



International
Labour
Organization



Ending forced labour by 2030:

A review of
policies and
programmes

EXECUTIVE SUMMARY



**CONTRIBUTION
TO ACHIEVING
SDG TARGET 8.7**

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.



24.9 MILLION

PEOPLE IN FORCED LABOUR:



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.



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

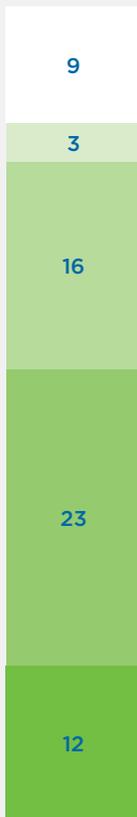
Although laws governing recruitment agencies and recruitment fees have been passed in more than 90 countries, a recent ILO review suggests that few deal with these issues in a comprehensive fashion. Important governance gaps persist, leaving room for abuse. Regulatory reform aimed at closing these and 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

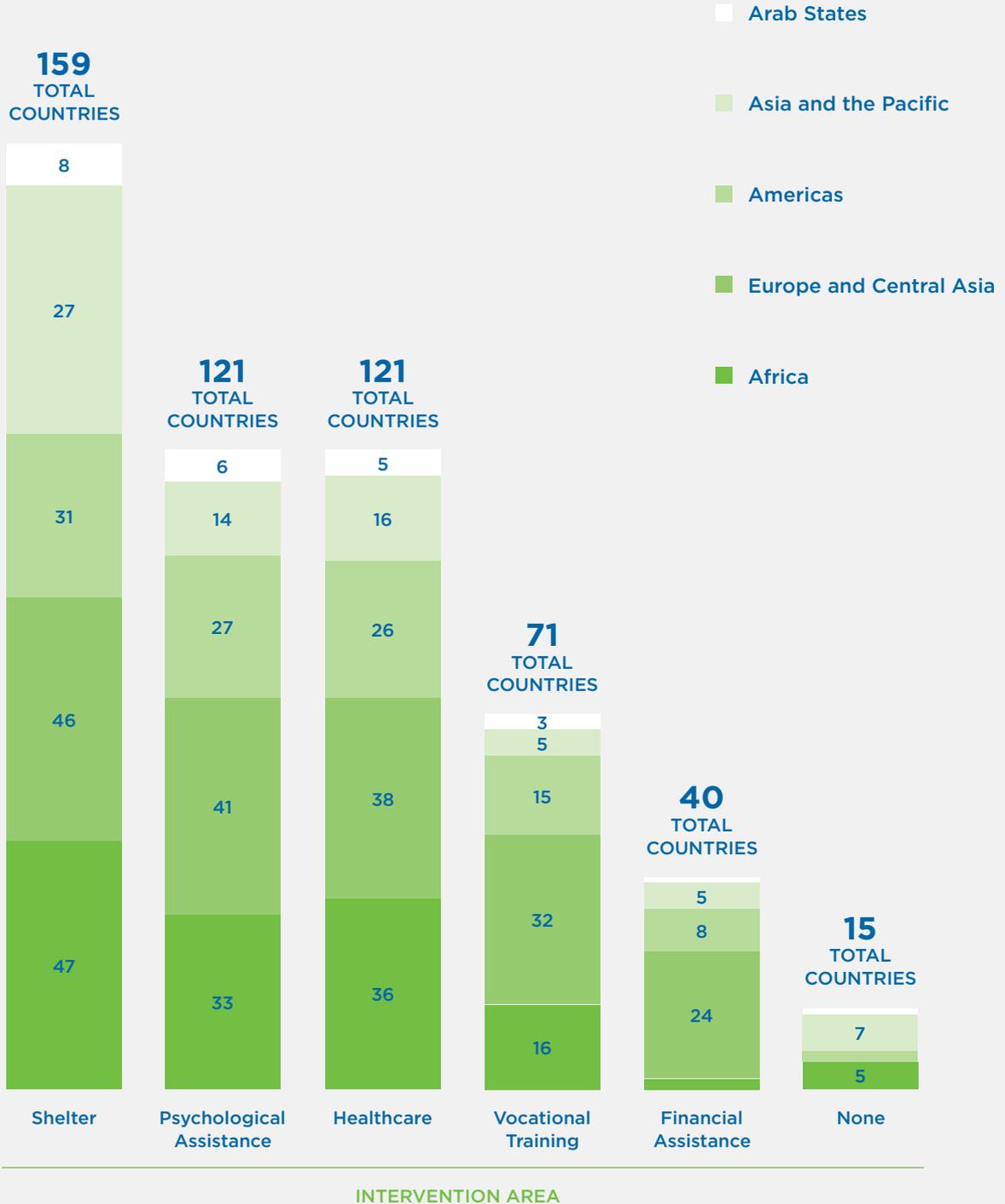
The Forced Labour Recommendation calls on member States to take “the most effective protective measures to meet the needs of all victims for both immediate assistance and long-term recovery and rehabilitation”. The review undertaken for this report points to substantial implementation gaps relating to 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.

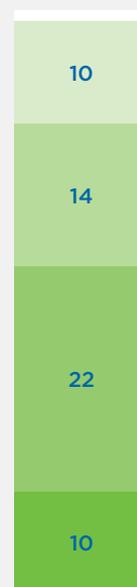
106
TOTAL
COUNTRIES



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

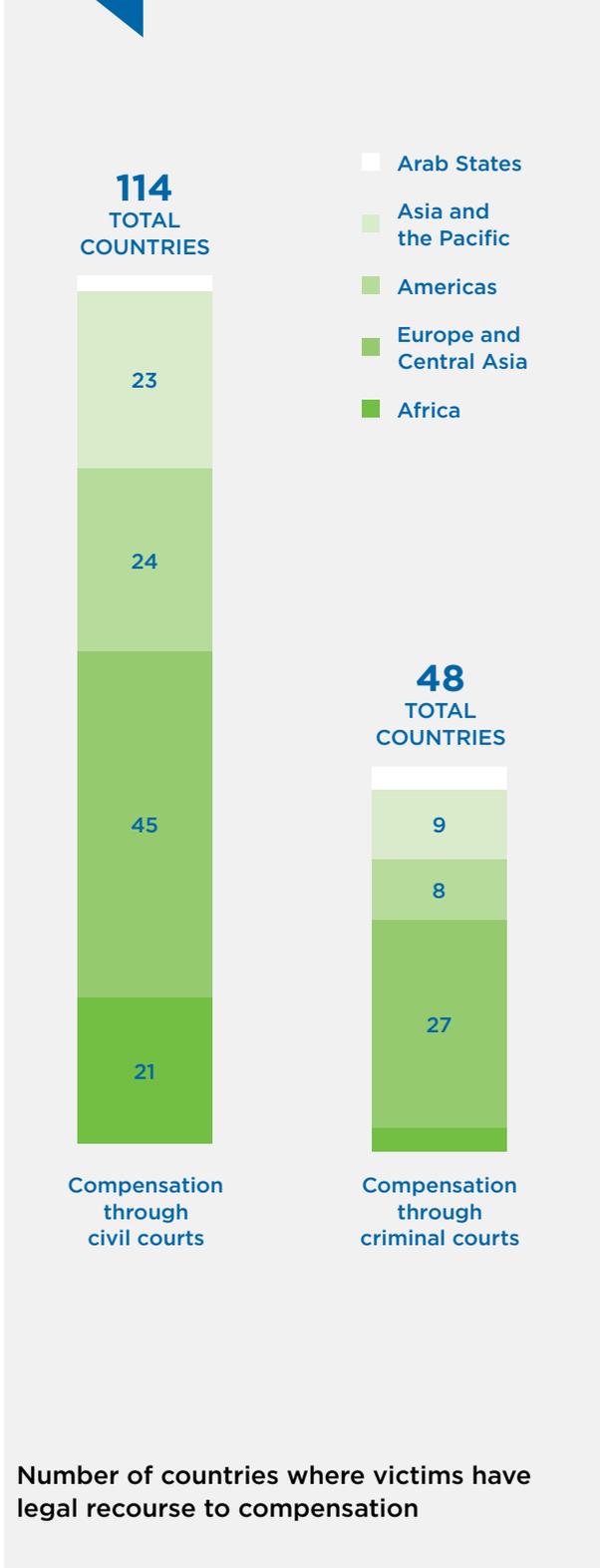
A growing number of countries are adopting legislation and measures specifically relating to the rights to remedies of people freed from forced labour, but this too is an area where much remains to be done. A review undertaken for this report looking at the specific remedy of financial compensation shows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





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

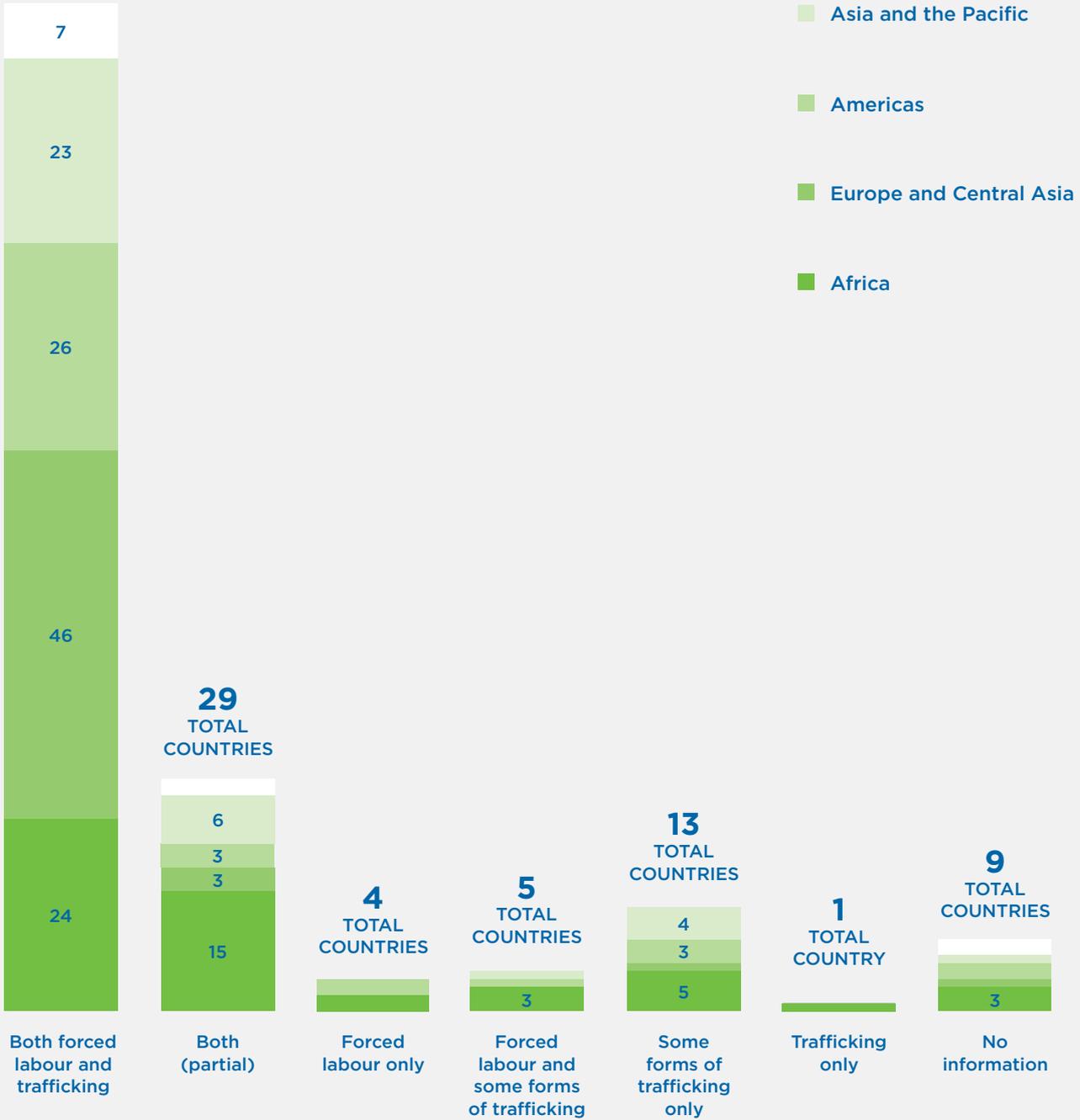
Laws alone are insufficient if not accompanied by adequate capacity for their enforcement. There has been huge investment worldwide in training various enforcement actors, yet the continued low numbers of prosecutions and convictions relative to the total prevalence of forced labour suggest that much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

