



FIFTH ITEM ON THE AGENDA

**Follow-up to the ILO Declaration on
Fundamental Principles and Rights at
Work: Priorities and action plans for
technical cooperation****Contents**

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I. Introduction

1. The 1998 Declaration on Fundamental Principles and Rights at Work was given effect by the Office through promotional efforts; annual reviews; global reports; and by the Governing Body drawing conclusions regarding “priorities and plans of action for technical cooperation to be implemented for the following four-year period” (Declaration, Annex III(B)(2)). Two annual reviews have now taken place and been considered by the Governing Body.¹ The Conference has discussed two global reports.² Last November, the Governing Body had before it the first action plan, which was concerned with freedom of association and the effective recognition of the right to collective bargaining.³ At its present session, the Governing Body is called upon to consider technical cooperation priorities and an action plan regarding the elimination of all forms of forced or compulsory labour as set out hereunder.⁴
2. This paper starts with a brief listing of activities carried out during the last year by the Office in relation to the 1998 Declaration. It then focuses on forced labour – what it is, how member States can combat the phenomenon, the types of activity the ILO is already engaged in to help in its elimination, and the characteristics to be given to the technical cooperation strategy in this field. Section IV provides more detailed information on the approach envisaged by the Office. The appendix summarizes the proposed action plan. In four years’ time, when the Conference discusses the second Global Report on forced labour, it will have an opportunity for a comprehensive assessment of the effectiveness of the assistance provided by the ILO in this field.

¹ ILO: *Review of annual reports under the follow-up to the Declaration on Fundamental Principles and Rights at Work*, Part II, Compilation of annual reports by the International Labour Office, Geneva. The first “compilation” was submitted in March 2000 (see GB.277/3/2), the second in March 2001 (see GB.280/3/2). ILO: *Review of annual reports under the follow-up to the Declaration on Fundamental Principles and Rights at Work*, Part I, Introduction by the ILO Expert-Advisers to the compilation of annual reports, Geneva. The first “introduction” was submitted in March 2000 (see GB.277/3/1), the second in March 2001 (see GB.280/3/1).

² The first report covered the subject of freedom of association and the effective recognition of the right to collective bargaining. See ILO: *Your voice at work*, Report I(B), 88th Session of the International Labour Conference, Geneva, 2000. The discussion on this Global Report can be found in ILO: *Provisional Record* No. 11, 88th Session of the International Labour Conference, Geneva, 2000. The second covered the subject of the elimination of all forms of forced or compulsory labour. See ILO: *Stopping forced labour*, Report I(B), 89th Session of the International Labour Conference, Geneva, 2000. The discussion is in ILO: *Provisional Record* No. 12, 89th Session of the International Labour Conference, Geneva, 2001.

³ See GB.279/TC/3.

⁴ The subject matters of forced or compulsory labour will henceforth be referred to, for short, as forced labour.

II. Major ILO activities concerning the Declaration since November 2000

3. Last year's action plan summarized the ILO's initial activities undertaken by headquarters and in the field in relation to the Declaration.⁵ This year's Conference had before it a brief note informing delegates of activities in pursuit of that action plan carried out since November 2000 or at an advanced stage of finalization.⁶ The present paper summarizes recent Declaration-related activities undertaken by the Office but does not repeat what was said in the note to the 89th Session of the Conference on freedom of association or collective bargaining.
4. Since late 2000, ILO field offices have organized awareness-raising and promotional meetings, mostly jointly with headquarters' Declaration Programme. These included⁷ the African Subregional Seminar on Implementing the Declaration in November-December 2000, Harare, Zimbabwe; the Central American Subregional Follow-up Seminar on the Declaration and the Implementation of the Decent Work Concept in October 2001 in Antigua, Guatemala; last November's Asian Regional Seminar on the Application of the Declaration, Kathmandu, Nepal, where freedom of association and collective bargaining were the main topics, and this October's Asian Regional Seminar in Jakarta, Indonesia, where the main topic was forced labour; the South Pacific Meeting on Social Dialogue (with Focus on the ILO Declaration) in December 2000, Wellington, New Zealand; and the South-Eastern European and Central Asian High-Level Tripartite Seminar on the Declaration, Istanbul, Turkey in May 2001. Numerous national-level meetings held by ILO field offices focused on the 1998 Declaration or dealt with it in an important way or were designed to clarify ratification questions or help in the application of ratified core Conventions. Examples include several central and west African member States; Kuwait, where a number of ministries were invited as well as the University of Kuwait and UNDP; Bangladesh, where a national tripartite seminar was supplemented by distinct round tables with the Bar Association and with journalists; and two meetings organized for the benefit of public or private employers, one in Bangalore, India, with the Standing Conference of Public Enterprises, and one in Karachi, Pakistan, with the Employers' Federation of Pakistan.
5. The InFocus Programme on Promoting the Declaration enjoyed the support of two new donors: (i) Germany for a project in Bulgaria and Romania designed to familiarize governmental and workers' and employers' organizations with modern collective bargaining techniques; and (ii) UNDP to study the obstacles standing in the way of realizing the fundamental principles and rights at work in Niger and Togo. The French-funded activities in Benin, Burkina Faso, Mali and Mauritania resulted in the adoption of national action plans aimed at the realization of all the Declaration's principles and rights, except in Mali where the focus was on gender equality in the formal sector. A new technical cooperation support agreement with France will help implement these national action plans and to start other activities in Madagascar and Indonesia. The United Kingdom's Department for International Development, as part of its partnership agreement

⁵ See GB.279/TC/3, section III and Appendix II.

⁶ See ILO: *Provisional Record* No. 2, 89th Session of the International Labour Conference, Geneva, 2001.

⁷ Not listed here are subregional or national meetings held under the auspices of technical cooperation projects.

with the ILO, also gave fresh support to the Declaration Programme, notably for the preparation of possible projects to combat forced labour and for the elaboration and dissemination of global reports on forced labour, child labour and non-discrimination. The technical cooperation projects funded by the United States Department of Labor that have come on stream since last November and which were not reported in *Provisional Record* No. 2 to the Conference of June 2001 include a gender equality project in Bangladesh, a forced labour project in Nepal and a project in support of meetings of ministers of labour under the auspices of the Organization of American States. A further allocation has been directed at strengthening southern African labour ministries' departments concerned with the administration of labour law as well as in support of the social partners and industrial relations. Other approvals concerned, for instance, Colombia (labour relations and gender equality), Viet Nam (workplace democracy and improved industrial relations) and a project aimed at demonstrating the utility of the Declaration to boardroom managers of multinational enterprises in two Asian and Latin American countries. The categories of principles or rights and the regions of Declaration-funded projects are indicated in table 1. To provide the Governing Body with the most up-to-date data on a rolling 12-month basis, the period covered starts in October of one year and ends in September of the next. The figures specify the amounts approved by donors during the 12-month period.

Table 1. Programmes and projects approved under the auspices of the Declaration, by category of principle or right and region, October to September allocation basis (in per cent – rounded figures)

Category	Freedom of association and collective bargaining	Forced labour	Child labour	Non-discrimination	More than one category	Total	
						%	US\$ (000)
1999-2000	56	7	0	21	16	100	23,069
2000-01	30	3	2	0	64	99	26,219

Region	Africa	Americas	Arab States	Asia and the Pacific	Europe	Global	Total
							%
1999-2000	24	18	0	48	0	10	100
2000-01	16	12	6	15	8	44	101

6. The Declaration Programme handled a number of distinct promotional and advocacy activities. For example, a poster was widely distributed in 30 languages. The international trade union movement displayed it on the occasion of Labour Day, 1 May event. A 35-minute film was produced on forced labour in conjunction with the Global Report on this subject; clips were shown by national and international news media; and the launching of the Global Report was followed by a number of interviews on radio and TV worldwide. A research project was launched with Public Service International on pay equity in the public sector, the results of which were discussed at a PSI expert forum at end-September 2001. A seminar concerned with the teaching of fundamental principles and rights at work was jointly organized by the secretariat of Education International, the Bureau for Workers' Activities and the InFocus Programme on Promoting the Declaration in September 2001. Another important activity was aimed at mainstreaming the Declaration's principles and rights into financial institutions' activities, where contacts were recently established with the African Development Bank. These kinds of activities also pave the way for future technical assistance by the ILO.

7. Many field offices and headquarters units take into account or actively promote the Declaration on their own initiative. One that is worth singling out here is the InFocus Programme on Boosting Employment through Small Enterprise Development of the Job Creation and Enterprise Development Department. Its activities are designed to improve job quality, develop and promote practical and innovative ways of increasing productivity in small enterprises through improvements in working conditions that respect fundamental principles and workers' rights at the workplace. These pilot activities have already resulted in demonstrably (up to 30 per cent) higher productivity and competitiveness in the small enterprises that were informed about fundamental principles and rights and were encouraged to respect them. The Job Creation and Enterprise Development Department and the InFocus Programme on Promoting the Declaration actually started to collaborate on two counts. One is a policy-oriented research project in Bolivia, Colombia, Pakistan, Peru and South Africa that initially aims at deepening the understanding of the links between freedom of association, social outcomes and economic performance in the informal economy, and which subsequently will consider options for policy and organizational reforms conducive to the full realization of "voice" institutions in that sector. The second is a training programme for enterprise managers designed to sensitize them to the importance of core labour standards, provide examples of good practices and support their practical application at enterprise level.
8. The Bureau for Workers' Activities, generally with the support of MDTs, workers' relations specialists and sometimes with the financial support of the Declaration Programme or the substantive collaboration of its officials, held awareness-raising meetings on the Declaration or core Conventions at national levels in, inter alia, Belarus, Cambodia, Chile, China, Cuba, Guatemala, India, Mali and Senegal; at the Asian regional level in Jakarta, Indonesia, with the ASEAN Trade Union Council in January 2001; and at the global level in Geneva for leading officials and trainers of the World Confederation of Labour in May 2001. In September this year, ACTRAV supported a Conference on the Implementation of the Declaration on Fundamental Principles and Rights at Work and its Follow-up in Nairobi, Kenya, organized by the ICFTU African Regional Organization.
9. The Bureau for Employers' Activities promoted the UN Global Compact, which calls on business to implement the principles of the Declaration. A high-level symposium of African employers held in Tunis in May 2001, organized in collaboration with the International Organization of Employers, the Pan-African Employers' Confederation and the *Union Tunisienne de l'Industrie, du Commerce et de l'Artisanat* (UTICA), developed a strategy for the promotion of the Global Compact in the region. National seminars were held in Kenya, India, the Philippines and Sri Lanka. In the Asia-Pacific region, a programme is presently under way, in collaboration with the NIKKEIREN International Cooperation Centre, to help enterprises and employers' organizations to implement the principles of the Declaration in a concrete manner.
10. Mention should also be made of the following Declaration-focused meetings that were organized by the International Training Centre of the ILO, Turin, in collaboration with ILO field offices, and which took place in April 2001: a Tripartite Seminar on the Role of Social Dialogue in the Promotion of the Declaration, Praia, Cape Verde, which brought together Portuguese-speaking representatives from Angola, Cape Verde, Guinea-Bissau, Mozambique, and Sao Tomé and Príncipe; the Training Course of Trainers on International Labour Standards and the Declaration, Manama, Bahrain, with officials from Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, the United Arab Emirates and the Gulf Cooperation Council; and the Tripartite Seminar on the Declaration (with Focus on Freedom of Association and Collective Bargaining), Sarajevo, Bosnia and Herzegovina, with the participation of representatives from Albania, Bosnia and Herzegovina, Croatia, Macedonia and the former Republic of Yugoslavia. The Turin Centre is further engaged in

a training activity, with the substantial support of the Freedom of Association Branch and the financial support of the Declaration Programme, to train experts from all parts of the world in the principles of freedom of association and collective bargaining, which is designed to cope with the increasing demands placed on the advisory capacity of the Freedom of Association Branch.

III. Contemporary forced labour and the ILO's involvement in its elimination

(a) Major forms of forced labour

11. The eight types of forced labour distinguished in Part I of this year's Global Report are regrouped here under a perspective of technical cooperation interventions. *Abductions and slavery* comprise the first group. Abductions, which can take forms such as kidnapping or trafficking, tend to result in slavery as traditionally understood: ownership exercised by one person over another. Other forms of abductions include forced engagement of persons for use in armed conflict in Africa, Asia and Latin America.
12. *Misuse of cultural traditions and communal customs* refers to a variety of phenomena found mainly, but not only, in sub-Saharan Africa. One is where poor parents entrust children they cannot bring up well to better-off relatives in more or less distant towns or cities or to traditional schoolteachers, where these children are increasingly forced to go out to beg or provide food and income through other activities. The reasons for the growth of this form of forced labour are not entirely clear but may have to do with the breakdown of traditional forms of solidarity among extended families or the widening gap between aspirations and means to satisfy them. Elsewhere, the custom of families helping each other in the village and of the village chief calling on everybody in times of need sometimes induces chiefs to organize villagers on an involuntary and regular basis, with the threat of withholding, for example, good land or water from non-participants. The question of where this becomes internationally unacceptable forced labour and an obstacle to the modernization of the village economy has to be approached with great sensitivity, but burying one's head in the sand is not the answer. Awareness-raising is called for.
13. The third group retained here is chiefly concerned with the *misuse of public works and prison labour* under certain circumstances. Securing public infrastructure by people helping each other may be a well-intentioned idea, but it can take on forced labour characteristics. It is one thing to call on people's help in case of, for instance, an earthquake or terrible flooding and to mobilize men and women ad hoc and temporarily to that end. It is something else to express this as an open-ended statutory obligation for general infrastructural purposes or to turn it into a state-sanctioned habit for other purposes. Myanmar has been the most recent and extreme manifestation, in terms of extent and intensity, of the power of the State to inflict forced labour on its population. The growing phenomenon of prisoners labouring for private firms – a contentious subject – can likewise take on forced labour characteristics under certain circumstances.
14. *Recruitment, debt bondage and domestic work under forced labour conditions* constitute the fourth group. Bonding workers through debt is, in fact, a widespread form of forced labour in backward areas of a number of developing countries. Sometimes it originates with a poor and illiterate peasant pledging labour services to an intermediary or a landowner to work off a debt over a period of time. Sometimes the obligation is passed on from one family member to another, even down to children, and from one generation to another. The labour service is rarely defined or limited in duration, and it tends to be

manipulated in such a way that does not pay off the debt. The worker becomes dependent on the intermediary or landowner and then labours in slave-like conditions. The threat and, indeed, the occurrence of violence or physical coercion turns an economic relationship – one-sided as it is to start with – into a forced labour situation. As regards domestic workers, they can find themselves in forced labour situations where the head of a household takes away their identity papers, forbids them to go outside, threatens them with beatings or non-payment of salary in case of disobedience, and so on. This category of forced labour can be found on all continents. It tends to be characterized by a preponderance of women and girls.

15. The fifth and final group concerns *internal or international trafficking resulting in forced labour situations*.⁸ Traffickers usually confiscate identity papers so as to be able to threaten the person whom they move to employment. Traffickers or the persons linked to them, or the employers at destination point, give their victims no choice as to what work to perform. Threats can range from revealing the victim's illegal status to the police, to physical assault and sexual abuse. Traffickers may also trap their charges through cash advances or loans that the migrant incurs in the hope of finding a good job elsewhere. Trafficking occurs practically everywhere. Again, there is often a preponderance of women and girls associated with this category of forced labour.

(b) How to tackle forced labour

16. The prerequisite for effective and efficient elimination of all forms of forced labour is *political will* on the part of the government concerned. No local NGO and no global organization can by itself hope to make more than a passing dent into the problem.

⁸ Trafficking itself may involve the threat or use of force. Trafficking may or may not result in forced labour situations. Where it does, the ILO has to become active. The internationally agreed definition of trafficking is contained in the United Nations Convention against Transnational Organized Crime, and the draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing it. Article 3 of the Protocol (Use of terms) reads:

For the purposes of this Protocol:

- (a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;
- (d) "Child" shall mean any person under 18 years of age.

Source: United Nations document A/55/383 and Add.1.

Furthermore, forced labour often being ingrained in time-honoured traditions and occurring in inaccessible rural areas, the government's will may have to be imposed firmly on resistant local elites and local authorities, judges not excluded.

17. Appropriate *legislation* is an indispensable tool. Legislation should be consistent with international labour standards, including principles concerning the release and protection of victims of forced labour, on the one hand, and effective sanctions against perpetrators, on the other. High-profile prosecutions can have a salutary effect.
18. *Raising awareness* is also needed, and this in respect of both the population at large and the authorities responsible for the application of legislation, notably the police and judiciary. Awareness raising and advocacy are areas where an international organization such as the ILO can lend its support.
19. Awareness raising and comprehensive approaches, as well as the further measures to be indicated hereafter, have to be based on *surveys* identifying the characteristics, extent, locations and socio-economic situations of both victim populations and perpetrators. *Research* also needs to be aimed at the scope and (lack of) impact of measures previously adopted to tackle forced labour questions. The ILO can bring to bear its expertise and mobilize extra-budgetary resources in this area.
20. Certain groups – slaves, bonded labourers, domestic workers and trafficked persons in forced labour situations – must in the first instance be freed, in law and in practice, from the oppression to which they are subjected. Legislation actually often foresees the *release* of forced labourers although not by any means in respect of all victim populations. For example, sex workers trafficked across borders may be treated as illegal entrants and deported without much ado, instead of being protected and accorded at least a temporary right to sort out their lives and help in the identification of traffickers. But even where the law has the right intentions there may be difficulties in applying it fully. For example, many governments are not inclined to send the police or labour inspectors to private households to check on domestic workers, who in some countries are not even covered by the labour law.
21. Release, while necessary, is insufficient to end most forced labour situations. Former slaves, bonded labourers, domestic workers, trafficked workers, etc., are more likely than not to find themselves destitute once freed and, in the search for survival, may have to turn to their previous oppressors or other people ready to exploit their weakness. Released forced labourers, therefore, need economic, social and possibly even medical or psychological *support and rehabilitation measures* in order to be able to assert their new-found freedom. In certain cases of rural bonded labour the setting up or membership of agricultural workers' organizations or cooperatives would benefit them greatly. At any rate, sustainability of release and rehabilitation is a vital condition of the free choice of employment or economic activity of former bonded labourers, and this means focusing on the *poverty conundrum* which breeds forced labour. The ILO should aim programmes and projects at these subjects.
22. During this year's Conference discussion, a number of speakers put emphasis on *prevention*, which can be attempted in several ways. One is through awareness-raising and advocacy activities. This might comprise dissemination both of the message that the Declaration renders intolerable the continuation of any kind of forced or compulsory labour and of the results of studies and surveys undertaken, with differentiated targeting of the general public, actual or potential victim populations and perpetrators, etc. Another way is through vigorous application of national laws and regulations, including through high-profile release examples and prosecution of oppressors. Tackling the poverty

conundrum that breeds forced labour is yet another way of preventing its continuation or emergence in different forms. For example, debt bonding being the most prevalent form of contemporary forced labour, can be prevented by introducing competition in the supply of emergency loans, savings opportunities and micro-insurance at the local level corresponding to the cash needs of poor families, sickness-related expenses, etc.

(c) Current forced labour-focused ILO activities

23. The International Labour Standards Department promotes the ratification and application of the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105). This is a somewhat complex task because both applicable legislation and the reality of forced labour are not always easy to identify. The review of article 22 reports on ratified Conventions and the examination of these reports by the Committee of Experts on the Application of Conventions and Recommendations have repeatedly brought to light questionable practices and led, in some cases, to long and intensive dialogues with the government concerned but in other cases to non-responses. The Committee's report to the June 2001 Conference,⁹ in addition to containing detailed observations on particular countries in relation to Conventions Nos. 29 and 105, singled out the application of the Forced Labour Convention, 1930 (No. 29), in the general part. The Committee requested all governments to include in their next reports under Convention No. 29 information on measures taken or contemplated to prevent, suppress and punish trafficking. Latest developments in the case of Myanmar will be considered by the Governing Body at its present session.
24. The annual reporting procedure on unratified Conventions under the Declaration, where the third round of replies to questionnaires is currently being analysed by the Office, has led the governments of Madagascar and Sri Lanka to request ILO assistance in respect of forced labour.¹⁰ Madagascar sought assistance on legislative questions and the carrying out of a study or national survey; work on both subjects has started. Sri Lanka also expressed interest in legislative advice, which has not yet been possible to provide.
25. The International Programme on the Elimination of Child Labour (IPEC) focuses on the trafficking in children for purposes of labour and sexual exploitation in selected countries in Asia, Latin America and Africa.¹¹ The main objective is to provide technical support to countries participating in IPEC in order to bring an end to child trafficking, starting with the design of national action plans to combat trafficking. Nepal has included trafficking in children in the National Time-bound Programme on the Worst Forms of Child Labour (2002-04). The United Republic of Tanzania and El Salvador have also focused on children in prostitution in their time-bound programmes. Over the next five years, IPEC, in collaboration with other ILO departments and other international organizations, will continue to support participating countries in the design and implementation of national,

⁹ ILO: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, 89th Session of the International Labour Conference, Report III (Part 1A), Geneva, 2001.

¹⁰ ILO: *Review of annual reports under the follow-up to the Declaration on Fundamental Principles and Rights at Work*, Part II, Compilation of annual reports by the International Labour Office, Geneva, 2001, pp. 168 and 190.

¹¹ *Asia*: Bangladesh, China, Cambodia, Lao People's Democratic Republic, Viet Nam, Nepal, Sri Lanka and Thailand; *Africa*: Benin, Burkina Faso, Cameroon, Gabon, Ghana, Côte d'Ivoire, Mali, Nigeria and Togo; *Latin America*: Brazil and Paraguay.

bilateral and subregional level activities to combat child trafficking for labour and sexual exploitation.

26. By combining action at the national and subregional level, IPEC addresses the trafficking of children for labour and sexual exploitation both within countries and across national borders. As in the case of all worst forms of child labour, the objective is to build national capacity to prevent the problem and, at the same time, to withdraw and rehabilitate the victims. Effective solutions to the problems require intervention at the policy level where the root causes of trafficking are addressed in national development policies, programmes and plans, i.e., poverty alleviation, employment, education and training, etc. The main strategies at the national level include: (i) action research and data collection; (ii) design and implementation of national policies and plans of action; (iii) capacity building for public and private institutions and the social partners to effectively implement programmes to combat trafficking in children; (iv) direct interventions with target children, their families and communities. In the case of subregional projects, concerted action takes place in sending, transit and receiving countries.
27. The Social Protection Sector's International Migration Branch deals with the trafficking of people from the perspectives of protection and prevention, the latter through improvements in migration policies and cross-country collaboration. The Informal Network on Foreign Labour in Central and Eastern Europe that was established by this Branch offers a vehicle for assistance in this field.
28. The Employment Sector's Social Finance Unit launched a microfinance initiative in South Asia in the year 2000 with the financial support of the Netherlands to develop, test and offer savings and loan products to vulnerable families who are on the verge of being bonded, are bonded or who need support following their release from bondage. The aim is to increase families' access to alternative sources of credit, savings and insurance, thereby reducing the moneylenders' grip on local conditions. Sensitization, education, primary health care, income-generating activities, group organization and general empowerment form part of the Social Finance Unit's approach, which relies on continued dialogue with ILO constituents in the country concerned.

(d) A technical cooperation-oriented approach to combating forced labour

29. This year's Global Report under the Declaration suggested that it was time to accord the fight against forced labour a higher profile and give it a broader base in the ILO; and that a fully-fledged technical cooperation dimension be added to the normative work. The Conference reacted positively to the idea of such an approach.¹² Today's paper proposes a decisive step forward through the setting up, under the auspices of the InFocus Programme on Promoting the Declaration, of a special action programme to combat forced labour. This special action programme should spearhead the ILO's future activities and give them more comprehensiveness, visibility and cohesion. The ILO would certainly have to collaborate closely with UN agencies and other bodies active in this field. In doing so, the Organization's own work would gain in weight, and the goal of eliminating all forms of forced or compulsory labour in the world would more likely be reached – and be reached sooner.

¹² See ILO: *Provisional Record* No. 12, 89th Session of the International Labour Conference, Geneva, 2001.

- 30.** What added value would an ILO special action programme to combat forced labour provide? In the first instance, a special action programme would give comprehensiveness to the ILO's forced labour activities through:
- coverage of all population groups of all ages (men, women, boys and girls);
 - concern with all forms of forced labour, i.e., not only with workers trapped by debts or in private households or prostitution dens, but also with, for example, recruits for plantations or construction sites who are cheated or tricked into work from which they cannot extricate themselves; and
 - addressing the problems wherever they occur on a significant scale on all continents, in developing and high-income countries alike. International trafficking, for example, is partly directed at high-income market economies, where children and adults of both sexes are often bonded to traffickers or people who keep them in forced labour conditions. Many of these traffickers are citizens of high-income countries.
- 31.** Secondly, such a special action programme would increase the visibility and importance of forced labour activities within the ILO by:
- allocation of staff and non-staff resources to this subject matter. The size of the special action programme and the volume of its activities would depend on the resources that can be mobilized or refocused within the Office, on the one hand, and on gaining extra-budgetary support, on the other. The InFocus Programme on Promoting the Declaration has been fortunate in attracting some initial donor interest, including for core support such as staff, research and studies, promotion and meetings; and
 - raising the involvement from the level of relatively tight foci and organizational units, such as legislation, child labour and microfinance, to broader approaches and comprehensive activities, for which the Declaration Programme is ideally suited.
- 32.** Thirdly, the special action programme would stimulate and bring cohesion to the Office's activities. This, in turn, calls for a results-oriented management framework, i.e., special objectives, performance indicators and targets. The InFocus Programme on Promoting the Declaration has recently proceeded, in consultation with other units in Geneva and the field, to the elaboration of aims, indicators and targets that are specific to each category of principles and rights. Those concerning forced labour are set out in the appendix. At this stage, they constitute proposals to be submitted to the Governing Body's Programme, Finance and Administrative Committee, perhaps at its March 2002 session. Still, in view of their importance to the development of the future ILO special action programme to combat forced labour at this formative stage, they are put before this November's Technical Cooperation Committee for any observations it may have.

IV. Structure of a technical cooperation approach regarding future ILO activities

- 33.** The definition of technical cooperation adopted by the 1999 International Labour Conference – "Technical cooperation includes applied research and its dissemination,

advisory services as well as the various programmes and projects”¹³ – lends itself well to structuring the ILO’s future activities and to covering distinctly the five major forms of forced labour identified in this paper. Some of the preliminary ideas set out hereunder have been discussed in section III(b) (“How to tackle forced labour”). Table 2 below provides an overview of the suggestions that follow.

Table 2. Eliminating all forms of forced labour through technical cooperation: Structure of the action plan

Categories of technical cooperation, forms of forced labour, and target regions or countries	Current or related ILO activities (by source of funds)*
Applied research and its dissemination	
<i>1. Abductions and slavery</i>	
For example, Liberia, Mauritania, Sierra Leone, Sudan and pygmy populations in central Africa	Mauritania (F)
<i>2. Misuse of cultural traditions and communal customs</i>	
For example, a number of Sub-Saharan African countries and Haiti	Niger (F)
Advisory services	
<i>3. Legislation and practices incompatible with Conventions Nos. 29 or 105 identified by the Committee of Experts on the Application of Conventions and Recommendations or by a Commission of Inquiry, notably those occurring in public works and prisons</i>	
For example, Madagascar, Myanmar and Sri Lanka	Madagascar (RB, F)
Programmes and projects	
<i>4. Recruitment, debt bondage and domestic work under forced labour conditions</i>	
(a) Abusive recruitment and bonded labour in, for example, Bangladesh, Bolivia, Brazil, Côte d'Ivoire, Guatemala, India, Mexico, Nepal, Pakistan and Peru	(a) Brazil (US); Nepal (US); regional project in South Asia: Bangladesh, India, Nepal and Pakistan (NL)
(b) Domestic work in all regions of the world	(b) Several projects in Asia (US)
<i>5. Internal or international trafficking resulting in forced labour situations not focused on the sex trade</i>	
(a) Internal trafficking: Sub-Saharan African countries, South and South-East Asian countries, and Latin American countries	(a) and (b) West and Central Africa: Benin, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Ghana, Mali, Nigeria, Togo (US); Central America: El Salvador, Nicaragua, Honduras, Costa Rica, Guatemala (US); South America: Brazil, Paraguay (US); South Asia: Bangladesh, Nepal, Sri Lanka (US); South-East Asia: Cambodia, Philippines, Indonesia, Thailand (US); Mekong region: Cambodia, Lao People's Democratic Republic, Thailand, Viet Nam, Yunnan province of China (UK)
(b) International trafficking: from poor to better-off countries in all regions of the world	

* RB = regular budget; F = France; NL = the Netherlands; UK = United Kingdom; US = United States.

¹³ Report of the Committee on Technical Cooperation, see ILO: *Provisional Record No. 22*, 87th Session of the International Labour Conference, Geneva, 1999.

(a) Awareness raising and advocacy through applied research and its dissemination

34. Global, national and local awareness of the inhumanity of forced labour conditions is the first step towards change. To be convincing, awareness raising and advocacy have to be based on solid information about the characteristics and size of victim populations and the operations of intermediaries and forced labour-keepers. This calls for the review of secondary evidence, observation, tailor-made surveys and applied research, individual or focus-group interviews and the like. The rapid assessment methodology developed by IPEC will be a useful tool to make use of or adapt. The actual awareness-raising and advocacy activities will then have to be aimed at, and may have to be organized by, local government and the national authorities; trade unions; national or multinational employers whose supply chains end up in forced labour contexts; youth groups, women's organizations and human rights-related or similar NGOs; religious bodies; print and visual media; as well as by the international community. Awareness raising can take many forms. [One occurred in Niger's capital Niamey at the end of October and beginning of November where – subsequent to a Declaration-sponsored study and meeting – the Government called together the over 200 traditional chiefs to promote awareness on forced labour and child labour.]
35. Applied research and its dissemination in the form of awareness raising or advocacy are the most feasible or promising modes of operation in respect of the first two major forms of forced labour, *abductions and slavery*, and *misuse of cultural traditions and communal customs*. The future special action programme to combat forced labour, therefore, envisages covering them in that way. This could be the case, for example, in countries where national or local service for development purposes is still a tradition or even a statutory obligation. Of course, studies and surveys may also be necessary when advisory services are planned or a technical cooperation project is being designed.

(b) Advisory services

36. The legislative questions around which the ILO's normative activities revolve, be they in the form of reviewing draft legislation, dialogue between the ILO and governments on ratified Conventions or in the context of article 24 or article 26 procedures, entail from time to time advisory services by Office staff. Such advice may take place through written or electronic communications, advice by the standards specialists on the MDTs, missions, or seminars.
37. *Public works* legislation and *prison labour* questions are the two most frequent, although by no means the only, forms of forced labour dealt with under supervisory procedures and by way of advisory services. The International Labour Standards Department will intensify its activities in those respects. In fact, forced and child labour questions are being dealt with by a branch concentrated on these two categories of fundamental principles and rights at work. *Public works* and *prison labour* are subject matters which, when it comes to ILO assistance, do not lend themselves to much more than policy and legislative advice.

(c) Programmes and projects

38. *Recruitment, debt bondage and domestic work under forced labour conditions* may be the object of awareness-raising activities, legislative advice or of more comprehensive technical cooperation programmes and projects in countries interested in receiving international assistance. Programmes and projects will have to start by mapping the

problem, i.e., carry out the kind of surveys and assessments that have been mentioned; and they will have to study not only the current knowledge but also the impact of existing legislation, policies and implementation measures. Context-specific strategies will then have to be developed in consultation with national and local actors. These will likely comprise awareness raising, legislative reform and capacity building, the latter possibly at national and local levels, for governmental and non-governmental organizations. Other components may well include action-oriented measures aimed at prevention, release, support and rehabilitation (see also paragraphs 19-21 above).

- 39.** *Internal or international trafficking resulting in forced labour conditions* can be more effectively tackled by comprehensive programmes or projects covering locations both at origin and destination than by isolated awareness-raising or prevention campaigns at one or the other end or by legislation in trafficked persons' countries of origin but not in destination countries or vice versa. The range of interventions – studies, surveys, advocacy, legislative reform, capacity building, prevention, release, support and rehabilitation, etc. – is likely to be very similar but may not have to include each of them in all countries. Given IPEC's orientation on eliminating the sexual exploitation of children, it is envisaged that the special action programme to combat forced labour will not duplicate any existing focus on the sex trade. Furthermore, the trafficking component of this future special action programme will work in close collaboration with other regional or global bodies active in this field. For example, several regional bodies in Asia and Europe exist both at the intergovernmental and at the non-governmental level and play an important role in combating trafficking and dealing with prevention, release and rehabilitation. IPEC is already working with some of them; and the future special action programme to combat forced labour will build on these relationships and expand them.
- 40.** *The Governing Body may wish to endorse the approach outlined in this paper, and request that it be kept informed, through the Committee on Technical Cooperation, of the implementation of the activities proposed.*

Geneva, 9 October 2001.

Point for decision: Paragraph 40.

Appendix

Objectives, performance indicators and targets on forced labour concerning the InFocus Programme on Promoting the Declaration

Strategic Objective No. 1: concerns the whole of Sector I and is unchanged since first proposed in November 1999 (GB.276/PFA/9): “Promote and realize standards and fundamental principles and rights at work”.

Operational objective 1a: aimed at the InFocus Programme on Promoting the Declaration and is unchanged since first proposed in November 1999, except for minor grammatical changes: “ILO member States give effect to the principles and rights concerning freedom of association and collective bargaining and the elimination of forced labour, child labour and discrimination in employment and occupation”.

Programme objective concerning the elimination of forced or compulsory labour:
Member States progressively and determinedly eliminate all internationally prohibited forms of forced or compulsory labour

Programme performance indicators on eliminating forced or compulsory labour	Targets (biennium 2002-03)
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Member States have taken concrete steps to eliminate forced labour occurring on their territories as evidenced by:

- | | |
|---|--------------------|
| 1. Gender-sensitive studies to identify the nature, extent, location, etc., of the phenomenon or national and local awareness raising carried out with the involvement of, inter alia, workers' and employers' organizations, including through gender-sensitive programmes aimed at public officials, the police, judges, etc., concerned with forced labour questions | Four member States |
| 2. Where necessary, reform of legislation to prohibit all forms of forced or compulsory labour, free victim populations and penalize perpetrators | Two member States |
| 3. The establishment or strengthening of institutions to support gender-sensitive policies, implement programmes, etc., or other appropriate allocations in national and local budgets. | Two member States |

Source of information on performance indicators: Reports under article 22 and from annual and global reports as well as evaluation reports of technical cooperation activities under the Declaration.
