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Presidents: Mr. Parrot, Mr. Donato, Ms. A. Sto. Tomas

GLOBAL REPORT UNDER THE FOLLOW-UP TO THE ILO DECLARATION ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK: DISCUSSION (*cont.*)

The PRESIDENT (Mr. PARROT) — We shall now resume the discussion on the Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, *Stopping forced labour*.

Mr. CHETWIN (*Government delegate, New Zealand*) — This statement was to have been delivered by our Minister, but unfortunately she had to leave for the airport at lunchtime, so I shall deliver it on her behalf.

The New Zealand Government's expectations for this Global Report were twofold: first, that it would make a meaningful contribution to the international community's understanding of the nature and scope of the practice of forced labour, and secondly, that it would stimulate debate as to how the ILO can add value in its leadership of international efforts directed towards the elimination of all forms of forced labour.

My Government believes that these expectations have been broadly met, and would like to congratulate the Office for its efforts in producing this very comprehensive and useful document.

New Zealand strongly condemns the practice of forced labour. We are concerned that, while such a practice is universally condemned, in reality it still persists, as highlighted in the report.

This is a global problem. Given the ILO's unique tripartite perspective, we agree with the report's statement that the Organization can, and should, take a lead on aspects of the problem.

On some other aspects, there is a need to consider how the ILO can best add value to the work of other international agencies that are active in the area.

As suggested by the Global Report, the challenge for the ILO is to consider how it can carry out such lead and supporting roles without spreading its resources too thinly.

We endorse the report's comment that the ILO can help prevent forced labour from emerging in the first place. Towards this end, consolidation of the Decent Work Agenda, as envisaged in the work programme for the next biennium, will provide a framework for ILO action. This is particularly true in the provision of assistance with employment creation and the promotion of the fundamental principles and rights in the workplace.

We support the development of a coordinated action plan by the ILO for the targeting of its future

assistance to member States for the eradication of forced labour. Such a plan will be necessary to avoid misalignment and duplication of efforts, both within the ILO and between the ILO and other international agencies.

The report identifies a comprehensive range of issues that might be considered for the development of an action plan. I do not have time to address each individually, but I would like to make the following comments on two issues of particular interest to my Government.

First, there is a need for an integrated approach. We are pleased to note that the elements identified by the report for an overall strategy cover a broad range of issues, including not only prevention and identification, but also awareness-raising and remedies.

Secondly, to assist with problem identification, we support the report's proposal that attempts should now be made to develop a research programme and to devise appropriate methodologies to permit detection of forced labour practices in labour market data and other statistics.

We recall our strong endorsement of the Director-General's suggestion in his 1999 Report, *Decent work*, that the ILO should aim to become a centre of excellence for knowledge and action on labour and employment issues. Improving the ILO's knowledge of forced labour issues will assist in achieving such a goal, and is also essential to being able to monitor progress.

Before concluding, I note the report's observation that the work of prisoners raises some complex issues that have long occupied the ILO supervisory bodies.

New Zealand supports the call made by a number of governments in the Committee on the Application of Standards for further examination of the Forced Labour Convention, 1930 (No. 29), and its application to prison labour. One possible approach to this might be for the ILO to sponsor an open discussion involving the tripartite partners and experts in the area. The discussion would focus on the issues surrounding prison labour generally, including its role in the social rehabilitation of prisoners, as well as their rights in relation to such work and the obligations of prison authorities.

New Zealand commends the ILO's efforts to halt the practice of forced labour. This Global Report provides a valuable contribution for further reflection as to how meaningful progress can be made to achieve that goal.

Original Spanish: Mr. RICCI MUADI (*Employers' adviser and substitute delegate, Guatemala*) — I am delighted to see that the Global Report this year

refers to a subject which demonstrates the importance of the mechanism adopted by the Organization in 1998.

What we are dealing with here is not a legal problem, but a problem relating to the demonstration of determination and political will. The majority of member States have legislation providing for the prohibition of forced labour. Moreover, the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105), are among the fundamental Conventions with most ratifications. With regard to determination and political will, the report indicates that progress has been made in some cases, for example in the Dominican Republic and Brazil. However, the problem is above all one of cultural realities and development, which is why we welcome the approach presented in the report, which states the need to focus on the question of employment. One of the report's epigraphs reads: "Only employment yields lasting freedom". This concept needs to be taken as a starting point and an ongoing strategy to guide our plans to deal with this very severe problem. It also coincides with what we heard from the Director-General of the Organization in this very room when he presented his annual Report.

To a lesser or greater extent, whenever forced labour occurs, one of its key causes is poverty, given that the majority of countries in which it takes place have high levels of informality and unemployment. There is no doubt that the most effective way of combating poverty is by generating well-paid and productive work, and this should be our principal objective.

Nevertheless, this is easier said than done. That is why I agree with the Director-General's comments in the report, in so far as all the social partners, governments and other international organizations dealing with development need to be involved in this effort.

The ILO's remit, experience and structure make it the ideal agency to take the leading role in guiding the work, channelling efforts and monitoring progress. It should try to make sure that the generation of well-paid and productive work remains a key concept in relation to all the activities it pursues, from the development of standards to technical cooperation and research.

With this objective in mind, it should swiftly put together thorough reports to provide up-to-date information on the scope of the problem and the areas most affected, as well as determine the precise characteristics of the kind of forced labour which exists.

This is necessary for the following reasons: the report tries to classify existing forms of forced labour and, naturally, every case either does not fit easily within the categories it suggests, or fits into more than one of those categories. For example, if we take the category: "forced labour in agriculture and remote rural areas" certain cases could equally be confused with "bonded labour".

Both types of forced labour have specific characteristics which require specific treatment. Furthermore, they are present in different geographic areas. The confusion could lead to problems in the press and media, which would have a negative impact on the public's awareness of the problems.

I think that this kind of confusion is something that is reflected in the conclusion, where we are given figures on Central and South America which are not supported by the content of the document, nor by the current situation in our region. A paragraph from the

conclusion which was quoted out of context, may already have given rise to misunderstandings. The regions which were referred to, particularly in the traditional agricultural sector, serve as an example of what I said at the outset, namely that the informal economy and unemployment do not necessarily lead to forced labour but they do lead to poverty and everything that goes with it. Even community participation in public works as the only way of carrying them out is an abusive practice which is rightly pointed out in the report.

We should work towards creating the necessary conditions to generate well-paid, decent work. The redistribution of land, for example, only condemns the supposed beneficiaries to a subsistence economy. The generation of employment in traditional farms, without adding value to export products, will not necessarily guarantee decent work either and will only widen the gap between rich and poor countries.

The solutions need to be holistic and take place over the long term. We need to reconsider models of production in our countries.

This Organization should set out to coordinate the efforts of social partners and other international organizations and set the direction, the direction which I have already talked about, which is to provide lasting freedom. The mechanism included in the follow-up to the Declaration on Fundamental Principles and Rights at Work should be the starting point.

The follow-up to the Declaration says precisely this in parts three and four. It is a flexible mechanism, and the programmes which are implemented should also be flexible, as well as being implemented in coordination with other international organizations and workers' and employers' organizations which, as the report says, have begun to take specific steps to involve themselves in these efforts. Any future instruments should be equally flexible, as should the policies and standards adopted in different countries to face the challenges which each different country situation poses.

The mechanism adopted by this Organization in 1998 has begun to bear fruit. It has begun to guide our efforts in implementing the practical measures for which it was created and I am delighted to see this. I would call on workers, governments and employers to give them their full support.

Mr. RAMPAK (*Workers' delegate, Malaysia*) — Let me at the outset express my gratitude for the outstanding efforts made in the preparation of the very comprehensive Global Report on forced labour. As we know there are many levels of forced labour all over the world. The report very comprehensively underlines the issues that need particularly detailed examination.

Let me outline some issues which I think are very important for us to understand. One is the extreme case of forced labour exerted by the military, such as in Burma (Myanmar). The case of Burma has been discussed many times in the Governing Body and the International Labour Conference over many years and it is useful for us to examine how the forced labour situation in Burma came about. It is to be hoped that this is not happening elsewhere in the world.

A second issue is that forced labour has led to increased trafficking in human beings as a result of globalization. This broader phenomenon of trafficking in human beings, is giving rise to increasing

alarm and often has a forced labour aspect. The phenomenon particularly affects young girls and boys.

I realise that I have only limited time for my intervention, but would like to emphasize that there is a gender aspect to forced labour and trafficking in human beings. In my region, the trafficking of young girls and boys is a reality.

This is an issue I think that many of the speakers before me have addressed in condemning forced labour all over the world. All of us in this august house agree there should be action by member States to eliminate forced labour and to implement the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105).

Countries need to make a constant effort to eliminate forced labour in our societies. There is plenty of discussion in this house, some of it in very flowery language, but when it comes to results on the ground, what we find is very discouraging. We have seen from the Global Report, that there are problems of forced labour all over the world. Mr Brett, Chairperson of the Workers' group, spoke very eloquently this morning to outline issues related to forced labour. Perhaps the meeting should look into his proposal and how far it could be implemented.

Besides what has been proposed by Bill Brett, I think we have to look also at the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). If it were to be implemented, tripartite concept world need to be on the agenda for the elimination of forced labour in each country. It is no use for a delegation to make a good statement in this house and then go back to its own country without making an effort to hold tripartite discussions on how to eliminate forced labour.

In addition, I think, we must look into technical assistance. How far could the ILO assist the member countries by technical assistance in connection with the elimination of forced labour?

I do hope, all of us present here today can work together on this. Of course, we understand that we cannot eliminate forced labour immediately, but action can be taken to reduce it progressively.

Mr. MOYO (*Minister of Public Service, Labour and Social Welfare, Zimbabwe*) — Allow me to commence my address by joining with the previous speakers in congratulating the Secretary-General and his team on this meaningful and thought-provoking Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. The Global Report entitled *Stopping forced labour* not only provides the total picture of conditions on the ground, but also proffers some solutions which should be considered by this Conference so that forced labour is fully addressed.

The report is comprehensive and dynamic, examining all forms of forced labour, including hidden ones, in all economies, developed or developing. It thus helps us dismiss the notion that forced labour in the post-nineteenth century is a phenomenon confined only to developing countries or societies referred to as backward.

The revelation is also encouraging in the sense that it provides a starting point for a renewed global campaign to eradicate both old and new patterns of forced labour, in line with the spirit in which we adopted the Declaration on Fundamental Principles and Rights at Work and its Follow-up three years ago.

The Declaration, by its nature, promotes decent work by encouraging governments, business and, indeed, workers, to observe basic human rights in the world of work. I agree with the observation of the Director-General that forced labour is the antithesis of decent work, and it is also totally correct to say that forced labour or compulsory labour has no moral basis, for human dignity is not respected in forced labour.

It is in awareness of the fact that forced or compulsory labour takes different forms, some discernible and others hidden, and affects different age groups, that Zimbabwe is preparing to carry out an in-depth study on hidden forms of child labour as a supplementary enquiry to the national child labour survey carried out in 1999.

Child labour is indeed linked to forced or compulsory labour. The hidden forms include child trafficking and prostitution.

Zimbabwe will be seeking assistance from the ILO and IPEC in conducting the study. It will help ascertain whether forced labour does exist in Zimbabwean society and, if so, corrective measures will be taken.

Finally, intensified international action involving other UN agencies to eradicate forced or compulsory labour is now a must. The next Global Report on forced labour should therefore be the basis for the ILO to convene a world summit on the eradication of forced or compulsory labour.

Ms. KNOWLES (*Employers' delegate, New Zealand*) — The ILO is to be commended on its comprehensive second Global Report under the Follow-up to the 1998 Declaration on Fundamental Principles and Rights at Work.

As the report concludes, there is no excuse for forced labour in the twenty-first century. There may, however, be understandable reasons why, despite all efforts, forced labour persists. As I said earlier in the week, with regard to the decent work issue, nothing can substitute for good governance and sound macroeconomic and fiscal policy if the conditions for employment generation are to be created. So, too, with regard to forced labour. Good governance and sound macroeconomic and fiscal policies are essential to the elimination of those conditions and circumstances in which forced labour can be seen by some as an option.

I am pleased to see this view recognized in the report, where on page 29 it states that "top priority must go to creating economic and social conditions that impede and discourage forced labour from happening in the first place".

It is noted that perceptions of what constitutes forced labour have widened over the years, moving from slavery through debt bondage to encompass forced labour for political purposes and what the report refers to as a "contemporary dilemma", that is, work performed by prisoners.

One point that is absolutely fundamental to this debate, and whose significance seems not to have perhaps been fully grasped in this report, is the distinction between the principle of abolishing forced labour which the Declaration embodies and the legal obligations that apply when a country has ratified a Convention. Just last week in the Committee on the Application of Standards, the Employers' group drew this distinction and simply could not agree with the Committee of Experts' outcomes relating to the Forced

Labour Convention, 1930 (No. 29) and private prison labour.

Forced labour, in terms of [Convention No. 29](#), does not include any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the work is carried out under the supervision and control of the public authority and that the person concerned is not hired to, or placed at the disposal of, private individuals, companies or associations. The ILO's dilemma, of course, arises from two long-held preconceptions: that it is inappropriate for prisons to be run on a profit basis by the private sector and that supervision of work performed by prisoners must be the responsibility of the public authority.

However, times and views change, and in many countries what was once considered an unassailable position is now recognized as no longer the best policy approach. Certainly there is nothing to establish the State as better than the private sector to run penal establishments. But that aside, the issue becomes the extent to which work performed is of benefit to the particular prisoners.

I note that in Part I section 9, on prison-linked forced labour, the report refers to a complaint by one workers' organization about wage rates and prisoners' terms and conditions of work in New Zealand, especially when private enterprise is involved. The report adds: "As in the case of developing countries, governments of industrialized countries have sometimes cited financial reasons for the public-private arrangements", as though it were for this kind of reason New Zealand introduced prison work. That, however, is far from the case. Rather, in New Zealand, as with an ever-increasing number of countries, it is with the idea of facilitating their rehabilitation that prison inmates are encouraged to engage in such work.

In New Zealand, prison "work" takes two forms: work performed in the prison itself and work done by prison inmates, usually those nearing the end of their sentence who work on day release outside the prison in private sector employment. In this latter case, payment is as established under a contract between the employer and the prison authorities and constitutes at least the minimum wage. Of the contracted amount, 50 per cent goes to the prison authorities to help cover costs (legislation provides for this), while the other 50 per cent is paid into a bank account for the inmate's use on release.

In New Zealand it is the private sector that enables the prison service to offer work experience both in and outside prison because it is recognized that the private sector does this more effectively than the public sector. Prisoners who agree to take part can acquire a useful and usable skill and, even where training is not formalized, acquire necessary life skills that so many have previously lacked. Work experience not only assists with social integration — helps prisoners to get on with others — but also teaches punctuality, teamwork, the use of initiative and helps to develop problem-solving skills, all essential if a prisoner is to be properly rehabilitated into society.

In conclusion, this example of New Zealand's evolved approach from locking up prisoners in isolation from the community to its current focus on wider societal needs inevitably leads, yet again, to the conclusion long espoused by the Employers' group that prescriptive standards simply cannot accommodate an ever-changing world.

Original Spanish: Ms. TRIANA (Workers' adviser, Colombia) — The report records the fact that, today, in the twenty-first century, humanity is still confronted by the sad spectacle of forced labour, slavery, and bonded child labour, which is the worst and most shameful type of forced labour. However, it would be a good idea for us to ask ourselves some questions.

Is it not neoliberalism, capitalism gone wild, that is the most serious offender in this? Is it not those who are loudest in condemning forced labour in public who profit from the suffering and anguish of those who labour in conditions of the worst possible exploitation?

We probably cannot answer these questions today. But we have to fight openly against shadowy type of slavery.

More than ever before, there is an urgent need for us to commit ourselves to a high-profile campaign for the eradication of forced labour. We have to put different forms of pressure on the people who carry out this practice in order to make them understand that they not only increase the suffering of the victims, also endanger world peace through these activities.

It seems hard to believe now, but there will come a day of real popular uprisings against this unjust type of labour. And it is very easy for us to find ways and means of preventing it.

I am certain that no man or woman, no organization or institution believes that forced labour and slavery are the way to find the true peace that the nations of the world need.

I should add that those who profit from forced labour are not people with whom we want to work.

They are the enemy. Theirs is the path of war and ours is the path of peace. The only way to oppose them is to generate decent work with decent salaries.

Let me tell you about three practices which have been growing, especially in the Latin American countries. First, work which is provided by temporary agencies, where the beneficiaries are the middlemen. Second, work carried out by migrants and displaced persons. And finally, forced work during wartime, which not only affects children, men and women, but which involves kidnapping of the victims in order to force them to do this work.

Mr. MOWLANA (*Minister of Labour, Sri Lanka*) — I am indeed pleased to take part in this important and timely discussion on the Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.

In this regard, I would like to compliment the Director-General of the ILO and his staff on the report entitled *Stopping forced labour*, placed before this session of the International Labour Conference. It is a timely contribution towards the noble goal of stopping forced labour altogether and eradicating this menace from our planet. It contains valuable observations and insights. The report has also collated details of action being taken by international organizations, individual governments, as well as civil society groups. It is a valuable document.

Since regaining our independence five decades ago, Sri Lanka has embarked on a development model that has given primacy to the political and social emancipation of our people. Consequently, while remaining as a middle-income developing country, we have achieved high standards in respect of several

social indicators. Our literacy stands at over 90 per cent, and we rank 84th out of 174 countries ranked in the human development index of the UNDP. Sri Lanka has also a highly politically conscious population who are aware of their rights and responsibilities.

In this context, I am pleased to report to this august assembly that Sri Lanka does not have the practice of bonded labour, nor would tolerate it. However, my delegation is concerned, and somewhat surprised, at the reference to Sri Lanka in the Director-General's report *Stopping forced labour*, in Chapter 6 on bonded labour and its eradication. In paragraph 91 it is stated that Sri Lanka has announced that it wishes to undertake an assessment of the compatibility of domestic legislation with international standards on forced labour. While we agree that this statement is factual, we would disagree with its placement in the section under bonded labour and its eradication, especially since Sri Lanka does not have the practice of bonded labour at all. The statement referred to by the report was made in a Sri Lanka Government report to the ILO in a different context. The purpose of this statement was to inform the ILO that measures were being taken to bring domestic legislation in line with the Abolition of Forced Labour Convention, 1957 (No. 105), so that legislation in Sri Lanka would be compatible with its international obligations, and ensure a legislative authority to continue preventing forced and bonded labour. In this context I reiterate, and wish to place on record, that Sri Lanka does not welcome being mentioned under the section on bonded labour.

In this regard, I wish to mention to this august assembly that the problem of forced labour is practised in Sri Lanka only by a terrorist group, the LTTE, in their fight against government forces. The international community has now accepted that this group uses child combatants and other persons as forced labour in their insurgency against all international norms. I am pleased that the action taken by my Government, as well as by the international community, in this regard has been referred to in paragraph 251 of the report.

In conclusion, may I once again compliment the Director-General of the ILO and the staff on their contribution towards eradicating the menace of forced labour, and we in Sri Lanka will stand by them, together with the international community towards achieving this objective universally.

Original Portuguese: Mr. BURSTORFF DORNELAS CYSNEIROS (*Secretary of State for Labour and Training, Portugal*) — This year's session of the International Labour Conference is discussing for the second time the follow-up to the ILO Declaration Fundamental Principles and Rights at Work. The Declaration states: "It is urgent, in a situation of growing economic interdependence, to reaffirm the immutable nature of the fundamental principles and rights embodied in the Constitution of the Organization and to promote their universal application". This identifies clearly the key issue at stake. In the context of globalization, it is absolutely vital that economic growth in the less developed countries is reflected in social development, and indeed the creation of employment with individual and collective rights, in other words, decent work. In order to achieve this, we need to have a new form of social regulation which is both widespread and includes fundamental principles

and rights at work as its main elements, as indeed Minister Pedroso said in his presentation to this assembly two days ago.

With that in mind, Portugal would agree entirely with the statement made by the representative of the Canadian Government on behalf of IMEC. We support the comments made with regard to the form, content and dissemination strategy of the Global Report. Not only do we need to have a Global Report of high quality, but we also need to be able to raise the consciousness of public opinion on the importance of basic rights at work. The reports produced as part of the follow-up to the Declaration will undoubtedly help to raise awareness, to mobilize the external resources necessary for technical cooperation, and to bring pressure to bear on the social partners and decision-makers who may just lack the necessary political will to eliminate forced labour in certain countries.

The fundamental right to freely choose one's employment implies putting an end to forced labour, wherever it might occur, as a matter of urgency. As the Global Report suggests, this is by no means an impossible goal. The report describes the tremendous efforts being pursued throughout the world to eliminate forced labour, as well as setting out the disturbing violence that certain social groups and state authorities can exercise over other people in order to keep themselves in political power. The report calls upon us, as citizens of the world, to put an end to forced labour and the circumstances which lead to it. We have seen that public authorities have different positions on forced labour. In some countries, governments are determined to combat forced labour, and to that end implement programmes to bring those responsible to justice, to combat the economic circumstances leading to forced labour, and to promote the productive, social integration of victims.

Many of these programmes benefit from the technical cooperation of the ILO and other international agencies and I think that is a clear indicator that there are governments that have true political will to do away with forced labour. Having said that, we also see that there are other countries which in spite of their ratification of international conventions or constitutional provisions banning forced labour, in practice do little if anything to put an end to it.

The Global Report, as a follow-up to the Declaration, tries to identify priorities for technological cooperation under the ILO. However, it is the existence or absence of true political will in States to establish forced labour which will determine the success of the strategies adopted by the international community and the ILO in particular. In our view, technical cooperation to help States put into practice programmes to eliminate forced labour will only work if those States are determined, as it says in the Declaration: "to respect, to promote and to realize in good faith", the principle that all work should be done freely. Where you have a lack of true political will to eliminate forced labour, I believe that the ILO must use, in a very determined fashion, the control mechanisms it has available to ensure that the countries concerned use the appropriate punishment and measures at their disposal under their respective constitutions.

The technical cooperation of the ILO for helping to eliminate forced labour, as well as the political will of States, must also be designed and used effectively with a view to eliminating all the forms that forced labour might take. The ILO is in a position to mobi-

lize the appropriate instruments to combat forced labour, particularly instances which are linked to underdevelopment, such as domestic forced labour involving young people and children, or debt bondage in rural areas. The ILO is also in a position to mobilize employers' and employees' organizations to combat forced labour in those areas where the social partners are organized or can bring some influence to bear. The trafficking of persons for sexual exploitation and clandestine immigration, organized by international criminal networks which confiscate people's passports in order to gain complete control over them and to exhort money from them, is one of the most abhorrent forms of forced labour. In order to combat organized crime it is vital that we mobilize police and legal resources, as well as make the most of the criminal legislation we have, and organize international cooperation in this area. Nevertheless, the social partners in the countries of destination can also play an important role in regularizing labour markets, particularly as regards clandestine immigrants. Government assistance for economic development and the creation of decent labour in the worst affected regions also helps to combat organised crime, which exploits clandestine immigrants, because it reduces the economic pressures which lead to immigration in the first place.

Perhaps I could conclude with a final comment on the Global Report. It has used a variety of information sources, presented a global picture on forced labour which is both comprehensive in scope and detailed in its content. It is very detailed and very lengthy. Having said that, the report has virtually no information on certain geographical areas, with low levels of employment and development, and I think this is something that needs to be rectified in the future. We know that forced labour is often linked to a low level of development. Is it true that there is no forced labour in these regions, or was there simply a lack of reliable information to determine its existence? I believe that I can conclude by saying that you can count on the Portuguese Government's full support to eliminate forced labour. We feel that this is absolutely vital if we are to contribute to the promotion of decent work worldwide.

Original Spanish: Mr. MANTILLA (*Employers' adviser, Argentina*) — *Stopping forced labour* is the second Global Report which has been published in the framework of the ILO's new promotional tool, namely the Follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work. This report deals with a key issue. Indeed, one report relates to freedom which is constantly under threat and requires a constant and committed attitude in its defence. The 1998 ILO Declaration is an indication of the ILO's vigour. It was the beginning of something new and today we can see the fruits of its intelligent and relevant labour.

We have before us a practical analysis which describes the concrete measures in all member States and attempts to understand the traditional types of forced labour and identify and study in depth the new forms and how to combat them. This analysis of the new forms of forced labour requires a process of classification to find new categories and methods of assessment to cover new phenomena not included in previous intellectual models. This analysis also makes it possible to identify effective policies and new forms

of cooperation between the international community, governments and social partners.

At the beginning of the report *Stopping forced labour* we are asked "What can the ILO, working with its constituents and partner institutions, do to prevent and eliminate it? It is clear from reading the report that a lot can be done. To encapsulate, to solve the problem we need knowledge, where knowledge is information and understanding, but principally know-how. This is an opportunity to perfect the practical analysis, particularly of the so-called new forms of forced labour which still need to be identified and defined.

Employers' organizations have the ability to collaborate with other actors, especially to find solutions through specific measures, and to design structures for follow-up activities and their evaluation.

This ability should not be underestimated, and for this reason we are convinced that the quality of the consultation process can be improved. The Global Report has improved its coverage as well as its technical content in relation to the former. This shows that process of institutional learning has been successful. We are on the right track. Wishing for a better future is not enough, we have to do everything possible, and this we are doing.

In reply to the question posed by the Director-General, the answer is to use technical cooperation between the ILO, governments and the social sector.

Mr. AHMAD (*Workers' delegate, Pakistan*) — On behalf of the Workers' delegation of Pakistan and on my own behalf I take this opportunity to convey my deep appreciation for the work that has been done by the experts of the Committee and also by the ILO Office under the leadership of the Director-General to present a Global Report on a social issue as important as abolishing forced labour.

Forced labour is a crime against the whole of mankind and at the advent of the twenty-first century, this report shows that forced labour, in its various guises of bonded labour, trafficking in women and children, child labour, prison labour, migrant labour and so on, is still happening in various parts of the world. We agree with those who have spoken earlier in support of the abolition of this evil, including Lord Brett, spokesperson of our group.

Forced labour can only be eliminated if there is the political will to do so and if action taken at the national level and in collaboration with the social partners supports action taken at the international level.

The report points out in paragraphs 30-40 and 237 that bonded labour exists in many countries. One of the main reasons for this is the scourge of agrarian feudalism in many developing countries, along with extreme poverty and lack of access to adequate education and income generation.

This scourge exists in my own country and we in the labour movement continue to struggle to abolish it. We have urged the Government to adopt a plan of action to introduce agrarian reform and distribution of land to the landless rural workers and to allocate adequate resources for the development of human resources, education and training to raise productivity and employability.

A number of laws relating to child labour and forced labour have been adopted since 1991. Action needs to be taken to strengthen activities on the na-

tional level in collaboration with workers and other sectors of society in order to raise the awareness of the population and of politicians. This will lead to the implementation of programmes aimed at the eradication of this scourge in deed and in spirit. Discussion of this issue could be included in schools, training programmes for young people and publicized through the media.

Vigilance committees established at the district level and incorporating trade union representatives could help rehabilitate those who have been freed from bonded labour so that they can work and provide for themselves and their families. We must improve the standard of living and develop land reforms, as I have already mentioned in a previous speech to this Conference.

The Government of Pakistan has embarked upon a national plan for the elimination of bonded labour. This has received an allocation of 100 million rupees. This plan will help improve standards of living, particularly for those in rural areas.

We appreciate the ILO technical assistance programme in our country, in particular that aimed at the elimination of child labour, in collaboration with IPEC. Our country has also contributed to ILO projects in this area, and these have been widely acclaimed as successful initiatives. They have involved providing education and training to children working in cooperatives.

However, we urge the ILO to extend its technical assistance in the areas of abolishing bonded and child labour, preventing exploitation of migrant workers, and protecting women from exploitation and promoting their well-being.

Countries that are sources of, or targets for, migrant workers should endeavour to strengthen and develop their cooperation on this issue. Migrant workers themselves should ensure they know their rights.

The Global Report and the fundamental Conventions Nos. 29, 87, 98, 100, 105, 111, 138 and 182 should be translated into the national language of each country in order to raise general awareness and appeal to the social conscience of society.

The programmes of the World Bank and the IMF and other international organizations should incorporate promotion of ILO core standards in their national country programmes, involving national trade union centres and other social partners at the technical assistance level instead of relying entirely upon NGOs.

We in the Workers' group affirm our complete support for the just struggle to eliminate forced labour from the face of the earth.

Original Spanish: Mr. ALFARO MIJANGOS (*Minister of Labour and Social Welfare, Guatemala*) — It is quite stimulating to read this Global Report on the follow-ups to the ILO Declaration on Fundamental Principles and Rights at Work. Forced labour in its traditional concept must of course, be completely rejected. It violates both freedom and the principle of payment by forcing a person to do work that he does not want to do, without remuneration.

Fortunately, Guatemala no longer has the militarised forced labour that was a problem in the past. Since this debate may be referred to Governing Body as required by Annex 3b, I would like to look at another reference to Guatemala in section 4, namely

with regard to agricultural work, in paragraphs 58 and 61, in respect of money advances repayable in labour.

I believe that the greatest problem here is the lack of supervision of compliance with labour rights, and our Government clearly has to do, and is doing it in order to ensure that workers in agricultural plantations have their rights respected.

Let us analyse the situation. There is no doubt that it is caused by poverty and by a shortage of work, and of properly paid work. But in very many cases it is actually the worker who seeks the advance because no bank will give him credit. So he is pushed into this by need, rather than forced into it. The only obligation is created by need. I would like to emphasise this so that there is no misunderstanding. I think in this case we need to be very clear that his mechanism for meeting enormous needs is removed, then it will have to be replaced by a system of flexible credit to help these people, otherwise we are adding to their problems.

It is also important to mention an example which relates to Brazil in connection with the need for labour inspection.

I think the first step which needs to be taken by the Governing Body is to establish forms of technical co-operation which would allow a strengthening of the labour inspection systems, because labour inspectorates need to ensure that the workers' rights are respected and complied with. For, similar situations arise, for example, the craft sector in my country. A cabinet-maker or carpenter agrees to make an item and asks for an advance payment. Then, of course, he has to complete the work because he has already received the money. If we take this approach, then these practices will have to be revised, which will mean a fundamental change, including cultural aspects. In any case, it can be taken as read that we agree unreservedly with anything designed to do away with forced labour. It is inhuman and needs to be eliminated totally.

Mr. NGUTU (*Minister for Labour, Kenya*) — The Kenyan delegation welcomes the opportunity to take part in the discussions on this year's Global Report entitled *Stopping forced labour* as part of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work. The Kenyan delegation recalls that the primary purpose of the present Global Report under the Follow-up to the Declaration will be to identify problem areas that would call for technical assistance from the Office. This is a unique opportunity for the entire membership of the ILO to evaluate and take stock of the impact and benefits of technical assistance that have been made available to countries requiring such assistance.

The ILO should also seize this opportunity to emphasize that the Declaration and its present follow-up mechanisms must not be used for protectionist purposes, nor should we duplicate the work of other bodies.

Speaking generally, this year's Global Report provides a dynamic global picture, leading to the selected category of the fundamental principles and rights at work.

As the ILO Declaration Expert-Advisers have clearly pointed out in the report, there was no reference to specific forms of forced labour in the reports analysed for the year 2000. This led them to conclude that there is an urgent need for awareness-raising, for better understanding of the problems, its causes and

the consequences, and for data to substantiate certain assumptions. They were also of the view that due to the often concealed nature of forced labour, data collection and analyses continue to pose certain challenges.

They therefore urge the various governments to participate in this effort and provide a support service or other techniques aimed at both the victims and the perpetrators of these actions.

The Kenyan delegation was most saddened to note that in many parts of the world some of the worst forms of forced labour continue to prevail in forms such as prison labour, or bonded labour contracted out to private companies, compulsory labour under occupying forces, labour exacted either for punishment for political views, trafficking in persons, among others. The Expert-Advisers also regretted the fact that various forms of forced labour are linked to other principles and rights such as discrimination in child labour. They therefore suggested that their social and economic environment, working conditions, the existence of informal labour markets, cultural heritage and traditions, a country's political stability and administrative capacity, and armed conflict, among other factors, needed to be taken into consideration in a comprehensive approach to the analysis and elimination of forced labour.

At this point I would like to mention that so far Kenya has ratified and has implemented seven of the eight internationally recognized core labour standards, including the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105).

With regard to suggested points for discussion, the Kenyan delegation is generally of the view that where there is a political will and desire on the part of the Government, and with the full collaboration of the employers' and workers' organizations, the various NGOs and other stakeholders, it is possible to eradicate forced labour. The Kenyan Government has already requested ILO assistance to review our labour laws through a task force, which was appointed by the Attorney-General in May this year in order to harmonize our domestic legislation with the various international labour standards that Kenya has ratified.

Finally, I would like to mention here that the doctors, nurses and university professors in Kenya, as indicated by the International Confederation of Free Trade Unions (ICFTU) in the report, do belong to professional bodies such as the Kenyan Medical Association and the National Association of Kenya. The Government is also actively considering the need for the establishment of a union for civil servants as soon as a final decision is taken on this matter.

Mr. LAMPRECHT (*Employers' adviser and substitute delegate, South Africa*) — I am mindful that we intend this to be a discussion and a discourse which can contribute to us making proper inroads, for once and for all, into tackling this scourge.

May I start by saying that I would like to associate with the complimentary remarks already made in regard to this insightful report. Having said that it is however, deeply sobering and disturbing going through this report to note the extent to which this problem persists. It is equally disturbing to again reflect on the concluding years of the last millennium, and the report of the Committee of Experts, year after year, in drawing attention to the widespread

nature of this problem and the various forms in which it still persists.

It is said that no continent escapes this particular problem. The various forms may vary, but none of us are free from it. This is sadly also true of my dear continent, Africa.

Now, in this discussion significant attention — rightly so — has already been given to the more crude and barbaric forms of forced labour, such as trafficking and the various forms of bonded labour. However, there are many other insidious forms of forced labour that we cannot avoid giving attention to. Often we find that in developing societies, otherwise laudable national and economic goals get corrupted by misplaced policies, or policy shortcuts; that attempts through public works, other civic duties, or otherwise laudable national development goals, fall into the trap of taking a route which lands one group or another in society in a form of forced labour. This does not even escape many of the professions, as has been indicated over a number of years by the Committee of Experts. In our own experience, in a variety of societies even the medical professions and newly qualified doctors can be forced into compulsory public service. It is not necessary to indicate how detrimental this can be to the very economic goals that are being perceived to be served by such practices.

Now, this problem has persisted for a very long time. But there is no real reason, a real fundamental reason, why it has to continue. The world economic system does not depend on it; in fact, it is harmed by it. Economic development is not furthered by it; in fact, it is undermined by it. But unfortunately this problem will persist until such time as we have managed collectively to settle in the national consciousness a system of ethics in every society that is deeply intolerant of forced labour and is vigilant in ensuring that every form, as it arrives, is eradicated.

Mankind has had many persistent problems, and this is one whose eradication should not be too much of a long-term objective. This is something that can be eliminated in all practical terms in our lifetimes, or at least in those of the younger ones among us. Already, appropriate practical steps have been suggested through a number of interventions, especially those of Lord Brett and Mr. Potter. I would like to make two suggestions which I trust will be complementary to theirs, and that is in answer to question 8 on page 108: Should the elimination of forced or compulsory labour be given greater emphasis in the work of the ILO? Concretely, in which ways?

Firstly, I think that favourable conditions should be given to elevate the attention that we give to this matter in the ILO by creating a dedicated unit in the Office. This unit should concentrate on concrete, practical ways in which it can work with the various effective societies in a programmatic fashion. It can also therefore act as a recipient of the collective experience that we gather in this regard, and it can function as a catalyst for our various endeavours in this regard as well.

Secondly, our country's President is closely associated with the African renaissance initiative. Many, many African leaders have already associated themselves with this and with our President who has embarked on this process. The African renaissance is intended to affect every facet of our lives, not only the straightforward economic issues. No such renaissance can be complete until and unless proper attention is

also given to this problem on our continent. My suggestion is that it would be worthwhile for the ILO to consider lending its and its Director-General's prestige in support of the African renaissance project and in a practical way find ways in which it can complement this initiative to help in this particular aspect.

Mr. VAISH (*Government delegate, India*) — My delegation compliments the Director-General for bringing out a comprehensive and wide-ranging report, *Stopping forced labour*, and the incidence of forced labour throughout the world. This document reflects in spirit and in action the ILO's deep commitment to the elimination of forced labour and to the furtherance of the principles of core labour standards. The report places the situation of forced labour in the global context, and examines its incidence in every sphere of work. It recognizes the extreme vulnerability of certain groups, such as women, ethnic minorities, migrants, children and, above all, the poor of the world.

The report has pointed to the existence of forced labour in various forms, such as slavery and abduction, compulsory participation in public works and military service, forced labour related to trafficking of persons, bonded labour and certain forms of prison labour. It is an exhaustive list of all the variants in which forced labour may exist in today's world. The exercise very vividly explains that the existence of any particular form of forced labour in a particular country depends on the social, economic and political conditions prevailing in that area. For example, the system of debt bondage may exist due to poverty and indebtedness, and also the uneven social structure characterized by feudal and semi-feudal conditions.

In the first part of my intervention, I would like to comment on certain observations contained in the Global Report on the Indian experience, particularly in Chapter 6. At the outset, I would like to point one very important feature of the Indian experience, which has not been sufficiently highlighted in the Global Report and which provides the strongest protective shield and real hope to those people who have become victims of debt bondage. The feature is the existence of an open, democratic society in our country. In India, we have a written Constitution and an independent, proactive judiciary. There is an independent press, with complete freedom of expression. There is an alert Parliament and state legislative assemblies where incidences of social atrocities, as and when they occur, are openly discussed and remedial action taken. The Supreme Court of India has entrusted the task of monitoring the bonded labour situation to the national Human Rights Commission, headed by a retired Chief Justice of the Supreme Court.

These aspects are also very relevant and, in documenting the global experience, they need to be adequately projected. I would like to point out that in India, which has one of the largest workforces among the countries of the world, out of a workforce of 370 million, only 28 million are employed in the formal sector of the economy. Very bold, pragmatic and innovative solutions are required to see to it that the economy remains stable, and that the tackling of social problems does not result in a situation which makes matters worse.

The problems are indeed very complex. There is a need in the country for large-scale employment

creation. There is need for meeting the consumption debt requirements of the people, particularly the landless. Poverty removal is a priority concern. Definitely, a holistic approach would mean more education. It would imply the need for community action which would be the real bulwark against the evil of forced labour, and greater action on land reforms. New common contractual arrangements would be needed to ensure that the existing relationships of employer and employee, when disturbed, do not result in unemployment and, above all, we need to demonstrate a strong political will to take national level action in all these spheres.

In Chapter 6, there is a mention of the Indian experience and I compliment the report for noting in paragraphs 87 and 105 that India is one of those countries which have recognized the problem and have taken action in the right direction.

I am, however, somewhat concerned that there is a problem of definition in the application of the Forced Labour Convention, 1930 (No. 29), owing to the understanding and definition of bonded labour as it has emerged as a result of the enlarged scope given by the Supreme Court of India in this matter.

Under [Convention No. 29](#), forced labour must have an element of coercion. It should be under menace of any penalty, and the person in question must not have offered himself voluntarily. There is no definition of debt bondage or bonded labour in this Convention. This we have to see in the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery, where debt bondage and serfdom are defined. There is a great difference in scope between these two definitions and the one that is applied in the Indian situation as a result of the intervention of the Supreme Court. Unfortunately when we talk in terms of numbers, there is a tendency to use the definition given by the Supreme Court, which is a much larger view. The Supreme Court has interpreted that even if a person has given himself voluntarily for work, but is getting a wage which is below the statutory minimum wage, it is a case of forced labour or of debt bondage.

I would like to just say at this juncture that if it is a question of universal application, then we should use the same definition for forced labour and bonded labour throughout the world. There is absolutely no reason nor justification for different definitions to be applied in assessing the situation in various countries.

I would like to now go over to the points which have been mentioned in the end of the Global Report. Because of time constraints I would like to highlight only two aspects.

The first is the question of what kind of role the ILO can play in the eradication of forced labour. In the view of my delegation, the ILO can definitely play a significant role. It can help in creating the necessary awareness, and can use all available means at its disposal. The ILO can launch and support programmes to be taken up by respective governments for the identification and documentation of information on and forced and bonded labour, based on the universally accepted definition of bonded labour. On the basis of its successful experience in micro-financing, this work can be extended and enlarged. However, the ILO's role should be developmental and supportive. It should play a catalytic role and provide technical and financial assistance by addressing the root causes that create opportunities for such abuses, particularly

in addressing problems of the creation of more employment opportunities, because that is the root cause of this evil.

I would like to mention that in India the employment assurance programme in the rural areas and the employment-generation programmes have gone a long way in providing a good social security net for the poor by protecting them against vagaries of a seasonal nature in employment and by protecting their entitlements during critical periods of the year. The efficiency of such employment guarantee programmes has been favourably commented on in the *World Employment Report 2001*. These programmes need to be further enlarged and strengthened.

I would conclude by saying that the first Global Report on forced labour has reviewed the history behind the ILO's and the United Nations response to this problem. It has highlighted that forced labour is a continuing problem rather than a relic of a bygone era. It is hoped that after the issues contained in this report are discussed in the 89th Session, there shall be a deeper understanding of the issues related to this problem. We expect that a pragmatic approach will be taken, a helpful and supportive approach will be developed, giving enough time to countries to go through the transition. We expect that by the time of the next Global Report on this issue there will be more in-depth information available on the existence of this problem.

Original French: Mr. ATTIGBE (Workers' technical adviser, Benin) — I am very happy and I would like to congratulate the Office on having taken the initiative to organize this sitting devoted to forced labour, in the wake of the Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. This shows that the international community is determined to banish, once and for all, all forms of degrading labour.

Forced labour in its worst forms unfortunately persists despite efforts that have been made to eradicate it. Many Conventions adopted by our Organization and ratified by our States — in particular the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182) — and the various laws which have been implemented have not sufficed to bring this scourge to an end. Moreover, various instruments adopted by other agencies of the United Nations have been disappointing.

The Director-General's excellent report, the content of which I support, is quite explicit in highlighting eight new forms of forced labour.

As stated in the report, forced labour, is a fundamental human rights problem and is a genuine obstacle to sustainable development. People often quote poverty as the justification for this ignoble practice, but poverty alone cannot justify everything. The trafficking in children on the African continent, for instance, a perverted form of an ancestral practice which involved placing children with richer relations who would provide for their education and training. The same applies to the use of children for work in the fields by their families. I think new rules should be set to define clearly the conditions under which these practices may continue in Africa, but for this we need to have a greater political commitment from the leaders of our countries.

All possible means must be used to combat a resurgence of forced labour under new forms.

As regards to trafficking in children, my country, Benin, is one of the focal points for this in Africa, and the trade union organizations have decided to make their voices heard more clearly and get involved in the struggle against this and make their experience in campaigning available to the IPEC unit on the spot.

Our affiliates in the informal sector, particularly the trade unions, market vendors, taxis and those involved in cross-border traffic, will be made use of.

Our organizations will work together with the trade union federations of the region, particularly of neighbouring countries, so that we can exchange information and find a suitable strategy to combat child trafficking.

Finally, allow me to encourage the Office once again and ask it to continue its investigations so that constituents can have all the information they need to continue this struggle.

Original German: Mr. WILLERS (Government adviser and substitute delegate, Germany) — My delegation fully supports the declaration of the Government representative of Canada, who spoke this morning on behalf of IMEC.

We have a few thoughts that we would like to add. The second Global Report under the follow-up to the Declaration on Fundamental Principles and Rights at Work relates to an extremely sad phenomenon, namely forced labour. Overall, this report is in line with the objective of the Declaration, which is to provide a comprehensive view of the world situation with respect to the rights covered by the Declaration. It is closer to this objective than last year's report. However, there is, of course, still room for improvement.

Let me focus on two particular aspects which can be found in Chapters 6 and 8 of Part 1 of the report.

The first is something which really dates from the Middle Ages, but is unfortunately still with us today in many parts of the world, namely bonded labour. Individuals are forced to work, together with their spouses and children, in order to pay off their debts. The Irish Minister this morning gave us a striking image of this situation and made suggestions for the future focus of ILO's work. We support his proposal fully.

The second aspect which deserves our particular attention is a more modern form of forced labour. The report says that it is the hidden face of globalization. I am speaking, of course, of trafficking in humans, which exists in practically all parts of the world. This is not just a question of exploiting individuals for their labour, but of abusing human beings above all women and girls, for the purposes of prostitution. It differs from bonded labour in the sense that the crossing of national borders plays a key role. The victims are deliberately brought from other countries in order that their resulting vulnerability may be exploited to keep them under the control of unscrupulous individuals who often cynically pretend to be their protectors.

Now, this international aspect calls for an international response, because simple domestic responses are not enough. The ILO needs to take action in this area in collaboration with other international organizations. Some initial activities are described in paragraphs 214-227 and 257-258, but they need to be extended and intensified.

Before I close, I would like to express a desire, which is to see this report at the root of an emergence of consciousness amongst governments, workers, employers and NGOs. They must wake up to the fact that forced labour, in all of its forms, in all parts of the world, needs to be tackled.

Original Arabic: Mr. YOUSIF HAYDOUB (*Government delegate, Sudan*) — I would like to reiterate what we said before, that we are concerned that the follow-up machinery related to the ILO Declaration is duplicating the work of other bodies within the ILO, such as the Committee of Experts on the Application of Conventions and Recommendations and the Committee on the Application of Standards. This is in fact mentioned in paragraph 2 of the Annex on follow-up to the Declaration.

One of the positive aspects of the other supervisory is that they present all aspects of the problem and the views of all the parties, which is only fair. On the other hand, the Global Report is very brief, and it presents the phenomena as accusations against some countries. In some cases the account is less than faithful. For example paragraph 44 of the report mentions age-old forms of slavery in Sudan, which dates back to earlier periods in the north and in the south of the country. In its present wording this paragraph is misleading, as it suggests that these age-old tensions exist only among tribes in the north and the south, which is in both cases incorrect. What is true is that disputes among tribes in the north and the south were attributable to a struggle for control over water resources and grazing land in the summer and in periods of drought. These disputes were settled through the intervention of tribal chiefs. We established a settlement procedure which was accepted by both parties. That is one aspect of the situation. The other aspect is that this phenomenon exists even among the tribes in the south, as in the case between the Dinkas and the Nuers, the biggest tribes in the south, and between other neighbouring tribes. An agreement was concluded in March 1997 between these two tribes. A main provision of the agreement calls for the return of children and women kidnapped by members of each of these two tribes.

This confirms that this phenomenon has nothing to do with slavery. It is more a phenomenon of kidnapping as defined by the resolution of the Commission on Human Rights at its 55th Session, which did not talk about slavery, but about abduction. Paragraph 4 (e) of this resolution called for an investigation into allegations of the abduction of women and children in southern Sudan.

In accordance with this resolution, the Government of Sudan established a Committee for the Eradication of Abduction of Women and Children, which is referred to in paragraph 46 of the report. This committee has undertaken several efforts mentioned in box 2.1 of the report. Its progress has been complicated by the conflict in southern Sudan. We believe that, as part of ILO technical cooperation with the Sudanese Government, the ILO should provide technical assistance to the Committee, and provide it with means of transport and communications so that it can increase its missions to the various affected areas and bring children and women back to their families. UNICEF has provided assistance to the Sudanese Government in this respect.

To end the dispute mentioned in the report, which stresses that this phenomenon has worsened because of the present conflict in the south, the Government of Sudan is trying its best to settle the conflict peacefully, through regional and national initiatives. We call upon the international community to help Sudan settle this conflict and to help it in its development efforts so that it can rebuild and rehabilitate what the war has destroyed.

The Government of Sudan condemns slavery in all its forms. It is against our country's Constitution and its laws, and our civilization and traditions prohibit it as well.

The Government of Sudan respects the Declaration. It has ratified five Conventions related to this Declaration, and the Council of Ministers has approved the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182). Notification of this will be sent to the Governing Body. We will thus have ratified seven of the core Conventions.

I would like to emphasize that debt bondage does not exist in Sudan. I heard in this debate that there is debt bondage in Sudan, but this is not true. It is a phenomenon that does not exist. As I mentioned, what does exist is abduction.

Mr. DASANAYAKE (*Employers' delegate, Sri Lanka*) — Permit me to join other speakers in this debate in commending this highly informative and a very readable report on eliminating forced labour.

At the outset, I wish to emphasize, in the spirit of the Declaration, that while the report comprehensively focuses on issues of forced labour and the possible causes and remedies for such situations, references to shortcomings in domestic legislation of member States vis-à-vis ILO Conventions can somewhat distort the picture.

As stated in the Report, it is important to distinguish the Declaration and its follow-up from traditional ILO instruments. What the Declaration recalls is that each member State commits itself to ensuring that its policies and practices are consistent with the principles and rights enshrined therein.

Undue focus on shortcomings in domestic legislation in member States can, as I said, tend to undermine the position in relation to policies and practices, as is evident in relation to my own country, Sri Lanka.

On page 33 of the report, we have regrettably been identified under the chapter on bonded labour with reference to shortcomings in domestic legislation reported in a different context.

As earlier stated by our Minister of Labour, bonded labour is non-existent in my country in policy and in practice. The report identifies forced labour, in its traditional sense, as a relic from a bygone era and in a modern economic context.

Whereas forced labour in its traditional context has been addressed over the years through awareness-building and legislation, any meaningful measures to eradicate forced labour in all forms must necessarily address national economic issues.

In this sense, it is imperative for governments, in developing countries in particular, to take the lead in identifying barriers to integration with the global economy in order to benefit from globalization, and to adopt policies and actions to remove such barriers and facilitate enhanced competitiveness.

It is important for the ILO to provide assistance towards this end. National employment policy is a key area in which a sense of the appropriate direction would be welcome.

The reference in this year's report to forced labour and trafficking raises important issues. Though time does not permit me to dwell on the subject as I would wish, it is important to state that in the analysis of labour migration one needs clearly to demarcate what can be legitimately identified as forced labour, as against other forms of work in questionable working conditions. In other words, we need uniform precise definitions, as pointed out by the distinguished delegate from India.

The efforts under the IPEC Programme, as referred to on page 79 of the report, to prevent the conscription of children and young people by militant groups for combat purposes, also deserve special mention and commendation.

The Employers' Federation of Sri Lanka is steadfast in its support for the Declaration on Fundamental Principles and Rights at Work. We are, in particular, thankful for the assistance given by the Employers' Bureau of the ILO by way of guidance in our work to implement the objectives of the Declaration.

(Mr. Donato takes the Chair.)

Mr. FOLDBERG (*Workers' delegate, Denmark*) — I am giving this speech on behalf of the trade union movements of the five Nordic countries.

Let me first congratulate the Director-General on an excellent report about stopping forced labour. This report is a very useful instrument for the follow-up to the Declaration on Fundamental Principles and Rights at Work and for ensuring that it is complied with by the ILO member States.

It is important to make certain that the national governments are committed to their obligations, as Members of the ILO, to observe the principle of the fundamental Conventions of the ILO. That is an obligation which many countries do not live up to, as this report sadly shows. The report documents the ILO's role as the global defender of workers' interests, and deserves much attention in the international media.

At the same time, it must be said that the report makes sad reading. It documents in no uncertain manner that our colleagues in many countries live in repressive, inhuman conditions, often from their early childhood — living conditions that ought to belong to a distant and dark past.

Both this report and the report of the Committee of Experts fully demonstrate that the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105), continue to be breached every day. The International Labour Conference has focused in particular on conditions in one of the States that most brutally uses forced labour, that is Burma (Myanmar), with its military regime.

We also see that forced labour can take many forms. It is not only a question of slavery and forced labour in its traditional sense. The increase in trafficking in people is not only a problem in poor countries, but also in some of the world's richest nations. This kind of forced labour is controlled by criminal groups, involves huge amounts of money, and contributes to the development of a criminal underworld that lives by trading in people across national borders.

One might ask, as does the report, why the punishment for trafficking in humans is so light considering the degradation that young people of both sexes are subjected to by the sex industry in the cities of the industrial world. The industrial countries must take action to combat this abuse. Forced labour is widespread in a number of countries, and the elimination of forced labour must happen as soon as possible. It is therefore the industrialized countries' duty to meet the United Nations development aid policy goals. It gives food for thought to consider that when the governments of the seven richest countries meet in Geneva next month, none of them will be complying with the United Nations decision about assisting the poorest countries.

The Nordic trade union movements will continue to put pressure on our governments to strengthen efforts to provide assistance to the world's poor. The ILO will be an important element in the development of this strategy to eliminate all forms of labour not freely entered into.

The policy proposals made by the Director-General about decent work should be a catalyst, enabling us to give priority to the debate about decent and healthy jobs and social development.

On the part of the Nordic trade union movements, we will do our bit to ensure that the demand for decent work is heard in the Bretton Woods institutions and other financial institutions.

Globalization is a fact of life today, and it must be given a human face. Therefore it is my hope that the fourth World Trade Organization Ministerial Meeting in Qatar will establish definitively that no company should derive trade benefits by depriving workers of their freedom. Governments must realize that globalization requires universal respect for the ILO's fundamental principles, for the prohibition of slavery, forced labour and other types of oppression is crucial.

Original French: Mr. ZAFERA (Government delegate, Madagascar) — The Minister has been detained by other commitments so I shall read out her contribution to the discussion on the Director-General's report.

The Director-General's report enables the Members present here to gain a true picture of the work done by the international community to guarantee protection for fundamental rights at work. Madagascar, as a full Member of this prestigious Organization, is making its contribution to this effort. The Government has already ratified six of the eight Conventions relating to fundamental rights at work, including the Forced Labour Convention, 1930 (No. 29), ratified on 1 November 1960 and the subject of this year's report.

On 5 February 2001 the ratified caution of the Worst Forms of Child Labour Convention, 1999 (No. 182), received the approval of the President through the publication of Decree No. 2001-103 in the *Official Journal* of 19 February 2001. The ratification instrument is currently being signed by the competent authorities and will soon be transmitted to the Director-General of the ILO for registration. This will bring to seven out of eight the number of fundamental rights Conventions ratified by Madagascar.

An official ceremony to celebrate the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), was organized on 9 March 2001 under the dual patronage of the President and the Prime Minister. The ceremony was intended to inform and make

the nation aware of the actions needed to eradicate child labour, particularly in its most intolerable forms. On the same occasion information was provided about other standards relating to fundamental rights.

Our Government intends to work to ensure the effective elimination of certain practices considered by the ILO as forms of forced labour. As regards the follow-up to the ILO Declaration, reports on the elimination of child labour and the abolition of forced or compulsory labour, were provided by Madagascar in 2000.

Training sessions on the application of standards and the follow-up to the Declaration have been organized with the help of a specialist from the ILO.

In our report we stated that certain preliminary work had to be done before the actual ratification of the abolition of Forced Labour Convention 1957 (No. 105). There has to be an awareness-raising campaign nationwide to show it is necessary to abolish certain forms of forced or compulsory labour; national survey to assess the true forced labour situation has to be conducted; and a tripartite national forum has to be held, bringing together the ministries involved in the application of the Convention, particularly the ministries of justice and armed forces, in order to examine the recommendations of the national study and with a view to formulating a national programme of action.

This work will enable us in future to address the question of the ratification of the Abolition of Forced Labour Convention, 1957 (No. 105).

The problem currently facing Madagascar relates to the abrogation of certain instruments relating to work in prisons and to national service. Technical assistance from the ILO was requested so that we could carry out a national study on the situation with respect to forced labour. This study will allow us to analyse all the aspects of the issue, to compile statistics and provide national indicators, to identify all the institutional and practical problems and, lastly, to formulate recommendations on how best to promote the effective elimination of certain forms of forced and compulsory labour.

A special mission sent to Madagascar, by the ILO, made up of Ms. Sottas, Mr. Delhomenie and Mr. Nidiaye, from 12-16 March 2001, helped us to finalize the practical aspects of the study. The need to harmonize the actions of the national departments concerned is very evident and it was agreed that the experts from the mission will formulate the cooperation project which will be submitted to the Government before the study itself is undertaken.

In conclusion, we should once again like to thank the Director-General of the ILO for having sent a mission to Madagascar to promote the Declaration and help us with the preparation of reports due under article 22 of the Constitution. Missions of this type are extremely valuable to the host country. We have had three missions by a specialist in standards and the follow-up to the Declaration, in the person of Mr. Ndiaye, two in 2000 and one this year, then there was a recent mission by Mr. Delhomenie on the promotion of the effective abolition of forced labour. The result of this latest mission is that we will be able to organize an international tripartite meeting this year.

Original French: Mr. BLONDEL (Worker, Member of the Governing Body, France) — First of all, I would

very much like to highlight the quality of the Director-General's Global Report under the follow-up.

It prompts me to make two general points. The first is that forced labour is not just something that happens in other countries. It is abundantly clear that forced labour exists in virtually all countries — it is just the forms it takes that differ. Virtually all of us are affected by this phenomenon. I think we should bear this fact in mind in our deliberations on this issue.

My second point is that the Declaration must not replace the obligations contained in Conventions Nos. 29 and 105, and indeed the supervisory mechanisms associated with them. I will not hide my surprise at the number of countries that did not submit the requested report on the pretext that it was not applicable.

Having made those preliminary remarks, I think it is crystal clear that forced labour stems from the sort of slavery-oriented precepts of some forms of economy. In the past we — myself included — were sufficiently vociferous about all forms of Gulag not to go along with the economic forms of forced labour gaining ground now.

As the Minister of Labour of my country so rightly recalled, nothing can justify such exploitation, neither tradition nor need.

In some countries the most dramatic aspect consists of the most shameful exploitation of women and girls. It is no longer just the use of forced labour, but is total servitude. And it does not just relate to the sex trade, which in itself would be sufficient justification for us to denounce it and combat it, it actually relates to all trades, including the service trades, generally known as domestic work. Forced labour can also involve displacement — actual trafficking — as in the times of the slave drivers. The industrialized countries must look each other squarely in the eyes and have the courage of their convictions.

Globalization appears to put into question the means of existence of workers. For us, or more precisely for the wealthy countries, it puts into question national standards and regulations. For others, more brutally, it leads to enterprise closure. Competition has never been so fierce and exaggerated. This is leading to migration, both overt and hidden. Given the circumstances we feel an effort must be made to protect expatriated workers, all expatriated workers, and employment contracts should become obligatory in all countries. This seems to us to be the only way to respond to migration, particularly to unfettered migration and, of course, to exploitation and servitude.

The struggle against forced labour will be difficult, extremely difficult, because it contains many paradoxes. The victims of forced labour live from it. Yes it is true that they live badly; yes it is true they have lost their freedom — sometimes even their dignity; but they go on because it is their means of existence. For these men and women we must intervene — not in a curative fashion, because it is too late for that, but in a preventive fashion. I believe that the ILO has a primordial role to play in this regard. Clandestine work must, of course, be harshly condemned. In this connection we support the view that trafficking in human beings for the purpose of exploitation, sexual or otherwise, belongs to the realm of organized international crime, an area that calls for coordinated action.

Lastly, it seems that prison labour is on the rise. It is clear that now such work is no longer performed for the purposes of reskilling, but rather for profitability.

This can be more or less equated to social dumping which, by definition of course, is reprehensible.

I would like to stress that I have chosen not to refer to any particular countries in my statement. This is deliberate. But, to conclude, I would like to say that in this, as in all other areas, workers will be watching the conduct of the most powerful nations. This brings into play the application of human rights and international labour standards. Also we hope that due account will be taken of this fact when apportioning either temporary or permanent responsibilities in the framework of our institution. In this connection we should recall the saying “birds of a feather flock together” and lead by example. We hope these comments prove pertinent.

Mr. SPRING (*Government delegate, United States*) — I thank the Director-General for the thorough analysis that he provides in the Global Report on stopping forced labour. I also commend *Provisional Record* No. 2, which provides us with a summary of activities undertaken in response to last year’s Global Report on freedom of association, and look forward to similar summaries next year.

My Government fully supports the IMEC statement given earlier and also the statement by Mr. Brett at the opening of the session. The process of globalization provides both new opportunities and new challenges. We all agree that globalization is a significant factor in economic growth and that expanding economies lead to sustainable job creation, but this increasing integration of the global economy and mobility of capital and technology across national borders must be accompanied by a certain set of fundamental principles and rights protection for workers. Those social ground rules are contained in the 1998 Declaration.

We have all agreed that, as part of the follow-up, the Global Report should provide us with a dynamic global picture to serve as a basis for assessing the effectiveness of the assistance provided by the ILO and for determining priorities and action plans.

The Global Report this year makes it extremely clear that the ILO must develop an action plan to stop forced labour. Forced labour is a continuing problem of serious proportions which we must address while respecting the diversity of circumstances and possibilities of individual member States.

A wide variety of types of forced labour is identified in the report.

The Governing Body must move forward in developing an action plan to address the technical assistance needs of member States. The following guidelines are intended to give guidance in that process. We need to agree on the full list of the forms of forced labour, and to prioritize that list in order to highlight the most unconscionable types of forced labour. The ILO must conduct thorough research and analysis to determine the existence and the prevalence of each type. The Governing Body, for its part, needs to develop an action plan for technical assistance, with distinct and attainable targets, which is guided by the priority list and addresses the needs identified by the research and also the needs identified by individual member States.

The Director-General needs to mobilize the resources necessary to carry out the work, including both human resources and financial resources. He must also coordinate the work of the Office, so that

each department can focus on its role in the effort to eliminate forced labour.

The ILO needs to develop an extensive awareness-raising effort and public relations programme in order to continue to maintain awareness of the issue of forced labour in the minds of policy-makers.

Our experience with global reports is limited, but there are many lessons we have learned from our work on child labour which are relevant to this issue. We have learned that preparatory work is essential to define the issues, that we must consider all views on the issue, that best practices offer good guidance, that tripartite agreement on a way forward is necessary, that a heavy promotional campaign can be extremely successful and that distinct attainable targets assure a quality outcome. There is much work to be done. Let us begin.

Original Portuguese: Mr. MIRANDA DE OLIVEIRA (*Workers’ delegate, Brazil*) — It is a great pleasure for me to take note of this Global Report and to read the complimentary assessment of the progress made in Brazil within the framework of its programme for the elimination of forced labour. This government initiative shows that solutions can be found. We need to acknowledge that, in many cases, the recommendations of working groups are simply ignored, and that even when violations are reported, punishments are often insufficient to have an impact. Sometimes people are actually warned in advance that there is going to be an inspection of their workplace.

With regard to the trafficking of persons, quite apart from the cases that regularly emerge in the countryside, which are detected and sometimes resolved by a special unit, new cases continue to appear. Our company actually denounced, about three or four months ago, the existence of work being carried out in conditions similar to slavery in Sao Paulo, the biggest city in Brazil.

Illegal immigrants from Bolivia were working for immigrant business people from the Republic of Korea in textile companies, under conditions that amounted to forced labour. This is very similar to the bonded labour found in many countries of the world, and I wanted to draw your attention to this because, I think it demonstrates that labour conditions have deteriorated in the informal sector. It is unacceptable to say that, since the informal sector is a new sector of the economy, we should be tolerant with informal forms of labour. On the contrary, we need to regularize the situation of informal workers, so that the law can protect their basic rights. I am thinking in particular of social welfare payments and social coverage.

An awful lot still remains to be done in Brazil, in spite of the praise given in the Global Report with regard to the progress made. Existing legislation is in urgent need of reform. We need to increase substantially the number of inspectors we have. They are far from sufficient. We also need to bring on board the social partners.

It is vital that we truly press on with meaningful social dialogue in order to make the necessary progress. In Brazil, our legal tradition maintains that freedom exists automatically in the absence of obvious physical force. But let us be honest, it is not always necessary to use physical force to stop people from exercising their right to leave. No, but what happens in practice? People may be recruited in the south of the

country and moved to the north, or hired in the east and brought to work in the west, which in Brazil could involve distances of thousands of kilometres. It is often said that when a worker can walk out of the door, forced labour does not exist, but when the journey home would be impossible to undertake, this is not true.

For example, a Brazilian couple in the United States kept a maid for 20 years without paying her wages or allowing her to learn English. In a United States court, they argued that she had always been free to leave if she wanted. They lost the case, but I think that the outcome may have been different in Brazil, given our legislation in force.

These examples illustrate that we still need to have broad dissemination of the Declaration on Fundamental Principles and Rights at Work, as well as the promotion of tripartite activities through discussion of the follow-up to this Declaration. Although it was adopted in 1998 with a view to promoting fundamental rights, an awful lot still remains to be done, and we need to be far more forthright on the ground in our work. The Governing Body needs to take these concerns into account to reflect them in its programmes, and we need the continuing support of technical co-operation from the ILO.

Mr. ANAND (*Employers' adviser, India*) — The Global Report under discussion is a “state of the art” document for follow-up action. The InFocus programme colleagues and the Director-General are entitled to the fullest appreciation for the exhaustive survey and transparent recording, in what is a presentable, well-printed document.

It must spur the conscience of world leaders and institutions to take more wholesome action worldwide, in accordance with comments and suggestions made this morning by my group's spokesperson, Mr. Potter, and the Venerable Lord Brett. These are well-researched and constructive suggestions. However, in my humble view, rigorous punishment, as stressed by Lord Brett, is no punishment in social fields. Deterrent punishments sometimes do deter but generally promote more underground mafia and hardened criminals. This is a common experience, education is the only answer.

In the debate last year on the first report, I drew attention to three basic components of the Preamble to the Declaration, namely the relevance and primary importance of economic growth as the foundation of decent work. The argument applies more importantly to the abolition of forced labour. It had been proven in the interactive debates here since this morning that the root cause of forced labour is poverty, which is accentuated for debt-ridden families in the lower strata of rural, urban and tribal societies. The case of my own country, India, provided a very distinctive case study and I will record my personal appreciation for the thoughtfulness of the two sectors — Declaration and Employment — who in cooperation with Social Finance organized the side event of a seminar yesterday with an audiovisual exposition on the work being done. This was instructive and I am sure that other national governments will pick up the thread of such events with greater vigour and social commitment.

However, I refer to paragraph 232 of the report which draws attention to commitments and “redistributive agrarian reform programmes throughout the developing world” during the decades of 1950-70, in

which task the international organizations “also gave prominence to equitable development in rural areas”. But while reviewing India, the most innovative and commendable programme — the Barga Programme on Agrarian and Land Distributive Reform in Bengal — has not even been noted. It is a matter of concern to us that this unprecedented programme seems to be in jeopardy due to lack of adequate socio-financial rural infrastructure so essential for the fruitful survival of all rural activities.

It is a matter of regret also for me to note that, as recorded in paragraph 236, “Rural concerns appear largely to have fallen down the list of the ILO's priorities over the past decade”. And it is in this rural area that the malady under discussion is a constant source of complaint. This decade has been persistently dominated by the strenuous efforts of the social partners, both employers and workers, to strive towards the realization of the principles contained in the Declaration.

We believe that action to curb these nefarious, anti-social and immoral practices under discussion will require sustained commitment and resources which can only accrue under the formula commitments made at the Copenhagen Summit, and reaffirmed last year in Geneva at the Copenhagen+5 Summit. Several organizations of developing country governments have reiterated these commitments but there is lack of coherence and reluctance in the allocation of previously promised resources which delays progress and threatens the materialization of a society dedicated to ensuring decent work being a reality.

It is beyond doubt that poverty and ignorance are the root cause of the prevalence of several outrageous practices enumerated in the report. Awareness campaigns through the multimedia have a value, but only have a marginal impact on the rural-dominated South Asian countries. In fact, therefore, emphasis on education, particularly female education, with a vocational components is the master key to a lasting solution. Unfortunately, the suggested points for discussion listed in Chapter 5 (Final remarks) do not contain even a remote mention of this fundamental solution. May this debate provide light, linkage and awareness to those concerned with implementation and development of the action plan and the follow-up to the Declaration.

In conclusion, I humbly submit that without educational development, with the emphasis on vocational aspects and projects such as TRYSEM (Training of Rural Youth for Self-Employment), we are only dealing with the symptoms and not the root cause of the disease. In my country there is a rural saying to the effect of: “Do not kill baby snakes, kill the mother snakes.” It is a mother snake who provides extensive poisonous progeny endangering all human beings. Poverty and ignorance are the mother snakes in this field and population control plus education are the strongest preventive antidotes to the subject under discussion. I hope that priorities will be realigned in the wake of this debate. I am, in all honesty, surprised that with Mr. Somavia whom we have known for these years being the leader and the Director-General, the points of this session are only of a symptomatic relevance and procedural nature and do not provide linkage with the core solutions. I hope senior colleagues in the ILO will reflect on my plea while developing the future action plans.

Ms. MOORE (*Government adviser, United Kingdom*) — The United Kingdom Government supports the statement already made by the industrialized market economy countries (IMEC) and we would also wish to associate ourselves in particular with the comments made on bonded labour by Mr. Kitt, the Irish Minister for Labour, Trade and Consumer Affairs. We can also support many of the very specific suggestions made by both the Worker and the Employer spokespersons.

Earlier this week we had a lengthy discussion on the unacceptable use of forced labour in Burma (Myanmar). The situation in Burma, however, is not the only problem. It is clearly unacceptable that forced labour should still exist in the twenty-first century. Yet as this report makes clear, it does exist. We are in no doubt whatsoever that bonded labour and trafficking amount to the inhuman practice of slavery and we are well aware that the practice of trafficking to industrialized countries is on the increase. The United Kingdom Government is addressing this issue. The EU is also addressing this issue by taking forward the implementation of the recently agreed United Nations Convention against Transnational Organized Crime, supplemented by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. The Global Report enables us to focus on what we should do now to ensure progress is made before we look at the next global report addressing the issue of forced labour. I would therefore like to concentrate my remarks around a special programme against bonded labour (paragraphs 332, 333 and 334) of this Global Report. These paragraphs suggest ways forward but these, as the report makes clear, must involve the active cooperation of governments and other international agencies as well as depending on the social partners and non-governmental organizations.

As the report concludes, here and now we have the opportunity to launch a significant international programme of action against forced labour.

Such a programme must be implemented through an integrated approach. Poverty and vulnerability, which are at the root of forced labour, will only be overcome when people have the means to sustain their families through decent work as defined in the Director-General's Report to this Conference. Action to eliminate forced labour should be part of national plans for poverty elimination and development. We welcome the political will which some countries have shown to eradicate forced labour and we hope that the success of some programmes, such as the successful attempts to eliminate forced labour in Brazil's charcoal camps, can be shared and replicated both within and between countries.

On future action political will is essential to allow the necessary independent and comprehensive national surveys by regional districts. Breakdown by gender, age and minority groups needs to be effectively undertaken so that the nature and scale of the problem of forced labour can be established. Only then can effective action be taken along the lines identified in paragraph 333 of the report.

In addition to the measures suggested in paragraph 333, we wish to underline that freedom to organize is fundamental to the success of a programme of action to eliminate forced labour. A programme of action should also support public information campaigns which target victims and perpetrators, and it should

support the training of judges and other relevant officials such as the police and immigration officials to help them understand and apply the law and its required enforcement to eliminate forced labour.

Finally, we would hope that the next Global Report could give information on the number of people released, compensated and rehabilitated from forced labour situations as well as the number of people prosecuted for using forced labour.

Original French: Mr. SEYBOU (*Workers' adviser, Niger*) — Forced labour is the subject of a Convention which dates from 1930, to which a second Convention was added in 1957, and which is regarded as a fundamental Convention.

It is a great pleasure to see that 158 countries have ratified it. A prohibition on forced labour is also contained in the ILO Declaration on Fundamental Principles and Rights at Work, which is binding on all member States of the ILO by virtue simply of the accession to the Organization.

However, it is interesting to see that, as noted in the report entitled *Slavery today* and published a few days ago by the World Confederation of Labour, the language and examples in the Forced Labour Convention, 1930 (No. 29), refer to the period of colonization at the beginning of the twentieth century, when forced labour was commonplace.

We are now in 2001 and, despite all the international instruments outlawing slavery and forced labour, these practices still exist throughout the world. They take on different forms, ranging from domestic work to sweatshops where illegal and unregistered workers are exploited in industrialized countries.

Let us not delude ourselves. Of course a part of forced labour can be explained by the situation of the victims who, overwhelmed by poverty, are forced to accept jobs in inhuman conditions. We believe that a clear response to forced labour lies in development, which, by putting an end to poverty, enables us in many cases to do away with debt and despair.

Indeed, bonded labour is one of the main forms of forced labour. But there are others too. Forced labour exists because there are employers who force people to work and governments which, all too often, simply turn a blind eye. We know that, in some cases, these employers are well respected enterprises. They sometimes claim that, without forced labour, they could not be competitive.

But what kind of economic system are we living in, when, in the name of profitability and material considerations, human beings are forced into indecent and humiliating work? The World Confederation of Labour and its affiliated organizations have a clear position on forced labour: they wish to see an end to this practice.

In the short term, this requires various types of initiative. The media must be harnessed to gauge and form public opinion with respect to the continued existence of forced labour. The ethical aspect must then be addressed to ensure that each individual is treated with the respect he or she deserves, even if this means less profit.

International and national legislative measures need to be taken to make these practices, and their perpetrators, punishable by law.

We know that the ILO has already made great efforts for the elimination of forced labour, for example the various steps taken to address to issue of

Myanmar. But there is a lot left to be done. We believe that a key element is ensuring that the ILO does not concede an inch of its role in standard-setting activities and opposing the attempts to transfer that role to private and/or voluntary initiatives.

Codes of conduct supported by industry can be useful, but only if they base themselves on ILO standards and not where they have the effect of undermining them. The ball is also in the court of governments. Some of them are in the paradoxical situation of having ratified a Convention — certainly a first step — yet not wanting to implement it. The greatest challenge today is not to develop new legal instruments, but to implement those we have. It is a question of political will. The onus is on all of us, collectively and individually, in our respective social roles.

Original Portuguese: Mr. MEHEDFF (*Government adviser, Brazil*) — Allow me first of all to thank the Director-General and the secretariat for their preparation of this Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. In this context we are looking at forced labour and the report, is a well-balanced document which tries to focus objectively on all the various forms of forced labour which unfortunately still exist today, despite the efforts of our governments and this Organization to combat it.

Not only do these forms of forced labour persist, even in remote areas of the world but, domestic workers are kept in service under coercive conditions. Sometimes this is linked to the trafficking of workers inside and across national borders. The workers have to pay off debts, and I think this all illustrates that we are still very far from attaining the aim of doing away with forced labour.

Combating forced labour is a real priority for the Brazilian Government. The problem is complex, involving social and economic factors. Poverty afflicts these people who are recruited for forced labour, mainly, but not exclusively in rural areas. It is not simple to combat this, as access to rural areas is difficult, there are confrontations with the local authorities and the lives of those involved in action against forced labour are often endangered.

Having said that, we need to combat this in a steadfast fashion because no price is too high to achieve the freedom of these workers.

The practice of forced labour in Brazil is basically centred, as I said, in rural areas, and we have four pages of the Director-General's report devoted to it. You will see that over the last few years the Labour Ministry in Brazil has been making efforts to intervene directly in situations of forced labour via a Special Mobile Labour Inspection Unit that has been set up. Throughout the country this unit does all it can, not only to release these forced labourers, but also to ensure that other labour rights are complied with.

In the year 2000 more than US \$250,000 were paid to fund the work of the Mobile Unit, which relies on support from the federal police. Since the Mobile Unit was created they have been ever present, and the Mobile Unit never takes action without the presence of the federal police.

We also need to stress the excellent ongoing work done by the Catholic Church of Brazil, whose representatives have accompanied the Mobile Unit. The Brazilian Government, I think, has been productive in the areas where we see the most occurrences of

forced labour. We have also tried to take preventive measures, and ensure that people have more confidence in the State.

A seminar held in Brazil in 2000, illustrated the importance of educational actions to prevent fresh cases of forced labour. People are informed of their rights, they know who they can turn to, and therefore the rural workers themselves are able to check up on their own working contracts and ensure they comply with labour legislation.

So it is a question of reskilling and educating workers who were subject to forced labour but were then freed by the Mobile Unit. This is all a priority of the Ministry, which provides specific vocational training programmes for these people and seeks to get them registered at local employment agencies throughout the country.

In this way we can guarantee access for these people to the labour market and enable them to earn an income to feed their families. This, should be the overall aim of getting rid of forced labour.

By way of conclusion, I would like to quote some statistics from the Labour Ministry, for the second half of 2000, in relation to those given on page 26 of the Global Report. Between 1999 and 2000, about 2,000 workers living under conditions of forced labour were released thanks to more than 55 actions carried out by the Special Mobile Labour Inspection Unit in many establishments — above all in the countryside.

The three branches of government, the judiciary, the legislature and the executive, are completely independent in Brazil. The judiciary is the only one competent to investigate and sentence the perpetrators of forced labour.

Let us not forget that the actions of the Mobile Labour Unit started only in 1995. Naturally, we need to respect due process, including of course the right of the accused to defend themselves. Having said that, I would like to stress that forced labour in rural areas is intimately linked with the poverty of farmers in these areas.

As you can see from the examples in the report, the Brazilian Government feels that forced labour is unacceptable and intolerable. We strongly reaffirm that we repudiate this practice, and are committed to punishing all those who are responsible.

Because they are not able to obtain a livelihood from their own farms for their families, these workers leave the land to seek employment in big farms, very often far away from their homes. They go from south to north and north to south, and end up working in degrading conditions.

That is why in combating forced labour in rural areas we must include with economic development projects in the regions affected. Without this specific component of rural development, which means these people must be able to sell their produce internationally for a fair price, all the efforts taken to do away with forced labour will be jeopardized.

If there is a good distribution system with fair prices, that will be one of the prime ways of ensuring that rural people do not leave their farms, and do not continue to swell the ranks of forced labour. This is just one example of how globalization affects us all.

Decisions taken on other continents, such as the maintenance of agricultural subsidies within the framework of MERCOSUR, which is a problem brought to the attention of the Conference Committee on Safety and Health in Agriculture, have direct

repercussions on regions very far away on other continents.

We need to find the right solutions to global problems. That is the challenge facing the ILO and other bodies in the international system as we move into this new century.

Mr. WILSON (*Workers' delegate, New Zealand*) — I welcome the second Global Report and the focus which it provides on the evil of forced labour. Sadly, the report confirms that forced labour, in many different forms, is still prevalent in many parts of the world, and that new forms are emerging in modern, economic contexts. Coercion and the denial of freedom, explicit in forced labour, are the antithesis of decent work.

This report provides both a challenge and an opportunity for the international community; a challenge to make a renewed effort to eliminate all forms of forced labour, and an opportunity for the ILO to make a commitment to provide active assistance.

I am pleased to confirm that forced labour is an exceptional rarity in my country, and individual cases are dealt with severely by the criminal law. However, prison labour does exist as an authorized exemption to the prohibition in the Forced Labour Convention, 1930 (No. 29), and this is the issue I wish to address briefly.

The exemption is clear, namely where prison labour is carried out under the supervision and control of a public authority, and where the person in question is not hired to, or placed at the disposal of, private individuals or companies. This is consistent with the concept of public service, which is the apparent justification for each of the five forms of exemption. Difficulties have arisen with the current trend towards private sector involvement in prisons, and prison labour. A recently commissioned ICFTU report confirms that in recent years the phenomenon of private contract management in prisons, on behalf of the public authorities, has developed at a great rate. There are now privately run prisons in the United States, the United Kingdom, South Africa, New Zealand, in the Netherlands (Antilles). There are 182 facilities globally, and other countries are considering this option.

At the same time there has been an increase in the involvement of the private sector in implementing prison labour. The private running of prisons is potentially big business in the private sector. The issue of prison labour in the context of the Forced Labour Convention, 1930 (No. 29), is carefully addressed in the report of the Committee of Experts to this year's Conference. The experts have confirmed that prisoners must give truly voluntary consent to work when the private sector is involved, and that in determining whether free consent has been given, due regard should be given to whether the conditions they are working under approximate to a free relationship. They are not required to be exactly the same as similar work in the free labour market, but the conditions, and these are the words of the experts, should not be so disproportionately lower than the free market that it could be characterized as exploitative.

The sole justification for prison labour is the public interest in rehabilitation, which is a benefit for both the prisoner and society in general. Nevertheless, the effect of rehabilitation cannot be based on exploitation and the jurisprudence provided by the experts'

outlines of the crucial protections necessary to avoid exploitation. As my colleague, the New Zealand Employers' delegate said in this debate this morning, the Employers' group could not agree with the experts' interpretation of Convention No. 29 in respect of prison labour. This is unfortunate. The challenge to us all is to focus on innovative solutions which do ensure effective rehabilitation, which involves decent work and marketable employment skills. I therefore hope that as part of the programme of work which follows this debate, the ILO can facilitate and reinforce social dialogue to identify creative and innovative rehabilitation programmes, which not only ensure compliance with this core Convention, but also provide real benefits to rehabilitate the offenders and society at large.

New Zealand is mentioned on page 61 of the report in the context of concerns about prison labour when a private enterprise is involved. Our Government has indicated today the wish to engage in social dialogue on this issue, and the New Zealand council trade unions will certainly be taking up this invitation with enthusiasm.

Original Chinese: Mr. LI (Government adviser and substitute delegate, China) — First of all, I would like to thank the secretariat for having provided this detailed report, which has provided the necessary basis for deliberating on the urgent issue of forced labour.

Forced labour or coercive labour in any form denies and harms human freedom and dignity and is therefore condemned by the international media. The conditions of its victims are cause for concern by the international community. The Chinese delegation speaks highly of the long-standing efforts made by the ILO in eliminating forced and coercive labour and welcomes the adoption of more constructive measures to help member States to overcome difficulties in implementing the principles underpinning the elimination of forced or coercive labour reaffirmed in the Declaration.

I would now like to make a few observations on the substance of the Global Report.

First, the Chinese delegation agrees with the Global Report in its analysis of the prevalent forms of forced labour in today's world, namely, debt bondage and bonded labour in rural areas, forced labour involving trafficking in persons and some types of prison labour. The various forms of forced and coercive labour have a complex social and historical background. Resolution of this problem requires responsive measures where there is no panacea. In offering related technical cooperation, the ILO should consult and heed the views and concerns of member States.

Second, poverty and little or no education are the root causes of forced labour. Therefore, to help economically underdeveloped regions, particularly remote rural areas, to develop their economy, improve their primary education, and help people and families who fall victims to forced labour due to family poverty to find alternative sources of income, represent a task that calls for the concerted efforts of various governments, social partners and the ILO.

Forced labour is not an isolated phenomenon. Instead it is closely linked with child labour, especially the worst forms of it, persistent unemployment and poverty, and occupational and employment discrimination. Therefore, all measures taken by the ILO in

eradicating poverty, creating jobs, prohibiting child labour and opposing discrimination, are of positive significance to the abolition of forced labour.

Thirdly, there is an increasing amount of evidence to show that with the rampant development of pornography sectors in the developed countries and regions, as well as the existence of sweatshop industries, the international criminal networks are trafficking in human beings in an organized manner and are inducing or coercing poverty-stricken people to engage in activities that deny human freedom and dignity. The prostitution sectors and sweatshop industries have also offered market demand for forced labour. To ban such forced labour, the international community must join to combat the criminal activities of transnational trafficking in human beings. More than any others, the developed countries have an obligation to take effective measures to shut down the relevant sectors and sweatshop industries and actively provide legal immigrant workers with decent work and living conditions.

We note that the Global Report has cited remarks made by some international organizations on China's system of rehabilitation through labour. The Chinese delegation is of the view that the system of rehabilitation through labour has nothing to do with forced labour. Therefore, it is inappropriate to cover this subject in this report. China has introduced this system of rehabilitation through labour in its first reply to the questionnaire of the follow-up to the Declaration for the purposes of clarifying the facts and setting the record straight. The Chinese delegation wishes to make use of this opportunity to reiterate that China respects the principle of eliminating all forms of forced or coercive labour highlighted in the Declaration and that China hopes to continue its exchanges with the competent organs of the ILO on the relevant issues.

China will work together with the international community to eradicate all forms of forced or coercive labour.

Mr. SALMENPERÄ (*Government delegate, Finland; speaking on behalf of the Nordic countries*) — I am speaking on behalf of the five Nordic countries — Finland, Denmark, Iceland, Norway and Sweden.

We naturally share the views expressed in the statement of Canada on behalf of the industrialized market economy countries. We also appreciate the excellent quality of the Director-General's report on forced labour. It is clearly a document that will have lasting value. As such, it also sets a benchmark for future reports in the follow-up to the Declaration on the Fundamental Principles and Rights at Work.

Even if further studies and data are still needed, as is indicated in the report, the tragic magnitude of the scourge, as well as its reasons, will now be better understood. This understanding now provides a valuable asset in the combat to eradicate forced labour. As has been pointed out by speakers before me, practical, down-to-earth measures are now called for.

The Nordic governments therefore warmly support setting up a programme on bonded labour, as proposed by the Irish Minister of Labour. This programme should be carried out linking it closely to the operations of the other programme, as poverty and lack of education clearly provide the common breeding ground for both child labour and forced labour.

Original Japanese: Mr. OJIKI (Government adviser and substitute delegate, Japan) — Japan fully supports the IMEC joint statement on the Global Report.

This second Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work presents a detailed survey of the situation of forced labour worldwide. This report is truly significant in the sense that it sounds an alarm to be heard around the world. It also presents to the rest of the world the direction that the ILO is taking on this issue.

Forced labour directly violates both mentally and physically the dignity of human beings. It is an especially serious issue that is also covered by the core labour standards. The abolition of forced labour is an important and a very significant part of the Decent Work Agenda.

We are confident that the ILO will continue to play a central role in this area. We must of course eradicate all existing forms of forced labour and also tackle the elements, such as poverty, that are the root causes of forced labour. We must also be careful that globalization does not generate new forms of forced labour.

This report encourages us to continue to focus our attention on the development of measures to abolish forced labour worldwide. This report inspires us to enhance our understanding and our awareness and, with the able guidance of the ILO, to work together towards achieving the ILO objectives of social justice and world peace.

Original French: Mr. SALIMEI (Government delegate, Italy) — We appreciate the high quality of the very detailed presentation made by the Director-General in his report and entirely share the statements made on this matter by the IMEC group. We think that the suggested discussion points are very interesting: they constitute, in fact, a questionnaire on the problem before us. An issue of major importance is the collection of information and specific data on the phenomenon in the various countries and its characteristics in the different circumstances. The simple act of collecting information and data on an issue which is of great concern to public opinion is in itself a way for the countries concerned to address the problem. But the research should clearly not limit itself to providing information on what happens in the different countries. There is a need for thorough-going analysis of the deeper economic and social reasons underpinning it. As suggested in point five, there is a need to examine the political, legislative and administrative obstacles that need to be overcome in each country. This is one of the fields where ILO technical assistance in the amendment of legislative and other regulations could play a major role in overcoming the obstacles.

We very much appreciated the statement made by the Labour Minister of Ireland and associate ourselves with it. We would like to draw attention to the points on which the Minister calls on the Governing Body to consider a priority for the coming years to engage governments to allow and support independent assessment of their countries and the nature and scale of the problem, organize proper vocational training for those who will be conducting the inquiries and set up a system to supervise industry in order to resolve these problems.

Let me just mention a particular problem on which the Italian authorities have been focusing, namely the

different forms of forced labour that may be a consequence of illegal immigration in European countries. I speak of the exploitation of people who, simply because they arrived illegally, need to remain hidden and are obliged to work in inhumane conditions. That category includes women and children. Obviously, the problem of forced labour is even worse when we are talking about children, and especially when there is sexual slavery involved. There is a pressing need for international cooperation in this field.

Ms. LUSENGA (*Government adviser and substitute delegate, South Africa*) — My delegation wishes to join others in congratulating the Director-General and his team for the excellent report. Our observation is that the Director-General, Mr. Somavia, is on course in implementing the decent work vision and in promoting the ILO Declaration and its follow-up. This observation flows from the Director-General's Report entitled *Reducing the decent work deficit: A global challenge*, where he gave an audit of the path travelled so far on this initiative for decent work for all.

The milestone that the ILO has reached gives us hope that we can close the gap in achieving the Decent Work Agenda that the Director-General launched just before the turn of the century. And the discussion so far points to the fact that we are on course in finding solutions to stop forced labour.

We agree with the Workers that some of the major impediments in our quest for the eradication of forced labour are the lack of reliable statistics, and the lack of knowledge and awareness by perpetrators and victims alike. We believe that raising awareness and identification of problems in forced labour is critical. As in most cases, the perpetrators are not aware of the violation, and those whose rights are violated, the victims, also become silent accomplices due to their lack of knowledge.

Given the importance of reliable statistics in the struggle to root out forced labour, the role of ILO technical cooperation in helping member States prior to and after ratification is a critical one. We call upon the ILO to provide countries with technical cooperation aimed at strengthening labour inspection services, in the quest to identify the perpetrators and to enforce the relevant legislation. We noted the manner in which the Office made the linkages between forced labour, freedom of association, child labour and discrimination. This gives us a clearer picture of the interlinkages between the principles relating to these phenomena and how the violation of one of more of these principles and rights can have detrimental social, economic and political consequences. This spill over effect calls for a global commitment to achieve the goals of the Declaration and its follow-up.

While the challenge to eradicate forced labour is not insurmountable, it is a formidable one. For that reason, we endorse the scope of the Director-General's action plan against forced labour. We believe that no efforts should be spared in fighting this scourge.

We also support the proposal on the global campaign to eradicate forced labour using the wealth of experience gained from the global campaign against child labour. We should not ignore the experiences learned from those countries which have so far made an effort to eradicate forced labour.

A poor and hungry person is a desperate and vulnerable person. A person who is unable to earn enough to get himself over the minimum poverty line of US\$1 per day has no choice but to accept even the worst forms of working conditions, even when such conditions are precarious and expose the worker to mortal danger.

In most cases, vulnerable workers — such as the rural poor, women, domestic workers, children, and migrant workers — find themselves in desperate and helpless situations in their struggle for survival. They fall prey to unscrupulous recruitment agencies that promise them greener pastures. The regulation of these agencies is critical, especially those that recruit migrant workers. Governments have their role to play by providing an enabling environment for these groups to gain employment through sustainable redevelopment strategies.

It is our hope that the current discussion on global social security will also provide possible policy solutions to the protection of vulnerable groups that are currently excluded.

We call upon the ILO's Global Employment Forum, to be held in November this year, to focus attention on the challenges facing vulnerable groups in alleviating poverty and the linkages between the principles relating to forced labour and freedom of association, and their impact on economic development.

In our view, this is critical, as the Declaration and its follow-up have provided basic information to enable us to do this analysis. We further wish to support the proposal made by our countryman and social partner, Mr. Lamprecht, on the issue of the Director-General's lending his prestige to give impetus to the African organizations' agenda. The adviser of my President has consulted with the Director-General about pushing forward the African millennium recovery programme so that Africa will also be on course in alleviating poverty.

Lastly, it is our hope that this Global Report *Stopping forced labour*, will not remain on the shelf but will be wisely distributed and communicated.

Original French: Mr. VANDAMME (*Government delegate, Belgium*) — Obviously, we associate ourselves with the statement by IMEC, and we go along with the very positive appreciation of the report.

We feel rather reassured by the fact that the follow-up to the 1998 Declaration is well on track. This second Global Report gives pointers for future action and technical cooperation, and that is, indeed, the purpose of this debate.

My next point is this. As Lord Brett has pointed out, it is paradoxical that the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105), have been broadly ratified and yet, unfortunately, forced labour persists in very many regions of the world, and is even tending to reappear in new forms, so there is no justification whatsoever of resting on our laurels.

My third point is the way to approach different organizers of forced labour. The State is not the only body to resort to forced labour. Individuals, elites, embassies, particularly with respect to domestic workers, and businesses are all guilty of this practice and often the State lets them get away with it. It is very important for forced labour to be firmly and fairly punished. The report suggests that the traf-

ficking of persons is often less severely punished than drug trafficking, and there is no objective reason for this.

My fourth point relates to the action to be undertaken. As several speakers have said, we clearly need a preventive approach, and action against debt bondage, unemployment, civil disturbances, political repression and discrimination are all relevant in the battle against forced labour. These elements lend themselves to the exploitation of people who are vulnerable.

We therefore want a five-point programme, firstly, for a multidimensional approach, and I think that the report advocates this.

Secondly, for tough national criminal legislation but in the first instance there should be effective inspection units to act as a deterrent. This, for example, is a subject for technical cooperation. In my country we have recently released new resources, both in human and financial terms, to give inspection units greater powers to intervene more promptly in this situation.

Thirdly, we have to promote the setting-up of mechanisms to help the victims. We need special reception centres for them, and we must ensure, by law if necessary, that there are social labels and codes of conduct guaranteeing, for example, socially responsible forms of production where there is no suspicion of forced labour.

Fourthly, we need to call upon all the resources of the ILO, as indeed was the case for Myanmar, but I also agree with those who are appealing for a regular follow-up of the different Conventions on forced labour in the Committee on the Application of Standards. We should not confine ourselves to the discussion arising out of the Global Report.

Lastly, as other speakers have said, we want to be able to count on international cooperation and this is where I very much hope that the ILO will be able to play a leading role. We cannot be overly prudent, as paragraph 310 of the report seems to imply. It is a good idea, I think, to look at the Global Compact of the United Nations Secretary-General and use it as a form of dialogue, a channel for future discussion.

As the Minister of Employment for Belgium has said, following the Irish colleague who spoke this morning, an appeal has been launched for the implementation by the ILO of a substantive technical cooperation programme against debt bondage, and they have identified the relevant approaches that should be adopted.

(Mr. Parrot takes the Chair.)

Mr. BASNET (*Workers' delegate, Nepal*) — Let me commend the very clear picture of forced labour around the world provided by the report. While poverty is the root cause, people become trapped in forced labour because they lack the skills to generate the income they need in order to live. We should not blame social conditions and practices, for it is the lack of knowledge, education and information that perpetuate the cycle of forced labour.

Legislation by governments may free the victims of forced labour, but the lack of food, shelter and medicine brings them back into its evil clutches. A dollar a day is not enough to live on, but 80 per cent of the world population does not have access even to that tiny sum.

In Nepal, 12,000 women are victims of cross-border trafficking every year. Hundreds of thousands of children are forced to serve households, rear cattle and look after babies in bondage-like conditions. Only awareness, education and technical assistance can help them out of this situation. The ILO, through its tripartite structure and social dialogue, has the ability to eradicate forced labour.

I would like to conclude by thanking the ILO for its assistance in its programme for the rehabilitation of the *kamaiya* and note that the ILO and IPEC have changed society's view of child labour.

Mr. BRODRICK (*Government adviser and substitute delegate, Australia*) — We sincerely thank the Director-General and the staff of the ILO for the second Global Report. Along with the elimination of child labour, there is no more important work for the ILO than helping to stop forced labour.

Australia condemns the practice of forced labour and supports efforts to abolish this practice where it occurs. Australia ratified the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105), within three years of their adoption, that is, in 1932 and 1960 respectively.

Australia is a member of the IMEC group and we associate ourselves fully with the statement made this morning by Canada on behalf of the group. I will not repeat the views covered in that statement but will share briefly the Australian Government's views and experiences on three issues: forced labour in Burma (Myanmar); trafficking in persons; and prison labour.

Forced labour in Burma is described in the Global Report as the "prime instance of an extreme case of forced labour". The Global Report sets out why forced labour in Burma has triggered unprecedented action by ILO Members, action which is supported by the Australian Government. It also makes clear, however, that addressing the problem, that is, taking steps to try and end the practice of forced labour and to try and relieve the suffering of the people involved, is not as easy as passing a resolution. If only it were that simple.

Australia believes that active engagement in dialogue, including practical assistance and the longer process of building up accountable transparent institutions responsive to people's needs in a positive way to bring about change in countries that commit human rights abuses, such as forced labour.

This is the approach that the Government has taken in relation to Burma, including by its funding of training workshops. These workshops aim to raise awareness of international human rights standards and relevant United Nations conventions.

Australia believes that it is worth trying to promote long-term progress through raising awareness in the specific area of human rights. This is a practical approach. Of course, we expect all States to honour their international obligations and we expect the Government of Burma to cooperate with the ILO towards the elimination of forced labour in that country.

I turn now to the issue of trafficking in people, which is the subject of a general observation this year by the ILO Committee of Experts. Although Australia is generally not considered to be a major destination country for people trafficking, there have been indications in recent years that transnational organized crime groups have become involved in human

trafficking to Australia, predominantly trafficking in women for the Australian sex industry.

Page 56 of the Global Report sets out some national measures which have been developed in response to people trafficking. I would like to add Australia's experience.

Short and longer term initiatives to combat people trafficking, developed and supported by Australia in the Asia-Pacific region, include training courses for tourism industry professionals dealing with the prevention of child sex tourism, a multi-donor UNDP project focusing on trafficking in women and children, and an International Organization for Migration project to establish cross-border working arrangements for the return and reintegration of trafficked and other vulnerable migrant women and children in several countries.

At the national level, Australia's main tool to combat people trafficking for the sex industry is the Criminal Code Amendment (Slavery and Sexual Servitude) Act, 1999. This Amendment made it a punishable offence, with a sentence of up to 25 years imprisonment, to recruit, organize and profit from people engaged in prostitution in conditions of slavery or sexual servitude.

Extra-territorial child sex tourism legislation was enacted in Australia in 1994. The Child Sex Tourism Act allows the Australian legal system to try alleged offenders for activities involving Australians but occurring in other countries. Considerable progress has been made in recent years in raising domestic awareness of the issue of child sex tourism and the fact that it is a crime which can lead to a term of imprisonment.

My final remarks concern the issue of private sector involvement in prison labour which is addressed on pages 59 to 63 of the Global Report. The report casts doubt on the current interpretation of Article 2.2(c) of the Forced Labour Convention, 1930 (No. 29), describing prison labour as a contemporary dilemma involving ethical issues.

While the Committee of Experts has, in the past, interpreted Convention No. 29 to mean that any private sector involvement in prison labour did not fall within the exemption from the definition of forced labour, the Committee has indicated in recent years that the issue merited fresh attention.

Its report to this Conference included a mini-survey on privatization of prisons and prison labour and the Committee on the Application of Standards at this Conference has already discussed this issue in some depth in a debate in which Australia participated.

It is urgent that this matter be resolved, particularly given that Convention No. 29 is a core Convention. We therefore suggest that a process be established to examine this issue and to settle a modern interpretation. An interpretation which both protects prisoners from situations of servitude, while at the same time recognizes and is supportive of modern correctional policies.

While the Global Report contains a lot of grim reading we are pleased to note that there are success stories as a result of work carried out by the international supervisory machinery and ILO programmes. There is still so much to do.

We commend the ILO for its work in this area and express our support for the Office's future efforts.

Original Spanish: Mr. MORANTES (Workers' adviser, Colombia) — I am very grateful for this oppor-

tunity to partake in the important debate on the Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, this year on the subject of forced labour.

In this era of a rapidly evolving society and leaps and bounds in science and technology, we might expect that greater freedom would be achieved for human beings, with improvements in the comfort and happiness of all.

Unfortunately, this is far from being the case. Not only in the wealth of peoples concentrated in the hands of the few, but poverty is spreading and bringing destitution, exclusion and pitiless exploitation to ever greater swathes of the community.

When our fathers spoke of the abolition of slavery it seemed that freedom as a basic and universal human right would be the natural condition of human beings, they never imagined the new methods for exploiting human beings which are not, unfortunately, proliferating around the world.

We note in the Global Report that, to the shame of the entire human race, this scourge prevails in almost every country. It is present in different shapes in all countries, be they poor or most developed countries that pride themselves as having the most solid democracies.

Forced labour has always existed in various forms on plantations and in domestic service, but now, alarmingly, it has spread to the sex industry, exploited by international criminal gangs. They lure people into it. There are also middlemen, or subcontractors, who recruit workers for big firms, where the workers are then subjected to exploitation, with most of the profit from their labour going to the middlemen.

All forms of forced labour are terrible, but some of them are particularly worrying, such as the exploitation of children in all sorts of activities beyond their strength, which stunt their development. Especially horrific is the buying and selling of children for exploitation in the worst possible ways and their use in violent conflict and war.

This is very depressing and we have to do something about it urgently. It is up to governments to take measures to deal with this scourge in all its manifestations, and these measures must have the full support of workers' organizations.

Employers must examine their own industries to identify firms involved in this type of exploitation and, jointly with their governments, they must work to stamp it out.

We pay tribute to the work of the ILO and consider that the Global Report under discussion is a very valuable instrument that will allow us to make progress in this important and complex task.

We note that most member States have ratified the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105), and yet forced labour has become globalized, largely due to unemployment and the greedy pursuit of easy profits by unscrupulous and criminal employers.

The ILO will need to apply its tripartite approach in a vast worldwide campaign to do away with this cruel scourge that affects millions of human beings suffer and to lead, ultimately, to an increase in decent work.

Mr. ONO (*Employers' delegate, Kiribati*) — I believe these are the very first remarks to be made

in this great hall by the Kiribati delegation, the very first country that greeted the sunrise of this new millennium in the world, and also the newest Member of this esteemed international organization, the ILO.

Therefore, let me congratulate the Vice-President on his appointment. We have no doubt that he will guide and lead us through his rich wisdom to a successful completion of this session of the Conference and he can count on our complete support and confidence. I would ask him to convey our congratulations and confidence to the President, Ms. Sto. Tomas, and I should like to also thank the Director-General and those involved in preparing the report for their excellent work and efforts.

With regard to forced labour in my country and perhaps in the Pacific region as a whole, it is very likely almost non-existent. If it does exist, then it will be to a much lesser extent than in other countries or regions.

Unfortunately, however, Kiribati, has not ratified any of the ILO Conventions; neither has our Government stated its intention of whether it will continue to be bound by the formal obligation of these Conventions — which were ratified by the Government of the United Kingdom prior to our independence in 1979. This may be attributed to bureaucracy and other factors which we Employers always encounter all over the world.

One of the Conventions that the Government of the United Kingdom ratified during its colonial rule over Kiribati is, of course, the Forced Labour Convention, 1930 (No. 29). Therefore, we, the Kiribati Chamber of Commerce, the most representative employers' organization in Kiribati, are determined to push and move our Government, with the generous assistance of the ILO, towards the earliest confirmation of Conventions that the Government of the United Kingdom ratified prior to our independence and towards ratification of all core Conventions, particularly the Forced Labour Convention, 1930 (No. 29), and the Worst Forms of Child Labour Convention, 1999 (No. 182), which, I believe, happily, to be very much in line with the policy of the Kiribati Government.

As I have mentioned before, forced labour is not a very big issue at the moment in my country, nor does it form part of our culture. However, as the old wisdom goes: prevention is better than cure. I believe, therefore, that ratification and, most importantly, implementation of Conventions such as Nos. 29 and 182 will be beneficial for our programmes yet to emerge in the future with regard to all aspects of forced labour, including child labour.

Mr. PANDHE (*Workers' adviser, India*) — Most of the speakers from the Government and the Employers' groups, who have spoken during the debate, have very much appreciated the ILO's Global Report and praised the work done by the Director-General.

However, the question remains as to why this issue was not tackled during the last 70 years? The forced labour Convention was adopted in 1930 and has been ratified by 156 countries. However, the report very clearly points out that the situation of forced labour, 70 years after the Convention was adopted, is very bleak. We must analyse the major causes affecting the continuation of the system of bonded labour in the world today.

First, from those who appreciate the report, and many of the speakers do, there is no political will to take action against the system of bonded labour itself. Those who engage bonded labourers, have political clout in their country, and are in a position to influence the administration, so no action is taken, despite this illegal system which prevails in the world.

The second aspect to be taken note of is that bonded labour is very cheap. By paying just a small loan you get a bonded labourer at a very cheap price, and this is also adding to the exploitation of workers, since it leads to an increase in your competitiveness in the market.

The third point I want to emphasize is that in the recent past, as the report correctly pointed out, new forms of bonded labour itself have come into existence, particularly following the advent of globalization. The bonded labour system has also increased in various parts of the world.

As an example, there is the question of prison labour. I think the debate is very superfluous. There is no doubt that prison labour is bonded labour. The prison labourer is not free to decide not to work, yet, despite this, there are many intelligent people who say that prison labour is not forced labour.

I think that there should be no place in the ILO for this type of contribution, but unfortunately this situation exists in the present millennium throughout the world.

The other aspect to be taken note of is that using forced labour brings down production costs and you get a larger share in the market. For this reason, the system is prevalent. If countries which engage prison labourers were asked to pay the wages of regular employees in that country, perhaps they would not talk of prison labour. Furthermore, in those countries engaging prison labourers, there is so much unemployment, which is growing extremely rapidly. They do not talk of giving jobs to those unemployed people, but are very much concerned about giving work to prison labourers. This shows that the concern is not for the prison labourer, but how to exploit them as a cheap source of labour. This aspect has to be taken into account.

Following globalization, there are export processing zones all over the world; I am told that more than 500 of them are operating in the world. There are no labour laws applicable in this area. There is no paid overtime, no regulation of the hours of work, or the working conditions and no injury compensation. Is this not a new form of forced labour? Therefore, this should also be taken note of by the ILO when considering the proper form of forced labour in the world.

In countries like India, a large number of traditional industries are collapsing, owing to the multinational companies' entry into the economy. In the developing countries, rather than creating jobs, they are destroying them. For people who have lost their jobs, there is no work. What will they do now? They are forced to work as bonded labourers, and this is why, despite a strong war of words, the system of bonded labour is continuing in developing countries.

This debt bondage, which is also a result of the loss of hundreds of thousands of workers' jobs has created this system. You cannot legally fine the guilty parties because there is no document of any loan, there is no salary register, there is no employment register. Therefore, the system is prevalent in our world today

because of its very character, and that is why legally speaking catching them becomes a very difficult task, even for the Government.

In our country, for example, because of poverty and destitution stopping this phenomenon is not an easy task.

The other point I want to make before I conclude, is that exploitation involving girls is increasing in the developing countries. Many people have talked of sex tourism, but sex tourism is mainly tourists coming from developed countries, and no effort is made properly to stop this form of tourism. Women in the developing countries are being exploited. Therefore, I want to suggest that the ILO's report is no doubt welcome, but it should be taken in the proper spirit. Unless the governments who welcome and support this report, take strong action against those guilty of engaging forced labourers there will be no end to this system. Therefore, stronger action should be called for in the world today if we really want to end this system of forced labour.

As regards India, the report has pointed out that the vigilance committees which have been appointed are not working effectively. There is a need for these vigilance committees to work effectively and there is also a need to appoint a tripartite committee to monitor their work, which takes place at various levels.

I hope and think that with this approach, it will be possible to tackle the question of forced labour provided that firm steps are taken in this direction.

Original Arabic: Mr. AL-KUHLANI (*Workers' delegate, Yemen*) — In the name of God, the Merciful, the Compassionate! I think that this meeting today is actually forced labour in a sense, because the developing countries are at the end of the list and maybe you will not even hear me through.

On the occasion of the Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, I would like to thank the Director-General for his report on forced labour. I have taken note of its contents and conclusions. It is the first worldwide report on forced labour and represents an invitation to redouble our efforts to do away with this scourge, which is an insult to human dignity.

The wars of the last few centuries led to the spread of forced labour. In the absence of worldwide protection, many people fighting for their freedom sought ways to put an end to forced labour. Today, at the beginning of the new millennium, we have seen a major evolution of human rights and development, yet we have still not managed to put an end to forced labour because of poverty and the gap between the rich and poor countries. That is why efforts need to be coordinated internationally in order to bring about more sustainable development and do away with poverty.

I am surprised to see that there are new threats to human freedom in the form of trafficking in human beings and domestic labour, which constitute new kinds of forced labour. We think that forced labour is a violation of human rights as well as ILO rules, and we fully support the different proposals put forward by Director-General. We think that we should put an end to forced labour through a dedicated programme supported by all concerned, including international organizations. We also need to raise public awareness.

I pay tribute to the ILO's efforts to put an end to forced labour. My trade union organization in Yemen

has cooperated with the Yemeni Government in order to combat this kind of labour through laws that specifically prohibit forced labour. To this end, Yemen has ratified Conventions Nos. 29 and 105 as well as the Worst Forms of Child Labour Convention, 1999 (No. 182). Forced labour is prohibited throughout Yemeni law. Political pluralism is a further weapon in our fight against the phenomenon, which has not yet been completely eradicated in our country.

In conclusion, we hope that the ILO will make it possible to develop the capacities and skills of the workers' organizations in my country.

Ms. McCORMACK (*Workers' delegate, Ireland*) — I think it is appropriate that as a Minister from the Irish Government had nearly the first word this morning, that an Irishwoman labour leader should have the last word today.

I welcome the opportunity to support the submission by the leader of the Workers' group. Making fundamental rights real in the lives of those who have no knowledge of that concept or practice of dignity in their daily lives is a determining test as to whether the concept of rights can be made real for any of us.

Like Minister Kitt from the Irish Government, I am focusing my comments mostly on the particular issue of bonded labour and its eradication, covered principally in Chapter 6 of the report. The Minister identified five key elements that a programme should include where bonded labour has been reported in the last five years. I do not wish to repeat them in detail as they have been covered by the leader of the Workers' group and many other speakers.

I would just like to identify certain elements of them to emphasize core issues. In the need for independent surveys, the importance of the need for desegregation of information is particularly key to an understanding of what this issue is about. The relation of this issue, not just to poverty but to caste, minority, gender and children, is key to its understanding of exploitation. In the identification of the need for regional action plans it is also key to have an integrated response with central control. In the need for monitoring systems, I think this is where the ILO can play a key role in developing the understanding and implementation of successful monitoring systems.

Another point I would like to emphasize out of those key elements is the need that, in the punishment of perpetrators, there needs to be a number of high-profile cases that set standards for sanctions and implementation.

The ICTU has given a special focus for benchmarks of progress as we believe that this is crucial to reduce effectively the growing violation of human rights. We believe these are required to turn the words of our principles into the hard detailed work of implementing change.

Again, the leader of the Workers' group, Mr. Brett, identified eight key areas of targets and timetables. I do not intend to reiterate those, as the previous speakers did but to support the need for those to be turned into hard measures.

However, I would like to focus on two other issues. They have been covered, but I think they deserve reiteration. The freedom to organize is crucial to the elimination of forced labour. The first step from slavery to freedom is the biggest and the most dangerous. There are many obstacles, legal and otherwise, in the way of that first step. We need to focus support

resources and highlight these to support both NGO and trade union efforts to organize.

It is essential the bonded labourers are not prevented from accessing their rights by intimidation and threats of violence. Unless intimidation and threats of violence are met with public and visible sanctions, that step will falter and they will return to that bonded labour.

We therefore support strongly the need for detailed technical cooperation and assistance to enable preparation and follow-up for that freedom of association to have real meaning.

It is the interaction of the key factors of enforcement, monitoring, punishment of perpetrators, and offering sustainable solutions, with the involvement of all sectors, that is essential to success.

John Sweeney this morning asked whether the human rights national community was ready to support this issue. This is a very broad question and I can only answer in relation to my own country. Within the last four months over 50,000 individuals signed a petition organized by a small non-governmental organization. This petition then went to government and it was this that prompted the Minister here today to make it one of the key issues. One person, one organization, a number of individuals, can make a difference.

We think that will, when it is mobilized by the popular will of the people in countries where forced labour is not a key issue, can be translated into more organized campaigns, such as shareholder resolutions, consumer campaigns and organized publicity campaigns to put pressure where political will, as the delegate from India has said, is clearly absent.

I end with this. This is my first attendance at the ILO. It is a privilege to be involved with an organization and a primary debate that has focussed on and for those who do not know that we exist and have no affirmation of their own humanity. Perhaps in four years time some of them, please God many of them, will have knowledge of our existence, and perhaps they will be able to name and affirm their own humanity.

(Ms. A. Sto. Tomas takes the Chair.)

Lord BRETT (*Workers' delegate, United Kingdom; spokesperson of the Workers' group*) — Before I make a few comments on the outcomes, I would like to comment about the debate. I look back, to the President's advice this morning, when she said first of all this would be an interactive discussion. Speakers would be limited to five minutes. It would be a debate. Has it been a debate? A debate is always tested by its attendance. Have we succeeded? Here is a series of tests. Was it interactive? It was not interactive. Even when people were speaking and saying the same things, they did not find it possible to depart from their speeches, written by civil servants, to even point out that they were agreeing with each other. Was it timely? Well, timely to have it, yes, but frankly, from a ministerial attendance point of view, it would have been better to hold this debate earlier in the week, when we would not have had the apologies of ministers having to rush and catch planes. But I recognize that is not the responsibility of the President. It is necessary to plan better for future years.

Was it a well-attended debate? Well, one way to define a well-attended debate is by looking at who is still in attendance at the end. Now I have to say there

are less than 20 governments present, and it does not look as though the Employers' and Workers' together could actually muster a majority of votes to defeat even that number.

My daughters — I have two — have a favourite shampoo called "Wash and Go". I think most people who took part in this debate belonged to the "Speak and Go" group. I honour my government and employer colleagues who are still here. I am thinking of asking you, Madam President, to draw up a roll of honour. In fact there are so few here, that I am very tempted to name the governments present as a roll of honour, but I will settle for a badge to be created for those who have actually sat through the whole of the debate. I suggest that the motto should be "we understand forced labour".

But from this failure, because I think the debate has failed to deliver what we want, I think we have to go back to the Governing Body and look very basically at how we can better deal with the Global Report in the year 2002. I am nonetheless very impressed that, although we did not interact in the debate, many people said the same things. They said that a major programme is required. They said that we want to see targets, that in four years we want to be able to measure success, and many of the measurements were the same. The Employers, the Workers, the Governments of Belgium, the United Kingdom, Germany and others had the same ideas, and I think the Director-General should draw from this to devise a programme that can be put before the Governing Body in November.

I make one plea of reiteration. When we do that, in order to draw the attention of the world, gain the focus of the international community and attract resources from donor countries and even the private sector, then I believe we need to create a programme that has the same kind of emphasis that we have placed on the child labour programme. That means giving it a title, giving it a presence, giving it a leadership. I believe the Governing Body, with the advice of this debate today, will have to face the evidence that is being requested to take forward such a campaign. To you, Madam President, and your colleagues, and the secretary, who share our understanding of forced labour having sat through this whole thing, I offer my grateful thanks. And to my colleagues on all the benches who are still with us, we are a very small, select band, but better for that.

Mr. POTTER (*Employers' delegate, United States; spokesperson of the Employers' group*) — First let me say that the Employers' group endorses everything that Lord Brett said. So you have a consensus for going ahead on all of those points. I think there was also a consensus today that the report that was prepared provided a sound basis for holding this discussion, and certainly it was a substantial improvement from last year.

We agree that, certainly from the Employers' perspective, the discussion today left much to be desired. I think I can count on the fingers of my hands, maybe perhaps even one hand, the number of countries that actually dealt concretely with their own particular situation. Having said that, we have had a high-quality debate here today, but it has been primarily philosophical and theoretical, and it can hardly be seen as being interactive or as addressing the real problems at the national level on forced labour. The room this

morning was completely full and probably at its height this afternoon we had perhaps 20 per cent of the people that were here this morning. And that leaves something to be desired.

Clearly we need to improve the process we have during the Conference and I would note that the modalities for the discussion of the Global Report follow-up are quite flexible and at present we deal with it in a plenary sitting as a committee of the whole and the tendency as we have seen today is for people to come and give a prepared speech. We applaud, and there is very little opportunity or orientation for an interactive discussion, development of themes or a consensus on how to proceed.

Now, I have a modest proposal, an outline perhaps of how we might adjust for next year.

First, I would suggest that, rather than using the Officers of the Conference to chair this global session one or more individuals who are knowledgeable about the purpose and scope of the Declaration and its follow-up and who have skills at facilitating and directing an interactive discussion on policy questions and issues of technical cooperation, could be designated for the purposes of this discussion. There were numerous occasions this afternoon where I saw opportunities for comment on some very excellent proposals from all sides — from the Workers' side, the Government side and the Employers' side as well.

Second, if we are ever to have an interactive meaningful discussion I think that it is evident that we need more than one day to do it. It may well be that we need a session where the prepared speeches are made but we also need something that is more concrete, and I think that means it is going to take more than a day to do it, and I think, in the context of the description of country situations, we need a series of questions relating particularly to the country situation that might lead the country concerned, and us as participants in this Global Report debate, to concrete results, namely the achieving and realization of the principles of the Declaration so that as far as this year is concerned we would begin to see the outlines of country programmes leading to the elimination of forced labour in every country on this earth.

Lord BRETT (*Workers' delegate, United Kingdom; spokesperson of the Workers' group*) — I am going to seize the moment of interaction. I want to respond immediately to Mr. Potter. I think the suggestions he makes are excellent. If you have a session like today, with ministerial speeches, it is important to have the attendance of ministers and perhaps group presentations. Maybe overnight we can think about those things and in a session on another day we can have an interactive discussion with a facilitator and even with the Director-General and express some support for what our Employers' spokesperson says. I know that there is enough ingenuity in the Secretariat, and we are not fixed to this method of proceeding. I think we should charge the Governing Body and its Officers with looking more closely at the suggestions that have been put forward by Mr. Potter.

One comment made in our group this morning by one of our Indian colleagues was that this room is im-

possible for interaction, for at times you cannot even see the speaker. Even a television camera and a large screen showing the speaker would give more dynamism to the debate. So I think the Officers of the Conference could do some serious thinking about improving this for next year.

One other suggestion. The hall is half-empty. Many people cannot participate because they are in other committees and it might be useful to ask those who wanted to participate to register in advance in order to know the numbers. Then we would know whether we need this meeting-room, which is hardly conducive to interactive debate, or whether we could use a smaller meeting-room. I think that would be worth considering.

The PRESIDENT — I wish to make some concluding remarks.

It has been a long and interesting discussion on the Global Report and I am sure the Director-General will refer to this discussion when he replies to the Conference next week.

However, to conclude this day's session, I would like to share with you my own thoughts. For somebody like me who is returning to the ILO after 11 years of absence, it seems that you have in the Global Report under the Follow-up to the Declaration on Fundamental Principles and Rights at Work the spoonful of sugar that makes the medicine go down a little easier. The world of work is as diverse as various levels of developments would allow. We all know the conditions that would make that world of work a better and more satisfying place for both workers and employers and our constituents. But we will all have to take different paths to get there. The Global Report gives us snapshots as to where we are relative to certain valuable guideposts at specific points in time. Some are ahead, some are moving along; some are running just to stay in place.

The statements made today to me seem to converge on a number of points: (1) that forced labour in whatever form or shape is something that we all do not want; (2) that we are all going to do something about it with a little help from our friends; (3) that are friends from the ILO who have listened to all that we have to say, whether they are from Governments, Workers or Employers, will help formulate a plan of action to help us along and we will hopefully get it to the Governing Body by November; and (4) that there are certain expectations of the Global Report which perhaps have not yet been met, both in process and in content, all of which could be taken into account as the Global Report evolves.

I think the next thing to do is to ensure that there is greater awareness among our constituents about the ill-effects of forced labour in its various forms and to mobilize support for it, either by way of continued advocacy or by putting additional resources to the monitoring of this concern, so that we know that progress continues to be made. We may not have the big bang of an immediate solution to the problem but we have surely taken our first steps on a great journey.

(*The sitting adjourned at 7.30 p.m.*)

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