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GUIDETO

Combating Forced Labour

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GUIDE TO

Combatting Forced Labour

We are grateful to Ms. Virginia Leary
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In partnership with the Dominicans for Justice and Peace
and the Marist Brothers Bureau of International Solidarity

O N E • Introduction

Although forced labour has been universally condemned by the international community since the 1930s, it remains widespread. It is a little noticed violation of human rights persisting in developed as well as developing countries. However, the most recent International Labour Organization (ILO) figures estimate forced labour victims to number at least 12.3 million people worldwide. Bonded labour, child labour, compulsory participation in public works, debt bondage, forced labour by the military, and trafficking of persons for sexual exploitation and domestic work are current examples of forced labour.

United Nations human rights bodies have, by and large, regarded it as a labour issue, not a more general human rights issue, thus consigning it to the International Labour Organization. With the exception of trade unions, few human rights non-governmental organisations follow the ILO deliberations closely or try to address this topic as part of the wider human rights agenda, thus adding to the lack of attention paid to forced labour. Does this lack of international attention result from inadequate information? A belief that forced labour no longer exists? That it was limited to colonised countries and is not a current problem? Or perhaps the view that it is a less serious problem than other human rights issues?

The international prohibition on forced labour preceded the international human rights movement. In 1930 the ILO adopted a convention banning forced labour (*ILO Convention No.29*) as a response to the imposition of forced labour on local populations by European colonial powers. As colonialism diminished, international attention to forced labour – viewed as a colonial problem – also lessened. More recently, international attention has once again focused on contemporary forms of forced labour, particularly on child labour. The 2005 publication of an ILO survey on forced labour¹, which expanded on an earlier 2001 study², has drawn attention to new manifestations and dimensions of this long proscribed human rights violation.

Under the provisions of ILO and human rights treaties, the prohibition on forced labour is considered an obligation of States, but within the human rights context, freedom from compulsion to work is also viewed as a *right of the individual*. Thus, the *International Covenant on Civil and Political Rights* (Article 8) provides that “No one shall be required to perform forced or compulsory labour.” Prohibitions on forced labour are also included in the *International Covenant on Economic, Social and Cultural Rights*. The *UN Convention on the Rights of the Child*, adopted in 1989, as well as *ILO Convention No. 182* on the Worst Forms of Child Labour, contain provisions recognising children’s right to be free from exploitation through work.

The International Court of Justice (ICJ), the judicial arm of the United Nations, has ruled that States have an erga omnes obligation to not subject individuals, or allow them to be subjected to, practices akin to slavery, including forced labour in all its forms.

Forced labour continues, however, to exist because it is profitable for many industries, individuals and even some States. Discrimination, prejudice, poverty and the need for economic development feed the practice of forced labour today as in earlier centuries.

Given the definitions contained in Conventions No.29 and No.105, the ILO estimates the number of forced labour victims globally to be around 12.3 million. When this figure is compared to the world population, two forced labour victims are to be found for every 1,000 people. As compared to the world’s active population, this amounts to four victims for every 1,000 people. It should be noted that these are minimal estimates. State- or military-imposed forced labour (including forced labour imposed by rebel groups) is estimated to involve at a minimum 2,490,000 persons, representing 20% of global forced labour. The other 80% of forced labour is exacted by private individuals, agents or enterprises. It is estimated that there are at least 9,810,000 victims of such forced labour in the world: 1,390,000 in

1 An Alliance against Forced Labour, Global Report under the follow-up to the ILO declaration on Fundamental Principles and Rights at Work 2005, International Labour Conference, 93rd Session 2005, report I (B).

2 Stopping Forced Labour, Global Report under the follow-up to the ILO declaration on Fundamental Principles and Rights at Work, International Labour Organization, 2001.

forced labour for commercial sexual exploitation; 7,810,000 for other economic exploitation including slavery and serfdom, debt bondage and forced domestic labour; and the remaining 610,000 in mixed or undetermined forms of forced labour. (ILO Minimum Estimate of Forced Labour in the World, April 2005).

Franciscans', Dominicans' and Marists' spirituality is deeply rooted in the integrity of the human person in an environment of peace, justice and respect for human rights. This spirituality guides the actions of the Franciscans, the Dominicans and the Marists all around the world. The Franciscan, Dominican and Marist Families have committed itself to the cause of the vulnerable through social and humanitarian projects, legal advice, psychological counselling, and pastoral care. Franciscans, Dominicans and Marists call on States to live up to their responsibility to protect all persons who live under their jurisdiction from forced labour.

This handbook is, therefore, an expression of support for the work of Franciscans, Dominicans and the Marists worldwide. It aims to respond to difficulties that they face in their daily work. These challenges revolve around three main points:

1. Forced labour constitutes a multi-faceted violation of human rights. It attacks the “dignity and value of the human person” as proclaimed in the United Nations Charter. Victims are denied their rights because they are forced to do a certain kind of work, either because of lack of choice or because they are pressured and threatened into it. Forced labour disrespects the entire set of civil and political, economic, social and cultural rights. For example, the rights to decent work, to rest, to a reasonable salary, to health, and social benefits after a work-related accident. Above all, victims of forced labour are denied their right to life, the foremost of all rights. These rights that the victims cannot fully enjoy, are solemnly proclaimed and protected by various human rights instruments of the United Nations and other international institutions.
2. Forced labour remains a reality, in spite of scientific and technological development, modernisation, and evolution of workers' rights. The phenomenon regularly undergoes changes and morphs into disturbing new forms, making it difficult to research and eradicate.
3. Apart from occasional statements and declarations of good will, prevention of forced labour and protection of its victims do not seem to be priorities for most governments. Private as well as state-run companies resort to forced labour with impunity. This ambiguous legal situation further encourages the violators, actors who employ forced labour. It is therefore necessary for Governments to adopt measures that protect victims. Such measures will have to be paired with initiatives that ensure sanctions for perpetrators and also raise public awareness.

T W O • Forced Labour And Human Rights

A | Forced Labour: A Form of Slavery

Practices of slavery and forced labour have been recorded from early history. They existed in ancient Greece and Rome where war captives were forced to work for the victors. They have always been profitable for the strong and dominant, but the victims have been the weak: captives, women, the uneducated, the poor. Forced labour emerges from economic exploitation; economic development leads to the demand, but prejudice and discrimination help choose the victims.

The definitions of slavery, indentured service and forced labour may be different in the details, but they all refer to the reality of a person working for another under an arrangement that involves some degree of compulsion. The ILO has underlined that slavery is one form of forced labour.

The history of the United States provides striking examples of the use of various forms of compulsion. Slavery existed in the United States until the Civil War in the 1860s, economic development in the United States depended until that same period on another non-free form of work—indentured servitude. Economic development required cheap, non-free labour.

In the 1600s and 1700s, by forced exile, by lures, promises and lies, by kidnapping, by their urgent need to escape the living conditions of the home country, poor people wanting to go to America became commodities of profit for merchants, traders, ship captains, and eventually their masters in America. Indentured servants were bought and sold like slaves.

Slavery existed in the U.S. and in European colonies throughout the 19th and early 20th century – and, to a lesser extent, it continues today in parts of the world.

The 1926 League of Nations Slavery Convention defines slavery in Article 1 as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised,” establishing a link between slavery and forced labour: When an individual is forced to work against his or her will, under the threat of violence or some other form of punishment, their freedom is restricted and a degree of ownership is exerted over them. In such circumstances forced labour can clearly be seen to be a form of slavery which the 1926 Convention calls on governments to abolish.

The 1926 *Convention on Slavery* does not, however, prohibit forced labour outright. Article 5 requires governments “to prevent compulsory or forced labour from developing into conditions analogous to slavery.” Forced labour can only be exacted for public purposes and as long as it exists it “shall invariably be of an exceptional character, shall always receive adequate remuneration and shall not involve the removal of the labourers from their usual place of residence.” The Anti-Slavery Society notes that forced labour practices were not uncommon as late as the 1920s. In the twenties the League of Nations requested the International Labour Organization (founded in 1919) to consider the issue of forced labour and to draft a Convention. The Organization first discussed the subject at their annual Conference in 1929. In 1930, the Conference adopted Forced Labour Convention No. 29, and, in 1957, the *Abolition of Forced Labour Convention, No. 105*.

B | Causes

Without a doubt, poverty is the leading cause of forced labour as people in a state of poverty are more likely to perform work or a service under severe constraints, work which they would not have accepted if their social status was better. Extreme poverty, which can be carried forth from generation to generation, renders entire families vulnerable to various forms of exploitation, including forced labour.

Cultural norms such as educating boys before girls, caste divisions, market systems that value maximum profit over human dignity, certain States’ inability to legislate, promote and protect the workforce are but some of the reasons for the global increase in forced labour.

Furthermore societies that, in their rush to develop, leave people behind are likely to breed forced labour. Nevertheless, it should be noted that developed countries are as likely as developing ones to experience this blight.

C | The Forced Labour International Legal Framework

1 International Norms Related To Forced Labour

*United Nations

a Universal Declaration of Human Rights

Provisions related to forced labour can be found in the *Universal Declaration of Human Rights* (1948); Article 4 reads: “No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.” Even though forced labour is not mentioned explicitly, it remains one of the forms of exploitation and deprivation of liberty that the letter and the spirit of the Declaration aim to combat.

b The international Covenants

The UN’s two 1966 International Covenants, on *Civil and Political Rights* (ICCPR) and *Economic, Social and Cultural Rights* (ICESCR)³ reinforced the principle of a prohibition on forced or compulsory labour. Article 6 of the ICESCR maintains that States must guarantee the “right of everyone to the opportunity to gain his living by work which he freely chooses or accepts.” At the same time, Article 8 of the ICCPR contains a three-pronged prohibition:⁴

- No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited ; (Article 8 par 1)
- No one shall be held in servitude ; (Article 8 par 2)
- No one shall be required to perform forced or compulsory labour. (Article 8 par 3 a).

Article 8 of the ICCPR sets out legal principles, that in a definitive way, prohibit the use of forced labour and provides exemptions. Due to the imperative nature of Article 8, and the quasi-universal adherence to the Covenant, forced labour is generally condemned. Therefore, it follows that “there exists now in international law a peremptory norm prohibiting any recourse to forced labour and that the right not to be compelled to perform forced or compulsory labour is one of the basic human rights.”⁵ It is clear that the international community considers norms related to forced labour absolute.

3 International Covenant on Economic, Social and Cultural Rights, Article 6 par 1 reads “The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.”

4 The International Covenant on Civil and Political Rights, Article 8 reads:

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.
2. No one shall be held in servitude.
3. (a) No one shall be required to perform forced or compulsory labour;
(b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;
(c) For the purpose of this paragraph the term “forced or compulsory labour” shall not include:
(i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;
(ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;
(iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;
(iv) Any work or service which forms part of normal civil obligations.

5 Report of the Commission of Inquiry appointed under article 26 of the Constitution of the International Labour Organization to examine the observance by Myanmar of the Forced Labour Convention, 1930 (No. 29) Geneva, 2 July 1998

c International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Norms relevant to forced or compulsory labour are also set out in the 1990 *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (MWC). The Convention, which entered into force in July 2003, reaffirms the prohibition on forced labour that appeared in previous multilateral treaties. In fact, the provision is almost identical to the one contained in Article 8 of the ICCPR.

As an umbrella convention, one that brings together and reiterates rights guaranteed in other international instruments, the Convention also prohibits forced labour, degrading work, all with a special emphasis on migrant workers.

d Convention on the Rights of the Child and its Optional Protocols

In Article 36, the Convention asks States to protect children “against all other forms of exploitation prejudicial to any aspects of the child's welfare”, and “from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child” (Article 19 par.1) as well as “from all forms of sexual exploitation and sexual abuse” (Article 34 par.1).

The spirit of the Convention is to allow the child to develop and flourish, protected from all forms of exploitation. Article 32 par. 1 expressly recognises this, in the following protection: the “right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.”

In addition, the *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts* and the *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*, aim to protect the child from enlistment in the army, sexual exploitation in wartime and at peace, and from other forms of coercion.

*The International Labour Organization (ILO)

a Forced Labour Convention, 1930 (No. 29)

The ILO's 1930 Convention No.29 defines the phenomenon of forced labour. Article 2, par. 1 reads: “the term *forced or compulsory labour* shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” The Convention prohibits forced labour in all its forms, including slavery but not limited thereto. This definition was largely followed by a number of subsequent international instruments.

b Abolition of Forced Labour Convention, 1957 (No. 105)

This Convention specifies that forced labour can never be used for the purpose of economic development or as a means of political education, discrimination, labour discipline, or punishment for having participated in strikes (Article 1). It was adopted following the experience of forced labour imposed for different political and ideological reasons during and after World War II. Thus, the Convention sets out the various objectives for which one cannot rely on forced labour, and clarifies certain purposes for which forced labour can never be imposed, but does not alter the basic definition in international law.

c Worst Forms of Child Labour Convention, 1999 (No. 182)

This Convention asserts that forced labour constitutes one of the worst forms of child labour. Child labour is considered forced labour not only when such work is coerced directly, but also when this work is part of that being carried out by the family as a whole.

2 Defining Forced Labour

Article 2 par. 1 of the ILO Convention No.29 reads: “For the purposes of this Convention the *term forced or compulsory labour* shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” What are the key elements of this definition?

a Key Elements In The Definition Of Forced Labour

Article 2 par 1 of Convention No.29 sets out the base elements for a definition of forced labour, including three essential points:

Firstly, at issue is “**work**” or a “**service**”: thus, forced or compulsory labour can occur within private enterprise, but also within the public or private service industry, in the global context of supply and demand for work and services, in the informal and formal sectors. Work, at the most basic level, presupposes a contract of some sort. Absence of any set agreement, contract, whether real, verbal, written, or fictional, which in theory gives legal status to the worker, does not rule out forced labour. Any person working without a documented legal status can then make a legitimate claim of forced labour. This, for example, is the case of Haitian sugar plantation workers in the Dominican Republic who work under slavery-like conditions.⁶ A broad definition of forced labour is necessary for victims of forced labour who might otherwise find themselves without proof of engagement in forced work or service.

The second important element is “**threat**”. This work is under menace of a penalty, which could be dismissal, blackmail, an unfair sanction, or any other situation where the worker feels he has no choice. The ‘menace’ could also be moral or physical coercion, loss of rights, advantages or privileges for oneself or for another. In the context of otherwise freely performed work, dismissal can be a perceived menace if the worker does not have a choice whether or not to work overtime. Threats often lead to work being imposed that is unpaid or insufficiently paid.

Lastly, the third element is **lack of consent**, which is the corollary of threat. Any work or service performed without complete freedom, under pressure of violence, force, or conscription other than the exceptions provided for in Article 2, par 2 of *Convention No. 29* is to be considered forced or compulsory. The worker does the work because he has no choice, because he is being constrained in some way, his vulnerability is being abused, or he is in a precarious situation. A total or partial absence of the freedom to work or not work is considered forced labour under Article 2 par 1. If the individual is not doing the work voluntarily, or under conditions that are unrelated to the free labour market, forced labour is at play. Lack of consent, lack of freedom and choice, can also apply to pay and working conditions. If a minimum wage is not guaranteed and/or social security benefits are lacking, Article 2 par 1 can be invoked, despite the article’s exemptions (which will be looked at in greater detail later in this document).

Based on Article 1 a) of the ILO *Convention No.105* on the abolition of forced labour, the Committee of Experts writes, “to impose prison labour on persons convicted ... with a view to their “rehabilitation” is contrary to the Convention because it is imposed on persons convicted for expressing certain political views or manifesting their ideological opposition to the established political, social or economic system.”⁷ Clearly “rehabilitation” of incarcerated prisoners of opinion, is a sanction against a fundamental freedom – that of opinion and expression – guaranteed by Article 19 of the ICCPR, and is definitely a form of coercion. This is also the main thrust of Article 1 par. 1)a of Convention No.105, the forced nature of such penitentiary work has been established and accepted.

⁶ Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 1A), Dominican Republic, page 158.

⁷ Op, cit, Algeria.

There are also cases of hiring based on trickery, dubious strategies employed to make candidates 'accept' employment conditions that are in fact being imposed. If the element of consent seems to be present, it is nevertheless questionable and thus vitiated.

b Dispensations

Mandatory military service

- "Any work or service exacted in virtue of compulsory military service laws for work of a purely military character" (Article 2 par 2, ILO Convention No.29)
- "Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors" (Article 8 par 3 c ii, ICCPR)

These two provisions together show that mandatory military service, where it exists, cannot be considered forced labour. The ICCPR does not take into account alternative service imposed on conscientious objectors, but Convention No.29 is more precise on this issue, as it outlines conditions and modalities for this type of service.

Military service must be of purely military character. The word "purely" in this sense refers to the limitations placed on military service for it to remain legal internationally. This exception must be read in a restrictive fashion. Thus, when military service also includes other elements, such as "civil service", designed to have military recruits participate in State development projects, the ILO's Committee of Experts decided in 2003 that such service is not constituted of purely military character.⁸

National civic obligations

- "Any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country" (Article 2 par 2 b, ILO Convention No.29)
- "Any work or service which forms part of normal civil obligations" (Article 8 par 3 c iv, ICCPR)
- "Any work or service that forms part of normal civil obligations so far as it is imposed also on citizens of the State concerned." (Article 11 par 4 c, MWC)

In this context, we can invoke the case of military service as a civic obligation. However, conscientious objectors cannot be subjected to a punitive treatment violating reasonable and objective criteria.

Following Commission on Human Rights Resolution 2004/35, the High Commissioner for Human Rights put together an analytical report⁹ which outlines good practices on conscientious objection to military service, especially on different types of alternative service. The report underlines that the right to conscientious objection to military service can be seen as a legitimate exercise of the right to freedom of thought, conscience and religion, as specifically enshrined in Article 18 of the ICCPR, in Article 18 of the Universal Declaration of Human Rights, and as stated by the Human Rights Committee in General Comment 22 on Article 18 of the ICCPR.

Work as consequence of a conviction

- "Any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of

⁸ Report of the Committee of Experts on the Application of Conventions and Recommendations, Observation on the application of the Convention n°29 by Congo, page 139.

⁹ Doc. UN - E/CN.4/2006/51. This report is also available in French, Spanish, Chinese, Russian and Arabic on the Office of the High Commissioner for Human Rights' website <http://www.ohchr.org/english/bodies/chr/sessions/62/listdocs.htm>

- a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations” (Article 2 par 2 c, ILO Convention No.29)
- “Any work or service ... normally required of a person who is under detention in consequence of a lawful order of a court or of a person during conditional release from such detention.” (Article 8 par 3 c) i, ICCPR and Article 11, MWC)

Any work or service exacted as a consequence of a conviction is legal according to these international treaties. The ICCPR says that the ruling must be regular, that is according to the rules of due process and fair trial.

Nevertheless, there are exceptions to the exception. A strict double-standard must be met:

First, the work or service must be under the aegis of a public authority. If national law allows for work to be imposed on prisoners, which can be seen as a method of social integration for prisoners, it can nevertheless not be imposed on those who have not been convicted: “Persons who have been detained but not convicted shall not be obliged to carry out any type of work.”¹⁰ Prisoners working within the context of free paid work, after deductions for the costs of incarceration, are within the legal scope of Convention No.29. However, compelling prisoners to work in private industry remains strictly prohibited.

Further, penitentiary work must be done under the supervision of a public body, institution or organisation. In short, prisoners must not work under a private regime, i.e. for individuals or companies. According to the ILO Committee of Experts, “work by prisoners for private companies can be held compatible with the explicit prohibition of the Convention only when such work is performed in conditions approximating a free employment relationship; this necessarily requires the formal consent of the persons concerned, as well as further guarantees and safeguards covering the essential elements of a free labour relationship, such as wages and social security, etc.”¹¹

Thus, the logical follow-up to the preceding comment is that “the person is not hired to or placed at the disposal of private individuals, companies or associations.” This restriction comes from the idea that the administration of justice comes under the public sector which may have rules that are different or incompatible with the private sector. This provision aims to prevent that the administration of justice be used to justify compelling prisoners to perform forced labour. For instance, in 2004, the ILO Committee of Experts, after reviewing Germany’s report, decided that “the hiring of compulsory prison labour to private employers is specifically prohibited by Article 2(2)(c).”¹²

In certain cases, public services are delegated to private enterprise. Nevertheless, even if a prison is managed by a private enterprise, it still must respect the Convention’s provisions.

The two conditions mentioned above are not mutually exclusive, but cumulative. They are distinct and independent from each other, but work together in the sense that one cannot be realized without the other. “The fact that the prisoner remains at all times under the supervision and control of a public authority does not in itself dispense the Government from fulfilling the second condition”¹³, the Experts Committee said in its observations to the Australian government.

Work in cases of emergency

- “Any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or

10 Report of the Committee of Experts on the Application of Conventions and Recommendations, Observation on the application of the Convention n°29 by Paraguay, page 172.

11 Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 1A)

12 Op. cit, Report of the Committee of Experts on the Application of Conventions and Recommendations, Observation on the application of the Convention n°29 by Germany, page 130.

13 Op, cit, Observations on the application of the Convention n°29 by Australia, page 132.

epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population” (Article 2 par 2 d, ILO Convention No.29)

- “Any service exacted in cases of emergency or calamity threatening the life or well-being of the community” (Article 8 par 3 c) iii , ICCPR and Article 11 par 2 b, MWC)

‘Emergency’ refers to an event that is unforeseen, insurmountable, preventing an individual to perform as planned an obligation, work or service. In theory, an emergency exonerates an individual from said responsibility. ILO *Convention No.29* lists the events that it considers to fall under “emergency or calamity” but opens the field with the addition of “any circumstance.”

An emergency can be invoked when there is present or potential danger threatening life or normal living conditions. Even if the document does not say so, it is taken as a given in international law that in exceptional circumstances, the threat must be sufficient – real or potential – to justify denying guaranteed rights.

If the State compels work during a period of crisis, or in a situation of danger, it cannot be considered forced labour. In the case of a strike, the Government may requisition certain public servants to ensure that necessary services continue for the good of the country and its population.

However, certain States overstep their public interest prerogatives by interpreting ‘emergency’ in a deliberately vague fashion that is not consistent with Article 2 par 2)d). In this case, the compelled work can be considered forced. Any compulsory work which, if not performed, is accompanied by severe penalties is in blatant contravention of *Convention No.29*. In order for exceptional measures during times of calamity to be compatible with the Convention, these measures must be strictly limited to that which is necessary to adequately address the crisis.¹⁴ Given this standard, the ILO experts have sometimes insisted that States draw up lists of institutions they consider to be performing essential services, and who can thus be requisitioned.¹⁵

Work as communal service

“Minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services” (Article 2 par 2 e, ILO Convention No.29)

Communal services in the public interest cannot be considered forced labour. Thus, work such as gathering fodder or minor civic maintenance is within the scope of the law.

However, the text places conditions on this work. For one, it must be well-founded and necessary. When such work is performed more under constraint than voluntarily, and not performing it results in severe sanctions, forced labour can be claimed. Thus, for example: systematic and general reliance on public interest work, with rules on mandatory participation (Burma), a requirement for men and women of a certain age to devote 10 days (Viet Nam) or 15 days (Cambodia) to community service, an obligation to farm community land or other types of compulsory work and services (Central African Republic, Kenya, Sierra Leone) public farming, working to fight erosion, or roadwork, under threat of severe sanctions (Swaziland) all constitute forced labour.¹⁶

In order to be exempted from the prohibition against forced labour, work in the public interest must take place over a relatively short period, have the free consent of workers, and be fulfilling a real need for members of the community.

14 RAPPORT III (1A)-2004.FR.DOC, page 180 § 7.

15 See observations made on Mauritania by the Committee of Experts on the Application of Conventions and Recommendations, 2004 Report, page 154

16 Rapport global en vertu du suivi de la Déclaration de l’OIT relative aux principes et droits fondamentaux au travail, halte au travail forcé, BIT 2001, page 19 et 20.

c Is The Current Definition Of Forced Labour Adequate?

The ILO's 2001 study *Stopping Forced Labour* notes that, "While the legal notion remains constant, the context of forced and compulsory labour evolves over time." Thus, the definition itself should adapt to changing realities on the ground, integrating new elements.

Forced labour is a challenge that needs to be tackled at the judicial, economic and practical ground levels. In order to better protect victims, the definition needs to evolve to take into account shifting parameters.

According to Franciscans International, neither constraint nor the absence of consent is sufficient to define forced labour. In the case of children, for whom critical thought is not yet fully developed, it is unrealistic to use consent as the only criterion. In some cases, the child does not appear to be suffering a constraint. Therefore, it is important to consider other factors at play, such as vulnerability, and other situations where the apparent or formal consent of the worker is not sufficient to determine whether forced labour is being imposed.

Can we include as one of the identifying elements of the phenomenon of forced labour the complete or partial absence of social benefits provided for by law or collective agreement? Workers or employees who thus rescind their rights, do they do so of their own 'free will'? There are still many such questions that require further reflection.

Poverty is a leading cause of forced labour. It is well known that States, as well as private enterprises, employ forced labour. However, it is rarely mentioned that this type of exploitation can also exist with the context of the family. In India, for example, certain parents are more likely to educate their boys, even though girls would rather be in school than employed. In this context, can family constraint be considered within the definition of forced labour? It's a question which merits further thought and analysis. Nevertheless, exploitation within a family context is real and alive.

Notwithstanding the need to revisit the definition of forced labour, Franciscans International is convinced that a rights-based approach would better protect vulnerable people and discourage those who might be tempted to employ forced labour. Beyond the words contained in documents and Conventions, it's the victims' audible cries that compel us to act.

3 International Response to Forced Labour

a International Labour Organization

The International Labour Organization was the first intergovernmental body to focus attention on the existence of forced labour, drafting the first convention outlawing the use of forced labour in 1930 and a later convention on the abolition of forced labour in 1957. In 1998, the Organization adopted the *Declaration on Fundamental Principles and Rights at Work*, proclaiming that member States had the obligation, by virtue of membership in the ILO, *regardless of whether they had ratified the relevant conventions*, to eliminate forced labour, as well as to uphold freedom of association and eliminate child labour and discrimination in employment.

As a follow-up to the 1998 Declaration, the ILO published a report, *Stopping Forced Labour* in 2001¹⁷ and a second follow-up report, *A Global Alliance Against Forced Labour* in May 2005¹⁸, both of which received widespread publicity. These extensive reports provide detailed information on the practice of forced labour and the efforts undertaken to abolish it. The ILO remains the leading organisation concerned with the elimination of forced labour.

17 See ILO : *Stopping Forced Labour*, Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, Report I (B), International Labour Conference, 89th Session, Geneva, 2001.

18 Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, Report I (B), International Labour Conference, 93rd Session 2005.

The ILO has procedures for raising issues of States' failure to enforce Conventions that they have ratified, including the forced labour conventions. These procedures may be used only by States, workers' and employers' organisations, and not by non-governmental organisations. Nevertheless, NGOs, like ours, that have knowledge of violations of ILO Conventions in a particular country may, and often do, convey their concern to local and international workers' organisations that are members of the ILO, who may then refer to these violations at ILO meetings and before ILO supervisory bodies. Human rights organisations, in turn, cite ILO comments and criticisms in their human rights campaigns.

In 2005, the ILO published *A global alliance against forced labour*. The report provides the best contemporary elaboration of the meaning of the concept of "forced labour" and examples of its practice throughout the world. The ILO is currently less alone in calling attention to new forms of forced labour and slavery-like practices than in the past, citing signs of commitment by States, employer and worker organisations as well as the international community, including the implementation of national action plans in Brazil and Pakistan. Other positive developments are the entry into force of the United Nations *Convention against Transnational Organized Crime*, together with its *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (also known as the Palermo Protocol), and the adoption of new legislation by a number of States amending their criminal law to address the forced labour dimensions of human trafficking.

Despite these positive developments, the Introduction to the report affirms that in terms of real knowledge and awareness of contemporary forced labour, we seem still to see only the tip of a disturbing iceberg. "Forced labour is present in some form on all continents, in almost all countries, and in every kind of economy... Older forms of coercion and compulsion are transmuting into newer ones. The bonded labour systems of South Asia remain very much in evidence today, and account for the greatest number of forced labourers in today world. But these systems have changed over the past three of four decades. They now pervade different sectors of the informal economy, as well as the agricultural sector, where the lion's share of bonded labour was formerly to be found. Trafficking in human beings has also taken on new forms and dimensions, linked to recent developments in technology, transportation and transnational organized crime."

Forced labour is frequently exacted today by private agents rather than by the State. The precarious legal status of irregularly documented workers, particularly women, makes them vulnerable to coercion. There is a serious legislative gap which makes it difficult to act against hidden and subtle forms of coercion in the private economy. Although forced labour is outlawed under international law and in national legal systems, the report highlights problems that make it difficult to enforce these laws: forced labour is not generally defined in any detail, it is not well understood, and there are thus few prosecutions for forced labour offences. The report also refers to structural concerns, including policy and labour market failures, which give rise to forced labour.

b United Nations Human Rights Mechanisms

Commission on Human Rights

The United Nations reform launched by Secretary-General Kofi Annan with his report entitled "In larger freedom" led to resolution A/Res/60/251 which created the Human Rights Council last 15 March 2006. This new body is considered a fresh start in the review of human right mechanisms, but also as a more adequate response to gross human rights violations and a more efficient method of promoting and protecting human rights the world over.

In its Resolution 1998/77, the Commission on Human Rights said alternative service must be compatible with the reasons for conscientious objection, in the public interest and not of punitive nature.

Also, the Office of the High Commissioner for Human Rights, in its Report E/CN.2006/51, recommended that "States should endeavour to ensure that no form of alternative service is punitive in character."

It should be, however, noted that forced labour has never appeared as an independent agenda item at the Commission. Rather, it has been seen as an integral part of other themes, such as trafficking in persons, sale of children, violence against women and migrants. In Resolution 1999/40, the Commission invited States to take appropriate measures to address forced labour, strengthening existing legislation with a view to providing better protection of rights.¹⁹

The appointment in 2004 of a Special Rapporteur on trafficking in persons, especially in women and children, suggests that in fulfilling her mandate, the UN expert will also analyse exploitation in all its forms – i.e. sexual and economic, which are in fact, the end result of human trafficking. Because of the intrinsic links between forced labour, human trafficking and migration, the UN expert cannot but address exploitation within the context of forced labour. Nevertheless, forced labour is not limited to human trafficking and merits special consideration.

Sub-Commission on the Promotion and Protection of Human Rights

In its 12 August 2004 resolution E/CN.4/Sub.2/2004/19, the Sub-Commission, the CHR subsidiary body and, at present, under review, referred to the recommendations of its Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/2004/36 and Rev.1) which had devoted priority attention to the question of forced labour during its annual session. The resolution recommends States to:

- Ratify ILO *Conventions No. 29* and *No. 182* related, respectively, to forced labour and the worst forms of child labour;
- Take urgent action to implement the provisions of international law and their own constitutions which prohibit the practice of forced labour by enacting or amending legislation, accompanied with implementation mechanisms that facilitate the identification of forced labour in its various manifestations;
- Ensure the criminalization of forced labour and its sanction in accordance with the gravity of the offences and urge the establishment by States of special machinery to facilitate prosecution of those who subject others to forced labour and the confiscation of property and assets of those convicted of such offences.

The Sub-Commission called on international organisations to “develop programmes, including joint ones, in order to break the cycle of poverty and social exclusion which makes people vulnerable to exploitation through forced labour and to contribute to the elimination of debt bondage, in particular by the provision of access to education, land reform, alternative sources of credit, access to justice, provision of stable employment, etc.”

In Resolution 2005/29, the Sub-Commission reiterated its demand, insisting that the implementation of conclusions and recommendations related to the elimination of forced labour be made a priority for States.

Working Group on Contemporary Forms of Slavery

The Sub-Commission’s Working Group on Contemporary Forms of Slavery has reaffirmed that forced labour is a contemporary form of slavery, and has invited States to adopt comprehensive legislation on forced labour. At each of its sessions, the Group adopted resolutions that aim to combat forced labour. The following is a compilation of the most significant recommendations to States (2002-2006):

- Take urgent action to speed up criminal proceedings, secure successful prosecutions and apply effective sanctions against all those using forced labour;
- Make detailed information publicly available regarding the prosecution and punishment of those using forced labour and carry out an appraisal of the impact of such practices;

¹⁹ Commission on Human Rights Resolution 1999/40, Traffic of women and girls, 26 April 1999. This resolution was adopted without a vote.

- Ensure that the worst forms of child labour, including all forms of sexual exploitation, trafficking, domestic servitude and any form of forced labour, are prohibited and that the penalties are commensurate with the crimes committed and that this legislation is properly enforced;
- Ensure that the worst forms of child labour, trafficking, domestic servitude and any form of forced labour are prohibited and that the penalties are commensurate with the crimes committed and that this legislation is properly enforced;
- Take urgent action to implement the provisions of international law and their own constitutions which prohibit the practice of forced labour by enacting or amending legislation, accompanied with implementation mechanisms which facilitate the identification of forced labour in its various manifestations;
- Organize or facilitate the conduct of surveys to identify the use of forced labourers and number of victims involved, disaggregated by sex, age, ethnic origin, migration status, etc. Such surveys will allow prevention and protection programmes to be appropriately designed and progress towards the elimination of forced labour to be monitored;
- Ensure the criminalization of forced labour and its sanction in accordance with the gravity of the offences and establish a special machinery to facilitate prosecution of those who subject others to forced labour and the confiscation of property and assets of those convicted of such offences;
- Launch public information campaigns and training programmes for the police, magistrates and judges and other relevant officials (labour inspectors, social workers, immigration officials, etc.) to raise awareness about what constitutes forced labour and that it is prohibited by law;
- Ensure that information is made publicly available on the number of persons prosecuted on charges of forced labour, the number of prosecutions brought, convictions obtained and sentences passed, along with the compensation awarded to victims of forced labour;
- Establish programmes to provide relief and rehabilitation to freed forced labourers to facilitate their social reintegration, including through the adoption of multidisciplinary approaches and increase of unannounced inspections in sectors where forced labour is common, if necessary by strengthening labour inspection services;
- Support unions and NGOs which defend the rights of forced labourers and carry out activities to allow workers, including child labourers vulnerable to exploitation, to defend themselves against forced labour;
- Ensure that forced labour is criminalized and that sanctions are commensurate with the gravity of the offences that public information campaigns are launched, that relief and assistance to freed forced labourers are provided to facilitate their social reintegration, and that unions and NGOs that defend the rights of forced labourers receive support.

Treaty Bodies

Treaty bodies monitor implementation of the core international human rights treaties, by reviewing State Parties reports and drafting recommendations.

• Human Rights Committee

In 1989, the Human Rights Committee, in General Comment No.17 on Article 24 of ICCPR, recommended that every possible economic and social measure should be taken to reduce infant mortality and to eradicate malnutrition among children and to prevent them from being subjected to acts of violence and cruel and inhuman treatment or from being exploited by means of forced labour or prostitution, or by any other means²⁰

In *Foin v. France*²¹, the Human Rights Committee ruled on conscientious objection and alternative service, specifically on the length of time to be served. The Committee recognised

20 General Observation no 17, thirty-fifth session (1989): Article 24, (Rights of the Child), § 3) HRI/GEN/1/Rev.7, 12 May 2004.

21 *Foin v. France*, communication No. 666/1995, CCPR/C/67/D/666/1995 (Décision du 9 Novembre 1999).

that by law and in practice, differences were allowed between military service and national alternative service. In some cases, alternative terms of service could be longer if the difference was based on reasonable and objective criteria, such as the nature of the service in question, or the necessity of specialized training. The Committee experts nevertheless concluded that the French criteria were not reasonable or objective. The French laws rested on the argument that doubling the length of alternative service (versus regular military service) was the only way to ensure objectors were serious in their convictions.

In further deliberations, the Committee decided that an alternative service twice or 1.7 times as long as regular military service could be considered 'punitive'.²²

• Committee on Economic, Social and Cultural Rights

In 1990, in its General Comment No.2 on International technical assistance measures,²³ the Committee stated that "international agencies should scrupulously avoid involvement in projects which, for example, involve the use of forced labour in contravention of international standards."

In 1994, the Committee said in General Comment No.5²⁴, that in the light of the Principles²⁵ for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care, with regard to ICESCR Articles 6, 7, and 8, "therapeutical treatment"²⁶ in institutions for people with mental illnesses which amounts to forced labour is also incompatible with the Covenant.²⁷ In this case, the Committee refers to the prohibition on forced labour found in the ICCPR as a potential relevance.

In 1999, the Committee, in General Comment No.11²⁸ mentioned that "lack of educational opportunities for children often reinforces their subjection to various other human rights violations," and "these children, who may live in abject poverty and not lead healthy lives, are particularly vulnerable to forced labour and other forms of exploitation." (General Comment No.11, § 4.). The Committee thus makes the connection between education and reducing the number of children forced to work at a young age, forced to marry, or subject to other forms of exploitation.

22 See final observations by the Committee on Human Rights to Estonia (The Committee is concerned that the duration of alternative service for conscientious objectors may be up to twice as long as the duration of regular military service.... The State party is under an obligation to ensure that conscientious objectors can opt for alternative service, the duration of which is without punitive effect (articles 18 and 26 of the Covenant), CCPR/CO/77/EST (2003); Russia Federation: "remains concerned that the Alternative Civilian Service Act, which will take effect on 1 January 2004, appears to be punitive in nature by prescribing civil service of a length 1.7 times that of normal military service". (CCPR/CO/79/RUS (2003).

23 Document E/1990/23 or HRI/GEN/1/Rev.7

24 CESCR General comment 5 on Persons with disabilities. See Document E/1995/22

25 See Commission on Human Rights resolutions 1992/48, para. 4 and 1993/29, para. 7.

26 General Assembly resolution 46/119 of 17 December 1991, annex. See also Document E/1990/23 ou HRI/GEN/1/Rev.7

27 Document E/1990/23 or HRI/GEN/1/Rev.7

28 Document E/C.12/1999/4 or HRI/GEN/1/Rev.7.

T H R E E • Main Recommendations of Franciscans International, Dominicans for Justice and Peace and the Bureau of International Solidarity of the Marist Brothers

A | International Labour Organization

As the organisation in charge of improving working conditions, promoting decent work befitting human dignity, social and legal protection and involved in research on work worldwide, the International Labour Organization and its Committee of Experts who examine State reports should:

- Pay due attention to forced labour while reviewing State reports and in drafting recommendations, in order to pressure States on their obligations to protect persons from this phenomenon, and its negative impact on the enjoyment of human rights;
- Remain attentive to new and emerging forms of forced labour;
- Adopt a rights-based approach centred on relevant international instruments, including the United Nations Charter and the two International Covenants as well as its own fundamental texts such as the *Declaration on Fundamental Principles and Rights at Work*;
- Widen the scope of information sources beyond unions, namely by including human rights non-governmental organisations, with the goal of achieving a global outlook on this phenomenon;
- Ensure a widespread distribution of the 2005 report entitled '*A global alliance against forced labour*' to unions, national human rights organisations, and other sectors of civil society especially in those States mentioned in the report;
- Take appropriate and effective measures to implement the Action Plan set out in the 2005 report on forced labour.

B | Human Rights Council

The Human Rights Council should:

- Devote an item in its agenda to the problem of contemporary forms of slavery, including forced labour, in order to raise the profile of exploitation in the work context, which is claiming millions of victims ;
- Adopt resolutions underlining the prohibition on forced labour and asking States to respect their international commitments;
- Urge States to create domestic mechanisms for the protection of victims of forced labour and prevention thereof;
- Emphasise State commitment to combat forced labour through national legislative reform and domestication of international norms;

C | Treaty Bodies

Treaty bodies are committees of independent experts that monitor implementation of the core international human rights treaties. Committees examine States' initial and periodic reports, and make recommendations for national implementation.

Those bodies should :

- Closely monitor the phenomenon of forced labour in the examination of State reports, looking at causes but also its permutations and making appropriate recommendations for its eradication.
- Produce General Comments, related to the ICCPR's Article 8 and the ICESCR's Article 6, to better define and lead the fight against forced labour. The ILO and NGOs should naturally be involved in this process.

D | States

The vast majority of States have agreed to and signed onto international instruments that prohibit forced

labour. Nevertheless, the actual implementation of these obligations remains weak. States should:

- Implement appropriate measure to prevent and protect victims of forced labour, and ensure that measures taken by State and non-State actors, especially multinational businesses and other private ventures are effective;
- Adopt a participatory approach in public works, based on the understanding that the work or service being performed by the individual is beneficial to all;
- Provide detailed information to bodies that monitor forced labour at the international level, including State plans to combat it, challenges faced and successes achieved. In addition, the State should remain open to technical support offered by international experts in the promotion and protection of human rights;
- Discourage individuals or corporations who employ forced labour by adopting severe criminal sanctions against such exploitation;
- Invest in the implementation of the existing legal framework, because more often than not it is a lack of implementation, national oversight, and punishment for those responsible that encourages forced labour's continued presence.

E | International Institutions' Local Offices

These national representations should:

- Support civil society's efforts in capacity-building and information sharing, and encourage research on this topic;
- Re-think and improve communications with civil society organisations;
- Provide technical assistance to States in legislative reform in order to help them conform with ratified Conventions and in implementation.

F | Civil Society Organisations

These groups should:

- Remain attentive to the question of forced labour, by conducting research, preparing alternative reports and launching information and education campaigns both in urban and rural areas;
- Break the silence surrounding the suffering of victims of forced labour.

**A N N E X O N E • Status Of Ratification Of International Legal Instruments
Related To Forced Labor
As For 15 March 2006**

	Convention No.29 (1930)	Convention No.105 (1957)	Convention No.182 (1989)	Migrant Workers' Convention (1990)	Protocol on human trafficking (2000)
Afghanistan		16 May 1963			
Albania	25 June 1957	27 February 1997	2 August 2001		21 August 2002
Algeria	10 October 1962	12 June 1969	9 February 2001	21 April 2005	9 March 2004
Angola	4 June 1976	4 June 1976	13 June 2001		
Antigua and Barbuda	2 February 1983	2 February 1983	16 September 2002		
Argentina	14 March 1950	18 January 1960	5 February 2001		19 November 2002
Armenia	17 December 2004	17 December 2004	2 January 2006		1 July 2003
Australia	2 January 1932	7 June 1960			14 September 2005
Austria	7 June 1960	5 March 1958	4 December 2001		15 September 2005
Azerbaijan	19 May 1992	9 August 2000	30 March 2004	11 January 1999	30 October 2003
Bahamas	25 May 1976	25 May 1976	14 June 2001		
Bahrain	11 June 1981	14 July 1998	23 March 2001		7 June 2004
Bangladesh	22 June 1972	22 June 1972	12 March 2001		
Barbados	8 May 1967	8 May 1967	23 October 2000		
Belarus	21 August 1956	25 September 1995	31 October 2000		25 June 2003
Belgium	20 January 1944	23 January 1961	8 May 2002		11 August 2004
Belize	15 December 1983	15 December 1983	6 March 2000	14 November 2001	26 September 2003
Benin	12 December 1960	22 May 1961	6 November 2001		30 August 2004
Bolivia	31 May 2005	11 June 1990	6 June 2003	16 October 2000	
Bosnia- Herzegovina	2 June 1993	15 November 2000	5 October 2001	13 December 1993	24 April 2002
Botswana	5 June 1997	5 June 1997	3 January 2000		29 August 2002
Brazil	25 April 1957	18 June 1965	2 February 2000		29 January 2004
Bulgaria	22 September 1932	23 March 1999	28 July 2000		5 December 2001
Burkina Faso	21 November 1960	25 August 1997	25 July 2001	16 November 2003	15 May 2002
Burundi	11 March 1963	11 March 1963	11 June 2002		
Cambodia	24 February 1969	23 August 1999			
Cameroon	7 June 1960	3 September 1962	5 June 2002		6 February 2006
Canada					13 May 2002
Cape Verde	3 April 1979	3 April 1979	23 October 2001	16 September 1997	15 July 2004
Central African Republic	27 October 1960	9 June 1964	28 June 2000		

Chad	10 November 1960	8 June 1961	6 November 2000		
Chile	31 May 1933	1 February 1999	17 July 2000	21 March 2005	29 November 2004
China			8 August 2002		
Colombia	4 March 1969	7 June 1963	28 January 2005	24 May 1995	4 August 2004
Comoros	23 October 1978	23 October 1978	17 March 2004		
Congo	10 November 1960	26 November 1999	23 August 2002		
Costa Rica	2 June 1960	4 May 1959	10 September 2001		9 September 2003
Côte d'Ivoire	21 November 1960	5 May 1961	7 February 2003		
Croatia	8 October 1991	5 March 1997	17 July 2001		24 January 2003
Cuba	20 July 1953	2 June 1958			
Cyprus	23 September 1960	23 September 1960	27 November 2000		6 August 2003
Czech Republic	1 January 1993	6 August 1996	19 June 2001		
Democratic Republic of the Congo	20 September 1960	20 June 2001	20 June 2001		28 October 2005
Democratic People's Republic of Korea			29 March 2001		
Denmark	11 February 1932	17 January 1958	14 August 2000		30 September 2003
Djibouti	3 August 1978	3 August 1978	28 February 2005		20 April 2005
Dominica	28 February 1983	28 February 1983	4 January 2001		
Dominican Republic	5 December 1956	23 June 1958	15 November 2000		
Ecuador	6 July 1954	5 February 1962	19 September 2000	5 February 2002	17 September 2002
Egypt	29 November 1955	23 October 1958	6 May 2002	19 February 1993	5 March 2004
El Salvador	15 June 1995	18 November 1958	12 October 2000	19 February 1993	18 March 2004
Equatorial Guinea	13 August 2001	13 August 2001	13 August 2001		7 February 2003
Eritrea	22 February 2000	22 February 2000			
Estonia	7 February 1996	7 February 1996	24 September 2001		12 May 2004
Ethiopia	2 September 2003	24 March 1999	2 September 2003		
Fiji	19 April 1974	19 April 1974	17 April 2002		
Finland	13 January 1936	27 May 1960	17 January 2000		
France	24 June 1937	18 December 1969	11 September 2001		29 October 2002
Gabon	14 October 1960	29 May 1961	28 March 2001		
Gambia	4 September 2000	4 September 2000	3 July 2001		5 May 2003
Georgia	22 June 1993	23 September 1996	24 July 2002		
Germany	13 June 1956	22 June 1959	18 April 2002		
Ghana	20 May 1957	15 December 1958	13 June 2000	7 September 2000	

Greece	13 June 1952	30 March 1962	6 November 2001		
Grenada	9 July 1979	9 July 1979	15 May 2003		21 May 2004
Guatemala	13 June 1989	9 December 1959	11 October 2001	14 March 2003	1 April 2004
Guinea	21 January 1959	11 July 1961	6 June 2003	7 September 2000	9 November 2004
Guinea-Bissau	21 February 1977	21 February 1977			
Guyana	8 June 1966	8 June 1966	15 January 2001		14 September 2004
Haiti	4 March 1958	4 March 1958			
Honduras	21 February 1957	4 August 1958	25 October 2001	9 August 2005	
Hungary	8 June 1956	4 January 1994	20 April 2000		
Iceland	17 February 1958	29 November 1960	29 May 2000		
India	30 November 1954	18 February 2000			
Indonesia	12 June 1950	7 June 1999	28 March 2000		
Iran	10 June 1957	13 April 1959	8 May 2002		
Iraq	27 November 1962	15 June 1959	9 July 2001		
Ireland	2 March 1931	11 June 1958	20 December 1999		
Israel	7 June 1955	10 April 1958	15 March 2005		
Italy	18 June 1934	15 March 1968	7 June 2000		
Jamaica	16 December 1962	26 December 1962	13 October 2003		29 September 2003
Japan	21 November 1932		18 June 2001		
Jordan	6 June 1966	31 March 1958	20 April 2000		
Kazakhstan	18 May 2001	18 May 2001	26 February 2003		
Kenya	13 January 1964	13 January 1964	7 May 2001		5 January 2005
Kiribati	3 February 2000	3 February 2000			15 September 2005
Kyrgyzstan	31 March 1992	18 February 1999	11 May 2004	29 September 2003	2 October 2003
Kuwait	23 September 1968	21 September 1961	15 August 2000		
Laos	23 January 1964		13 June 2005		26 September 2003
Latvia		27 January 1992			25 May 2004
Lebanon	1 June 1977	June 1977	11 September 2001		5 October 2005
Lesotho	31 October 1966	21 September 1961	14 June 2001	16 September 2005	
Liberia	1 May 1931	25 May 1962	2 June 2003		
Libya	13 June 1961	13 June 1961	4 October 2000	18 June 2004	
Lithuania	26 September 1994	26 September 1994	29 September 2003		23 June 2003
Luxembourg	24 July 1964	24 July 1964	21 March 2001		
Macedonia	17 November 1991	15 July 2003	30 May 2002		12 January 2005
Madagascar	1 November 1960		4 October 2001		15 September 2005
Malawi	19 November 1999	19 November 1999	19 November 1999		17 March 2005
Malaysia	11 November	13 October 1958	10 November 2000		

		1957	denounced on 10 January 1990			
Mali		22 September 1960	28 May 1962	14 July 2000	5 June 2003	12 April 2002
Malta		4 January 1965	4 January 1965	15 June 2001		24 September 2003
Mauritania		20 June 1961	3 April 1997	3 December 2001		22 July 2005
Mauritius		2 December 1969	2 December 1969	8 June 2000		24 September 2003
Mexico		12 May 1934	1 June 1959	30 June 2000	8 March 1999	4 May 2003
Moldova		23 March 2000	10 March 1993	14 June 2002		16 September 2005
Monaco						5 June 2001
Mongolia		15 March 2005	15 March 2005	26 February 2001		
Morocco		20 May 1957	1 December 1966	26 January 2001	21 June 1993	
Mozambique		16 June 2003	6 June 1977	16 June 2003		
Myanmar		4 March 1955				30 March 2004
Namibia		15 November 2000	15 November 2000	15 November 2000		16 August 2002
Nepal		3 January 2002		3 January 2002		
Netherlands		31 March 1933	18 February 1959	14 February 2002		27 July 2005
New Zealand		29 March 1938	14 June 1968	14 June 2001		19 July 2002
Nicaragua		12 April 1934	31 October 1967	6 November 2000	26 October 2005	12 October 2004
Niger		27 February 1961	23 March 1962	23 October 2000		30 September 2004
Nigeria		17 October 1960	17 October 1960	2 October 2002		28 June 2001
Norway		1 July 1932	14 April 1958	21 December 2000		23 September 2003
Oman		30 October 1998	21 July 2005	11 June 2001		13 May 2005
Pakistan		23 December 1957	15 December 1960	11 October 2001		
Panama		16 May 1966	16 May 1966	31 October 2000		18 August 2004
Papua New Guinea		1 May 1976	1 May 1976	2 June 2000		
Paraguay		28 August 1967	16 May 1968	7 March 2001		22 September 2004
Peru		1 February 1960	6 December 1960	10 January 2002	14 September 2005	23 January 2002
Philippines				28 November 2000	5 July 1995	28 May 2002
Poland		30 July 1958	30 July 1958	9 August 2002		26 September 2003
Portugal		26 June 1956	23 November 1959	15 June 2000		10 May 2004
Qatar		13 March 1998		30 May 2000		
Romania		28 May 1957	3 August 1998	13 December 2000		4 December 2002
Russian Federation		23 June 1956	2 July 1998	25 March 2003		26 May 2004
Rwanda		23 May 2001	18 September 1962	23 May 2000		26 September 2003
Saint Kitts and Nevis		12 October 2000	12 October 2000	12 October 2000		21 May 2004
Saint Lucia		14 May 1980	14 May 1980	6 December 2000		
San Marino		1 February 1995	1 February 1995	15 March 2000		
Saint Vincent and the Grenadines		21 October 1998	21 October 1998	14 December 2001		

Sao Tome and Principe	4 May 2005	4 May 2005	4 May 2005		
Saudi Arabia	15 June 1978	15 June 1978	8 October 2001		
Senegal	4 November 1960	28 July 1961	1 June 2000	9 June 1999	27 October 2003
Serbia and Montenegro	24 November 2000	10 July 2003	10 July 2003		6 September 2001
Seychelles	6 February 1978	6 February 1978	28 September 1999	15 December 1994	22 June 2004
Sierra Leone	13 June 1961	13 June 1961			
Singapore	25 October 1965	25 October 1965 denounced on 19 April 1979	14 June 2001		
Slovakia	1 January 1993	29 September 1997	20 December 1999		21 September 2004
Slovenia	29 May 1992	24 June 1997	8 May 2001		21 May 2004
Solomon Islands	6 August 1985				
Somalia	18 November 1960	8 December 1961			
South Africa	5 March 1997	5 March 1997	7 June 2000		20 February 2004
Spain	29 August 1932	6 November 1967	2 April 2001		1 March 2002
Sri Lanka	5 April 1950	7 January 2003	1 March 2001	11 March 1996	
Sudan	18 June 1957	22 October 1970	7 March 2003		
Suriname	15 June 1976	15 June 1976			
Swaziland	26 April 1978	28 February 1979	23 October 2002		
Sweden	22 December 1931	2 June 1958	13 June 2001		
Switzerland	23 May 1940	18 July 1958	28 June 2000		
Syria	26 July 1960	23 October 1958	22 May 2003	2 June 2005	
Tajikistan	26 November 1993	23 September 1999	8 June 2005	8 January 2002	
Tanzania	30 January 1962	30 January 1962	12 September 2001		
Thailand	26 February 1969	2 December 1969	16 February 2001		
Timor-Leste				30 January 2004	
Togo	7 June 1960	10 July 1999	19 September 2000		
Trinidad and Tobago	24 May 1963	24 May 1963	23 April 2003		
Tunisia	17 December 1962	12 January 1959	28 February 2000		14 July 2003
Turkey	30 October 1998	29 March 1961	2 August 2001	27 September 2004	25 March 2003
Turkmenistan	15 May 1997	15 May 1997			28 March 2005
Uganda	4 June 1963	4 June 1963	21 June 2001	14 November 1995	
Ukraine	10 August 1956	14 December 2000	14 December 2000		21 May 2004
United Arab Emirates	27 May 1982	24 February 1997	28 June 2001		
United Kingdom	3 June 1931	30 December 1957	22 March 2000		9 February 2006
United States		25 September 1991	2 December 1999		3 November 2005
Uruguay	6 September 1995	22 December 1968	3 August 2001	15 February 2001	4 March 2004
Uzbekistan	13 July 1992	15 December 1997			

	Venezuela	20 November 1944	19 November 1964	26 October 2005		13 May 2002
	Viet Nam			19 December 2000		
	Yemen	14 April 1969	14 April 1969	15 June 2000		
	Zambia	2 December 1964	22 February 1965	12 December 2001		
	Zimbabwe	27 August 1998	27 August 1998	11 December 2000		24 April 2005

A N N E X T W O • UN Human Rights Instruments related to Forced Labour

A | International Covenant on Civil and Political Rights

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.
2. No one shall be held in servitude.
3.
 - (a) No one shall be required to perform forced or compulsory labour;
 - (b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;
 - (c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:
 - (i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;
 - (ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;
 - (iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;
 - (iv) Any work or service which forms part of normal civil obligations.

B | International Covenant on Economic, Social and Cultural Rights

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.
2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

C | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Article 11

1. No migrant worker or member of his or her family shall be held in slavery or servitude.
2. No migrant worker or member of his or her family shall be required to perform forced or compulsory labour.
3. Paragraph 2 of the present article shall not be held to preclude, in States where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court.
4. For the purpose of the present article the term "forced or compulsory labour" shall not include:
 - (a) Any work or service not referred to in paragraph 3 of the present article normally required of a person who is under detention in consequence of a lawful order of a court or of a person during conditional release from such detention;
 - (b) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;
 - (c) Any work or service that forms part of normal civil obligations so far as it is imposed also on citizens of the State concerned.

ANNEX THREE

A | ILO Convention No. 29, Forced Labour Convention, 1930

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourteenth Session on 10 June 1930, and
Having decided upon the adoption of certain proposals with regard to forced or compulsory labour, which is included in the first item on the agenda of the Session, and
Having determined that these proposals shall take the form of an international Convention,
adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty the following Convention, which may be cited as the Forced Labour Convention, 1930, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.
2. With a view to this complete suppression, recourse to forced or compulsory labour may be had, during the transitional period, for public purposes only and as an exceptional measure, subject to the conditions and guarantees hereinafter provided.
3. At the expiration of a period of five years after the coming into force of this Convention, and when the Governing Body of the International Labour Office prepares the report provided for in Article 31 below, the said Governing Body shall consider the possibility of the suppression of forced or compulsory labour in all its forms without a further transitional period and the desirability of placing this question on the agenda of the Conference.

Article 2

1. For the purposes of this Convention the term ***forced or compulsory labour*** shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.
2. Nevertheless, for the purposes of this Convention, the term ***forced or compulsory labour*** shall not include—
 - (a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character;
 - (b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;
 - (c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations;
 - (d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population;
 - (e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

Article 3

For the purposes of this Convention the term **competent authority** shall mean either an authority of the metropolitan country or the highest central authority in the territory concerned.

Article 4

1. The competent authority shall not impose or permit the imposition of forced or compulsory labour for the benefit of private individuals, companies or associations.
2. Where such forced or compulsory labour for the benefit of private individuals, companies or associations exists at the date on which a Member's ratification of this Convention is registered by the Director-General of the International Labour Office, the Member shall completely suppress such forced or compulsory labour from the date on which this Convention comes into force for that Member.

Article 5

1. No concession granted to private individuals, companies or associations shall involve any form of forced or compulsory labour for the production or the collection of products which such private individuals, companies or associations utilise or in which they trade.
2. Where concessions exist containing provisions involving such forced or compulsory labour, such provisions shall be rescinded as soon as possible, in order to comply with Article 1 of this Convention.

Article 6

Officials of the administration, even when they have the duty of encouraging the populations under their charge to engage in some form of labour, shall not put constraint upon the said populations or upon any individual members thereof to work for private individuals, companies or associations.

Article 7

1. Chiefs who do not exercise administrative functions shall not have recourse to forced or compulsory labour.
2. Chiefs who exercise administrative functions may, with the express permission of the competent authority, have recourse to forced or compulsory labour, subject to the provisions of Article 10 of this Convention.
3. Chiefs who are duly recognised and who do not receive adequate remuneration in other forms may have the enjoyment of personal services, subject to due regulation and provided that all necessary measures are taken to prevent abuses.

Article 8

1. The responsibility for every decision to have recourse to forced or compulsory labour shall rest with the highest civil authority in the territory concerned.
2. Nevertheless, that authority may delegate powers to the highest local authorities to exact forced or compulsory labour which does not involve the removal of the workers from their place of habitual residence. That authority may also delegate, for such periods and subject to such conditions as may be laid down in the regulations provided for in Article 23 of this Convention, powers to the highest local authorities to exact forced or compulsory labour which involves the removal of the workers from their place of habitual residence for the purpose of facilitating the movement of officials of the administration, when on duty, and for the transport of Government stores.

Article 9

Except as otherwise provided for in Article 10 of this Convention, any authority competent to exact forced or compulsory labour shall, before deciding to have recourse to such labour, satisfy itself—

- (a) that the work to be done or the service to be rendered is of important direct interest for the community called upon to do work or render the service;
- (b) that the work or service is of present or imminent necessity;
- (c) that it has been impossible to obtain voluntary labour for carrying out the work or rendering the service by the offer of rates of wages and conditions of labour not less favourable than those prevailing in the area concerned for similar work or service; and
- (d) that the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work.

Article 10

1. Forced or compulsory labour exacted as a tax and forced or compulsory labour to which recourse is had for the execution of public works by chiefs who exercise administrative functions shall be progressively abolished.
2. Meanwhile, where forced or compulsory labour is exacted as a tax, and where recourse is had to forced or compulsory labour for the execution of public works by chiefs who exercise administrative functions, the authority concerned shall first satisfy itself—
 - (a) that the work to be done or the service to be rendered is of important direct interest for the community called upon to do the work or render the service;
 - (b) that the work or the service is of present or imminent necessity;
 - (c) that the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work;
 - (d) that the work or service will not entail the removal of the workers from their place of habitual residence;
 - (e) that the execution of the work or the rendering of the service will be directed in accordance with the exigencies of religion, social life and agriculture.

Article 11

1. Only adult able-bodied males who are of an apparent age of not less than 18 and not more than 45 years may be called upon for forced or compulsory labour. Except in respect of the kinds of labour provided for in Article 10 of this Convention, the following limitations and conditions shall apply:
 - (a) whenever possible prior determination by a medical officer appointed by the administration that the persons concerned are not suffering from any infectious or contagious disease and that they are physically fit for the work required and for the conditions under which it is to be carried out;
 - (b) exemption of school teachers and pupils and officials of the administration in general;
 - (c) the maintenance in each community of the number of adult able-bodied men indispensable for family and social life;
 - (d) respect for conjugal and family ties.
2. For the purposes of subparagraph (c) of the preceding paragraph, the regulations provided for in Article 23 of this Convention shall fix the proportion of the resident adult able-bodied males who may be taken at any one time for forced or compulsory labour, provided always that this proportion shall in no case exceed 25 per cent. In fixing this proportion the competent authority shall take account of the density of the population, of its social and physical development, of the seasons, and of the work which must be done by the persons concerned on their own behalf in their locality, and, generally, shall have regard to the economic and social necessities of the normal life of the community concerned.

Article 12

1. The maximum period for which any person may be taken for forced or compulsory labour of all kinds in any one period of twelve months shall not exceed sixty days, including the time spent in

- going to and from the place of work.
2. Every person from whom forced or compulsory labour is exacted shall be furnished with a certificate indicating the periods of such labour which he has completed.

Article 13

1. The normal working hours of any person from whom forced or compulsory labour is exacted shall be the same as those prevailing in the case of voluntary labour, and the hours worked in excess of the normal working hours shall be remunerated at the rates prevailing in the case of overtime for voluntary labour.
2. A weekly day of rest shall be granted to all persons from whom forced or compulsory labour of any kind is exacted and this day shall coincide as far as possible with the day fixed by tradition or custom in the territories or regions concerned.

Article 14

1. With the exception of the forced or compulsory labour provided for in Article 10 of this Convention, forced or compulsory labour of all kinds shall be remunerated in cash at rates not less than those prevailing for similar kinds of work either in the district in which the labour is employed or in the district from which the labour is recruited, whichever may be the higher.
2. In the case of labour to which recourse is had by chiefs in the exercise of their administrative functions, payment of wages in accordance with the provisions of the preceding paragraph shall be introduced as soon as possible.
3. The wages shall be paid to each worker individually and not to his tribal chief or to any other authority.
4. For the purpose of payment of wages the days spent in travelling to and from the place of work shall be counted as working days.
5. Nothing in this Article shall prevent ordinary rations being given as a part of wages, such rations to be at least equivalent in value to the money payment they are taken to represent, but deductions from wages shall not be made either for the payment of taxes or for special food, clothing or accommodation supplied to a worker for the purpose of maintaining him in a fit condition to carry on his work under the special conditions of any employment, or for the supply of tools.

Article 15

1. Any laws or regulations relating to workmen's compensation for accidents or sickness arising out of the employment of the worker and any laws or regulations providing compensation for the dependants of deceased or incapacitated workers which are or shall be in force in the territory concerned shall be equally applicable to persons from whom forced or compulsory labour is exacted and to voluntary workers.
2. In any case it shall be an obligation on any authority employing any worker on forced or compulsory labour to ensure the subsistence of any such worker who, by accident or sickness arising out of his employment, is rendered wholly or partially incapable of providing for himself, and to take measures to ensure the maintenance of any persons actually dependent upon such a worker in the event of his incapacity or decease arising out of his employment.

Article 16

1. Except in cases of special necessity, persons from whom forced or compulsory labour is exacted shall not be transferred to districts where the food and climate differ so considerably from those to which they have been accustomed as to endanger their health.
2. In no case shall the transfer of such workers be permitted unless all measures relating to hygiene and accommodation which are necessary to adapt such workers to the conditions and to safeguard their health can be strictly applied.
3. When such transfer cannot be avoided, measures of gradual habituation to the new conditions of diet and of climate shall be adopted on competent medical advice.
4. In cases where such workers are required to perform regular work to which they are not accustomed, measures shall be taken to ensure their habituation to it, especially as regards progressive training, the hours of work and the provision of rest intervals, and any increase or

amelioration of diet which may be necessary.

Article 17

Before permitting recourse to forced or compulsory labour for works of construction or maintenance which entail the workers remaining at the workplaces for considerable periods, the competent authority shall satisfy itself--

1. that all necessary measures are taken to safeguard the health of the workers and to guarantee the necessary medical care, and, in particular,
 - a. that the workers are medically examined before commencing the work and at fixed intervals during the period of service,
 - b. that there is an adequate medical staff, provided with the dispensaries, infirmaries, hospitals and equipment necessary to meet all requirements, and
 - c. that the sanitary conditions of the workplaces, the supply of drinking water, food, fuel, and cooking utensils, and, where necessary, of housing and clothing, are satisfactory;
2. that definite arrangements are made to ensure the subsistence of the families of the workers, in particular by facilitating the remittance, by a safe method, of part of the wages to the family, at the request or with the consent of the workers;
3. that the journeys of the workers to and from the workplaces are made at the expense and under the responsibility of the administration, which shall facilitate such journeys by making the fullest use of all available means of transport;
4. that, in case of illness or accident causing incapacity to work of a certain duration, the worker is repatriated at the expense of the administration;
5. that any worker who may wish to remain as a voluntary worker at the end of his period of forced or compulsory labour is permitted to do so without, for a period of two years, losing his right to repatriation free of expense to himself.

Article 18

1. Forced or compulsory labour for the transport of persons or goods, such as the labour of porters or boatmen, shall be abolished within the shortest possible period. Meanwhile the competent authority shall promulgate regulations determining, inter alia, (a) that such labour shall only be employed for the purpose of facilitating the movement of officials of the administration, when on duty, or for the transport of Government stores, or, in cases of very urgent necessity, the transport of persons other than officials, (b) that the workers so employed shall be medically certified to be physically fit, where medical examination is possible, and that where such medical examination is not practicable the person employing such workers shall be held responsible for ensuring that they are physically fit and not suffering from any infectious or contagious disease, (c) the maximum load which these workers may carry, (d) the maximum distance from their homes to which they may be taken, (e) the maximum number of days per month or other period for which they may be taken, including the days spent in returning to their homes, and (f) the persons entitled to demand this form of forced or compulsory labour and the extent to which they are entitled to demand it.
2. In fixing the maxima referred to under (c), (d) and (e) in the foregoing paragraph, the competent authority shall have regard to all relevant factors, including the physical development of the population from which the workers are recruited, the nature of the country through which they must travel and the climatic conditions.
3. The competent authority shall further provide that the normal daily journey of such workers shall not exceed a distance corresponding to an average working day of eight hours, it being understood that account shall be taken not only of the weight to be carried and the distance to be covered, but also of the nature of the road, the season and all other relevant factors, and that, where hours of journey in excess of the normal daily journey are exacted, they shall be remunerated at rates higher than the normal rates.

Article 19

1. The competent authority shall only authorise recourse to compulsory cultivation as a method of

- precaution against famine or a deficiency of food supplies and always under the condition that the food or produce shall remain the property of the individuals or the community producing it.
2. Nothing in this Article shall be construed as abrogating the obligation on members of a community, where production is organised on a communal basis by virtue of law or custom and where the produce or any profit accruing from the sale thereof remain the property of the community, to perform the work demanded by the community by virtue of law or custom.

Article 20

Collective punishment laws under which a community may be punished for crimes committed by any of its members shall not contain provisions for forced or compulsory labour by the community as one of the methods of punishment.

Article 21

Forced or compulsory labour shall not be used for work underground in mines.

Article 22

The annual reports that Members which ratify this Convention agree to make to the International Labour Office, pursuant to the provisions of Article 22 of the Constitution of the International Labour Organisation, on the measures they have taken to give effect to the provisions of this Convention, shall contain as full information as possible, in respect of each territory concerned, regarding the extent to which recourse has been had to forced or compulsory labour in that territory, the purposes for which it has been employed, the sickness and death rates, hours of work, methods of payment of wages and rates of wages, and any other relevant information.

Article 23

1. To give effect to the provisions of this Convention the competent authority shall issue complete and precise regulations governing the use of forced or compulsory labour.
2. These regulations shall contain, inter alia, rules permitting any person from whom forced or compulsory labour is exacted to forward all complaints relative to the conditions of labour to the authorities and ensuring that such complaints will be examined and taken into consideration.

Article 24

Adequate measures shall in all cases be taken to ensure that the regulations governing the employment of forced or compulsory labour are strictly applied, either by extending the duties of any existing labour inspectorate which has been established for the inspection of voluntary labour to cover the inspection of forced or compulsory labour or in some other appropriate manner. Measures shall also be taken to ensure that the regulations are brought to the knowledge of persons from whom such labour is exacted.

Article 25

The illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced.

Article 26

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to apply it to the territories placed under its sovereignty, jurisdiction, protection, suzerainty, tutelage or authority, so far as it has the right to accept obligations affecting matters of internal jurisdiction; provided that, if such Member may desire to take advantage of the provisions of article 35 of the Constitution of the International Labour Organisation, it shall append to its ratification a declaration stating—

- (1) the territories to which it intends to apply the provisions of this Convention without modification;
 - (2) the territories to which it intends to apply the provisions of this Convention with modifications, together with details of the said modifications;
 - (3) the territories in respect of which it reserves its decision.
2. The aforesaid declaration shall be deemed to be an integral part of the ratification and shall have the force of ratification. It shall be open to any Member, by a subsequent declaration, to cancel in whole or in part the reservations made, in pursuance of the provisions of subparagraphs (2) and (3) of this Article, in the original declaration.

Article 27

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

Article 28

1. This Convention shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.
2. It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which the ratification has been registered.

Article 29

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 30

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of five years and, thereafter, may denounce this Convention at the expiration of each period of five years under the terms provided for in this Article.

Article 31

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 32

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, the ratification by a Member of the new revising Convention shall ipso jure involve denunciation of

- this Convention without any requirement of delay, notwithstanding the provisions of Article 30 above, if and when the new revising Convention shall have come into force.
2. As from the date of the coming into force of the new revising Convention, the present Convention shall cease to be open to ratification by the Members.
 3. Nevertheless, this Convention shall remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising convention.

Article 33

The French and English texts of this Convention shall both be authentic.

B | ILO Convention No. 105, Abolition of Forced Labour Convention, 1957

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fortieth Session on 5 June 1957, and

Having considered the question of forced labour, which is the fourth item on the agenda of the session, and

Having noted the provisions of the Forced Labour Convention, 1930, and

Having noted that the Slavery Convention, 1926, provides that all necessary measures shall be taken to prevent compulsory or forced labour from developing into conditions analogous to slavery and that the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, 1956, provides for the complete abolition of debt bondage and serfdom, and

Having noted that the Protection of Wages Convention, 1949, provides that wages shall be paid regularly and prohibits methods of payment which deprive the worker of a genuine possibility of terminating his employment, and

Having decided upon the adoption of further proposals with regard to the abolition of certain forms of forced or compulsory labour constituting a violation of the rights of man referred to in the Charter of the United Nations and enunciated by the Universal Declaration of Human Rights, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-fifth day of June of the year one thousand nine hundred and fifty-seven the following Convention, which may be cited as the Abolition of Forced Labour Convention, 1957:

Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour—

- (a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
- (b) as a method of mobilising and using labour for purposes of economic development;
- (c) as a means of labour discipline;
- (d) as a punishment for having participated in strikes;
- (e) as a means of racial, social, national or religious discrimination.

Article 2

Each Member of the International Labour Organisation which ratifies this Convention undertakes to take effective measures to secure the immediate and complete abolition of forced or compulsory labour as specified in Article 1 of this Convention.

Article 3

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 4

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 5

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 6

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 7

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 8

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 9

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:
 - a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 5 above, if and when the new revising Convention shall have come into force;
 - b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those

Members which have ratified it but have not ratified the revising Convention.

Article 10

The English and French versions of the text of this Convention are equally authoritative.

C | ILO Convention No. 182, Worst Forms of Child Labour Convention, 1999

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 87th Session on 1 June 1999, and

Considering the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour, as the main priority for national and international action, including international cooperation and assistance, to complement the Convention and the Recommendation concerning Minimum Age for Admission to Employment, 1973, which remain fundamental instruments on child labour, and

Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families, and

Recalling the resolution concerning the elimination of child labour adopted by the International Labour Conference at its 83rd Session in 1996, and

Recognizing that child labour is to a great extent caused by poverty and that the long-term solution lies in sustained economic growth leading to social progress, in particular poverty alleviation and universal education, and

Recalling the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989, and

Recalling the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in 1998, and

Recalling that some of the worst forms of child labour are covered by other international instruments, in particular the Forced Labour Convention, 1930, and the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, and

Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention; adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Convention, which may be cited as the Worst Forms of Child Labour Convention, 1999.

Article 1

Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

Article 2

For the purposes of this Convention, the term *child* shall apply to all persons under the age of 18.

Article 3

For the purposes of this Convention, the term *the worst forms of child labour* comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Article 4

1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.
2. The competent authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.
3. The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.

Article 5

Each Member shall, after consultation with employers' and workers' organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention.

Article 6

1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.
2. Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.

Article 7

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.
2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:
 - (a) prevent the engagement of children in the worst forms of child labour;
 - (b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
 - (c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;
 - (d) identify and reach out to children at special risk; and
 - (e) take account of the special situation of girls.
3. Each Member shall designate the competent authority responsible for the implementation of the

provisions giving effect to this Convention.

Article 8

Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programmes and universal education.

Article 9

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 10

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.
2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

Article 11

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 12

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.
2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

Article 13

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

Article 14

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 15

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides –
 - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;
 - (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 16

The English and French versions of the text of this Convention are equally authoritative.