



## Social standards in the context of employment and income Fact Sheet 2

### **Elimination of all Forms of Forced or Compulsory Labour – ILO co 29 and Co 105**

#### **What is Forced or Compulsory Labour?**

• **Understanding what it means** - All work or service that is extracted from a person under the menace of a penalty and for which the said person has not offered himself or herself voluntarily is defined as Forced or Compulsory Labour. The ILO, from who this definition is taken, lists a number of exceptions to forced labour mainly related to military service and other urgent civil or minor communal services.

Commonly found categories of Forced Labour are slavery; bonded labour<sup>1</sup>; exploitative labour resulting from abduction or human trafficking; and any involuntary but mandatory labour situation. The ILO also differentiates between the following 3 types: (a) forced labour imposed by the state (compulsory work in public works, forced prison labour or by the military, constituting 20% of cases reported 2005); (b) forced labour imposed by private agents for commercial sexual exploitation (11%); and (c) forced labour imposed by private agents for economic exploitation (bonded labour, forced domestic work and forced labour in agriculture, amounting to 64% of reported cases).

• **Understanding what it represents** - Sexual exploitation of women and children is the most widespread form of forced labour encountered in industrial countries. In non-industrialised ones, economic debt is frequently used to force people into slavery or bonded labour relations. Over three-quarters of the 12 million people worldwide who are exploited in forced labour conditions are in Asia; 1.32 millions in Latin America and the Caribbean; almost a million in Africa; 360,000 in industrialised countries and 210,000 in transitional countries. However, in many sectors, such as in domestic work or in agriculture, the line between bad working conditions and forced labour is very difficult to draw. Further, these ILO figures are based on reported cases and the number of unknown cases might be substantially higher.

According to the ILO a total of almost 10 million people are exploited by private agents (sexual or economic exploitation). Forced labour has indeed become an important economic factor. Criminal networks worldwide gain up to 32 billions USD per year from trafficking forced labourers, and half of these profits are generated in industrialised countries.

#### **What does the law say about it?**

The “Elimination of all forms of forced or compulsory labour” was declared core labour standard in the Declaration on Fundamental Principles and Rights at Work which was adopted by the International Labour Conference in June 1998.

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<sup>1</sup> Workers who render service under conditions of bondage arising from economic considerations, notably indebtedness through a loan or advance. When debt is the root cause of the bondage, the implication is that the worker (or dependents or heirs) is tied to a particular creditor for a specified or unspecified period until the loan is repaid. Debt bondage may be distinguished by a relatively short duration of obligation, while bonded labour is a derivation of traditional forms of agricultural serfdom.

This core labour standard, whose roots lie in the 1926 League of Nations' Slavery Convention, refers to the ILO Convention 29: [Forced labour Convention](http://www.ilo.org/ilolex/english/convdisp2.htm) (<http://www.ilo.org/ilolex/english/convdisp2.htm>) and to Convention 105: [Abolition of Forced Labour Convention](http://www.ilo.org/ilolex/english/convdisp2.htm) (<http://www.ilo.org/ilolex/english/convdisp2.htm>)

A number of other international standards (see links on page 4) also relate to issues of forced labour and slavery. Regional agreements such as the American Convention on Human Rights (1969) and the European Convention for the Protection of Human Rights (1950) have reinforced the prohibition of forced labour.

### **What is being done about it? Who are the main actors and what are their strategies for effective implementation?**

In addition to raising public awareness, a comprehensive and balanced approach of prevention, victim's protection and prosecution (the so called "triple P formula") is necessary. At international level, special programmes and international pressure/sanctions are also taking place.

- **Awareness raising** - Raising public awareness and understanding of the various manifestations of forced labour is necessary to shine a spotlight on the existing practices, and to eventually eliminate them. The [NGO Antislavery International](http://www.antislavery.org/) (<http://www.antislavery.org/>) describes specific features to define the extreme practice of slavery<sup>2</sup> In its 2005 report, the ILO listed a number of criteria to identify forced labour in practice<sup>3</sup>. As part of its efforts to address the social dimensions of globalisation, the ILO also focuses on the inter-linkages between practices of forced labour, child labour, slave labour, and trafficking. These tools are not only useful to create awareness among the general public but also among the victims of forced labour about their rights.
- **Prevention** - International organisations, NGOs and Trade Unions stress the nexus between poverty and the prevalence of forced labour. Actions to eliminate forced labour have to be accompanied by preventive measures to break the cycle of poverty and debt. For example by

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#### <sup>2</sup> **What is modern slavery? (by Antislavery International)**

Common characteristics distinguish slavery from other human rights violations. A slave is:

- § forced to work – through mental or physical threat;
- § owned or controlled by an 'employer', usually through mental or physical abuse or threatened abuse;
- § dehumanised, treated as a commodity or bought and sold as 'property';
- § physically constrained or having restrictions placed on his/ her freedom of movement.

#### <sup>3</sup> **Identifying forced labour in practice (ILO, 2005)**

*Lack of consent to work (the "route into" forced labour)*

- § Birth/ descent into "slave" or bonded status
- § Physical abduction or kidnapping
- § Sale of person into the ownership of another
- § Physical confinement in the work location – in prison or in private detention
- § Psychological compulsion, i.e. an order to work, backed up by a credible threat of a penalty for non-compliance
- § Induced indebtedness (by falsification of accounts, inflated prices, reduced value of goods or services produced, excessive interest charges, etc.)
- § Deception or false promises about types and terms of work
- § Withholding and non-payment of wages
- § Retention of identity documents or other valuable personal possessions

#### **Menace of a penalty (the means of keeping someone in forced labour)**

##### **Actual presence or credible threat of**

- § Physical violence against worker or family or close associates
- § Sexual violence
- § (Threat of) supernatural retaliation
- § Imprisonment or other physical confinement
- § Financial penalties
- § Denunciation to authorities (police, immigration, etc.) and deportation
- § Dismissal from current employment
- § Exclusion from future employment
- § Exclusion from community and social life
- § Removal of rights or privileges
- § Deprivation of food, shelter or other necessities
- § Shift to even worse working conditions
- § Loss of social status

developing economic alternatives (e.g. minimum wage legislation, land reform, rural credit facilities, education and training); organising information campaigns to let people know what their rights are (related to awareness creation above); and challenging hierarchical social structures (e.g. caste systems).

- **Protection** - Protective measures (by governmental agencies and NGOs for example) are especially important for the most vulnerable victims, such as migrants, women and children. Activities often include the identification, rescue and rehabilitation of bonded labourers or trafficked people (e.g. sex workers, bonded children); legal protection for victims and witnesses who are prepared to testify in court; and awareness raising among migrant domestic workers.
- **Prosecution** - The setup of a national legislation which defines and prohibits all prevailing forms of forced labour is a precondition for prosecution within any country. However, in spite of setting up such legislation, many countries fail to implement action plans to strengthen enforcement mechanisms (e.g. legal sanctions against employers using forced labourers).
- **International Pressure and Sanctions** - In some countries from where many cases of forced labour are reported, investigations are taken over by ILO task forces, sometimes in co-operation with national human rights NGOs. However, whereas this sometimes leads to improvements over time in some countries; others prove fairly resistant against international pressure.

The case of Burma (Myanmar), where state-enforced labour is prevalent, very well illustrates this instance. In 1993 the International Confederation of Free Trade Unions had lodged a formal representation at ILO against the ruling junta. After 7 years of negotiations and technical assistance, the ILO took the unprecedented action to call for international sanctions against the government of Burma. Presently ILO is receiving complaints through a liaison officer, but a joint action plan of 2003 has not yet been implemented.

Another form of legal action was taken by International Labour Rights Fund in cooperation with several refugees from Burma who had been forced at gunpoint to work in the building of the Yadana gas pipeline. Under the US Alien Tort Claims Act they filed a case against the US oil company UNOCAL, accusing them of making profits out of forced labour practices. After almost 6 years of litigation, a settlement was reached at the end of 2004 which involves the compensation of plaintiffs, and affirmative action to observe human rights. (For more information, please see [www.laborrights.org](http://www.laborrights.org))

- **Special Programmes** – In Brazil, the ILO supports the activities of a government agency which actively combats recruitment practices of slave labour in cattle rearing and agriculture. The elements of the successful strategy include national and regional awareness raising campaigns; mobile inspection groups; the creation of a database for monitoring developments and pilot projects for the rehabilitation of former slave workers.

In a still more comprehensive manner, the ILO established a **Special Action Programme to combat Forced Labour SAP-FL** ([http://www.ilo.org/dyn/declaris/DECLARATIONWEB.SAPFLHOME?var\\_language=EN](http://www.ilo.org/dyn/declaris/DECLARATIONWEB.SAPFLHOME?var_language=EN)) in 2001 to spearhead ILO activities against forced labour, including trafficking. It is a broad-based technical cooperation programme working at the request of member states and in close collaboration with workers and employers, civil society and other international organizations. It aims to address all aspects of forced labour, from the lack of good jobs in the communities where many of the victims of trafficking originate to support for now-freed workers.

NGOs such as Amnesty International and Human Rights Watch; Civil Society Organisations such as the Global Alliance Against Traffic in Women and projects such as Polaris Project and the Avalon Project are also important actors in the defence of labour and human rights.

## Where to learn more from?

### Links to main actors

*International organisations:* ILO Special Action Programme to combat forced labour:  
[http://www.ilo.org/dyn/declaris/DECLARATIONWEB.SAPFLHOME?var\\_language=EN](http://www.ilo.org/dyn/declaris/DECLARATIONWEB.SAPFLHOME?var_language=EN)

*Representation of workers and employers:* International Confederation of Free Trade Unions (ICFTU):  
[www.icftu.org](http://www.icftu.org)

*Civil society organisations and NGOs:*

- § Anti-Slavery International: [www.antislavery.org](http://www.antislavery.org)
- § Polaris Project: [www.polarisproject.org](http://www.polarisproject.org)
- § [www.humantrafficking.org](http://www.humantrafficking.org)
- § The Avalon Project, documentation on slavery: <http://www.yale.edu/lawweb/avalon/slavery.htm>
- § Amnesty International, e.g. on the conditions of Burmese migrant workers in Thailand:  
<http://web.amnesty.org/library/Index/ENGASA390012005>
- § Human Rights Watch, e.g. on the working conditions in gold mining in D.R. Congo:  
<http://www.hrw.org/english/docs/2005/06/02/congo11041.htm>
- § Global Alliance Against Traffic in Women (GAATW): [www.thai.net/gaatw](http://www.thai.net/gaatw)

### Links to other relevant documents

- § ILO (2005), A global alliance against forced labour, Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, International Labour Conference, 93rd Session, Report I (B), Geneva:  
[http://www.ilo.org/dyn/declaris/DECLARATIONWEB.GLOBALREPORTDETAILS?var\\_language=EN&var\\_PublicationsID=5282&var\\_ReportType=Report#](http://www.ilo.org/dyn/declaris/DECLARATIONWEB.GLOBALREPORTDETAILS?var_language=EN&var_PublicationsID=5282&var_ReportType=Report#)
- § ILO (2001), Stopping forced Labour, Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, International Labour Conference 89th Session, Report I (B), Geneva:  
[http://www.ilo.org/dyn/declaris/DECLARATIONWEB.GLOBALREPORTDETAILS?var\\_language=EN&var\\_PublicationsID=2055&var\\_ReportType=Report#](http://www.ilo.org/dyn/declaris/DECLARATIONWEB.GLOBALREPORTDETAILS?var_language=EN&var_PublicationsID=2055&var_ReportType=Report#)
- § Anti-Slavery International, ICFTU (2001), Forced Labour in the 21st century:  
<http://www.icftu.org/displaydocument.asp?Index=991214393&Language=EN>
- § OneWorld United States Perspectives (April 2005), Human Trafficking:  
<http://us.oneworld.net/article/archive/7451>
- § United Nations Commission on Human Rights Working Group (2004), Forced Labour in Brazil:  
<http://www.antislavery.org/archive/submission/submission2004-brazil.htm>

### Other international standards dealing with forced labour

- § ILO Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of others, 1949: <http://www.ilo.org/public/english/comp/child/standards/convpros.htm>
- § UNHCR Protocol on Slavery Convention, 1953: <http://www.ohchr.org/english/law/protocolslavery.htm>
- § UNHCR Supplementary Convention on the Abolition of Slavery, the Slave Trade, and the Institutions and Practices Similar to Slavery, 1956: <http://www.ohchr.org/english/law/slavetrade.htm>
- § UN Convention against Transnational Organized Crime, 2000:  
[http://www.unodc.org/unodc/en/crime\\_cicp\\_convention.html](http://www.unodc.org/unodc/en/crime_cicp_convention.html), and its supplement Protocol to prevent, suppress and punish trafficking in persons, especially women and children, 2003:  
[http://www.unodc.org/unodc/en/trafficking\\_convention.html](http://www.unodc.org/unodc/en/trafficking_convention.html)
- § UNESCO Project on the International Migrants' Rights Convention:  
The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families entered into force in July 2003. Its primary objective is to protect migrant workers and their families, a particularly vulnerable population, from exploitation and the violation of their human rights. [http://portal.unesco.org/shs/en/ev.php-URL\\_ID=6554&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/shs/en/ev.php-URL_ID=6554&URL_DO=DO_TOPIC&URL_SECTION=201.html)