



A GLOBAL ALLIANCE AGAINST FORCED LABOUR

EXECUTIVE SUMMARY

The concept of forced labour

A Global Alliance Against Forced Labour sheds new light on the nature and extent of forced labour in the world today, what ILO member States, workers' and employers' organizations and their partners are doing to tackle the problem, and what more must be done if this crime and violation of human rights is to be finally ended. As the second Global Report on forced labour under the Follow-up to the Declaration on Fundamental Principles and Rights at Work, it focuses especially on the period since *Stopping Forced Labour*, its first report on the subject, was published in 2001.

This period has seen many important developments, in terms of heightened global awareness of the problems of contemporary forced labour, and particularly of trafficking in persons, and an increased understanding of what it involves – who and where are the victims and the perpetrators, how people get trapped in forced labour situations, and what kinds of measures have proved effective in preventing and combating this criminal practice, for which there can be no place in the twenty first century. Far from being a concern of only a minority of countries, forced labour in its different forms is a problem that pervades all societies – developing, transition and industrialized alike. It affects millions of people, and generates billions of dollars of profits for the exploiters of forced labourers.

The Report first sets out to clarify what the ILO means by forced labour. It certainly cannot be equated simply with low wages or poor working conditions. It comprises two basic elements: the work or service is exacted under the menace of a penalty,

and it is undertaken involuntarily. This menace can take extreme forms such as physical violence, but also subtler forms such as confiscation of identity papers or threats of denunciation of irregular migrants to police authorities, in order to extract unfair advantage from them. A forced labour situation is determined by the nature of the relationship between a person and an "employer", and not by the activity performed. Nevertheless, there is a broad spectrum of working conditions and practices, ranging from extreme exploitation including forced labour at one end, to decent work with the full application of labour standards at the other. And within the area defined by law as forced labour, a range of coercive and deceptive mechanisms can be applied. The most appropriate law enforcement remedies may depend on the nature, and perhaps also the severity, of the coercive mechanisms being applied.

The rising global concern with human trafficking, together with new instruments against it, have prompted member States to give attention to the forced labour concept in criminal laws. The "Palermo" Trafficking Protocol to the UN Convention against Transnational Organized Crime introduces into international law the concept of exploitation, broken down broadly into labour and sexual exploitation. It is clear from the comments of the ILO supervisory bodies that coercive sexual exploitation also constitutes forced labour. Many countries at present do not provide in their legislation for the specific offence of forced labour. While the present momentum is towards establishing the criminal offence of trafficking, there is a need also to

legislate against forced labour as a specific criminal offence.

Minimum estimate of forced labour in the world

Today, at least 12.3 million people are victims of forced labour worldwide. Of these, 9.8 million are exploited by private agents, including more than 2.4 million in forced labour as a result of human trafficking. The remaining 2.5 million are forced to work by the State or by rebel military groups.

The numbers are highest in Asia, with 9,490,000 victims. Almost two thirds of total forced labour in Asia is imposed by private actors for economic exploitation, mostly debt bondage in agriculture and other economic activities. About one fifth is imposed by the State in a few countries such as Myanmar. Forced labour for commercial sexual exploitation makes up less than one tenth of the total.

Latin America and the Caribbean has 1,320,000 forced labour victims. 75 per cent is imposed by private actors for economic exploitation, followed by State-imposed forced labour (16 per cent) and forced labour in commercial sexual exploitation (9 per cent). Of the 660,000 forced labourers in Sub-Saharan Africa, 80 per cent are subject to economic exploitation, 11 per cent to State-imposed forced labour, and 8 per cent to commercial sexual exploitation. Of the 260,000 forced labour cases in the Middle East and North Africa (MENA), 88 per cent is for private economic exploitation, and ten per cent for commercial sexual exploitation.

There are 360,000 forced labourers in industrialized countries, and 210,000 in transition countries. In both regions, forced labour for commercial sexual exploitation predominates. In industrialized countries however, almost one quarter of victims are subject to non-sexual economic exploitation.

Approximately one fifth of all forced labour globally - or 2.45 million persons altogether - is an outcome of trafficking. There are important regional variations. In Asia, Latin America and Sub-Saharan Africa, the proportion of trafficked victims is less than 20 per cent of all forced labour. In industrialized and transition countries, and in the Middle East and North Africa, it accounts for more than 75 per cent of all forced labour.

Women and girls are overwhelmingly involved in forced commercial sexual exploitation - accounting for 98% of the total of this form. Forced economic exploitation is more evenly divided between the sexes, although women and girls still account for more than half - 56%. It is estimated that children aged less than 18 years represent between 40 and 50% of all forced labour victims.

A dynamic global picture of forced labour

Since the first Global Report on the subject in 2001, the research and activities of the ILO's Special Action Programme to Combat Forced Labour (SAP-FL) have shed more light on recent trends in forced labour, and action to overcome it, in all regions of the world.

Generally, despite new laws and action programmes against trafficking, law enforcement against forced labour practices remains inadequate. There have been very few prosecutions of exploiters of forced labour anywhere. The offence of forced labour is often not identified as such in existing criminal law (though it may be under labour or administrative law). Penalties are often light. Important progress in combating impunity for forced labour offences has nevertheless been made in some countries, such as Brazil.

Forced labour imposed by the State, while not the largest problem in terms of numbers, remains a cause for serious concern. In Myanmar, the ILO has taken a lead in drawing attention to continued forced labour practices, which occur in particular in remote areas under the authority of the army. An ILO Liaison Officer has been able to assess the situation in person through field visits, while in May 2003 agreement was reached in principle between the Government and the ILO on a Joint Plan of Action against forced labour. By early 2005, however, the ILO was not in a position to move forward on this. Indeed the Myanmar case shows that it is impossible to make progress against forced labour when there is a climate of impunity, and repression against persons who denounce forced labour abuses.

In China, steps have been made towards reform of the Reeducation through Labour (RETL) system, an administrative measure including compulsory labour that is used for punishing minor offences. As of early 2004, some 260,000 persons were detained under RETL.

Reform to the RETL system is on the agenda of the current session of the National Peoples' Congress.

The forced labour aspects of prison labour have also been a cause for concern in industrialized countries. The focus has mainly been on the eradication of forced labour in private prisons, or by prisoners placed at the disposal of private companies. Yet some consensus is emerging that, while prison privatization is probably here to stay, the central issue in the debate should be how to secure minimum standards of work for those detained in all kinds of prison establishment. In this sense - while prison authorities tend to stress that work is only one aspect of the prison regime - there can be scope for labour inspection services to collaborate with prison authorities on matters which relate strictly to the work regime.

In developing countries there are clear links between poverty and discrimination on the one hand, and forced labour on the other. The victims are drawn from lower castes in parts of Asia, indigenous peoples in Latin America, the descendants of slaves or forest-dwellers in Africa. Patterns of forced labour are nevertheless changing. In addition to traditional agrarian-based serfdom and servitude, new forms of coercion often linked to indebtedness are being detected in a range of sectors and industries, such as brick making, mining, rice mills and domestic work. The asset-poor or landless are particularly vulnerable to forced labour, when they move away from their home communities in search of work in distant parts of their own country, neighbouring countries or overseas. Similar patterns of coercive recruitment and debt bondage have been detected amongst seasonal and migrant workers in Africa, Asia and Latin America. Again, women and children can be especially prone to be trapped in exploitative living and working situations, from which they have great difficulty escaping.

Tackling such forced labour requires action at different levels. Downstream, there have been important community-based initiatives, using micro-finance and other techniques to prevent forced labour and rehabilitate victims after release. Upstream, there is a need for clear policies and plans of action, mobilizing awareness, getting the involvement of different ministries, ensuring the cooperation of labour authorities and other law enforcement agents,

and also securing the necessary resources for action against forced labour. One way to achieve this is to include forced and bonded labour concerns in Poverty Reduction Strategy Papers (PRSP) and similar policy instruments. Some models are emerging. Brazil and Pakistan have broad-based action plans against forced labour. Nepal and Pakistan address bonded labour in their PRSPs.

In Africa, the eradication of - and even the clear understanding of - forced labour poses complex challenges in a context of poverty and tradition. Unpaid services can be part of traditional kinship arrangements. There are reports that West Africans of slave descent still suffer discrimination and labour exploitation at the hands of former masters. Research points to a spectrum of situations, from the highly exploitative to the relatively benign. And in some African countries forced labour has occurred in a context of severe political violence and inter-ethnic conflict. Problems of contemporary forced labour include: slavery and abductions, debt bondage, forced overtime, unpaid compulsory labour for public servants, and forced domestic labour. There are prima facie reasons to believe that forced labour may be a widespread problem in the continent. But far more research and awareness raising is needed, to deepen understanding and chart out a way forward.

The scourge of human trafficking has now caught the world's attention. It is bringing forced labour concerns to the doorstep of industrialized countries. More and more, ILO partners realize that effective action against trafficking requires a focus on its forced labour outcomes, and on demand aspects in the destination countries as well as supply in the origin countries. ILO research in Europe and elsewhere has shed light on these issues, paving the way for improved policies and law enforcement. Affecting sectors including agriculture, construction, textiles and garments, restaurants and entertainment, health care, and domestic work, trafficking for labour exploitation often involves subtle forms of coercion rather than direct physical restraint. Unscrupulous employers exploit the precarious situation of irregular migrant workers in particular, removing identity documents, and threatening them with denunciation to the authorities and deportation if they do not accept sub-standard conditions of work. Migrant domestic workers are at particular risk of forced labour

situations. So far, there have been very few convictions of abusive employers or intermediaries involved in the trafficking of domestic workers.

Forced labour and trafficking are not limited to the underground economy. With more research, it is becoming clearer that coercive practices can affect migrants in quite mainstream economic sectors. Deceptive practices by recruitment agencies, and long chains of subcontracting, can involve exorbitant transaction costs which drive even legally recruited migrants into debt bondage situations. There have been examples of good practice, such as the 2004 United Kingdom Gangmasters Act, which increase controls over such agencies. In transition countries however standards to monitor the work of recruitment agencies are still very weak. Government authorities, law enforcement agents and the social partners need training to prevent the risk of trafficking.

Trafficking is a highly lucrative business. The ILO estimates that total illicit profits produced annually by trafficked forced labourers are around US\$ 32 Billion (half of this in industrialized countries and one third in Asia). This means an average of US\$ 13,000 per year for each forced labourer. By far the highest profits are made from forced commercial sexual exploitation (US\$ 27.8 Billion).

The apparent growth of trafficking for economic exploitation in all regions calls for serious thinking as to the most effective means to eradicate it. Vigorous law enforcement will always be part of the solution, but many other measures are required. Our previous (2001) Global Report depicted human trafficking as the "underside of globalization". The knowledge base has now shed further light on the linkages between forced labour more generally, and such aspects of globalization as global competition, migration and labour market deregulation. Without safeguards, competitive pressures can lead to forced labour. Eradicating coercive practices represents a major challenge for employers' and workers' organizations worldwide.

ILO action against forced labour

Spearheaded by its Special Action Programme to Combat Forced Labour (SAP-FL) under the Declaration Follow-up, the ILO has progressively increased its profile and activities on forced labour

over this four-year period. Guided by its Governing Body mandate, the programme has emphasized: advice on appropriate legislation; awareness raising on forced labour, among both the general population and key authorities; research and surveys, on the nature and extent of the problems; prevention, through advocacy, vigorous application of national laws and regulations, and by tackling underlying causes; and sustainable support and rehabilitation measures.

SAP-FL has been active in many parts of the world in a short period of time. Awareness-raising has been conducted in all regions, and with major international partners. There is growing consensus that forced labour is the key entry point for anti-trafficking action. Research - in South and South-East Asia, transition and industrialized countries and Latin America - has for the first time provided a full understanding of the nature of modern forced labour, and of the action needed to eradicate it. Law and policy advice have been provided to Asian countries including China, Mongolia and Vietnam, paving the way for ratification of the ILO's Conventions on forced labour.

Several ILO projects aim to strengthen institutional structures for combating forced labour. A Brazilian project supports the Government's National Action Plan against Slave Labour, working with several ministries, police, judiciary and labour authorities as partner agencies. The project, in part through a massive awareness campaign, has contributed to the significant rise in the number of forced labourers rescued in Brazil. In South Asia, a project to promote the prevention and elimination of bonded labour has gradually developed new tools for tackling this immense problem. With an initial focus on using microfinance to prevent bonded labour and assist the rehabilitation of released bonded labourers at the community level, it has moved increasingly into capacity-strengthening of Government agencies and other partners. In Pakistan, ILO assistance has largely been designed to support the goals first set out in the 2001 National Policy and Plan of Action on bonded labour.

On trafficking, research and studies in both origin and destination countries have prepared the ground for integrated programmes across the trafficking cycle, combining prevention, victim identification and protection, law enforcement, and rehabilitation of

victims. As requested by international partners the ILO has taken a lead in providing guidance to member States on the forced labour and labour exploitation dimensions of trafficking, drawing on pertinent ILO standards. Operational projects are now under way in West Africa, South East Asia, China, and Eastern and Western Europe. In particular, these projects aim to involve labour authorities and other institutions including employers' and workers' organizations in action against trafficking, demonstrating the importance of their cooperation with police, prosecutors and law enforcement agencies in general.

Action Plan: A Global Alliance Against Forced Labour

The ILO now calls for a global alliance against forced labour. It will require national commitment to eradicate forced labour through plans with specific time horizons. National plans and programmes will need to be backed by extensive international assistance, notably from the development agencies and financial institutions concerned with poverty reduction. Asia, where the numbers affected by contemporary forced labour are the largest, must be the highest priority. The development agencies, which base their strategies on poverty targeting and the eradication of extreme poverty, should single out bonded labour systems for priority attention. In Latin America, where the incidence of forced labour is particularly severe amongst indigenous peoples, poverty reduction programmes and resources can be targeted at the peoples and areas affected.

As regards forced labour and trafficking, the destination countries need to take their share of responsibility. All countries need to include provisions against forced labour and trafficking in their criminal laws, involving labour law experts in the drafting process. There is a need for more awareness of the role of demand for cheap and flexible labour in the destination countries in giving rise to trafficking and forced labour, and also for more rational migration management.

Universities, research and policy institutions need to improve the knowledge base on forced labour. Priority can be given to the difficult issues, where there is currently a lack of consensus as to whether and which practices do constitute forced labour. One example is the forced labour aspects of prison labour.

The ILO can take an active leadership in this global alliance. It can set targets for eradicating the forced and bonded labour problems linked to structural poverty, as part of its contribution to achievement of the Millennium Development Goals. It can identify specific steps, with targets for the coming years, against the forced labour problems linked to globalization. Employers and workers' organizations will have a key role to play, the former developing codes of conduct to ensure vigilance against forced labour in supply chains, the latter helping the informal economy workers vulnerable to forced labour in their efforts to organize themselves and seek redress. Through their regional and international networks, transport and other unions can exercise permanent vigilance against human trafficking.

The ILO can help member States improve data gathering on forced labour. Reliable forced labour statistics must now be developed at the national level, providing benchmarks against which progress can be measured over time.

Through operational projects, the ILO can greatly help member States eradicate forced labour. The aim will be to develop "models" of intervention, which can then be applied on a wider scale by others. These should comprise linked components, addressing upstream policy and legal issues, as well as strengthening enforcement institutions and providing direct support for victims. In developing such integrated projects the ILO needs to draw on all its capacities, as they relate to employment promotion as well as the application of labour standards.

In developing projects, however, it must be remembered that hard policy decisions are required to end forced labour. Such instruments as microfinance are important for prevention and rehabilitation, and will always be part of the "toolkit" against forced labour. But to combat impunity, and to tackle the roots of either the more traditional or more modern forms of forced labour, member States may ultimately have to revisit their land, tenancy, labour market or even migration policies.

With courage and commitment to face up to the problems, and with the allocation of resources to meet the challenges, there is a real hope that forced labour can finally be relegated to history. ■