



## THIRD ITEM ON THE AGENDA

## Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work: Technical cooperation priorities and action plan regarding the elimination of forced labour

### Introduction

1. At its 282nd Session in November 2001 the Governing Body established a Special Action Programme to Combat Forced Labour (SAP-FL) to give the ILO's activities in this area more comprehensiveness, vision and cohesion.<sup>1</sup>
2. ILO action against forced labour steadily gathered momentum over the past eight years, mirrored by increased global awareness of the problem and greater willingness on the part of member States to confront it. In the 2005 Global Report under the follow-up to the Declaration on Fundamental Principles and Rights at Work, the Director-General called for a global alliance against forced labour, backed by adequate resources and led by the ILO, with the aim of eliminating all forms of forced labour worldwide by 2015.<sup>2</sup>
3. In May 2009 the Director-General issued the third Global Report on forced labour, *The cost of coercion*. The Report sheds new light on forced labour in today's global economy and highlights the need for labour administrations and inspectorates to be at the forefront of action against forced labour and human trafficking. Expanding on the 2005 global estimates, the Report reveals new figures that focus on the cost of coercion to the victims of forced labour. To avoid an expansion of forced labour and trafficking, not least in the context of the present economic and financial crisis, it calls for intensified efforts through coordinated national and international action and social dialogue.

<sup>1</sup> GB.282/TC/5 and GB.282/11.

<sup>2</sup> See ILO: Report I(B) *A global alliance against forced labour*, Report of the Director-General, and *Provisional Record* No. 12, International Labour Conference, 93rd Session, Geneva, 2005.

## **The second action plan: Achievements and lessons learned**

4. The second action plan<sup>3</sup> sought to maintain a balance between operational projects, advisory services, surveys and research. It included survey methods and data gathering, awareness raising, policy guidance and training materials, direct action and support to victims, capacity building for employers' and workers' organizations, communications and global advocacy. The overarching objective was to build and support a global alliance against forced labour, focusing especially on the Organization's tripartite constituents.
5. The Office has now built up considerable experience on means to address forced labour and trafficking, drawing on the special strengths of the Organization. Activities at the global level – such as comparative research, communications, tools development and partnership building – have been combined with projects at national or regional levels in all regions.
6. Important lessons have been learned in the last four years, which have seen a steady expansion of technical cooperation activities against forced labour through the SAP-FL programme. It has demonstrated the importance of research and surveys, publications and awareness raising, which have built the consensus for national action against forced labour. There is a clear demand for guidance and training materials on forced labour and trafficking, targeted at different groups, such as labour inspectors, judges and prosecutors, employers' organizations and trade unions. There has been favourable evaluation of projects which cover both the “upstream” policy level and “downstream” initiatives for prevention and reintegration at the community level, using microfinance, social dialogue and different empowerment tools. A clear lesson of field projects is that it takes considerable time to build stakeholder consensus and achieve results. Another lesson is that the Office should continue to focus on projects where it has the clear competence and expertise to achieve results over time.

## **Third action plan**

### **General considerations**

7. A global alliance against forced labour, led by the ILO with increasing numbers of other partners, is now taking shape. The overall framework for the third action plan is provided by the outcome on forced labour of the Strategic Policy Framework 2010–15. This provides, inter alia, that, to ensure that forced labour and trafficking issues are effectively addressed at the national level, the ILO will promote the inclusion of measures to combat forced labour and trafficking in Decent Work Country Programmes, with a focus on the needs and circumstances of different vulnerable groups in the specific country context. The action plan will address the concerns identified in the Global Report, maintaining a balance between operational projects, advisory services, and surveys and research.
8. The proposed plan combines global issues and approaches with a determination of regional and national priorities. Four overall priorities are: improved data collection and research, refining the indicators used for the much-needed country estimates; an intensified global awareness campaign, for example encouraging public support for local and international efforts to fight trafficking for labour as well as sexual exploitation and facilitating high-profile debates on both the causes of contemporary forced labour and the best means to

<sup>3</sup> GB.294/TC/2.

address it; improving law enforcement and labour justice responses, mainly by seeking more involvement of labour administration and labour inspectors in integrated action against forced labour; and strengthening the engagement of employers' and workers' organizations in action against forced labour and trafficking.

9. Consolidating a Global Alliance against Forced Labour will continue to be the umbrella for global activities led by the SAP-FL, reaching out to a range of international partners. The programme will expand its web site on forced labour, as a repository of continuously updated information about forced labour problems and solutions. Particular attention will be given to interactive training tools and the production of user-friendly briefs and research summaries.

### **Basic goals and targets, and implementation structures**

10. Member States in which significant forced labour has been detected will be assisted to establish time-bound action programmes for the eradication of forced labour. Some countries have already adopted broad-based policies and action plans against forced and bonded labour or human trafficking. The Office will work with further pilot countries on such plans. The experience will be reviewed to identify lessons learned and develop elements of good practice for future national action programmes.

### **Data collection and research**

11. Quantitative and qualitative research and surveys, both thematic and country-specific, remain high priorities. Technical assistance to interested countries will enable them to produce their own national statistics and refine indicators of forced labour. The aim will be to build on the present pilot programmes in a limited number of additional countries, both developing and industrialized.
12. Continued work with the academic community and other national partners will promote more attention to the forms of forced labour which have received less attention so far, such as prison labour, and to vulnerable workers, including domestic workers, seafarers, and workers in export processing zones. More research is also needed on the economic aspects of forced labour. All of this will provide the basis for the requisite training and guidance tools.

### **Improving law enforcement and labour justice responses**

13. Existing training tools for labour administration and law enforcement actors – including labour inspectors, judges, prosecutors and other legal practitioners – will be adapted to national and regional contexts in the appropriate languages in order to support further training activities of labour inspectors and other law enforcement bodies.
14. The case book on court decisions on forced labour represents a first effort to examine national jurisprudence on the subject. Expanded work can address emerging policy concerns, for example the way in which courts deal with the issue of compensation for forced labour victims.

## **Capacity building for workers' and employers' organizations**

15. Cooperation with trade unions will increasingly include trade union activities at the national level, involving a range of capacity-building activities, and support to designated trade union focal points with specific responsibility for forced labour and trafficking. It will also promote effective trade union participation in national committees or other institutional structures against forced labour and trafficking.
16. The programme will strengthen the capacity of trade unions to organize workers most at risk of forced labour, including in the informal economy, and support their efforts to bargain collectively, especially in sectors at risk such as agriculture, construction, domestic work and hospitality. Trade union officers and their members may need specific training, in order to identify and document cases of abuse, file complaints, and seek redress from the appropriate authorities. Programmes can also involve the respective Global Union federations.
17. A second priority will be to foster greater cooperation between trade unions in neighbouring countries which face similar forced labour concerns, and also between trade unions in countries of origin and destination of migrant workers, including migrant domestic workers.
18. The ILO will expand its successful cooperation with employers' organizations, including in reaching out to various multi-stakeholder initiatives and other partners in the business and financial community to ensure consistency in understanding the concept of forced labour and the ways in which it can affect business activities. Specific training programmes and focused guidance materials will be developed and disseminated in different languages, addressed to auditing and other groups that have begun to develop expertise on forced labour.
19. The programme will also examine ways to reach beyond the first tier in global supply chains, on an industry-specific basis, through broad partnerships between employers' organizations, labour inspectorates and administration, individual companies, and civil society groups. Such assistance will help ensure that recruitment practices are free from debt bondage and other forms of coercion. Support will also be provided through pilot programmes to employers' initiatives to assist the reintegration of former victims of forced labour.

## **Forced labour and poverty reduction in developing countries: A focus on prevention**

20. Research and operational programmes have led to a better understanding of the population groups at risk of forced labour, often as a result of a long-standing pattern of poverty and discrimination. Experience has shown that, together with improved law enforcement and labour inspection, there is a need for better prevention strategies.
21. Broad-based action against bonded labour systems, particularly in Asia, will continue to take place at different levels. At the policy level, persons in or at risk of bonded labour should be specially targeted through poverty reduction programmes, including microfinance initiatives. Sensitization programmes for government agencies and officials are of key importance, identifying the various means at their disposal to address bonded labour systems and practices. At the community level, it is essential to build on the good practice learned so far, replicating this in other areas of known bonded labour incidence. The involvement of local employers' and workers' organizations will be a key element of

future approaches. In Latin America, given the particular vulnerability of indigenous peoples, forced labour and debt bondage will be accorded due importance in programmes to address poverty through promoting the rights of indigenous peoples.

### **Forced labour, migrant and contract workers: Cooperation between home and host countries**

22. There is scope for building on the cooperation between the home countries of Central Asia, and countries where migrant workers may be at risk of forced labour in formal sector activities, including construction.
23. A priority throughout the Asian region, with its high incidence of internal and international migration, will be improved regulation, monitoring and operation of recruitment agencies, including informal labour-contracting mechanisms both within and between countries. While still needing to build the knowledge base, and to press for appropriate regulations, the Office will undertake pilot programmes on this subject with the involvement of employers' and workers' organizations, recruitment and job placement agencies, and labour administrations. In Africa, particular attention will be given to the monitoring of recruitment agencies, including those recruiting for overseas employment. Further interventions will seek to prevent human trafficking, and to promote the reintegration of trafficked persons, through cooperative programmes between home countries and host countries both within and outside Africa.
24. Future cooperation with the Gulf Cooperation Council States and other Middle Eastern countries will focus, in particular, on the prevention of trafficking and the protection of temporary contract workers from abusive recruitment and employment practices.

### **Issues for industrialized countries**

25. Continued support will be provided for training and research programmes. Existing tool kits – including those for labour inspectors, judges and prosecutors, and business actors – will be adapted to national contexts. The programme will seek to engage more closely with the academic community and major policy institutions, promoting research and teaching on the economic and other underpinnings of forced labour in the modern global economy.
26. The proposed action plan is dependent upon obtaining continued extra-budgetary support from donors.
27. ***The Committee may wish to recommend to the Governing Body that it adopt the action plan outlined in this paper, and request that it be kept informed, through the Committee, of its implementation.***

Geneva, 28 September 2009.

*Point for decision:* Paragraph 27.