Trade Union Confederation of Workers' Commission established an association of self-employed persons, including vendors and construction workers among others, and union statutes were changed so that the association could be incorporated into the decision-making structures and have full voting rights. The national trade union centre provides education on collective bargaining. It also gives advice on tax and contract issues and negotiations with business and public authorities.
General Agricultural Workers' Union (GAWU) (of the Ghana Trades Union Congress)	Rural workers, including artisanal fishers and fish processors and family farmers	Recruitment of rural workers, including own-account workers into the union and union support for them to form democratic cooperatives to improve working conditions and livelihoods. In the case of the Inland Canoe Fishers' Association and the women's fish-processing cooperatives on the Volta Lake (especially in the model community of Torkor-Kpando) combating trafficking of children for hazardous work in fishing was the entry point for building an integrated area-based approach driven by the union members in the community. The model has received wide attention; the Government of Ghana supports its replication, and GAWU — including through the International Partnership for Cooperation in Agriculture — is supporting (appropriately adapted) replication with sister trade unions in other countries in the African region.
Association of Women Sex Workers of Argentina in Action for our Rights (AMMAR-affiliated to the CTA national trade union centre)	Sex workers	Establishment of a trade union for a specific category of informal economy worker; affiliation with national trade union. AMMAR was established in 1994 to combat police harassment and violence, becoming a trade union to protect the rights of sex workers and affiliating to the CTA national trade union centre in 1995. Since 1997 it has been part of the Latin American and Caribbean Network of Sex Workers (RedTRaSex), linking women sex workers' organizations in 15 countries in the region. AMMAR's main objectives are to promote respect for the human rights of women sex workers in Argentina, to combat institutional corruption and abuse of sex workers, to campaign for legislation to protect their labour rights and for recognition of their trade union, to raise awareness of the difference between sex work and trafficking in persons, and to combat the misuse of anti-trafficking legislation to deny the rights of those the union represents. AMMAR also promotes community education and health provision and education for sex workers.

Sources: Examples 1 to 8: Adapted from Organization, Representation and Dialogue. The Informal Economy and Decent Work: A Policy Resource Guide http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_policy/documents/publication/wcms_210457.pdf; and Organizing workers in the informal economy : trade union strategies to extend membership, services and organizing activities to workers in the informal economy and facilitate transition from the informal to the formal economy / International Labour Office, Bureau for Workers' Activities (ACTRAV). - Geneva: ILO, 2016. (ILO ACTRAV Policy brief); Example 9: Trades Union Congress Ghana (ghanatuc.org); and 10: CTA national trade union centre (<https://www.cta.org.ar/ammarr-lanzarahaoy-linea-telefonica.html>)

PANEL 19 Organizing domestic workers



The ILO Domestic Workers Convention, 2011 (No. 189) came into force in 2013. It encourages member States to protect the right of migrant workers to establish and join organizations of their own choosing. Such organization and mobilization are essential for securing effective application of domestic workers' rights to protection.

The adoption of the Convention has been accompanied by a growing movement to organize domestic workers around the world. An International Domestic Workers Network was first formed in 2009, and as of April 2018 the organization, subsequently transformed into the International Domestic Workers Federation, had 67 affiliates from 54 countries, representing over 600,000 domestic/household workers. Most are organized in trade unions; others are in associations, networks, and workers' cooperatives. Furthermore, in December 2011, the International Trade Union Confederation launched its "12 by 12" campaign to promote the Convention and the organization of domestic workers. A second phase of this campaign was launched at the International Trade Union Confederation's Third World Congress in May 2014, with a target of organizing a further 100,000 domestic workers by 2018.

Organizing domestic workers poses considerable challenges, given their isolation, long working hours, and fear of losing their jobs. A 2016 ILO publication gives a broad typology of migrant domestic workers' organizations. Domestic workers can set up or join trade unions, follow the association model of community-based organizations, or experiment with arrangements straddling the association and union models. This depends on the context, including the legal framework and practical barriers, and the political space. In some cases, for example, migrant domestic workers are specifically prohibited from establishing or joining trade unions in the destination country, and unions have configured new ways to recruit members and work around these barriers. The task of organizing is particularly complicated if the domestic workers are in an irregular situation, given their fear of losing their jobs or being deported.

There are nevertheless a growing number of instructive examples and models. With ILO support, the International Trade Union Confederation and the International Domestic Workers Federation are collaborating to maximize the protection of migrant domestic workers along specific migration corridors, concluding agreements between unions in countries of origin and destination. These initiatives have taken place in different geographical regions, including between Ukraine and Poland, Paraguay and Argentina, Zimbabwe, Lesotho and South Africa, and between Indonesia and Malaysia. The initiatives include the provision of "migrant passports", small booklets in the form of a passport providing "potential and actual migrant domestic workers with essential information on legal issues, employment procedures, labour standards, social security, rights and responsibilities of workers and employers, prevention measures for human trafficking and exploitation as well as contact information of existing services, NGOs and representative country offices".

Other models involve the establishment migrant domestic workers unions in countries of destination. The ILO, together with the International Trade Union Confederation and the International Domestic Workers Federation, has also supported the creation of the first migrant domestic workers' union in Lebanon. This began in 2012 as a participatory action

continued on next page

Organizing Domestic Workers *(continued)*

research project with women migrant domestic workers, NGOs, the International Domestic Workers Federation, and the National Federation of Employees' and Workers' Unions in Lebanon. The union was formally founded within the structure of the National Federation in January 2015, with approximately 500 members, though without receiving the formal recognition of the Lebanese government. The initiative has brought together communities of migrant domestic workers from a range of African and Asian sender countries. It has also prompted Lebanese employers to establish their own association, creating a framework for social dialogue on the conditions of migrant domestic workers.

The National Federation of Employees' and Workers' Unions in Lebanon, which hosts the Domestic Workers' Union, has since concluded an agreement with the Confederation of Ethiopian Trade Unions and the General Federation of Nepalese Trade Unions to extend greater protection to migrant domestic workers from these countries.

South Africa offers another example of a successful organization effort of migrant domestic workers. A special committee was formed in 2013 by the South African Domestic Service and Allied Workers Union to plan and lead an organizing drive of migrant domestic workers in the country. This effort had, by the end of 2015, resulted in over 500 Zimbabwean workers becoming members.

Sources: International Domestic Workers Federation, <http://idwfed.org/en/about-us-1> (accessed July 2018); Decent work for migrant domestic workers: Moving the agenda forward / Marie-José Tayah International Labour Office, Conditions of Work and Equality Department. — Geneva: ILO, 2016; and ILO, Information Passports for Migrant Domestic Workers (Ukraine-Poland) (http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_383856.pdf, accessed July 2018).

Similar approaches — not just providing services to families in debt-bondage but also supporting them to organize themselves — are pursued elsewhere, too, for example in India by Volunteers for Social Justice (a partner organization of Anti-Slavery International), and in Pakistan by the Pakistan Workers' Federation and the Bonded Labour Liberation Front. The Pakistan Workers' Federation itself (and its pre-merger antecedents) has a long history of organizing outreach to bonded labourers, not least in the brick kiln sector. Today, its organizing priorities include domestic workers and own-account women workers, and it is organizing brick kiln workers and negotiating basic collective agreements on their behalf (see Panel 20).

REDUCING VULNERABILITY THROUGH SOCIAL PROTECTION SYSTEMS, INCLUDING FLOORS

The ILO estimates that, despite significant progress in recent years, the challenge of extending social protection remains very large. Only 29 per cent of the global population has access to comprehensive social security systems, while the rest are covered only partially or not at all.¹¹⁸ Again, the link with forced labour is clear — 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 therefore is resilient to forced labour. This is one of the reasons for which universal social protection coverage is highlighted in SDG target 1.3.¹¹⁹

PANEL 20

Organizing workers in the informal economy: Pakistan Workers' Federation



Following the election of its new leadership in 2011, the Pakistan Workers' Federation (PWF) intensified its organizing efforts, focusing on workers in the informal economy. To develop a second line of trade union leadership, it also began training younger leaders, with an emphasis on organizing, who then became part of the PWF organizing team. Guided by senior leaders, these colleagues were tasked with organizing domestic workers, home-based workers, and workers in brick kilns, fisheries, agriculture, and bakeries, and other sectors.

The first target was organizing brick kiln workers in Punjab, starting in Lahore, Kasur, and Sheikhpura. The organizing team first met with the workers — and their employers — to sensitize them that the unions' purpose of ensuring the legal rights of workers was no threat to them. Unfortunately, some government officials had misinformed the employers, made them afraid of unions and had taken bribes from them. It took several months of meetings between the organizing team and the workers and employers, but the PWF was eventually able to register its first union of brick kiln workers in Kasur, the second in Lahore, and then the third in Sheikhpura.

After these initial successes, the PWF established numerous other unions in various districts and finally registered the Brick Kiln Workers' Federation. Supported by the Italian Trade Union Institute for Development Cooperation (ISCOS) and the ILO, the PWF then delivered a number of training sessions to the workers.

The next objective was to organize domestic workers in Punjab and agricultural and fishery workers in Sindh. After two years of strenuous effort supported by the ILO, in 2015 the PWF registered both the Domestic Workers Union in Punjab and the Sindh Agriculture and Fisheries Workers Union.

At the time of registration, the Domestic Workers Union had 249 members. The continuous efforts of the organizing team contributed to an increased membership of more than 2,000 workers while the Sindh Agriculture and Fisheries Workers Union's current membership stands at 1,800. The PWF also succeeded in organizing bakery workers and home-based workers and registered the first Bakeries Workers Union in Islamabad and the Home-based Workers' Union in Sialkot, Lahore, and Karachi.

The PWF's journey of organizing informal economy workers continues with campaigns in the Chowk sector (bazaars) and with future plans for other sectors including call centres.

Source: Pakistan Workers' Federation, 2018.

Informal economy workers and their families are among the principal groups excluded from social protection. This is because social protection systems in most countries are organized around labour-based insurance and other statutory schemes that do not cover

informal economy workers.¹²⁰ As discussed above, those in the informal economy are more likely than the overall population to be affected by poverty, sub-standard living conditions, job precarity, and workplace hazards, and are less likely to be organized. Informal economy

PANEL 21 What are social protection floors?



Social protection floors are nationally defined sets of basic social security guarantees that should ensure, as a minimum, that over the life cycle, all in need have access to essential health care and to basic income security which together secure effective access to goods and services defined as necessary at the national level.

The ILO strategy on the extension of social protection is based on the two-dimensional strategy adopted by the 100th Session of the International Labour Conference in 2011. This approach aims at the rapid implementation of national social protection floors containing basic social security guarantees that ensure universal access to essential health care and income security at least at a nationally defined minimum level (horizontal dimension), in line with the **Social Protection Floors Recommendation, 2012 (No. 202)**, and the progressive achievement of higher levels of protection (vertical dimension) within comprehensive social security systems according to **the Social Security (Minimum Standards) Convention, 1952 (No. 102)**.

National social protection floors should comprise at least the following four social security guarantees, as defined at the national level:

- access to essential health care, including maternity care;
- basic income security for children, providing access to nutrition, education, care, and any other necessary goods and services;
- basic income security for persons in active age who are unable to earn sufficient income, in particular in cases of sickness, unemployment, maternity, and disability; and
- basic income security for older persons.

Such guarantees should be provided to all residents, including all children, as defined in national laws and regulations and subject to existing international obligations. R202 makes explicit reference to people in the informal economy, acknowledging that social security is an important tool to prevent and reduce poverty and support the transition from informal to formal employment.

Source: Reproduced from ILO, *Social protection floor*, <http://www.ilo.org/secsoc/areas-of-work/policy-development-and-applied-research/social-protection-floor/lang--en/index.htm> and ILO, *Extension of Social Protection, The informal economy and decent work: a policy resource guide*, http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_policy/documents/publication/wcms_210466.pdf.

workers, in other words, combine *low* levels of social protection with *high* exposure to risk, both increasing their vulnerability to forced labour.

In recognition of this point, the Forced Labour Recommendation calls for “basic social security guarantees forming part of the national social protection floor, in order to reduce vulnerability to forced or compulsory labour” (see also Panel 21).¹²¹ The Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) also highlights the key role of social protection in enhancing the situation of workers in the informal economy and facilitating their transition to the formal economy.

There is no uniform solution to extending basic social security guarantees to those in the informal economy. Here as in other policy areas, the informal economy is too diverse, and the work arrangements within it too varied, for one-size-fits-all responses. Expanding coverage to such a wide array of workers requires the development of a number of different instruments tailored to the specific characteristics of the different groups, to the contingencies to be covered, and to the local context.¹²² However, the organization of informal economy workers, discussed above, can be an important common starting point to extending social protection to them.

Experience suggests that cash transfer schemes are one of the policy options to extend social security and ensure at least a basic level of income security. These schemes are non-contributory, meaning that they are financed by taxes or other state revenues and do not require direct contributions from beneficiaries as a condition for the receipt of benefits. This is especially important in the case of vulnerable groups in the informal economy, whose earnings are often too low and too irregular to make monthly contributions, and who may be ineligible for contributory schemes linked to formal employment.

Cash transfer schemes take a number of forms, including those involving cash transfers to families with children, sometimes conditional on school attendance or participation in preventive health programmes. During the last decade and a half, these schemes have spread to developing countries in all regions of the world; some, such as the *Bolsa Família* in Brazil, cover tens of millions of persons.¹²³ A growing body of evidence highlights their effectiveness in ensuring the minimum guarantees associated with social protection floors. A 2016 study of unconditional cash transfer programmes in eight sub-Saharan African countries (Ethiopia, Ghana, Kenya, Lesotho, Malawi, South Africa, Zambia, and Zimbabwe), for example, finds robust evidence of their positive impact on health and food security, in addition to school enrolment and agricultural investment.¹²⁴

Cash transfers are also being used to promote the recovery of those freed from forced labour. In Thailand, for example, the Issara Institute, an independent NGO, provides freed workers with a series of unconditional cash transfers, instead of services, to help them rebuild their lives and avoid re-victimisation.¹²⁵

Other programmes contributing to social protection floors typically include disability benefits, support for those without jobs, old-age pensions, as well as effective access to health care. There are numerous examples of emerging practices using all of these instruments to extend basic social security guarantees to hitherto uncovered groups. As reported in Table 4, the impact of these instruments in terms of reducing economic vulnerability is often very significant. While a variety of instruments are typically relevant and indeed necessary for extending basic social security guarantees in a given context, policy coordination is critical to avoiding exclusion or overlap.

Microcredit and targeted livelihood programmes

Microcredit schemes, although not technically part of social protection systems, are relevant in ensuring that vulnerable families are able to avoid falling victim to debt bondage, as access to the financial market through such schemes helps reduce their dependence on employers, recruiters, and other moneylenders for loans. Access to credit also enables families to hedge against some of the risks they face. In

Pakistan, for example, with this aim in mind, a government-funded project in Punjab province is providing brick kiln workers with zero interest micro-loans for use in income generating projects and other purposes.¹²⁶ A 2014 review of microcredit schemes addressing bonded labour in South Asia suggests that impact is dependent on project design considerations and that they are more effective as part of a broader integrated approach to promoting adequate livelihoods.¹²⁷

TABLE 4: Social protection programmes in the global South: examples of assessed impact

Country	Programme	Type	Coverage	Impact
Argentina	Asignación Universal por Hijo (AUH)	Universal child allowance	85% of Argentine children	<ul style="list-style-type: none"> • 85% of Argentine children • Reduced poverty (-22%) and extreme poverty (-42%); • Positive impact on household income (for poorest households income almost doubled, for poor households income increased by 30%); • Reduction in income distribution gap.
Bolivia (Pluri-national State of)	Renta Dignidad	Universal old-age pension (non-contributory)	800,000 beneficiaries (97% of total eligible beneficiaries)	<ul style="list-style-type: none"> • 5.8% reduction in extreme poverty between 2007 and 2009 (especially in rural areas).
Brazil	Bolsa Família	Conditional cash transfer	26% of the population	<ul style="list-style-type: none"> • Reduced the poverty gap by 12% between 2001 and 2005; • Contributed one third to the decline in income inequality over the last decade.
Brazil	Rural Social Insurance Programme	Non-contributory pension and disability programme for the rural poor	80% of agricultural workers - 66% of rural population	<ul style="list-style-type: none"> • Reduction of 4 million poor people (53.5% of the rural population was still poor but this figure would have jumped to 68.1%); • Reduction of 4.1 million indigent people (26.1% of the rural population was indigent in 2008, but without social transfers it would have been 41.3%).
Colombia	The General System of Social Security in Health	Universal health coverage	90% of the population	<ul style="list-style-type: none"> • Facilitated the use of health services, especially among the poorest population and the rural population; • Reduced poverty by more than 2% and inequality by more than 3%.

TABLE 4: Social protection programmes in the global South: examples of assessed impact
(continued)

Country	Programme	Type	Coverage	Impact
India	Mahatma Gandhi National Rural Employment Guarantee Scheme	Wage employment programme	52.5 million households	<ul style="list-style-type: none"> • Increase in minimum wages for agricultural labourers; • Decreased out-migration from villages; • Women's empowerment; • Positive impact on the geographical-ecological environment.
Mexico	Oportunidades (Human Development Programme)	Conditional cash transfer	25% of the population	<p>Positive effects on:</p> <ul style="list-style-type: none"> • Education in rural areas: including increase in attainment; • Health: including increased preventive medical check-ups, 11% reduction in maternal mortality and 2% reduction in infant mortality; • Nutrition: including increase in the absolute height of children and families' increased total consumption.
Rwanda	Vision 2020 Umurenge Programme	Public works, direct support and financial services	9,692 households benefited from direct support transfers – 78,004 benefited from public works	<p>Ongoing evaluations:</p> <ul style="list-style-type: none"> • Reduced poverty; • Contributed to improvements in human poverty dimensions (such as education, health, food security and nutrition), community asset development, the environment and social participation.
South Africa	Child Support Grant	Means-tested non-contributory cash transfer	10 million children – take-up rate ranges between 78% and 80% of the children who are eligible	<ul style="list-style-type: none"> • Reduced the poverty gap by 28.3%; • Reduction of income inequality (all three social grants – old-age pension, disability grants, child support grant – lower the Gini coefficient by 3%.)
Thailand	Universal Coverage Scheme	Universal health care	80% of the population	<ul style="list-style-type: none"> • 88,000 households in 2008 were prevented from falling below the poverty line; • Increased access to care; • Increased quality of care.

Source: reproduced from: Sharing Innovative Experiences - Successful Social Protection Floor Experiences / Special Unit for South-South Cooperation, UNDP, 2011, pp. 15-16.

A range of other targeted livelihood measures can also play an important role in increasing resilience to forced labour among specific groups of vulnerable individuals and communities. The main government anti-poverty agency in Mauritania, for example, supports the construction schools and income-generating activities in poverty-stricken areas, focusing particularly on communities of slave descendants and groups vulnerable to exploitation. A pilot project Brazil is designed to eliminate the role of informal intermediaries who are often the first link in the slave labour chain, by promoting employment in rural areas.¹²⁸ The Government of India, as part of a broader effort to disrupt the cycle of poverty and indebtedness that can lead to bondage among migrant brick kiln workers, is extending them access to various household entitlements and benefits that they were previously denied because of their status as inter-state migrants. These include subsidized food, health and life insurance, mother tongue education, health camps, mobile legal aid, housing, and other benefits.¹²⁹

ADDRESSING SKILLS DEFICITS

The Forced Labour Recommendation highlights the importance of skills training programmes for at-risk population groups to increase their employability and income-earning capacity. Training programmes can be especially important for prospective migrants — improving employability in the domestic labour market they can help reduce employment-

related pressures to migrate, although myriad other factors can also underlie migration decisions. Education and training can also help facilitate good job matches for migrants in destination countries and help them to avoid forced labour and other abusive job situations.

Training needs to be responsive both to the diverse requirements of informal economy workers *and* to the evolving demands of the labour market. Priorities should include reforming formal training systems so they are more open to informal economy workers and establishing better linkages with employers in the design and provision of training. Informal apprenticeship schemes have also shown considerable promise in imparting skills in the informal economy in many developing countries, and particularly in Africa.¹³⁰

Skill accreditation is another important priority. The ability of many informal economy workers to move up the skills ladder is constrained by the fact that skills acquired through experience, on-the-job training, and apprenticeship are not recognized in formal labour markets or by training institutions. Bangladesh offers an instructive model in this area. It has established a National Technical and Vocational Qualifications Framework to encourage accreditation for skills acquired through work in the informal economy by providing benchmarks for skills attainment, alignment, and recognition. Other interesting examples of the recognition of prior learning are offered by Benin, Ghana, South Africa, and the United Republic of Tanzania.¹³¹



PROTECTION, REMEDIES AND ENFORCEMENT

Ensuring that people are released and enabled to recover from their subjection to forced labour, and that perpetrators are brought to justice.

Protection of people of subjected to forced labour, remedies, and enforcement constitute the other key pillars of a comprehensive response to forced labour outlined in the Forced Labour Protocol and Recommendation.

The **protection** of those who have endured forced labour has multiple dimensions. Protection begins with the timely identification of people in forced labour, as failure to identify them is likely to result in further denial of their rights and expose them to continued forced labour. But the obligation to protect extends beyond their initial identification and release, encompassing additional measures for immediate assistance recovery, rehabilitation, and support, with special consideration for needs of children and migrant workers. Protection also means that persons in forced labour should not be prosecuted or punished for offences committed as a direct consequence of their situation. **Remedies** start with ensuring their access to justice and include compensation for injury, loss or harm — material or moral — sustained

through forced labour. **Enforcement** — the effective administration of criminal and labour justice — involves measures to ensure that laws and regulations governing forced labour are effectively applied.

These three policy pillars are related and mutually reinforcing. Together they aim to ensure that persons in forced labour are released and enabled to successfully rebuild their lives following their ordeal, and that perpetrators are brought to justice. While they relate primarily to people already victimized, these policy pillars can also have an important preventive function — better identification and protection can help prevent re-victimization, while higher rates of prosecution can help deter would-be offenders.

The key provisions relating to protection, remedies, and enforcement contained in the Forced Labour Protocol and Recommendation are summarized in Table 5 and are discussed in more detail in the following sections.

TABLE 5: Protection, remedies, and enforcement: key provisions contained in the Forced Labour Protocol and Recommendation

Thematic Area	Provisions ^(a)	Policy Branch	Reference
Protection: identification and release	Strengthening efforts to identify people in forced labour.	Justice, Labour administration	R203, para. 13(d)
	Targeted efforts to identify and release people in forced labour.		R203, para. 5(1)
	Developing indicators of forced labour for use by relevant actors.		R203, para. 13(d)
Protection: regular collection of forced labour information and statistics	Regularly collecting, analysing and making available reliable, unbiased and detailed information and statistical on the nature and extent of forced labour.	Statistics	R203, para. 2(1)
Protection: immediate assistance and long-term rehabilitation	Ensuring adequate and appropriate accommodation.	Health, Social Welfare	R203, para. 9(b)
	Provision of health care, including both medical and psychological assistance, as well as provision of special rehabilitative measures for people in forced labour, including those who have also been subjected to sexual violence.		R203, para. 9(c)
	Provision of material assistance.		R203, para. 9(d)
	Provision of social and economic assistance, including access to educational and training opportunities and access to decent work.		R203, para. 9(f)
	Protecting the safety of victims as well as of family members and witnesses, as appropriate.		R203, para. 9(a)
	Protecting the privacy and identity of victims.		R203, para. 9(e)
Protection: measures for children	Access to education for girls and boys.	Education, Social Welfare	R203, para. 10(a)
	Appointment of a guardian or other representative, where appropriate.		R203, para. 10(b)
	Ensuring a presumption of minor status, pending age verification, when the person's age is uncertain but there are reasons to believe him or her to be less than 18 years of age.		R203, para. 10(c)
	Reuniting children with their families, or, when it is in the best interests of the child, providing family-based care.		R203, para. 10(d)
Protection: measures for migrants	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.	Labour, Interior, Migration	R203, para. 11(a)
	Provision of temporary or permanent residence permits and access to the labour market.		R203, para. 11(b)
	Facilitation of safe and preferably voluntary repatriation.		R203, para. 11(c)

TABLE 5: Protection, remedies, and enforcement: key provisions contained in the Forced Labour Protocol and Recommendation (*continued*)

Thematic Area	Provisions ^(a)	Policy Branch	Reference
Protection: unconditionality and freedom from prosecution	Ensuring that protective measures are not conditional on the victim's willingness to cooperate in criminal or other proceedings.	Justice	R203, para. 5(2)
	Ensuring that people in forced labour are not subject to prosecution or penalties for their involvement in unlawful activities that they have been compelled to commit as a direct consequence of being subjected to forced labour.		P029, Art.4(2); R203, para. 7
Remedies, such as compensation	Ensuring that all who have endured forced labour have access to justice and other appropriate and effective remedies, such as compensation for personal and material damages.	Justice, Labour Administration	P029, Art.4(1); R203, para. 12
	Providing that those freed from forced labour can pursue compensation and damages from perpetrators, including unpaid wages and statutory contributions for social security benefits.		R203, para. 12(b)
	Ensuring access to appropriate existing compensation schemes.		R203, para. 12(c)
	Providing information and advice regarding legal rights and the services available, as well as access to legal assistance, preferably free of charge.		R203, para. 12(d)
	Providing that people who have endured forced labour, both nationals and non-nationals, can pursue appropriate administrative, civil and criminal remedies in the State where the violation occurred.		R203, para. 12(d)
Enforcement of laws and regulations	Strengthening the enforcement of national laws and regulations and other measures.	Justice, Labour Administration	R203, para. 13
	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.		R203, para. 13(a)
	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.		R203, para. 13(b)
	Ensuring that legal persons can be held liable for the violation of the prohibition to use forced or compulsory labour.		R203, para. 13(c)

Note: (a) For the full text of the provisions, see P029 - Protocol of 2014 to the Forced Labour Convention, 1930 at http://www.ilo.ch/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:P029; and R203 - Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203) at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:3174688.



Protection: promoting safe recovery and preventing re-victimization

The Forced Labour Protocol and Recommendation call for effective protective measures to meet the needs of all persons in forced labour for both immediate assistance and long-term recovery and rehabilitation, with special consideration for needs of children and migrant workers who have endured forced labour.¹³² Protection services can play a vital role in helping those formerly in forced labour rebuild their lives and to avoid reverting to the vulnerable situation that led to their victimization in the first place. Protection as defined by the Forced Labour Protocol and Recommendation also encompasses measures to ensure that people are not be prosecuted or punished for offences committed as a direct consequence of their situation of forced labour. The two instruments make clear that this protection should not be conditional on cooperation with the authorities in legal proceedings,¹³³ but the provision of protection services makes it more likely that those freed from forced labour will do so.

ENSURING TIMELY IDENTIFICATION AND RELEASE PEOPLE IN FORCED LABOUR

The identification of those in forced labour, the necessary starting point for protecting them, is difficult for a number of reasons. Unscrupulous employers have a strong incentive to conceal forced labour situations to avoid sanctions, and therefore to locate production in remote or hidden sites. In other instances, the nature of production, e.g. mining or timber logging camps, entails remote, difficult-to-reach locations. Those in forced labour may themselves be reluctant to come forward to seek help out of distrust of the system, or due to fear of deportation or prosecution, even when the information and services they would need to do so are available. A lack of awareness or cultural acceptance can mean that some forms of forced labour, for example, hereditary

slavery or other deeply ingrained forms, are not recognized as such, either by the aggrieved people themselves or by the system that should ostensibly be helping them. There are a number of emerging practices designed to help address these challenges and strengthen identification.

Forced labour complaints mechanisms

Complaints mechanisms that enable those in situations of forced labour to self-identify and seek protection and remedies represent one institutional model for increasing the number of people in forced labour who are identified and protected.

In Myanmar, such a mechanism provides residents the ability to lodge complaints alleging the use of forced labour and, with the assistance of the ILO Liaison Officer, an opportunity to seek redress and/or remedies from the government authorities in full confidence that no retaliatory action will be taken against them. Complaints can be registered through a local government representative at the village, township, or district level, or directly with the ILO Liaison Officer.¹³⁴ Prompt and transparent intervention in response to complaints has contributed to growing confidence on the part of workers in using the mechanism without fear of retribution, in turn contributing to a significant increase in the number of formal complaints of forced labour in the country.¹³⁵

A number of other countries have set up hotlines and text message services that allow people to register anonymous complaints of forced labour. In Argentina, for example, the 2008 Human Trafficking Law mandated the government to establish a 24-hour text message and telephone hotline for anonymous complaints of suspected cases of trafficking. Peru also has a hotline to report cases of human trafficking, which is managed by the

PANEL 22 Addressing forced labour in Myanmar



Myanmar has taken a series of legal, policy, administrative, and other measures to address different forms of forced labour, with extensive ILO assistance. These efforts relate in particular to state-imposed forced labour, but also include other modern forms of forced labour and human trafficking.

Within the framework of a new Constitution, a military government gave way to a civilian one in 2011. In March 2012, Parliament adopted a new law making the use of forced labour by any party a criminal offence punishable under the Penal Code. The law contains a definition of forced labour drawn from the text of the ILO Forced Labour Convention No. 29 and replaces the previous law and directives concerning the use of forced labour. In the same month, a Memorandum of Understanding was reached between the government and the ILO, agreeing to a structured time-bound plan of action with the objective of achieving the elimination of all forms of forced labour. In May 2013, in a widely publicized announcement, the President confirmed the government's non-acceptance of forced labour in any form, observing that the new law was of general application to all sectors of society including the government and the military.

While progress has been gradual, changes in governance structures, the introduction of clear legislation, the adoption of new procedures, increased accountability, and military orders making the use of forced labour a criminal offence have together worked to influence practices relating to forced labour. And within this broader context of reform, the complaints mechanism and related awareness-raising programmes have played key roles in bringing forced labour concerns to the attention of the military and civil authorities and in promoting action addressing these concerns. The complaints mechanism is providing an important standard for impartiality, transparency, and consistency, which are in turn critical for the rebuilding of labour relations and justice systems in the country.

However, the fight against state-imposed and other forms of forced labour in Myanmar has not yet been won. The ILO observed in early 2017 that, although the incidents of forced labour reported through the complaints mechanism have fallen, there were persistent issues with underage recruitment, the use of civilians for portering and sentry duty, land and crops confiscation, forced cropping, some public works in conflict areas, and prison labour. There were also ongoing concerns about the exaction of forced labour by the military in conflict areas, such as Kachin, Northern Shan, Rakhine States, and the Sagaing Region. An important foundation has been set for ending all forms of forced labour Myanmar, but continued efforts and vigilance are needed to make this objective a reality.

Ministry of Interior. Other examples of hotlines can be found in countries including Jordan,¹³⁶ the United Arab Emirates,¹³⁷ the Philippines,¹³⁸ and Indonesia.^{139, 140} Experience to date suggests that critical ingredients to the success of these initiatives include 24-hour availability,

trained operators able to speak the languages of the migrant workers and to properly refer cases, and effectively disseminating information about the presence of the hotlines to vulnerable workers.

PANEL 23 Digital Observatory of Slave Labour in Brazil



The Digital Observatory of Slave Labour was launched in 2017 as part of a broader international technical cooperation initiative between the Public Labour Ministry and the International Labour Organization in Brazil focused on promoting transparent, evidence-based, and results-oriented public policies on decent work.

The Observatory is a first-of-its-kind platform with visualization tools on slave labour facilitating access to data previously lost in governmental databases or in difficult-to-read yearbooks.

The Observatory combines data from multiple sources, including administrative data, census data, household information, and data from the ILO's System of Municipal Indicators on Decent Work. It contains data from 2003, when Brazil's first National Action Plan for the Eradication of Slave Labour was launched, to 2018. Data on rescued victims was compiled through administrative records of rescues and of the special unemployment insurance given to these workers.

Among its highlights, the Observatory allows users to check information on geographical prevalence of slave labour in Brazil, through illustrative maps and datasets, in three main areas: (1) government actions, through the display of places of government inspections, number of establishments found using slave labour, number of persons rescued from child labour and forced labour, and identification of whether a given municipality has a municipal action plan on slave labour; (2) characteristics of rescued workers, such as their sector, occupation, education, nationality and place of residence; and (3) relevant geographical characteristics, through the display of related disaggregated labour market and social indicators, and administrative information on public spending on social programmes in the regions.

The visualization tools and the multiple variables available for download allow users to study forced labour in a more detailed and targeted manner. It permits, for example, the identification of geographic patterns, such as those related to internal migration flows or to where forced labour is concentrated. It also enables the analysis of factors contributing to the vulnerability of workers, such as their socioeconomic condition in places of origin (in case of migration) or residence, or their proximity to places where labour abuses occur.

It is expected that the quantitative and qualitative information obtained from the Observatory will inform the development of new evidence-based initiatives and increase the efficiency and effectiveness of existing actions at all levels of government (federal, state, and municipal). Through the production and dissemination of critical information and knowledge, it will also be of direct relevance to the work of NGOs, private sector institutions, academia, and other groups concerned.

Adapted from: Observatório Digital do Trabalho Escravo, <https://observatorioescravo.mpt.mp.br/>

SYSTEMS FOR THE REGULAR COLLECTION OF FORCED LABOUR INFORMATION AND STATISTICS

The forced labour population can be fluid in terms of both numbers and forms. Accordingly, systems for the regular collection of forced labour statistics that offer real-time information on changes in forced labour prevalence and characteristics are critical to guide identification of forced labour cases and follow-up efforts.

In many countries, this can mean **consolidating existing information systems** rather than building new ones. Data collection systems that track at least some of the different facets of forced labour, e.g. the information systems of the judiciary, the police, the labour inspectorate, or immigration department, often already exist but are controlled by different government bodies, are not coordinated, and therefore do not provide the needed consolidated picture of forced labour and how it is changing over time.

The **Digital Observatory of Slave Labour in Brazil** represents one important model of a consolidated information system on forced labour. A joint undertaking of the Brazilian Federal Labour Prosecution Office and the ILO, the Observatory applies data science principles to bring together information from a number of national databases — previously available only as difficult-to-access stand-alone systems or statistical yearbooks — to create a comprehensive and accessible system. The Observatory combines statistics on indicators — including prevalence, inspections, and rescues — with geospatial information, profiles persons in forced labour, and local decent work indicators to provide actors involved in identification and other protection services with a rich set of data upon which to guide their efforts (see also Panel 23).

ENGAGING FRONTLINE ACTORS IN IDENTIFICATION EFFORTS

A particularly important strategy for strengthening victim identification is the active engagement of the wide range of frontline actors who come into contact with people subjected to forced labour.

The Forced Labour Protocol and Recommendation highlight the especially important role of **labour inspectors** in this regard, as their unique access to workplaces means that they are often among the first actors to encounter situations of forced labour. **Police officers and other frontline law enforcers** are also instrumental in detecting forced labour. It is critical that these groups have the mandate and training to fulfil their victim identification — and protection and enforcement roles — effectively, as discussed in more detail later in this chapter. They must be able to recognize the first signs of a potential situation of forced labour when speaking with a witness or worker, or when conducting a labour inspection or police raid, and must have the legal authority to follow up identified cases.

The role of **trade unions** is also critical. They can inform their members about forced labour and its warning signs and these members can then in turn identify co-workers who may be affected and help them obtain assistance. An effort in Kenya, for example, saw the Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and Allied Workers, in cooperation with the AFL-CIO Solidarity Center, train shop stewards and educate union members in the tourism sector about the risks of trafficking and warning signs of trafficking. The initiative resulted in a significant rise in the number of people identified and rescued from trafficking situations.¹⁴¹ Hotlines and text message services, discussed above, which can help people self-identify and seek assistance, are also in many instances set up and run by trade unions (for example, the Trade Union Congress of the Philippines). Union-run migrant drop-in support centres can play a similar role.

There are also a wide range of other frontline actors relevant to identification efforts. In Peru, for example, an initiative has begun with ILO support to **train public transit supervisors** so that they can in turn train transit operators to identify and refer suspicious situations. In Bangladesh and Nepal, **community watch** groups help in alerting local authorities about visits by strangers promising employment. In Macedonia, the government has provided advanced training to **social workers** on identification of forced labour and dispatched them to conduct proactive identification efforts at border crossings and migrant and refugee camps. Other contexts see actors including immigration officers, public health workers, employers' organizations, non-governmental

organizations, civil society groups, embassy personnel, and members of the religious community active in identification efforts.

However, reviews of country experience indicate that the effectiveness of these groups is limited by the fact that they rarely work in concert and that they lack a common understanding of forced labour or the process for its identification and follow-up. A lack of a standardized system of identification can in turn result in an uncoordinated patchwork of actions that leave out important vulnerable population groups, economic sectors, or geographic areas.

PANEL 24

Detecting forced labour: 11 operational indicators



Operational indicators of forced labour represent common warning signs or clues that point to the possible existence of a forced labour case. Such indicators can help frontline criminal law enforcement officials, labour inspectors, trade union officers, NGO workers, and others to identify persons who may be trapped in a forced labour situation, and who may therefore require urgent assistance.

The ILO, based on extensive practical experience and research in the forced labour field, and within the framework of the definition of forced labour specified in the ILO Forced Labour Convention, 1930 (No. 29), has identified 11 core operational indicators of forced labour:

1. Abuse of vulnerability
2. Deception
3. Restriction of movement
4. Isolation
5. Physical and sexual violence
6. Intimidation and threats
7. Retention of identity documents
8. Withholding of wages
9. Debt bondage
10. Abusive working and living conditions
11. Excessive overtime

The presence of a single indicator in a given situation may in some cases imply the existence of forced labour. However, in other cases one may need to look for several indicators which, taken together, point to a forced labour case. Overall, the set of 11 indicators covers the main possible elements of a forced labour situation, and hence provides the basis to assess whether or not an individual worker is a victim of this crime.

Source: ILO Indicators of Labour, ILO Special Action Programme to Combat Forced Labour, Pamphlet, Geneva, 2012 (http://www.ilo.org/wcmsp5/groups/public/---ed_norm/-/declaration/documents/publication/wcms_203832.pdf).

Operational indicators of forced labour

The Forced Labour Recommendation calls for the development of **operational indicators of forced labour** to serve as a common framework for the range of actors involved in identifying possible cases, screening, and making a final determination as to whether or not a case constitutes forced labour.¹⁴² The ILO, based on extensive practical experience and research in the forced labour field, has developed a list of 11 core operational indicators for detecting forced labour (see Panel 24).¹⁴³ The ASEAN¹⁴⁴ and COMMIT¹⁴⁵ member States have developed a more detailed set of common indicators specifically designed for use by first responders in identifying trafficked persons and associated forms of abuse. The indicators relate to key visual signs warranting further inquiry and to basic screening questions for use in follow-up interviews with those who may have been affected.¹⁴⁶ Both the ILO and ASEAN/COMMIT initiatives are intended as a starting point for countries to develop their own bespoke identification frameworks for local application.

A number of countries have developed and disseminated their own lists of indicators to help frontline actors in identification of forced labour cases. Almost all, however, relate to trafficking rather than to forced labour generally. In Mongolia, for example, investigators from the national police agency employ an 11-question checklist to assess trafficking risk in order to identify instances of forced labour among vulnerable populations.¹⁴⁷ In Macedonia, the government has introduced indicators of potential trafficking cases in mixed migration flows and has standardized

identification procedures based on these indicators.¹⁴⁸ In the United Kingdom, the National Crime Agency has issued an alert containing potential indicators of slavery and human trafficking for use by bank employees in their dealings with customers.¹⁴⁹ The European Union has issued guidelines for the identification of persons in forced labour for use especially by consular services and border guards.¹⁵⁰ Norway has designed indicator lists and tools for identifying adults and children in forced labour for use by specialist agencies and voluntary agencies.¹⁵¹

National referral mechanisms

Establishing coordination and standardized procedures across the diverse array of actors involved in protection is also critical. National referral mechanisms (NRMs) offer one means of achieving this. An NRM is a cooperative framework through which state actors fulfil their obligations to protect and promote the human rights of people in situations of forced labour or trafficking, coordinating their efforts in a strategic partnership with civil society and workers' and employers' organizations. The structure of NRMs varies in each country, but most are designed to formalize cooperation among government agencies, trade unions, non-government groups, and other actors dealing with forced labour and trafficked persons.



The National Referral Mechanism model originated in Europe but is increasingly being applied in other world regions.

55
TOTAL
COUNTRIES

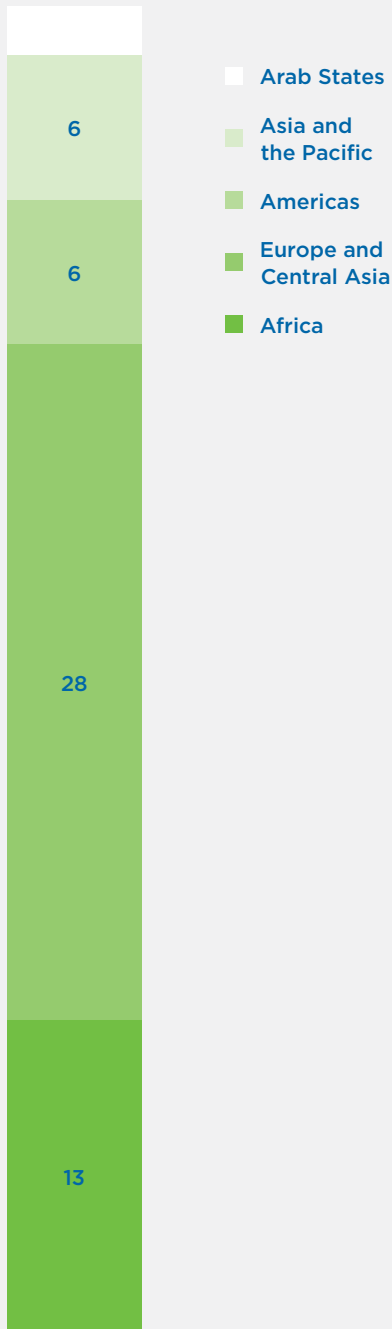


FIGURE 9: Countries with national referral mechanisms

The NRM model originated in Europe but is increasingly also being applied elsewhere. The review undertaken for this report identified a total of 55 countries with NRMs worldwide, of which 28 were in Europe and Central Asia and 13 in Africa (see Figure 9). Mauritania is a recent example. There, as a first step in the process of setting up an NRM, stakeholders have been brought together in workshops to develop a new and shared understanding of the challenges and measures to identify and protect people in forced labour. In Lao People's Democratic Republic, the government adopted the robust identification and referral procedures contained in the Coordinated Mekong Ministerial Initiative Against Trafficking and established a national referral mechanism in accordance with the 2016 anti-trafficking law. The NRMs of Croatia and the Republic of Moldova involve multi-disciplinary mobile teams charged with identifying and following up people in forced labour. Other countries recently reporting having established national referral mechanisms include Armenia, Nigeria, and Greece.¹⁵²

Standardized procedural guidelines are another important element to improved identification. In Nigeria, for example, the National Agency for the Prohibition of Trafficking in Persons and Other Related Matters has formal written procedures to guide law enforcement, immigration, and social services personnel in proactive identification of trafficked persons among high-risk populations. In Haiti, the 2014 Anti-Trafficking Law tasked a Trafficking in Persons Commission to develop standard operating procedures to guide officials in the identification and rehabilitation of trafficked persons.

ENSURING IMMEDIATE ASSISTANCE AND LONG-TERM RECOVERY AND REHABILITATION

The Forced Labour Recommendation calls on member States to take “the most effective protective measures to meet the needs of all victims for both immediate assistance and long-term recovery and rehabilitation”. Social and economic assistance, including access to educational and training opportunities and access to decent work, are cited in the Forced Labour Recommendation as measures for promoting recovery and rehabilitation.

Implementation of protection measures

The review undertaken for this report points to substantial implementation gaps relating to the provision of these protection measures. As shown in Figure 10, most countries provide basic assistance, such as temporary shelter (159 countries) and health care and psychological counselling (121 countries), but fewer provide services such as vocational training (71 countries) or financial assistance (40 countries) designed to ensure the long-term reintegration of people exposed to forced labour and to prevent their re-victimization. Countries offering a comprehensive package of interventions encompassing *both* the immediate and longer-term needs of those who were in forced labour are even rarer. Indeed, only 34 countries have activities in all five intervention areas. The review suggests that coverage is also an issue even when protection services technically exist. Assistance commonly focuses on trafficked persons specifically rather than on all persons who were in forced labour,¹⁵³ and, while generally not explicitly restricted to women and children, in practice protection services primarily focus on these two groups and not on men.

Mapping protection services

A key starting point in strengthening protection services is better information on existing protection services, their typology and the locations where they are concentrated, so that local service gaps can be identified and addressed. Protection involves an array of

actors and systematic information on their respective activities is typically lacking. Peru, for example, has undertaken a mapping of existing recovery and rehabilitation services — applying criteria including service category, target population, location, coverage and budget — to inform the development of a recovery strategy for those subjected to forced labour.

Such information can also be useful for linking them with services that may already be available where they live and about which they are unaware. An effort in Mauritania in this context is developing a detailed directory of organizations and institutions that can provide services to those escaping from forced labour. The directory, covering services in the areas of orientation, administrative support, legal, and psychological assistance, will be translated into five languages, printed, and made publicly available. Annual information sessions on the directory will be organized for identified persons in forced labour.

Mainstreaming longer term rehabilitation and recovery protection services into existing public services

The review of protection measures also indicates that many countries prioritize immediate assistance over longer term rehabilitation and recovery, and implementation gaps are therefore largest relating to the latter. One cost-effective strategy employed in a number of countries for improving the access of those freed from forced labour to rehabilitation and recovery services is to leverage existing public services and programmes in these areas.

In Brazil, for example, people formerly in forced labour are provided state unemployment benefits corresponding to three months’ minimum wage employment. They are also given priority access to *Bolsa Familia*, the federal programme for income redistribution involving various types of conditional cash transfers. In Peru, a pilot scheme is being developed by the Ministry of Labour with ILO support that will see people freed from



While most countries provide basic immediate assistance to people released from forced labour, far fewer provide services designed to ensure long-term reintegration and recovery.

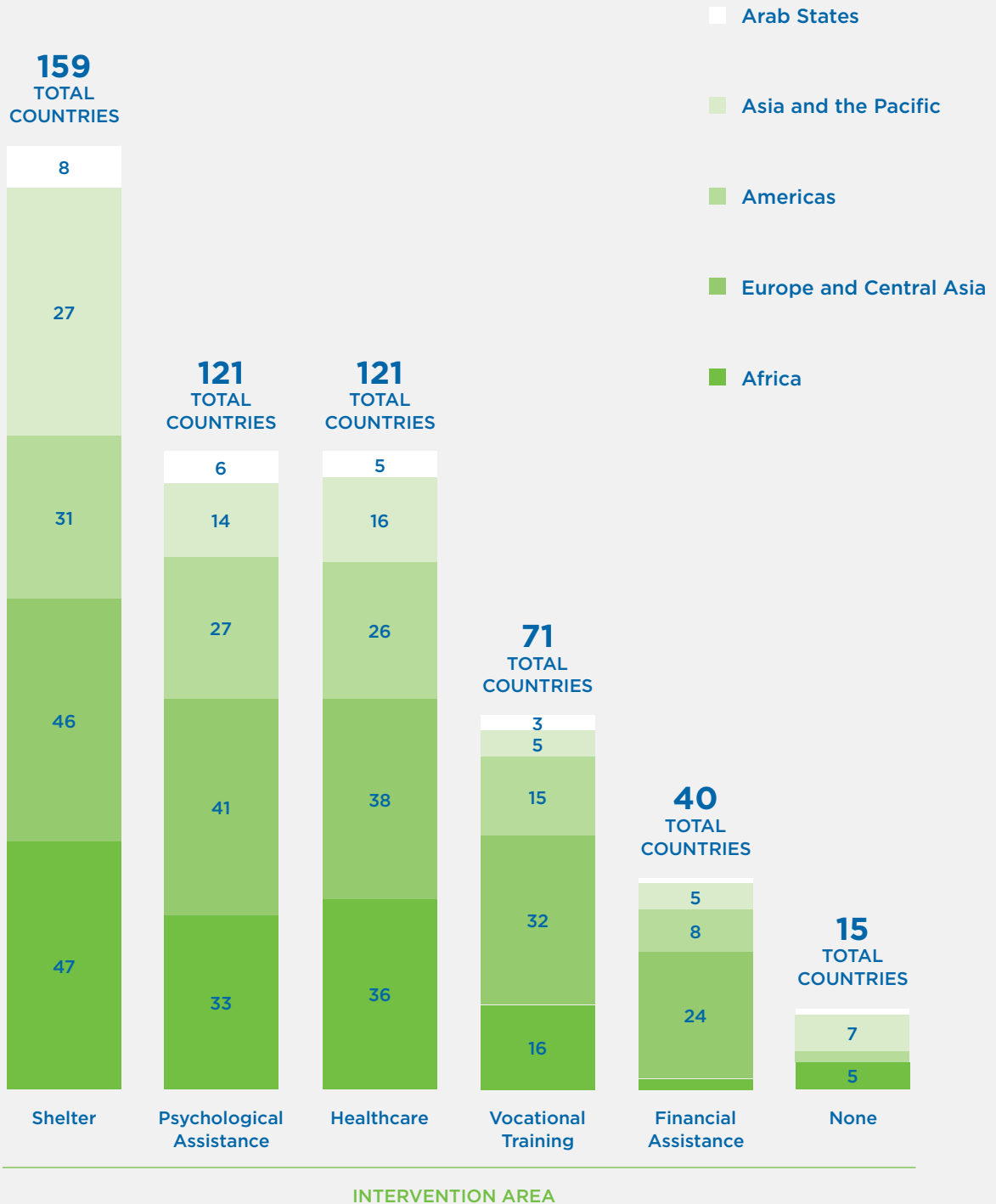


FIGURE 10: Protection Measures

Note: Some of the countries counted as providing shelter to people released from forced labour did not provide shelter to all of the released population, e.g. some provided shelter to only women and children. The quality of the psychosocial and health care assistance provided was not taken into account, nor was the adequacy of the financial assistance. The figures indicate whether the services are available but do not take into account who is responsible for providing them. In many cases, protection is funded and/or organized by international or national NGOs with some, little, or no contribution from the State.

forced labour incorporated into the existing employment and training programmes of the National Fund for Labour Training and Employment Promotion.¹⁵⁴ The same initiative will support their labour market insertion through public-private partnerships. In Mauritania, “workshop schools”, which follow a dual training approach combining formal vocational training with apprenticeships in private firms, are being adapted to also incorporate people who were in forced labour.

Targeted rehabilitation and recovery programmes

Other countries have embarked on specially targeted rehabilitation and recovery programmes for people freed from forced labour. In India, for example, under the revised Central Sector Scheme for Rehabilitation of Bonded Labourers, each person identified and released from bonded labour is eligible for a rehabilitation grant. The revised scheme also includes, *inter alia*, provisions for employable skill development training for released adults and provisions for education, psychosocial support, and skills development for released children.¹⁵⁵ In Bolivia, the Guarani people in servitude on remote farms in the Chaco region are supported through measures including, in some instances, land distribution upon their release.¹⁵⁶

In Nepal, liberated bonded labourers are supported to set up micro-enterprises and other income-generating activities through vocational training and related skills development programmes. Government efforts are complemented by groups such as the General Federation of Nepalese Trade Unions, which, in cooperation with other trade unions and international actors, provides a variety of rehabilitation programmes for freed bonded labourers (for example, social empowerment workshops, skills training, classes for children that have never been to school before, and programmes to promote the unionization of freed farmers).¹⁵⁷

MEETING THE SPECIAL PROTECTION NEEDS OF MIGRANTS

Migrant workers are confronted with a number of obstacles — legal, administrative, linguistic, cultural, and informational — in accessing protection services. This is especially the case for those whose immigration status is irregular, and who thus face the risk of detention or summary deportation. Internal migrants may also face unique difficulties if, for example, eligibility for services is dependent on residency in the place of origin. Ensuring that protection is extended to migrants therefore constitutes a particular challenge.

The Forced Labour Recommendation provides guidance in how this should be done. It states that countries should take protective measures for migrants subjected to forced 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; (b) provision of temporary or permanent residence permits and access to the labour market; and (c) facilitation of safe and preferably voluntary repatriation.¹⁵⁸

Special protection provisions for migrants

The review undertaken for this report suggests that much remains to be done in implementing these measures (Figure 11). Repatriation assistance is the most common measure, offered by 122 countries, but, critically, the extent to which repatriation is voluntary in these instances is not always easy to determine. A total of 103 countries reviewed provide temporary or long-term residence permits to allow those freed from forced labour to remain in the country. Sixty-nine countries provide work authorization to freed migrants, thereby enabling them to support to their own livelihoods and economic recovery. Just 41 countries, mostly in the EU, allow them

recovery and reflection periods. A total of 35 countries offer no special protection measures for migrants.

Moreover, restrictions in coverage may apply even when protective services are ostensibly available. Protective services often are limited to migrants identified as having been trafficked rather than to all who were subjected to forced labour. Services may also be conditional on their willingness to cooperate with law

enforcement, in direct contradiction to the guidance provided in the Forced Labour Recommendation (see discussion below).¹⁵⁹

There are a number of countries offering useful models for strengthening the protection offered to migrants who have endured forced labour. In Argentina, for example, amendments made in 2012 to the Human Trafficking Law include a provision granting repatriation services to trafficked persons if

Special protection measures for migrants freed from forced labour are lacking in many countries.

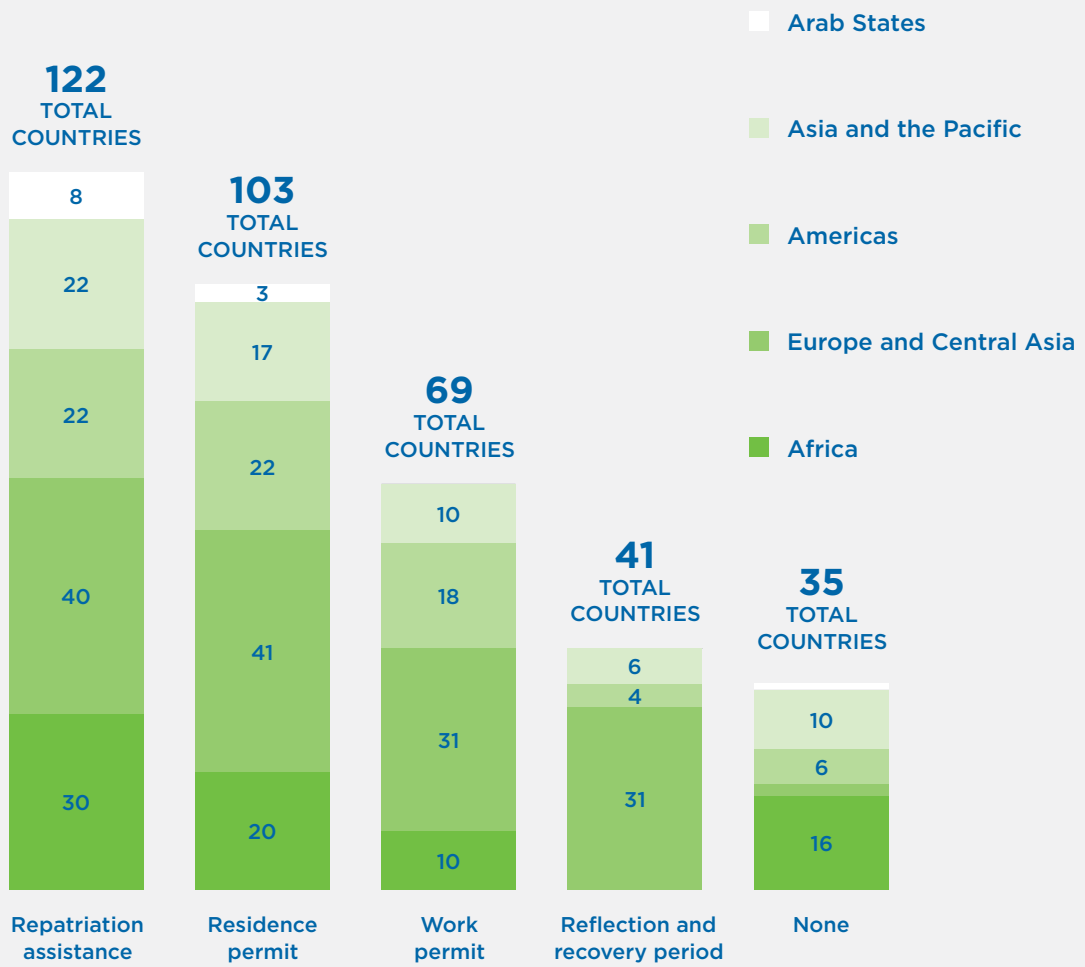


FIGURE 11: Special protection provisions for migrants in forced labour

Note: The figure shows the number of countries that provide the following services to migrants freed from forced labour: i) repatriation assistance, ii) residence permit, iii) work permit, and iv) a reflection and recovery period (before choosing whether to remain or be repatriated and whether to testify in court or not). Note that repatriation arrangements were counted in cases where the repatriation was both voluntary and non-voluntary, and work and residence permits were counted when unconditional and when conditional upon the person testifying in court or upon the successful conviction of the perpetrator involved. It also includes temporary and permanent residence permits. In many cases, assistance provided to persons freed from forced labour are paid for and/or organized by international or national NGOs with some, little or no contribution from the State; the numbers reflect whether the services are available in the country and does not take into account who is responsible for providing them.

they want to return to their home country or a non-conditional residency permit to stay in Argentina. For those choosing to stay, the amended law also provides guarantees of psychological support, medical care, housing benefits, and the option of entering into the education system. In Guinea-Bissau, legislation states that the person's safety, as well as the absence of a risk of re-trafficking, needs to be assured prior to repatriation. In countries including Canada, Bosnia Herzegovina, and Italy, a foreigner freed from forced labour or trafficking may be granted a residence permit on humanitarian grounds.¹⁶⁰

Ancillary support services can play a key role in helping migrants overcome the various barriers they face in obtaining protection. The networks of **Migrant Worker Resource Centres** that are operational in a number of Southeast Asian countries represent one vehicle for achieving this. The centres, established with ILO support, include as part of their service model referral to social protection services as well as legal assistance in seeking redress for labour abuses (see Panel 25).¹⁶¹ There are currently Migrant Worker Resource Centres running in 23 locations in Cambodia, Lao People's Democratic Republic, Malaysia, Myanmar, Thailand, and Viet Nam.

PANEL 25 Migrant Worker Resource Centres in Southeast Asia



Migrant Resource Centres (MRCs) serve as a focal point for migrants and potential migrants to obtain accurate information and counselling on safe migration and rights at work, countering misleading information provided by some unscrupulous brokers, agencies, and employers.

Counselling is provided at the MRC, through outreach activities, online, and over the phone. Information is also disseminated through broadcasts on local radio and television, job fairs, and seminars on safe migration in schools, vocational training centres, and in the community. In Viet Nam, the MRCs also store copies of contracts and passport information of migrants, as a record in case of problems in the destination workplace.

Migrants can receive assistance in settling grievances at the MRC. Some cases have been pursued through the legal system. In countries of origin, most complaints received relate to non-deployment, non-fulfilment of contract terms, and family members who have lost contact with migrants in destination countries. In countries of destination, the MRCs usually provide support in the recovery of unpaid wages and in accessing compensation for accidents suffered at work. Support at both ends of the migration process is a key feature of the MRC model. Several cases raised by service providers in Cambodia or Viet Nam have been resolved through consultation with service providers in Thailand and Malaysia.

MRC staff also work with local authorities to prevent and resolve problems. In Cambodia, district and commune officials have received training on safe and legal migration processes and provide this information to their communities and refer potential migrants to the local MRC. In Thailand, migrant community leaders are being trained to provide their peers with information and assistance. In Thailand and Malaysia, migrants are being organized as part of existing trade unions, and also forming their own networks. In November 2013, a Memorandum of Understanding was signed between Thai and Cambodian trade unions that includes enhanced cooperation in organizing migrant workers and resolving rights abuses.

Source: GMS TRIANGLE: Migrant Worker Resource Centres (MRCs) and the provision of support services, Mimeo, ILO and Australian Aid, December 2013.

MEETING THE SPECIAL PROTECTION NEEDS OF CHILDREN

The Forced Labour Recommendation also highlights the special protection needs of children who were subjected to forced labour and provides a framework for actions to meet them. It states that protective measures for children subjected to forced 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),¹⁶² 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.

A number of countries have adopted laws to ensure the best interests of children in these circumstances. In Singapore, for example, the 2015 trafficking law mandates some additional protections for children, including a requirement that their testimony be held via video conference. In the United Kingdom, the Modern Slavery Act provides for the appointment of Independent Child Trafficking Advocates (ICTA), to represent and support children within the legal system. In Trinidad and Tobago, the Trafficking in Persons Act, 2011, requires the Counter-Trafficking Unit to provide assistance to children “in a manner that is in the child’s best interest and appropriate to the child’s situation”.¹⁶³ Canada’s 2017 Anti-Trafficking Act stipulates that child’s interests must be protected in court proceedings.¹⁶⁴

Countries, including Georgia and the Czech Republic, have introduced special referral mechanisms for children in forced labour and trafficking situations. In Georgia, the mechanism expands the list of actors responsible for identification efforts of children, including schools, medical providers, art academies, and sports institutions. In the Czech Republic, a separate national referral mechanism for children and youth has been

established, through which publicly-funded NGOs provide assistance to children freed from forced labour in areas, such as shelter, food, clothing, and medical and psychological counselling.

Many countries also adapt assistance to the special needs of children. In Benin, for example, the government has a specialized unit dealing with criminal cases involving children that works with NGOs to coordinate placement of children freed from trafficking with host families, who provide additional care to children prior to reintegration into their home communities. Child-specific temporary shelter facilities or foster care arrangements are provided in countries including Belize, Belgium, Haiti, Indonesia, Mauritius, the Netherlands, Norway, Senegal, and Zambia. In some countries, shelters also offer children opportunities for temporary education. In other countries, including Bulgaria, Denmark, and Mauritius, children are able to attend local schools.

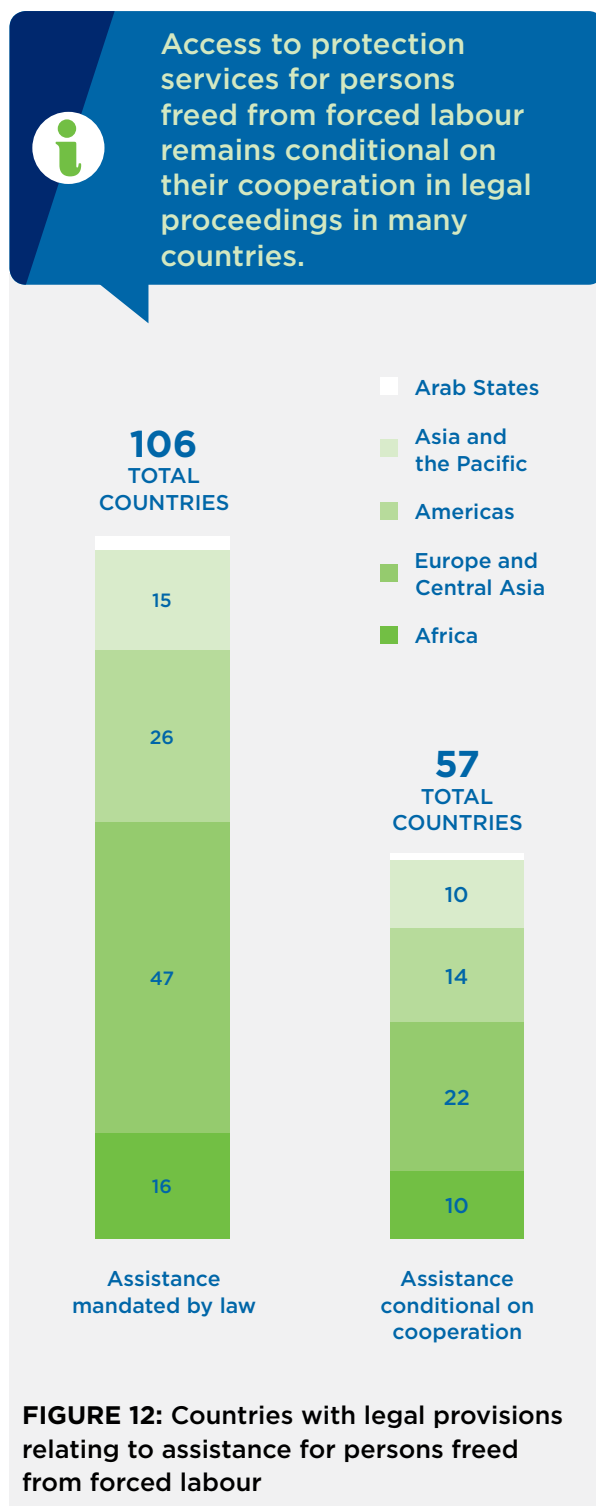
But applying these measures consistently across all countries and all groups of children freed from forced labour remains a challenge. Measures in many instances relate primarily to children who are trafficked for the purpose of forced labour; provisions dealing with children in other forms of forced labour are rarer. Providing appropriate protection measures for *migrant* children, and particularly for those who are unaccompanied and/or have irregular migration status, constitutes a particular priority. In Italy, for example, all children freed from trafficking and forced labour are given legal residence until they reach 18 years of age. Several countries, including the Democratic Republic of the Congo, Central African Republic, and Rwanda have special programmes for the care and rehabilitation of demobilized child soldiers, but this is another area where much more needs to be done. The Special Rapporteur on contemporary forms of slavery has also called for measures to restore the rights of children of ex-slaves, including birth registrations that include their national identity, reuniting children with their families and ensuring access to schooling.¹⁶⁵

ENSURING THAT THE PROVISION OF PROTECTION SERVICES IS NOT CONDITIONAL ON COOPERATION IN CRIMINAL AND OTHER PROCEEDINGS

The Forced Labour Recommendation states that while steps may be taken to encourage the cooperation of people who were subjected to forced labour in the identification and punishment of perpetrators, protection measures should not be conditional on such cooperation.¹⁶⁶ Those freed from forced labour may have legitimate reasons for not wanting to cooperate; they may be too traumatized from their experiences, for example, or fear retribution from their abusers. Other may still be under the thrall of an enduring social or psychological dependence on their slave masters after a lifetime of slave labour. The Forced Labour Recommendation underscores that such reasons should be respected, and that these people should not be denied protection if they chose not to cooperate.

In practice, the picture in terms of the conditionality of assistance to people freed from trafficking and forced labour is mixed. The EU Trafficking Directive is an important example of a good practice, requiring member States to take necessary measures to ensure that assistance and support for people freed from forced labour are not made conditional on their willingness to cooperate in the criminal investigation, prosecution, or trial.¹⁶⁷ But the review undertaken for this report indicates that of the total of 106 countries with laws mandating assistance, 57 link it to cooperation in criminal proceedings (see Figure 12).

Moreover, a closer look at laws in countries where assistance is ostensibly unconditional suggests that there are often exceptions. In some cases, only certain protection services are guaranteed by law, most notably the right for migrants to remain if they face hardship in their country of origin. In other cases, it is the length of time for which they can access protection provisions that is dependent on cooperation. Often, access to protection provisions is conditional upon cooperation with



the judiciary only for migrants who otherwise would face deportation or repatriation. Yet the biggest access barrier in many countries is not conditionality but rather the outright lack of services. In such circumstances, people freed from forced labour may be legally entitled to receive assistance unconditionally but there are no services available for them to exercise this entitlement.



A total of 132 countries have provisions ensuring freedom from prosecution and penalties, but actual state practice in this area remains far from consistent.

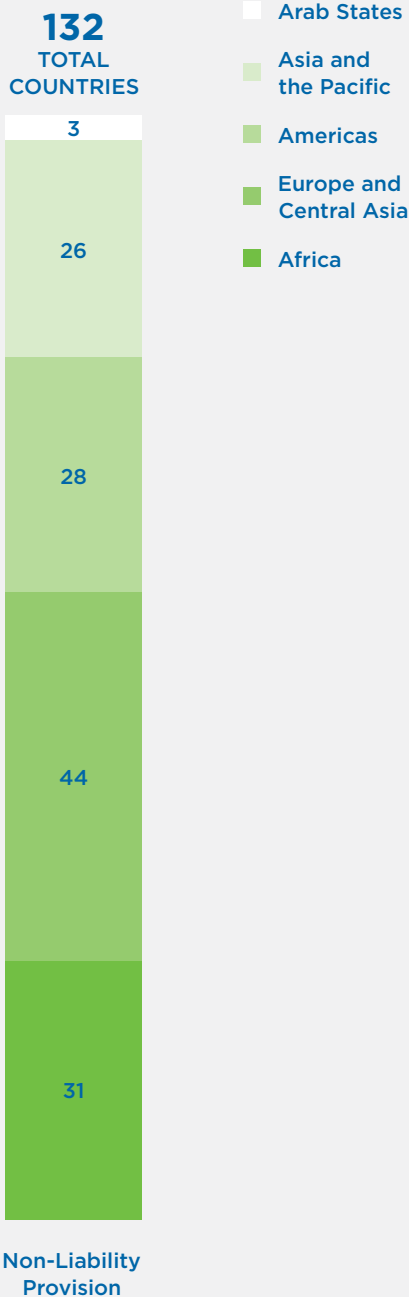
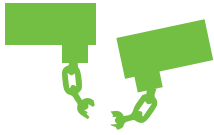


FIGURE 13: Countries reporting legal provisions for ensuring freedom from prosecution for victims

ENSURING FREEDOM FROM PROSECUTION AND PENALTIES

The Forced Labour Protocol and Recommendation also reaffirm the principle that people subjected to forced labour should not be prosecuted or penalized for unlawful activities they have been compelled to commit as a direct consequence of being subjected to forced labour.¹⁶⁸ Such unlawful activities could include, for instance, immigration-related infractions, such as irregular entry, or lack of residence or work permits. Unlawful prostitution, drug smuggling or harvest, theft, and making false statements are other examples of violations that people in forced labour may commit involuntarily because of their situation.¹⁶⁹ In addition to constituting a further abuse, prosecution or penalization discourages the people concerned from coming forward to get the help they need – even, in some cases, urgently-needed medical treatment – and from cooperating with law enforcement authorities in proceedings against perpetrators.

The review undertaken for this report indicates that a wide range of countries – 132 worldwide – now have legal provisions for ensuring that people subjected to forced labour are not prosecuted or penalized. But state practice in this area is far from consistent. Many such laws relate only to trafficked persons, and within this group, those committing immigration-related offences. In a number of conflict-affected countries, forced recruitment by armed groups is a category that is especially prone to prosecution and penalties for those who are subjected to it. Yet perhaps the biggest problem in terms of application is the common failure to identify persons in forced labour as such. Despite the presence of legal provisions relating to non-prosecution, many continue to be prosecuted because of the absence of indicators and mechanisms for confirming that they are in situations of forced labour.



Remedies: ensuring that persons in forced labour have access to appropriate remedies

The Forced Labour Protocol requires member States to ensure that all persons in forced labour have access to appropriate and effective remedies, such as compensation, irrespective of their presence or legal status in the national territory.¹⁷⁰ 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 to this recovery and, in so doing, help prevent their re-victimization. The remedy of rehabilitation can similarly help in recovery and reintegration after removal from forced labour. Obliging perpetrators to pay compensation to those they have harmed can also serve a punitive function and act as a deterrent for would-be offenders.

IDENTIFYING AND ADDRESSING LOCAL BARRIERS TO ACCESSING REMEDIES

The Forced Labour Recommendation outlines key measures for access to remedies. It calls on member States to ensure that all persons freed from forced labour have effective access to courts, tribunals, and other resolution mechanisms in order to pursue remedies; to provide that they can pursue compensation and damages from perpetrators; to ensure access to appropriate existing compensation schemes; and to provide information and advice regarding their legal rights and the services available.

A growing number of countries are adopting legislation and measures specifically relating to the rights to remedies of people freed from forced labour,¹⁷¹ but this too is an area where much remains to be done. A review undertaken for this report looking at the specific remedy of financial compensation shows that persons in



While people freed from forced labour have legal recourse to financial compensation in many countries, they commonly face significant obstacles to actually receiving awards.

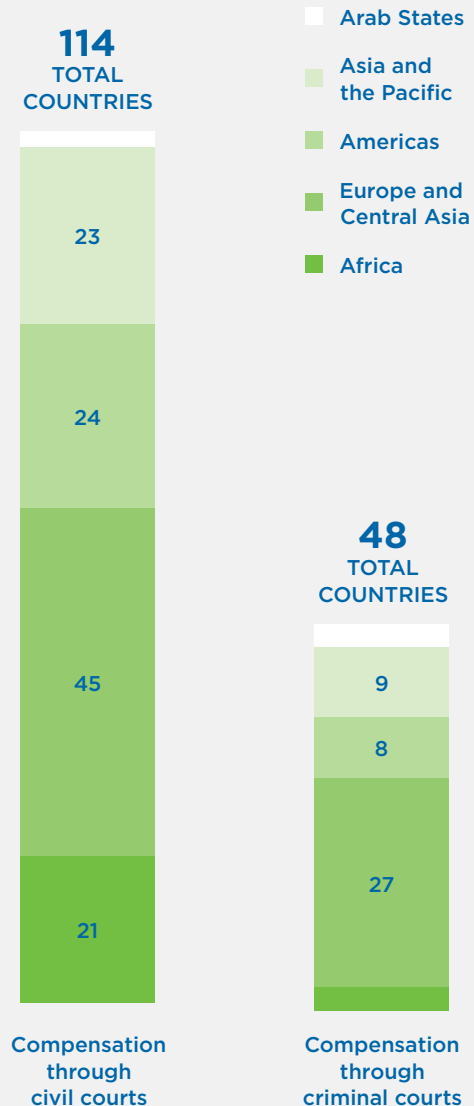


FIGURE 14: Number of countries where victims have legal recourse to compensation

forced labour have legal recourse to financial compensation, including unpaid wages, through civil courts in a total of 114 countries. In 48 countries, laws permit the awarding of financial compensation to persons freed from forced labour following convictions in criminal courts. In some countries it is possible for them to access compensation through both civil and criminal proceedings.

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, the review indicated that 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. A lack of knowledge concerning the assistance and support services available to them is an important related obstacle. They may also be unable to afford the direct cost of legal assistance or the indirect cost of a prolonged legal process.

This discussion points to the importance of additional ancillary measures to address these obstacles. Identifying the specific local barriers to accessing remedies is a key starting point for designing such measures. In Nepal, with this aim in mind, an information sharing platform has been organized with ILO support for stakeholders who are normally the first point of contact for people freed from forced labour — including labour lawyers, representatives of major trade unions, and key NGOs. The platform is used to share lessons learned,

challenges, concerns, and issues that may have dissuaded people from contacting relevant authorities in order to file a complaint. The findings are being documented and submitted to concerned stakeholders with the objective of addressing the main barriers to reporting forced labour cases.

Promoting **paralegal support** is another important strategy for bridging the gap between people freed from forced labour and the system for remedies. Numerous countries are pursuing efforts in this regard. In Southeast Asia, Migrant Worker Resource Centres (MRCs), discussed earlier in this chapter, provide vital paralegal assistance to migrants and their families and help them seek redress for employment abuses. A 2017 study involving more than 1,000 cases in the countries participating in the MRC initiative¹⁷² suggests that a large share of total resolved cases involved support from a Migrant Worker Resource Centre. Women in particular were found to be reliant on this support.¹⁷³

In Mauritania, the government has recently launched a paralegal development programme to promote the legal empowerment of poor and vulnerable communities. The programme involved grassroots level paralegals who were living and/or working with the communities they serve, using their knowledge of the formal justice system, alternative means of resolution such as mediation, and community-education practices to help the poor and marginalized resolve their legal problems.¹⁷⁴ The new anti-slavery law in Mauritania facilitates this effort by authorizing human rights associations that have been legally established and operating for at least five years to present slavery lawsuits on behalf of people subjected to forced labour. Likewise, in Niger, associations involved in anti-slavery efforts are authorized to bring forward cases and initiate civil actions for damages.



Enforcement: strengthening the administration of criminal and labour justice

A robust law enforcement capacity is necessary both to protect the human rights of persons in forced labour and to punish the perpetrators, as well as to deter other would-be offenders from contemplating the crime. The effective administration of labour justice is equally important in order to prevent a degeneration of labour and human rights violations into forced labour and to increase the number of identified forced labour cases.

The Forced Labour Convention, 1930 (No. 29) requires the prohibition of forced labour to be made effective through the imposition of penalties that are adequate and strictly enforced. The Forced Labour Protocol and Recommendation, while broadly worded to encompass all legislation relevant to combating forced labour, highlight the key roles of labour law and labour inspection in particular.

Available statistics suggest that law enforcement is another area where more progress is urgently needed. Despite the enactment of criminal laws on forced labour, slavery, and human trafficking in many countries, there remains a huge gulf between the estimated total prevalence of forced labour and the number of actual investigations, prosecutions, and convictions for this crime. The number of people freed from forced labour receiving remedies is lower still, as many convictions are not accompanied by the awarding of compensation or other remedies.

STRENGTHENING THE LEGAL ARCHITECTURE AROUND FORCED LABOUR

An adequate legal architecture is a critical precondition for effective enforcement and compensation for those who have endured forced labour. A review undertaken for this report suggests that, despite important progress, significant gaps in the legal framework for forced labour persist in a number of countries. As reported in Figure 15,

a total of 126 countries have laws that define, criminalize, and assign penalties for both forced labour and human trafficking, but in the remaining 61 countries there are gaps in one or both these areas. The legal frameworks in 29 countries cover both forced labour and human trafficking but with significant deviation from customary international law. Five countries have legislation prohibiting forced labour and some form of human trafficking such as trafficking for the purposes of sexual exploitation or international trafficking only, while 13 countries have no legislation on forced labour and legislation on some form of trafficking only. Four countries only cover forced labour but not human trafficking and one covers human trafficking but not forced labour.

Outdated laws present another common challenge. The laws in many countries have not kept pace with recent mutations of forced labour linked to trafficking, recruitment debts, and other developments. Some legislation against human trafficking, for example, 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. 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.

Another common weakness in national legislation is a lack of precision and clarity in terms of how forced labour is defined. The ILO Committee of Experts on the Application of Conventions and Recommendations has emphasized in this context that, “bearing in mind the principle of the strict interpretation of penal law, it is important to ensure that precise provisions are available for the investigatory authorities and the courts so that they can determine the facts easily and, where appropriate, initiate prosecutions”.¹⁷⁵



Significant gaps in the legal framework for forced labour persist in a number of countries.

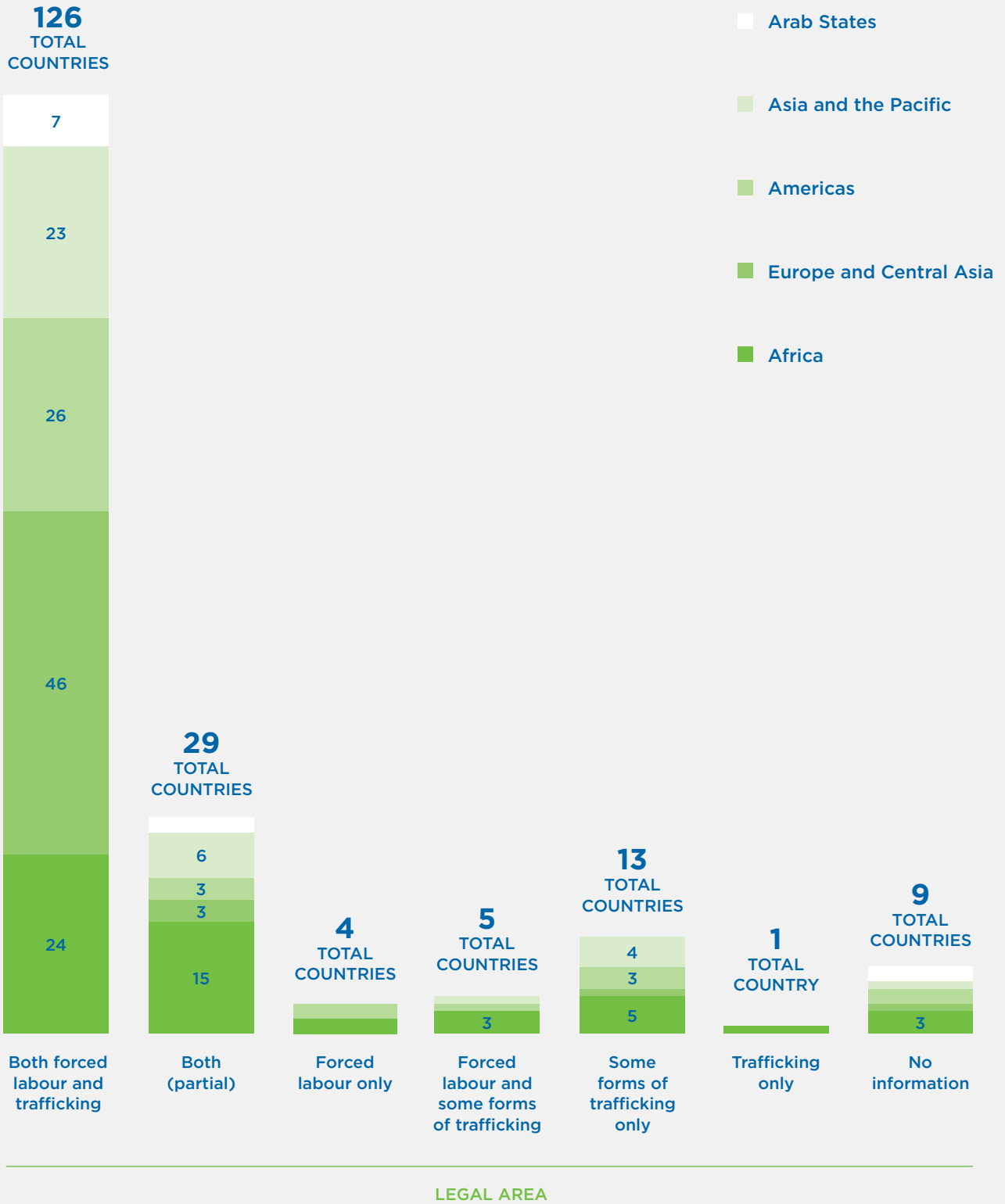


FIGURE 15: Number of countries with national laws that define, criminalize, and assign penalties for forced labour and trafficking

A general prohibition of forced labour or general provisions on the freedom of work may not suffice for the conviction of persons who exact forced labour.

A number of countries have undertaken “**gap analyses**” of existing legislation as a first step in bringing laws and regulations into line with international legal standards. In Thailand, for example, a gap analysis was undertaken of the country’s legal and regulatory framework relating to forced labour and trafficking in persons, in particular in the fishing and seafood industries, vis-à-vis the provisions of the Forced Labour Protocol.¹⁷⁶ The study results were verified and validated at a series of workshops involving social partners, civil society representatives, law enforcement agencies, and representatives from government ministries¹⁷⁷ and are playing a critical role in helping to bring Thai legislation into compliance with the Forced Labour Protocol. Similar gap analyses are planned with ILO support for countries including Paraguay and Malaysia. In both of those countries, the analysis will help inform the development of the Roadmap toward the Ratification of Forced Labour Protocol and the National Action Plan on Forced Labour.

BUILDING CAPACITY FOR ENSURING ENFORCEMENT

Laws alone are insufficient if not accompanied by adequate capacity for enforcement. There has been huge investment worldwide in training different enforcement actors, yet the continued low numbers of prosecutions and convictions relative to the total prevalence of forced labour suggest that much remains to be done in terms of strengthening enforcement capacity.

National studies and comments from the ILO Committee of Experts on the Application of Conventions and Recommendations point to a range of capacity needs at all stages of the process. Most forced labour cases are simply never identified, underscoring the need to strengthen identification and referral, as

discussed earlier in this chapter. And even the minority of cases brought to the attention of the system rarely culminate in conviction and the awarding of compensation. Many cases are not registered with police when identified or do not reach the court when registered and charges brought; prosecutions often fail to reach convictions.

In some instances, capacity needs are conceptual in nature, e.g. the legal definition of forced labour, its constituent elements, and concrete manifestations. In others they are more technical, e.g. the evidentiary requirements needed to adjudicate claims or to secure convictions; while in still others the challenge relates more to overcoming cultural obstacles to enforcement, e.g. instances of traditional slavery that may be seen as part of local culture rather than as the serious crimes that they are.

Training in countries where new laws on forced labour have come into force is a particular priority in order that legal reforms do not outpace the institutional capacity needed to implement them. Capacity building requirements of course vary across countries and jurisdictions, underscoring the importance of **local assessments training needs**. Such needs assessments have been undertaken in countries, including Mauritania and Peru, both of which have seen important recent changes in forced labour with significant implications for the law enforcement system.¹⁷⁸ On the basis of the results, specialized training is being organized for the different enforcement actors, consistent with the unique roles that each plays in ensuring that those subjected to forced labour receive justice and that perpetrators are prosecuted. Similarly, in Macedonia, the government has trained an array of first responders, including police officers, labour inspectors, immigration officials, NGO workers, and social workers, on initial screening procedures for migrants, refugees, and unaccompanied children.

The European Union, United Kingdom, Canada, and the United States have teamed up with banking institutions and devised a list of operational indicators for detecting the financial footprint of trafficking networks. The respective finance-focused, anti-trafficking initiatives are the *European Bankers' Alliance*, the *UK Joint Money Laundering Intelligence Taskforce*, Canada's *Project Protect*, and the *US Bankers' Alliance*. This approach reduces the reliance on the testimony of those who are often unwilling to come forward and therefore constitutes a valuable complementary approach to enforcement.¹⁷⁹

STRENGTHENING LABOUR ADMINISTRATION AND INSPECTION

Criminal laws and their enforcement are a vital part of any national response to forced labour, but it is at least as important to strengthen the administration of labour justice.

There are a number of good reasons for the active involvement of national labour administrations and labour inspectorates in combating forced labour. First, labour inspectorates are uniquely equipped to detect and act on early indicators — e.g. withholding of wages, unfair deductions, fraudulent contracts, or abusive recruitment practices — of violations that may not meet the high standard of proof required under criminal law. Immediate action to enforce labour law and address and correct such violations can prevent already abusive situations from degenerating further into forced labour. Second, labour inspectorates by virtue of their mandate in many jurisdictions have easier access than police and prosecutors to workplaces, enabling them to undertake initial investigations and information gathering on the basis of which criminal charges can later be brought. Third, because of their more conciliatory role than criminal law enforcement, labour inspectorates can have important functions of prevention and awareness-raising on the risk of forced labour situations.¹⁸⁰

A growing number of countries have acted to provide national labour administrations and labour inspectorates with the necessary legal mandate, training, and resources to play a full role in preventing forced labour and in enforcing forced labour laws. In Malaysia, for example, the Anti-Trafficking in Persons (Amendment) Act, 2010 invests labour officers with the same powers of enforcement as the police, and they have participated in the prosecution of criminal cases involving trafficking for labour exploitation.¹⁸¹ In Brazil, a government decree¹⁸² grants labour inspectors wide powers to, among other things, freely enter workplaces without warning or previous authorization, interview workers and employers, examine books and documents, apprehend materials, equipment, or documents, stop construction works, interdict businesses, machines, or equipment, and issue infraction reports, which can lead to the imposition of administrative fines.¹⁸³ In Saudi Arabia, the Unit to Combat Trafficking has been established through a ministerial decree within the Labour Inspection Department to handle cases of trafficking in persons. Responsibility lies with the inspector to decide what action to take against the employer concerned in cases of non-compliance.¹⁸⁴

It is of course critical that broad mandates are accompanied by the human capacity to fulfil them effectively. Brazil is among the countries that have made a substantial investment in ensuring that inspectors are adequately qualified and trained. Every labour inspector in the country has a university degree and undergoes a special training over the course of several months. During this training, special attention is given to topics such as the eradication of labour analogous to slavery. Aside from perfecting their knowledge of the legislation, they learn, for example, about interviewing techniques and security in approaching workers, employers, managers, and intermediaries.



ADDRESSING FORCED LABOUR IN SITUATIONS OF CRISIS AND STATE FRAGILITY

Situations of crisis and state fragility can take many forms, including sudden outbreaks of armed conflict, large-scale natural disaster, and protracted political violence and instability that hamper state-building and economic development. There are many commonalities in terms of the impacts of these situations. They all can lead to the collapse in the rule of law, income shocks, displaced populations within and across national boundaries, disruption in the provision of basic services, and breakdown in extended family support systems – circumstances that are in turn conducive for further violations of fundamental human and labour rights, including forced labour. The numbers affected are staggering. According to the World Bank, 2 billion people live in countries where development outcomes are affected by fragility and crisis.¹⁸⁵

While the Forced Labour Protocol and Recommendation do not make explicit reference to situations of crisis and fragility, the severity of both the risks and manifestations of forced labour in such situations make the provisions of the two instruments relating to prevention, protection, and remedies especially

relevant. Indeed, these provisions should help guide all phases of humanitarian action, including in countries of destination, where the identification and protection of those deemed most at risk of forced labour should be considered part of the response to influxes of asylum seekers.

A number of other international instruments and resolutions are also pertinent, including the ILO Recommendation on Employment and Decent Work for Peace and Resilience 2017 (No. 205), the Optional Protocol on involvement of children in armed conflict, the Rome Statute of the International Criminal Court, UN Guiding Principles on Business and Human Rights, Security Council resolution 1612 (2005) on children and armed conflict, and Security Council Resolution 2331 (2016) on trafficking in persons in armed conflicts. It should be noted, however, that while all of these instruments contain elements relating to forced labour in crisis and fragile situations, there is not yet a single instrument that brings together these different strands to provide comprehensive guidance on the issue of forced labour in situations of crisis and state fragility.



Prevention: building resilience and ensuring preparedness

Building human and social resilience

The prevention policies and measures outlined in the Forced Labour Protocol and Recommendation and discussed in the preceding chapters of this report are of particular importance in building resilience in crisis-prone contexts.

An awareness of the risks of forced labour on the part of both workers and businesses can be especially valuable preparation for crisis situations, when these risks are most pronounced. Crises provide fertile ground for unscrupulous recruiters and a consolidated regime of fair recruitment laws and practices

can help crisis-affected workers avoid their reach. An effective public regulatory regime of the labour practices of businesses, supported by private compliance initiatives and other stakeholder efforts, can help ensure a compliance culture that is strong enough to withstand the strains imposed on it in crisis situations. Robust trade unions and other organizing vehicles are critical in maintaining the collective voice of workers in situations of crisis. Basic social security guarantees help vulnerable groups avoid resorting to negative coping strategies in the face of crisis-related shocks. Adequate livelihood opportunities can similarly help them set aside the savings needed to weather crises.

Contingency planning and early warning systems

Fundamental labour rights must be treated as a priority in crisis preparedness and contingency plans. Such plans should contain measures not only to mitigate the impact of crises on the rights of workers during their acute phase but also to ensure that workers' rights are not eroded during the post-crisis rebuilding and recovery phase. Means of re-establishing tripartite dialogue, and the government institutions and employers' and workers' organizations that underlie tripartite dialogue, is of particular importance to achieving the latter.

Early warning systems are also critical as part of broader preparedness efforts. Many such systems are in place, especially relating to the risk of crises stemming from political violence and armed conflict. Examples include the African Union's Continental Early Warning System, the Central Early Warning System of the Economic Community of Central African States, the Warning and Response Network of the Economic Community of West African States, the Conflict Early Warning and Response Mechanism in East Africa, and the European Union Policy Planning and Early Warning Unit located in the European Council.¹⁸⁶ Most, however, do not collect information on the heightened risks of forced

labour and other fundamental labour violations in fragile and crisis situations.

Early-warning indicators of forced labour, and of the circumstances that could lead to it, are therefore needed for integration into broader early warning systems. The risks and types of forced labour exploitation differ considerably between women and men, underscoring the importance of indicators that are responsive to these gender-based differences. Children can also face unique risks and these too should be reflected in early-warning indicators. Existing early-warning indicators of related phenomena, such as the matrix of early-warning indicators of conflict-related sexual violence,¹⁸⁷ as well as OSCE early-warning indicators relating to organized criminal activities across borders, lack of respect for rule of law, and violation of human rights and fundamental freedoms, offer a starting point for efforts towards a set of gender- and age-sensitive early-warning indicators for forced labour.

Support to business compliance

Policies and plans for supporting business respect for human rights in fragile and crisis situations are also important as part of overall preparedness. As set forth in the UN Guiding Principles on Business and Human Rights (see Panel 26), States should engage at the earliest stage possible with business enterprises to help them identify, prevent, and mitigate the human rights-related risks of their activities and business relationships in crisis situations. Early-warning systems, discussed above, can be important to alerting businesses enterprises to potential problems. States should also ensure that their policies, legislation, regulations, and enforcement measures effectively address the heightened risk of labour abuses by businesses in crisis situations and take appropriate steps to rectify any identified gaps.

Some of the most serious abuses of human rights involving business occur in contexts in which the rule of law has broken down and the national human rights regime is therefore no longer functioning. In such contexts, adequate preparedness also extends to countries *outside*

PANEL 26

Supporting business respect for human rights in conflict affected areas



Paragraph 7, United Nations Guiding Principles on Business and Human Rights

Because the risk of gross human rights abuses is heightened in conflict affected areas, States should help ensure that business enterprises operating in those contexts are not involved with such abuses, including by:

- (a) engaging at the earliest stage possible with business enterprises to help them identify, prevent and mitigate the human rights-related risks of their activities and business relationships;
- (b) providing adequate assistance to business enterprises to assess and address the heightened risks of abuses, paying special attention to both gender-based and sexual violence;
- (c) denying access to public support and services for a business enterprise that is involved with gross human rights abuses and refuses to cooperate in addressing the situation; and
- (d) ensuring that their current policies, legislation, regulations and enforcement measures are effective in addressing the risk of business involvement in gross human rights abuses.

the crisis-affected zone that are home to transnational corporations with operations *within* this zone. The “home” State should have measures in place to assist the corporations

concerned in avoiding human rights abuses, and for attaching appropriate consequences to any failure by corporations to cooperate in these contexts.



Protection: ensuring identification, release assistance, and recovery

New intervention models need to be developed and tested to address forced labour in crisis and fragile situations and to strengthen protection and remedies for affected groups. There has been progress in this regard for *child* labour in crisis situations and a Child Labour in Emergencies Toolkit has been produced by the Child Labour in Emergencies Task Force, co-chaired by ILO and Plan International, as a resource guide. However, the issue of forced labour in situations of crisis and fragility has not yet received similar systematic attention in humanitarian responses, and this needs to change.

Rapid assessment and information tools

Information gathering in situations of crisis and fragility can be especially difficult, but rapid assessment tools for generating information on the extent of forced labour and other fundamental labour violations, their characteristics and aggravating factors, are urgently needed in these situations to identify and guide responses. Such tools should incorporate the principles of inclusiveness and gender sensitivity in the assessment of needs. Again, rapid assessment tools have been developed for child labour but are hitherto lacking in the forced labour sphere.

Information and monitoring systems are also critical. Fully exploiting and harmonizing with existing databases and monitoring mechanisms in areas linked to forced labour is an important first step in terms of developing the latter. These include the Monitoring, Analysis and Reporting Arrangements (MARA) on conflict-related sexual violence established in 2010 by Security Council Resolution 1960¹⁸⁸ and the Displacement Tracking Matrix tool of the International Organization for Migration. The latter has been enhanced to capture human trafficking and exploitation-related data in emergencies.¹⁸⁹

Access to livelihoods¹⁹⁰

The sudden loss of livelihoods and heavy economic burdens faced by families in crisis situations can make them extremely vulnerable to forced labour and other fundamental labour abuses. The ILO's Recommendation 205 emphasizes the importance of ensuring livelihoods in crisis situations and provides a framework for actions in this regard.¹⁹¹ Based on a coordinated and inclusive needs assessment with a clear gender perspective, the Recommendation calls for "immediate employment measures and income-generation

opportunities for population groups and individuals who have been made particularly vulnerable by the crisis".¹⁹²

With the global population of forcibly displaced persons exceeding 65 million — a significant percentage of them refugees who have moved to another country — addressing the legal and regulatory impediments facing refugees in accessing the labour market and gaining decent work in host communities is of particular importance. ILO Recommendation 205 calls for measures to "promote the access of refugees to formal job opportunities, income-generation schemes and entrepreneurship, by providing vocational training and guidance, job placement assistance, and access to work permits, as appropriate, thereby preventing informalization of labour markets in host communities".¹⁹³ These measures should take place as a part of broader efforts to build the resilience and strengthen the capacity of host communities by investing in local economies and promoting full, productive, freely chosen employment and decent work, and skills development of the local population.¹⁹⁴



Addressing forced recruitment and other extreme abuses associated with armed conflict

Some of the most egregious violations of fundamental rights occur in contexts of armed conflict and adequate protection measures in these contexts are therefore especially important. This applies above all to children in conflict zones who are recruited as combatants, used as human shields, sexual slaves, and suicide bombers, or forced to commit acts of extreme violence. In addition, they may be forced to perform extremely hazardous work in the production of conflict minerals. Adults in conflict zones face similar risks.

More attention is urgently needed to these horrific violations, which continue to be practiced with impunity in many situations of armed conflict. Efforts should be made to ensure that children associated with armed forces and groups and other children caught up in armed conflict are prioritized in peace plans and processes and in demobilization efforts. Special advocacy efforts directed towards armed groups and aimed at the release of these children must also continue.

ILO Recommendation 205 also calls for specific youth employment components in disarmament, demobilization, and reintegration programmes. Providing sustainable work opportunities for young people of legal working age and adults formerly associated with armed forces and armed groups can be critical to their successful reintegration into society. The provision of psychosocial counselling and other interventions to address anti-social behaviour and post-traumatic stress is also vital in many instances.

Reliable information and statistics on forced recruitment and related violations associated with armed conflict are needed to guide forced labour identification and protection efforts. Such information is either extremely limited or entirely lacking for most conflict-related crises, owing in large part to the major technical and logistical challenges of collecting it. An ongoing research effort involving the ILO, the International Organization for Migration, UNICEF, and the Walk Free Foundation is aimed at helping to fill this knowledge gap. The research involves the development of a replicable instrument for capturing the recruitment, trafficking, and forced labour among both children and adults, from which robust estimates can be produced.

BUILDING CAPACITY AND STRENGTHENING COORDINATION

There is a general need for improved capacity to respond effectively to forced labour and other fundamental labour right violations in situations of fragility and crisis. Safeguarding fundamental labour rights has not to date been an area of priority concern for the array of actors involved — public authorities, humanitarian NGOs, peacekeeping forces, political support missions, and local civil society organizations — and providing these groups with the requisite knowledge and technical capacity will be critical to changing this.

There are a wide range of topics of relevance to capacity building efforts, including: concepts, definitions and legal instruments relating to forced labour; building early warning systems and indicators for forced labour; mainstreaming forced labour concerns into preparedness and contingency planning and into planning for post-crisis rebuilding; developing rapid assessment instruments to determine forced labour risks and manifestations; and building referral mechanisms to assist persons affected by forced labour. The International Organization for Migration and ILO are collaborating in the development of a joint training curriculum for humanitarian actors covering many of these topics.¹⁹⁵

Collective efforts and coordination

The complexity of crisis and fragile situations, and the many overlapping mandates for responding to them, means that ensuring close coordination around forced labour and related issues is another important priority. There are a number of existing mechanisms, including the Inter Agency Standing Committee, the Paris Principles Steering Group on children associated with armed forces and groups, the Child Labour Task Force of the inter-agency Alliance for Child Protection in Humanitarian Action, and the Global Partnership to End Violence against Children, that are relevant in this context. Alliance 8.7's Action Group on Conflict and Humanitarian Settings also provides an important vehicle for collaboration and experience exchange around the issue of forced labour in situations of fragility and crisis. While these multiple mechanisms and forums are playing important roles, careful attention must be paid to their respective mandates so that each addresses elements of the response for which it is most competent.



A person wearing a white cap and shirt is loading bricks onto a wooden cart. The cart has a large, worn tire and is positioned in front of a brick kiln. The scene is set outdoors, likely in a rural or industrial area. The text is overlaid on the image in white, sans-serif font.

Part 3.

Ending Forced Labour
Among Children and
Adults: the Road
Forward to 2025 and
2030

Our ultimate aim is clear — a world in which no human being is ever subjected to forced labour in any of its various forms.

However, in 2016, 25 million people — almost 21 million adults and more than four million children — were still engaged in forced labour on any given day. This moral and legal scandal is an indictment of the failure of global and national governance to ensure social justice and full respect for human rights in the global economy. And with a greater prevalence today of forced labour in the Europe and Central Asia region than in Africa, it is evident that forced labour is a product not just of the poverty of nations but of enduring social injustice and inadequate political will.

There has been a steady growth in laws and policy measures addressing forced labour since the ILO published its first global report on forced labour in 2001. But the persistence of forced labour at an alarming scale provides irrefutable evidence that efforts to date have fallen far short of total need. Progress must be faster and more comprehensive if we are to meet our commitments by the ambitious target dates set in the Sustainable Development Goals for ending forced labour among children by 2025, and universally by 2030. This report reflects on the challenge and the way forward.

THE FOUR POLICY PILLARS OF A COMPREHENSIVE RESPONSE

The Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), and the Forced Labour Protocol and Recommendation together send an unambiguous message: the exaction of forced labour is a serious crime and needs to be dealt with as such. But the instruments also make clear that forced labour cannot be eliminated through criminal law enforcement alone. Rather, a broad-based approach is needed, with a strong emphasis on preventing and addressing root causes of forced labour and on ensuring protection and remedies for the people already affected by it. Thus, the instruments indicate four key policy pillars for a comprehensive response to forced labour — **prevention**, **protection** and **remedies**, in addition to **enforcement** — underpinned by strengthened international cooperation and social dialogue.

The preceding chapters have sought to illustrate the wide array of policies and practices of relevance to each of these pillars.

A focus on prevention

It is self-evident that achieving the goal of eradicating forced labour rests, first and foremost, on prevention. We must address the wide assortment of factors — socio-cultural, economic, legal, and political — that push and pull people into forced labour if it is to be relegated definitively to history. Remedial measures will never be enough if the flow of people into forced labour is not first stemmed.

Key prevention provisions contained in the Forced Labour Protocol and Recommendation include **awareness-raising**, ensuring **fair recruitment**, and promoting **fundamental labour rights in business operations and supply chains**. The report suggests that all three of these areas are receiving substantial policy attention but that much more needs to be done.

Most countries have undertaken information activities to heighten awareness of forced labour and associated risk factors targeting the public at large, vulnerable groups including migrants, and businesses. So, too, has there been a deserved focus on forced labour in business operations and supply chains. Recent years have seen a surge of regulatory initiatives and — in the realm of labour relations — international framework agreements aimed at improving transparency and promoting human rights due diligence. In addition, a growing number of private compliance initiatives and multi-stakeholder initiatives have sought to strengthen the private and social governance of business operations and supply chains.

Efforts in support of fair recruitment have also gained recent momentum. Laws governing recruitment agencies and recruitment fees have been passed in more than 90 countries, while there are also a growing number of bilateral agreements and other initiatives designed to ensure fair recruitment along specific migration corridors and in specific economic sectors.

But these efforts should be seen more as a starting point rather than as a job completed. Information activities targeting the general public and specific vulnerable groups have in most contexts been too limited to fill knowledge gaps, erase misconceptions, or combat misinformation about forced labour and its risks. The wide array of recent regulatory efforts and private compliance initiatives have to date yielded little evidence in terms of impact on compliance in business operations and supply chains, particularly in instances in which these extend into the informal economy where forced labour is concentrated. And we know that half of all forced labour involves debt bondage, linked not only to advances on wages and inherited debt but also to exorbitant fees, withheld wages, and other coercive practices during recruitment. Further progress in these areas will be critical in the lead up to the 2025 and 2030 target dates for ending forced labour.

Addressing root causes

Prevention also requires, critically, addressing the roots of forced labour in the informal economy, not least in the rural components of the informal economy. This means, above all, tackling the decent work deficits in the informal economy that increase susceptibility to forced labour. The Forced Labour Recommendation stresses the importance of, among other things, promoting freedom of association, extending basic social security guarantees, and building the vocational and technical skills of informal economy workers as part of a broader approach to addressing informality.

We reflected in the preceding chapters on innovative organizing strategies targeting workers in parts of the informal economy in which forced labour is prevalent, for example, among agricultural, brick kiln, domestic, and commercial sex workers, but the challenge facing those in the informal economy to exercise their collective agency is immense, and much more work is needed to identify good and promising practices in this regard.

Similarly, we looked at instructive practices, including cash transfers and other schemes delinked from formal employment, for addressing the contingencies faced by informal economy workers and their families that render them vulnerable to forced labour. We also reviewed instructive examples of microcredit schemes, which, although not technically part of social protection systems, may, if properly designed and managed, and with just interest rates, enable families to hedge against some of the risks they face and reduce their vulnerability to debt bondage by making them less dependent on employers, recruiters, and other moneylenders for loans. Finally, we looked at skills upgrading for informal economy workers, and at means of helping them signal their skills to prospective employers. These experiences all offer valuable guidance for expanded efforts moving forward within a wider, multidimensional policy response to informality.

Crisis and state fragility

Far greater attention must be paid to the additional vulnerability to forced labour created in situations of crisis and state fragility, which are growing in number and in terms of people affected around the world. The Forced Labour Protocol and Recommendation do not make direct mention of situations of crisis and state fragility, but the extreme nature both of the risks and manifestations of forced labour in such situations make the provisions of the two instruments particularly pertinent. Apart from the ultimate objective of the ILO — to ensure that peace is secured through the cultivation of social justice — the rights of those displaced and on the move must be fully protected in the here and now in order to prevent them from falling victim to forced labour. Despite the obvious urgency, the review undertaken for this report suggests that we have only just begun to explore how forced labour considerations can be integrated into crisis preparedness efforts, humanitarian responses, and post-crisis recovery programmes.

The role of gender

An effective policy response needs to also clearly reflect gender-specific patterns of abuse and the role of gender more broadly as a determinant of forced labour. The Global Estimates indicate that there are profound differences in the way forced labour affects women and men. In particular, women and girls are disproportionately victims of forced labour in the private economy, including in domestic work and commercial sexual exploitation. Men are disproportionately subject to state-imposed forms of forced labour, including abusive conscription and imprisonment, as well as to forced labour in the construction, manufacturing, and agriculture sectors. The estimates also confirm that the means of coercion depend to an important extent on whether the person concerned is male or female, and on the gendered job that they must consequently perform. Females in forced labour suffer much higher rates of sexual violence, whereas males in forced labour are subjected to higher rates of other forms of

physical violence, threats of violence, and use of threats against family.

While prevention efforts need to reflect and prioritize the generally higher risk profile faced by females, they also need to account for the unique vulnerabilities of males and, relatedly, for the gendered work that males must carry out, which have to date been overlooked in efforts against forced labour in some countries.

Protection and remedies for those subjected to forced labour

Prevention measures do not, however, directly touch the 25 million people who are already in situations of forced labour on any given day; or the untold millions more who have escaped or been rescued from forced labour but continue to suffer from its cruel consequences — financial ruin, legal jeopardy, psychosocial trauma, social stigma or ostracism, to name just a few. The rights — and urgent needs — of these people for protection and remedies must also not be forgotten. The Forced Labour Protocol and Recommendation reiterate the obligations on member States and provide relevant policy guidelines in this regard.

The preceding chapters have highlighted a wide range of instructive practices in the areas of protection and remedy. Examples cited included complaints mechanisms enabling persons concerned to self-identify and contact an agency or organization that can assist them; creative outreach efforts to engage new frontline actors such as transport workers in the identification and referral of people caught up in forced labour; innovative digital information systems providing real time information on the prevalence of and risk factors associated with forced labour; national referral mechanisms to coordinate the efforts of both state and non-state actors to support identification, rehabilitation and recovery; new laws to protect persons subjected to forced labour from prosecution and to delink their access to protection services from their willingness to participate in proceedings against perpetrators; and paralegal support to help persons subjected to forced labour gain access to justice and remedies.

These and other instructive practices offer hope and useful direction for the future. But they should not provide a false sense of progress — we have also seen in this report that huge implementation gaps persist across all dimensions of protection and remedy. Indeed, the sad reality is that today only a small fraction of those affected by forced labour actually benefit from protection services or are provided with compensation or other forms of remedy, which, in turn, can be critical to their ability to recover and rebuild their lives. In filling these implementation gaps, far greater attention must also be paid to ensuring the voice of those affected, recalling that they are not simply individual “victims” to be “rescued” but always, and first and foremost, rights-holders whose rights include not only the right to be free from forced labour but also the rights to be free from discrimination and to organize and have their collective voices heard.

Administration of criminal and labour justice

Strengthening enforcement through the administration of both criminal and labour justice is the fourth key policy pillar in a comprehensive response to forced labour. While this report makes clear that enforcement can never be the only response to forced labour — or, indeed, in many situations even the principal response to it — a robust criminal justice capacity is nonetheless necessary for ensuring persons subjected to forced labour have access to justice, for bringing perpetrators to justice, and for deterring would-be offenders. Also vital is the effective administration of labour justice, so as to detect and address labour and human rights violations before they degenerate into forced labour, and to ensure the prompt identification and referral of forced labour cases.

These priorities are reflected in the principal international legal instruments on forced labour. The Forced Labour Convention, 1930 (No. 29) requires the prohibition of forced labour to be made effective through the imposition of penalties that are adequate and strictly enforced. The Forced Labour Protocol and Recommendation, while broadly worded to encompass all legislation relevant to combating forced labour, highlight the key roles of labour law and labour inspection in particular.

Despite the enactment of criminal laws on forced labour and human trafficking in many countries, international statistics indicate that the number of investigations, prosecutions, and convictions is very small relative to the scale of the overall problem. Above, we highlighted a number of instructive measures undertaken by countries with the broad aims of strengthening enforcement: “gap analyses” of extant laws as a starting point for strengthening the legal architecture around forced labour and bringing it into compliance with international legal instruments; specialized training programmes for different enforcement actors based on local training needs assessments; operational indicators of forced labour providing a common framework identifying possible cases; and initiatives providing national labour administrations and labour inspectorates with the necessary legal mandate, training, and resources to play a full role in enforcing forced labour laws.

The need for improved enforcement is linked also to the need to combat the vulnerabilities at the root of forced labour, not least the weakness or absence of the rule of law — including labour law — which are characteristic of the informal economy and of persisting feudal relations in some parts of the rural economy in some countries.

INTERNATIONAL COOPERATION AND PARTNERSHIP

The complex, global, and multi-dimensional nature of forced labour means that many of its forms cannot be resolved by national governments and national actors alone. Bilateral, regional, and international cooperation is needed in an integrated, coordinated effort to address root causes, consequences, and impact. The ILO, with its unique tripartite structure and mandate to adopt international labour standards to govern the world of work, has a key role to play in supporting its constituents' efforts to prevent and remediate forced labour and, in the context of protection of working people on the move, to contribute to the development of rights-based policies on migration. Such efforts should include full respect for the rights of all internal and cross-border migrants, who are among the groups most susceptible to forced labour.

Alliance 8.7, a multi-stakeholder partnership committed to achieving Target 8.7 of the Sustainable Development Goals, also has an important role to play, in conjunction with other SDG initiatives and related partnerships involving other key allies. Alliance 8.7 seeks to support the achievement of Target 8.7 through encouraging the alignment of global, regional, and national efforts, and through sharing knowledge, driving innovation, leveraging resources, and garnering support for accelerated action.

The Global Estimates' evidence that the vast majority of forced labour occurs in the private economy underscores the importance of partnership with enterprises — alongside employers' and workers' organizations — in eradicating forced labour in business operations and supply chains. And, while other actors cannot replace the role of employers and of workers' organizations in conducting labour relations, nor the obligations of States with regards to enforcement of the rule of law — including through labour inspection in the world of work — national and international civil society organizations can also contribute their strong local experience of preventive approaches and of supporting the resilience of vulnerable groups.

Cooperation should also be strengthened between and among governments, as well as with relevant international and regional organizations and with relevant global, national, and sectoral employers' and workers' organizations, as appropriate, in areas such as sustainable economic development and the promotion of decent work and incomes and labour law enforcement. Such cooperation must also be brought to bear on rights-based governance of migration, fair recruitment, and criminal law enforcement to ensure that the rights of migrant workers, refugees, and displaced people are protected — to prevent trafficking, to provide remedies to victims, and to deal with forced labour within and across borders. Cooperation should include bilateral, regional, and international agreements on the exchange of knowledge and experience. Within countries, stronger national coordination efforts are needed to provide coherence between different authorities dealing with education policy, social protection, internal and cross-border migration and population movement, labour markets and labour rights, and crime prevention, among others.

In many countries, the cost of required action far exceeds available resources, so that, without assistance, those governments will not be able to address forced labour adequately. In others, where resources are abundant, political will may be lacking and such governments may also require technical assistance, persuasion, or pressure to respect the rule of international law and the universality of human rights. This underscores the importance of international development cooperation and support for mobilizing resources for national action programmes. UN agencies, other multilateral and bilateral organizations, global, national, and sectoral employers' and workers' organizations, international non-governmental organizations, civil society, private foundations, and a variety of other groups involved can make a valuable contribution in this regard if they subscribe to a rights-based approach and to the agreed principles of international development cooperation.

RESEARCH AND STATISTICS: BUILDING THE EVIDENCE BASE NEEDED FOR INFORMED POLICY RESPONSES

The Forced Labour Recommendation of 2014 underscores the importance of reliable information and statistics on forced labour, calling for the regular collection, analysis, and availability of reliable, unbiased, and detailed information and statistical data on its nature and extent.¹⁹⁶ Substantial progress has been made in this regard. The Global Estimates presented in the first chapter of this report capture much of the spectrum of abuses related to forced labour and provide the best available data and information about its scale and distribution. In addition, the United Nations Office on Drugs and Crime (UNODC) has systematically collected data on trafficking in persons for more than a decade. The Global Report on Trafficking in Persons, produced by UNODC since 2012, presents and analyses statistics for a range of indicators of trafficking

in persons. The next edition of the UNODC report is scheduled for release in December 2018.

There nonetheless remains a need for more and better data and statistics. The forced recruitment and use of children by armed groups and armed forces, for example, were excluded from the Global Estimates not purposely, but due to lack of reliable data. The 2018 edition of the UNODC Global Report on Trafficking in Persons will contain a section specifically dedicated to the theme of trafficking in persons in conflict situations, including trafficking in children, and therefore will help in filling this gap. There is also a need to capture more effectively other forms of forced labour affecting children, the forced commercial sexual exploitation of adults, and forced labour in the context of conflict. The ability to track changes in the forms and expression of forced labour over time will be critical for monitoring progress from today until 2030.

An important priority is to strengthen and extend efforts for *national* data collection 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 — understanding that is needed to inform policy-makers and other actors committed to rights-based action against forced labour. The development of standard survey tools for the measurement of forced labour and, relatedly, standard indicators of its prevalence, will be critical to efforts to improve country-level data collection. Both these issues are taken up in the first-ever guidelines on forced labour measurement endorsed in October 2018 at the 20th ICLS.

But our need for more information extends well beyond data and statistics. Informed policy responses also require more detailed **information on the drivers of the different typologies of forced labour**. From age-old, deeply-engrained forms of forced labour linked to debt bondage to forced labour in the supply chains of the latest consumer products, we need to know more about the socio-cultural, economic, legal, and political factors underlying forced labour in order to inform and guide our responses to it. Relatedly, we need much more information about the concrete impact of the wide array of policy initiatives and legal measures described in the preceding chapters, to permit the identification of good practices with greatest potential for broad scale replication.

Sharing knowledge and data is also vital but the means to do so must be improved. Hundreds of rich and relevant datasets, including administrative data, have not yet been made publicly available, thus limiting their use. One reason is that datasets relating to forced labour are often highly sensitive, raising a range of privacy and civil liberty concerns when the risk of identifying data subjects can be high and the consequences severe. Databases are diverse, dispersed, mostly disconnected from each other, and are not standardized for comparability.

The UNODC Global Report on Trafficking in Persons, discussed above, is one important contribution to improved data sharing. In another effort, the IOM, Polaris, and other partners have launched a global open data platform — the Counter Trafficking Data Collaborative (CTDC) — for researchers, lawmakers, advocates, funders, and other groups. This open platform offers harmonized, anonymous individual-level data on victims of human trafficking from various organizations. This is the first open data portal of its kind, with primary data contributed by counter-trafficking organizations around the world.

Alliance 8.7 also offers an important framework for strengthening knowledge management and sharing. Lessons learned from national projects and programmes are contained in numerous separate evaluations and studies scattered across the globe. There is considerable value in drawing this learning together. An Alliance 8.7 knowledge platform, entitled Delta 8.7, was launched in September 2018 by United Nations University with this aim in mind. The platform will provide users with a centralized access point to information, statistics, and knowledge products relating to forced labour, human trafficking, and child labour.

FINAL CONSIDERATIONS

Forced labour and the global economy

The preceding chapters have sought to illustrate the complexity of the forced labour phenomenon and some of the wide array of policies and practices of relevance in addressing it. But there are also broader, fundamental questions to be asked — and answered — about the systemic role of forced labour in the production of goods and services in the global economy and the systemic changes in the production of goods and services and in labour relations required to achieve the future we want in the world of work.

It is a truism that the global economy today is less dependent on forced labour than during its foundational period, when the labour of the 13 million African people abducted and trafficked in the transatlantic slave trade provided much of the capital and goods — cotton, sugar, tobacco among them — that fueled the first industrial revolution. It is a cruel irony that this complete commodification of human beings, interwoven with the expansion of modern colonialism and imperialism, was a crucial economic vehicle for the shift from feudalism to capitalism.

Cruelly ironic too, is that, after the abolition of slavery in the Americas gave way to sharecropping and segregation, the colonial powers replaced chattel slavery in the Americas also with indentured labour in the countries in Africa whose people had already been the victims of this darkest period of contemporary slavery. While ILO Convention No. 29 was, in large part, a response to that colonial system of indentured labour, the legacy of that oppression, in various mutations including rural poverty, food insecurity, and overdependence on globally traded cash crops, still lasts today across the world.

In parts of the global economy today, forced labour may be a non-systemic aberration, driven by greed and criminality, and “justified” in the eyes of the perpetrators by an unscrupulous disregard for human rights barely distinguishable from the racism that drove and “justified” the transatlantic slave trade. But there is also an urgent need to ascertain the economic role of forced labour and just how dependent on forced labour the global economy — and specific sectors or sub-sectors within it — remain or have become, whatever the goods or services and wherever they are being produced, if we are to respond with the most appropriate and effective economic, social, and legal measures that put rights-holders first. And we need to remind ourselves constantly that the economic and social systems that drive forced labour are designed and created by human beings, and that, in the words of ILO Director General Guy Ryder, “we have to decide the future of the world of work we want”.

No simple or one-size-fits-all solutions

Forced labour — and the continuum of freedom and unfreedom in the world of work along which it persists — are complex. Not all forced labour has the same typology or consequences nor does all forced labour have the same origins and root causes. There can be no one-size-fits-all solution; responses need to be adapted to the very diverse environments in which forced labour still occurs. We must heed the advice of Dr Martin Luther King Jr and avoid the search for simple answers to complicated questions.

In developed and overwhelmingly formal economies in which the rule of law could be enforced in all workplaces (if there were the political will to do so), governments might be able to concentrate in large part on enforcement and remedies — and perhaps even pursue not just the traffickers and employers (and, in some cases, public officials) facilitating and using forced labour, but also those at the top of value chains whose business practices may be fostering and even directly driving it.

But countries in which forced labour exists in the context of vast informal economies, including in isolated rural areas, also need a fairer share of global wealth and more progress in transitioning from the informal to the formal economy if the rule of law is to apply throughout the labour market; if vulnerable population groups are to have access to collective representation, agency, and voice and to decent work and livelihoods; and if governments are to garner the tax revenues required to fund that transition and to establish a rule of law that enables all people to exercise their human rights, every day, in the world of work. Political will is required everywhere, but the material inequality within and between countries that drives forced labour also hinders action.

In some cases, in sub-sectors where patterns of forced labour have become so engrained that enterprises have become dysfunctionally dependent on it — for example in persisting feudal relations in latifundist and landlordist agriculture, or in a large part of the brick-making sector — further work must be done to identify, beyond enforcement, what transformative measures are needed to break that dependence. And, again, we must establish and address the link between the production that these persistent feudal relations generate and the wider global economy. Are they simply an aberration, an “historical hangover” that will be overcome by the relentless march of “modernity”, or are they, rather, a systemic flaw on which the wider “modern” global economy is itself dependent?

In that context, further attention must be paid to the circumstances of the 4.3 million children in forced labour today — many of whom are in debt bondage affecting their entire family. All forms of child labour are slated for elimination by 2025 and the bonded labour of children will not be ended without ensuring that their families can work in freedom. The SDG targets therefore imply that the elimination of bonded labour affecting families in this way must be addressed with additional urgency.

A more balanced political discourse

The search for more appropriate and effective responses to forced labour must be grounded in a more balanced discourse about its nature and causes. Today, some powerful forces concentrate their discourse on the movement of people from the global South to the global North and seek to conflate trafficking for forced labour in the global North with the legitimate desire of people for migration from poverty and drought and for safe refuge from crisis and conflict. Such conflation is profoundly damaging both to the understanding of contemporary forced labour and to the development of appropriate and adequate responses with the primary purpose of protecting the human rights of rights-holders.

Similarly, “northern-centric” perspectives must not be allowed to obscure the persisting, vast extent of indentured agricultural labour and of bonded labour. They cannot be relegated to secondary importance if there is to be a coherent political and economic response aimed at securing the freedom of all those whose human rights have been violated by forced labour, whatever its typology, nor if the SDG target of eliminating all forms of child labour is to be achieved by 2025.

So too, the widespread focus in donor countries and elsewhere in the global North on forced labour in the production of easily visible consumer products in global supply chains must not obscure the extent of forced labour in materials — such as cobalt and mica — which are essential but hidden components of larger products. Nor must a narrow focus on globally traded goods obscure and ignore forced labour in national and local production, largely divorced from the high-profile debates on trafficking, global supply chains, and cross-border recruitment. As noted above, the brick kiln sector is a brutal example of a product overwhelmingly manufactured and consumed locally.

To have any hope of achieving the targets set in the Sustainable Development Goals and to assist member States in fulfilling their obligations under international law, we must address, urgently, both the needs of people already affected by forced labour and, in order to stem the flow of people into it, understand and address far more coherently and effectively the social, economic, legal, and political forces that lead to forced labour and to its malign persistence in the world of work. Neither piecemeal approaches nor treating the symptoms while ignoring the root causes will do. And even if we can — as we must — agree on the need for policy coherence and for cooperation at all levels to put those policies into practice, another watchword must guide us — urgency.



Endnotes

- 1 The Protocol is referred to officially as P029 of 2014 to the Forced Labour Convention, 1930. For the full text, see http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:P029 [accessed 19 June 2018].
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- 3 Slavery was first defined in a Convention adopted by the League of Nations in 1926 as “the status or conditions of a person over whom any or all of the powers attaching to the right of ownership are exercised”. It thus refers to control of one person or persons over others, and is also considered a serious criminal offence. The concept of slavery-like practices was first addressed in international law in 1956 by means of a United Nations instrument, supplementing the earlier Slavery Convention, covering a range of institutions and practices similar to slavery, including debt bondage, serfdom, and forced marriage. While the instrument places some emphasis on criminalization, it is also accepted that the eradication of these slavery-like practices can be achieved only over time through the necessary legislative and other programmatic measures.
- 4 Available data does not, unfortunately, permit a distinction between child victims working with and separate from their families.
- 5 For example, only two national surveys were undertaken in the Arab States, and none in the Gulf Cooperation Council (GCC) countries, despite the incidents of forced labour reported by different sources in such sectors as domestic work and construction in the GCC countries. Moreover, the estimates of forced commercial sexual exploitation and forced labour of children were based on the IOM database of registered victims and the regional distribution of registered victims reflects where IOM has programming to provide direct assistance to victims of trafficking. This has historically led to an overrepresentation of Europe, in particular Eastern Europe, and underrepresentation of Latin America where IOM has fewer direct assistance activities for victims of trafficking. The figures on prevalence are inevitably more robust in regions where more survey work has been conducted, and databases are more developed, at the national level.
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- 7 In accordance with the ILO’s Worst Forms of Child Labour Convention, 1999 (No. 182), all children found in any type of commercial sexual exploitation are considered victims of forced commercial sexual exploitation.
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- 9 According to 2015 ILO estimates, there are 150.3 million migrant workers in the world. The term “migrant worker” refers to all international migrants who are currently employed or are unemployed and seeking employment in their present country of residence. (Source: ILO: Global estimates of migrant workers and migrant domestic workers: results and methodology / International Labour Office - Geneva: ILO, 2015.)
- 10 OHCHR press release: “Debt bondage remains the most prevalent form of forced labour worldwide — new UN Report”, Geneva, 15 September 2016.
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- 12 *Strengthening action to end forced labour*. Fourth item on the agenda. International Labour Conference, 103rd Session, 2014, Report IV(1), International Labour Office Geneva, p. 34.
- 13 G. LeBaron, N. Howard, C. Thibos and P. Kyritsis, *Confronting root causes: forced labour in global supply chains*, openDemocracy and the Sheffield Political Economy Research Institute, (SPERI), University of Sheffield, p. 7.
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- 16 The printed cartoon tells the story of a young man who was deceived by a false job offer and was exploited in a logging camp.
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- 121 See R202 - Social Protection Floors Recommendation, 2012 (No. 202), Recommendation concerning National Floors of Social Protection, http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R202 [accessed 19 June 2018]. For a more detailed discussion of this point, see the introductions to the following publications: ILO: *Social Security for All: Building social protection floors and comprehensive social security systems. The strategy of the International Labour Organization* (Geneva, 2012), <http://www.socialsecurityextension.org/gimi/gess/RessFileDownload.do?ressourceld=34188> [accessed 19 June 2018]; and ILO: *Building social protection systems: International standards and human rights instruments* (Geneva, 2017), <http://www.social-protection.org/gimi/gess/RessourcePDF.action?ressource.ressourceld=54434> [accessed 19 June 2018].
- 122 ILO: *Extension of Social Protection, The informal economy and decent work: a policy resource guide*, http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_policy/documents/publication/wcms_210466.pdf [accessed 19 June 2018].
- 123 ILO: *Extension of Social Protection, The informal economy and decent work: a policy resource guide*, http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_policy/documents/publication/wcms_210466.pdf [accessed 19 June 2018].
- 124 FAO and UNICEF 2016: *From Evidence to Action The Story of Cash Transfers and Impact Evaluation in Sub Saharan Africa*, edited by B. Davis, S. Handa, N. Hypher, N. Winder Rossi, P. Winters and J. Yablonski; and UNICEF 2016: *Powerful new evidence on the impact of cash transfer programmes in Africa*, Innocenti Research Centre press release, <https://www.unicef-irc.org/article/1443-powerful-new-evidence-on-the-impact-of-cash-transfer-programmes-in-africa.html> [accessed 19 June 2018]. Other reviews of evidence include: F. Bastagli, J. Hagen-Zanker, L. Harman, V. Barca, G. Sturge and T. Schmidt, with L. Pellerano: *Cash transfers: what does the evidence say? A rigorous review of programme impact and of the role of design and implementation features*, Overseas Development Institute, 2016.
- 125 For more details, see the Issara Institute’s website, at <https://www.issarainstitute.org/> [accessed 19 June 2018].
- 126 ILO: *Strengthening action to end forced labour*, Fourth item on the agenda, International Labour Conference, 103rd Session, Report IV(1), International Labour Office, p. 29, Geneva, 2014.
- 127 S. Premchander, V. Pramella and M. Chidambaranathan: *Prevention and elimination of bonded labour: the potential and limits of microfinance-led approaches*; (Geneva, ILO, Employment Sector, 2014).
- 128 ILO: *Strengthening action to end forced labour. Fourth item on the agenda*. International Labour Conference, 103rd Session, Report IV(1), International Labour Office, (Geneva, 2014), p. 29.
- 129 ILO: *Strengthening action to end forced labour*. Fourth item on the agenda. International Labour Conference, 103rd Session, Report IV(1), International Labour Office, (Geneva, 2014), p. 29.
- 130 ILO: *Transitioning from the informal to the formal economy*, Report V (1) International Labour Conference, 103rd Session 2014 (ILC.103/V/1).
- 131 ILO: *Transitioning from the informal to the formal economy*, Report V (1) International Labour Conference, 103rd Session 2014 (ILC.103/V/1), p. 43.
- 132 Protocol P029, Art. 3; and Recommendation R203, para. 9.
- 133 Specifically, paragraph 5(2) of R203 states: “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.”
- 134 For further detail on the functioning of the forced labour complaint mechanism in Myanmar, see <http://www.ilo.org/yanon/complaints/lang--en/index.htm> [accessed 19 June 2018].
- 135 See, for example, “ILO reports a ‘large increase’ in forced labour complaints”, *Myanmar Times*, 06 June 2011, <https://www.mmmtimes.com/national-news/2626-ilo-reports-large-increase-in-forced-labour-complaints.html> [accessed 19 June 2018].
- 136 The hotline is for migrant workers and run by the Ministry of Labour.
- 137 The hotline is for migrant workers to lodge police complaints.
- 138 The hotline is operated by the Philippines Overseas Employment Administration.
- 139 The hotline is run by the National Agency for Placement and Protection of Indonesian Overseas Workers.
- 140 ILO: *Fair recruitment initiative: regulating labour recruitment to prevent human trafficking and to foster fair migration: models, challenges and opportunities*, Working paper; No. 1/2015, Geneva, ILO, 2015.
- 141 *How to Combat Forced Labour and Trafficking. Best practices manual for trade unions*, ITUC, (Brussels, Belgium, 2010).

- 142 Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203), para. 13(d), specifically states that Members should take action to strengthen the enforcement of national laws and regulations and other measures, including “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.”
- 143 *ILO Indicators of Labour*, ILO Special Action Programme to Combat Forced Labour, Pamphlet, (Geneva, 2012).
- 144 Association of Southeast Asian Nations.
- 145 Coordinated Mekong Ministerial Initiative against Trafficking in Persons.
- 146 *Identifying victims of trafficking and associated forms of exploitation: common indicators for first responders*. Association of Southeast Asian Nations (ASEAN) and Coordinated Mekong Ministerial Initiative against Trafficking in Persons (COMMIT), adopted by both entities at their Senior Officials Meetings in 2016, <http://un-act.org/publication/view/identifying-victims-trafficking-associated-forms-exploitation-common-indicators-first-responders/> [accessed 19 June 2018].
- 147 United States Department of State, *Trafficking in Persons Report 2017*.
- 148 The indicators for the identification of victims of human trafficking during mixed migration flows used by the Government of Macedonia are available on the European Commission’s website at the following address: <https://rm.coe.int/16806ed5a5> [accessed 19 June 2018].
- 149 The Potential Indicators of Slavery and Human Trafficking published by the National Crime Agency in the UK can be found at the following address: <http://www.nationalcrimeagency.gov.uk/publications/631-potential-indicators-of-slavery-and-human-trafficking/file> [accessed 19 June 2018].
- 150 The reference document on Guidelines for the Identification of Victims of Trafficking in Human Beings published by the European Commission can be found at the following address: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/docs/thb-victims-identification/thb_identification_en.pdf [accessed 19 June 2018].
- 151 The Guide on the Identification of Possible Victims of Trafficking published by the Norwegian Government can be found at the following address: <https://www.politiet.no/globalassets/03-rad-og-forebygging/menneskehandel/guide-to--identification-of-possible-victims-of-trafficking.pdf> [accessed 19 June 2018].
- 152 ILO NORMLEX database, accessed April 2018.
- 153 While, as noted at the outset of the Report, there is significant overlap between the two concepts, not all victims of forced labour have been trafficked, and those who are victimized in forms of forced labour not involving trafficking have hitherto received much less attention in assistance efforts. Examples in this regard include traditional forms of bonded labour.
- 154 The full Spanish-language name is *Fondo Nacional de Capacitación Laboral y De Promoción del Empleo*.
- 155 The Central Sector Scheme for Rehabilitation of Bonded Labourers can be found at the following address: https://labour.gov.in/sites/default/files/OM_CSS_Rehab_BL_2016_1.pdf [accessed 19 June 2018].
- 156 ILO: *Strengthening action to end forced labour*. Fourth item on the agenda. International Labour Conference, 103rd Session, 2014, Report IV(1), Geneva, p. 39.
- 157 *How to Combat Forced Labour and Trafficking. Best practices manual for trade unions*, ITUC, (Brussels Belgium, 2010), p. 28.
- 158 The complete text of Recommendation R203, paragraph 11, is as follows: “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.”
- 159 Specifically, paragraph 5(2) of R203 states: “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.”
- 160 The ILO Committee of Experts Direct Request addressed to the Government of Canada which was adopted in 2017 can be found at the following address: https://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:3344002,102582,Canada,2017 [accessed 19 June 2018].
- The ILO Committee of Experts Direct Request addressed to the Government of Bosnia and Herzegovina which was adopted in 2015 can be found at the following address: https://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:3237312,102704,Bosnia%20and%20Herzegovina,2015 [accessed 19 June 2018].

- The ILO Committee of Experts Direct Request addressed to the Government of Italy which was adopted in 2013 can be found at the following address: https://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:3133539,102709,Italy,2013A [accessed 19 June 2018].
- 161 Access to Justice of Migrant Workers, ILO, 2017.
- 162 Article 7 of ILO Convention No. 182 requires States to take effective measures to provide direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration, and to ensure their access to free basic education.
- 163 The Trafficking in Persons Act No. 14 of 2011 of the Republic of Trinidad and Tobago can be found at the following address: <http://www.ttparliament.org/legislations/a2011-14.pdf> [accessed 19 June 2018].
- 164 The Anti-Human Trafficking Act, 2017, S.O. 2017, c. 12 - Bill 96 of the Province of Ontario, Canada can be found at the following address: <https://www.ontario.ca/laws/statute/s17012> [accessed 19 June 2018].
- 165 *Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian, Addendum, Mission to Mauritania*, Human Rights Council, Fifteenth session, Agenda item 3, 16 August 2010, A/HRC/15/20/Add.2, p. 23.
- 166 Specifically, Recommendation R203, para. 5(2), states: "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." Recommendation R203, para. 5(3), states: "Steps may be taken to encourage the cooperation of victims for the identification and punishment of perpetrators."
- 167 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, and replacing Council Framework Decision 2002/629/JHA, Article 11(3), <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0036&from=EN> [accessed 19 June 2018].
- 168 Specifically, Protocol 029, Art. 4(2), states: "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."
- 169 ILO: *The New Protocol and Recommendation at a Glance*. Geneva, 2016. http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_508317.pdf [accessed 19 June 2018].
- 170 Article 4 of the 2014 Protocol to the Forced Labour Convention.
- 171 Madagascar is one of the most recent examples. The updated anti-trafficking legislation enacted in the country in 2014 requires that victims are equitably and adequately compensated, including for the medical care and resources required for their rehabilitation (Act No. 2014-040 (Section 44).
- 172 Namely, Cambodia, the Lao People's Democratic Republic, Malaysia, Myanmar, Thailand, and Viet Nam.
- 173 B. Harkins and M. Åhlberg: *Access to justice for migrant workers in South-East Asia*, (Bangkok, ILO, 2017).
- 174 The Ministry of Justice of Mauritania published a report on the paralegal development program on their website in 2016: <http://www.justice.gov.mr/spip.php?article121> [accessed 19 June 2018].
- 175 *Giving globalization a human face*, International Labour Conference, 101st Session, 2012, Report of the Committee of Experts on the Application of Conventions and Recommendations (articles 19, 22 and 35 of the Constitution), Report III (Part 1B), International Labour Office.
- 176 *Situation and gap analysis on the ILO Protocol of 2014 to the Forced Labour Convention, 1930, and the fishing and seafood processing industries in Thailand*, mimeo, Thailand Ministry of Labour, ILO and European Union, undated http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_557725.pdf [accessed 19 June 2018].
- 177 Specifically, the Ministry of Social Development and Human Security (MSDHS), Ministry of Labour (MOL), and Ministry of Public Health (MOPH).
- 178 In Peru, Legislative Decree No. 1323 (06/01/2017) incorporates forced labor into the Penal Code. Prior to this, Peruvian criminal legislation did not have penal provisions that specifically suppress and punish the crime of forced labour.
- 179 T- Keatinge: *Following the Financial Footprints: new Approaches to Disrupting Human Trafficking and Modern Slavery* (The European Review of Organised Crime 4(2), 2017) <http://sgocnet.org/article/keatinge/> [accessed 19 June 2018].
- 180 A. Beate: *Forced labour and human trafficking: a handbook for labour inspectors*, (Geneva, ILO, 2008).
- 181 ILO: *Strengthening action to end forced labour*, Fourth item on the agenda, International Labour Conference, 103rd Session, Report IV(1), (Geneva, 2014), p. 57.
- 182 Brazil's Decree no. 4.552 of 27 December 2002
- 183 The good practices of labour inspection in Brazil: the eradication of labour analogous to slavery (ILO, Brasilia, 2010) http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_155946.pdf [accessed 19 June 2018].

- 184 The ILO Committee of Experts Direct Request addressed to the Government of Saudi Arabia which was adopted in 2016 can be found at the following address https://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:3298596,103208,Saudi%20Arabia,2016 [accessed 19 June 2018].
- 185 World Bank, Fragility, Conflict & Violence website, <http://www.worldbank.org/en/topic/fragilityconflictviolence/overview> [accessed 19 June 2018].
- 186 *Gender-Responsive Early Warning: Overview and How-to Guide*, United Nations Entity for Gender Equality and the Empowerment of Women, October 2012, <http://cu-csds.org/wp-content/uploads/2009/10/unwomen2012vdk.pdf> [accessed 19 June 2018].
- 187 The matrix was called for by the Secretary-General's Policy Committee in December 2010 (Decision No. 2010/30) and in Security Council resolution 1888 of 2009 (operative para. 24), https://peacemaker.un.org/sites/peacemaker.un.org/files/MatrixEarlyWarningIndicatorsCSV_UNAction2011.pdf [accessed 19 June 2018].
- 188 The Monitoring, Analysis and Reporting Arrangements (MARA) on conflict-related sexual violence (CRSV) was established in 2010 by Security Council Resolution 1960 (2010) "to ensure the systematic gathering of timely, accurate, reliable and objective information on conflict-related sexual violence against women, men and children in all situations of concern." Source: *Provisional Issue Paper – Implementation of Security Council Resolution 1960 (2010) on Women, Peace and Security (Conflict-Related Sexual Violence) June 2011*, 4, <http://www.stoprapenow.org/uploads/advocacyresources/1414440497.pdf> [accessed 19 June 2018], as cited in UNODC, *Countering Trafficking in Persons in Conflict Situations*, Thematic Paper, Unpublished.
- 189 UNODC, *Countering Trafficking in Persons in Conflict Situations*, Thematic Paper, Unpublished.
- 190 This discussion in this subsection is drawn from *Ending Child Labour by 2025: A review of policies and programmes*, p. 57, Geneva, ILO, 2017.
- 191 ILO: R205 - *Employment and Decent Work for Peace and Resilience Recommendation, 2017* (No. 205), 106th ILC session, Geneva, 16 June 2017.
- 192 R205, paragraph 9(b).
- 193 R205, paragraph 33(b).
- 194 R205, paragraph 32.
- 195 International Organization for Migration and ILO, *Joint training curriculum on preventing, identifying and countering forced labour and trafficking in persons in conflict and humanitarian settings*, preliminary unpublished draft.
- 196 *Forced Labour (Supplementary Measures) Recommendation, 2014* (No. 203), para. 2(1), specifically states that "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."

