

Elimination of all forms of forced or compulsory labour

Table of contents

Key selected international labour standards	3
Introduction	4
Forced Labour Definition.....	4
Guidance from international labour standards	7
ILO Instruments on Forced Labour.....	11
The Definition of Trafficking in Persons.....	9
ILO Forced Labour Indicators.....	11
Infographics: Dinará's story	15
Sample session 1: Abusive Recruitment and Forced Labour– analyse Dinará's story	20
Sample session 2: Translating obligations into actions – case study of Dinará's story	23
Further references	26

Copyright © International Labour Organization 2020

First published 2020

Publications of the International Labour Office enjoy copyright under Protocol 2 of the Universal Copyright Convention. Nevertheless, short excerpts from them may be reproduced without authorization, on condition that the source is indicated. For rights of reproduction or translation, application should be made to ILO Publications (Rights and Licensing), International Labour Office, CH-1211 Geneva 22, Switzerland, or by email: rights@ilo.org. The International Labour Office welcomes such applications.

Libraries, institutions and other users registered with a reproduction rights organization may make copies in accordance with the licences issued to them for this purpose. Visit www.ifrro.org to find the reproduction rights organization in your country.

Support for Implementation of the Decent Work Country Programme of Uzbekistan Project (ILO DWT and Country Office for Eastern Europe and Central Asia) & International Training Center of the ILO.

Resource Kit for the Design and Learning Activities on Labour Rights / International Labour Organization, , International Training Center of the ILO (ITC-ILO). Geneva: ILO, 2020.

ISBN: 9789220328873 (Web PDF); International Labour Organization; Fundamental Principles and Rights at Work Branch, International Training Center of the ILO. Also available in Uzbek: ISBN 9789220328880; and Russian: ISBN 9789220328897

ACKNOWLEDGEMENTS

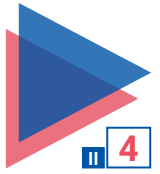
This Resource kit was prepared by Giselle Mitton (ITC-ILO) and Olena Vazhynska (ITC-ILO). Funding for this ILO publication is provided by the United States Department of Labor (USDOL) under cooperative agreement number IL-26629-14-75-K-11 Support for Implementation of the Decent Work Country Programme of Uzbekistan Project (UZB/14/01/USA). One hundred percent of the total costs of the project is financed with Federal funds, for a total of \$6,000,000.00 US dollars.

This publication does not necessarily reflect the views or policies of the United States Department of Labor, nor does mention of trade names, commercial products, or organizations imply endorsement by the United States Government.

The designations employed in ILO publications, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the International Labour Office of the opinions expressed in them.




Reference to names of firms and commercial products and processes does not imply their endorsement by the International Labour Office, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.



Key selected international labour standards

- C029** the Forced Labour Convention, 1930 (No. 29)
- P029** the Protocol of 2014 to the Forced Labour Convention, 1930
- C105** the Abolition of Forced Labour Convention, 1957 (No. 105)
- R035** the Forced Labour (Indirect Compulsion) Recommendation, 1930 (No. 35)
- R203** the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203)

Other international treaties

-  United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (known as the Trafficking in Persons Protocol)
-  League of Nations Convention to Suppress the Slave Trade and Slavery (the Slavery Convention), 1926
-  United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956)

Introduction

The ILO has adopted four instruments on forced labour: two Conventions (C029, C105) and a Protocol (P029), which are legally binding and open to ratification, and a Recommendation (R203) which provides practical guidance towards forced labour eradication.

Forced labour is defined in the International Labour Organization (ILO) Convention No. 29, one of the most ratified ILO Conventions, as work that is performed involuntarily and under coercion. Millions of men, women and children around the world are in forced labour although women and girls remain disproportionately affected. It particularly affects vulnerable and excluded groups of workers such as migrant workers or persons suffering from discrimination (e.g. on the basis of their ethnicity).

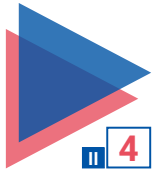
The causes of forced labour are many: poverty, lack of opportunities for meaningful and sustainable jobs and lack of education, including the absence of necessary skills for employment, illiteracy, gender, labour migration, etc. In addition, forced or compulsory labour arises as a result of weak rule of law, corruption and in industries that depend on cheap labour, especially those operating in the unregulated informal economy. Forced labour is present in a number of sectors. Domestic work, construction, manufacturing, agriculture, and fishing are the sectors where forced labour is especially prevalent¹. A serious human rights violation, forced labour is also considered a crime.

Forced Labour Definition

The ILO defines forced or compulsory labour as «**all work or service** which is exacted from **any person** under the **threat of a penalty** and for which the person has not offered himself or herself **voluntarily**».

There are a number of key elements of the definition of forced or compulsory labour. These are:

Further examples of the elements pertaining to means of coercion and voluntary consent can be found in the box below.



All work or service: includes all types of work, service and employment, regardless of the industry, sector or occupation within which it is found.

Any person: refers to adults as well as children, regardless of their nationality.

Menace of any penalty: this can refer to criminal sanctions as well as various forms of coercion such as the actual or credible threats, including of violence, of the retention of identity documents, of confinement or of non-payment of wages.

Voluntary: This refers to workers' consent to enter into employment and to their freedom to leave the employment at any time, with reasonable notice in accordance with national law or collective agreements. In some cases, the worker may have offered themselves voluntarily for a job but later became a victim of human trafficking since their labor was obtained through fraud, force or coercion. In this case, the person's prior consent to work is considered irrelevant.

Examples of direct or indirect means of coercion used to compel someone to perform work or service against their will:

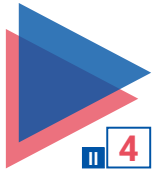
- ▶ physical, psychological or sexual violence against a worker or family or close associate;
- ▶ retaliation;
- ▶ imprisonment or other restriction of movement;
- ▶ financial penalties;
- ▶ withholding wages or other promised benefits;
- ▶ withholding valuable documents, such as identity documents or residence permits;
- ▶ debt bondage or manipulation of debt;
- ▶ denunciation to authorities (such as police or immigration) and deportation;
- ▶ dismissal from current employment;
- ▶ exclusion from future employment;
- ▶ exclusion from community and social life;
- ▶ removal of rights or privileges (such as promotion, transfer, access to new employment, social benefits);
- ▶ deprivation of food, shelter or other necessities;
- ▶ shift to even worse working conditions; and
- ▶ loss of social status.

Circumstances that potentially give rise to involuntary work include, among others:

- ▶ birth or descent into “slave” or bonded status;
- ▶ physical abduction or kidnapping;
- ▶ sale of person into the ownership of another;
- ▶ physical confinement in the work location, in prison or in private detention;
- ▶ psychological compulsion, such as an order to work backed up by a credible threat of a penalty for non-compliance;
- ▶ induced indebtedness (for example by falsification of accounts, inflated prices, reduced value of goods or services produced, or excessive interest charges);
- ▶ deception or false promises about types of work, terms of work, activities or employers;
- ▶ withholding and non-payment of wages;
- ▶ retention of identity documents or other valuable personal possessions; and
- ▶ no or limited freedom to terminate the work contract.

The Convention No. 29 also provides for exceptions to the definition of forced labour by specifically referring to five situations in which compulsory labour may be imposed:

- ▶ work of a purely military character exacted in virtue of compulsory military service;
- ▶ normal civic obligations;
- ▶ work or service exacted from any person as a consequence of a conviction in a court of law, carried out under the supervision of a public authority;
- ▶ work exacted in cases of emergency, such as wars or natural calamities; and
- ▶ minor communal services in the direct interest of the community involved (C029, article 2(2)).



Each of these exceptions is subject to the observance of certain conditions that define their limits (for details regarding exceptions and their limitations, see ILO, 2012a, paragraphs 273–281).

As for the ILO Abolition of Forced Labour Convention, 1957 (No. 105), it requires that each member State which ratifies this Convention, undertakes to take effective measures to secure the immediate and complete abolition of forced and compulsory labour as specified in its Article 1. In addition, Convention No. 105 further supplements Convention No. 29 by prohibiting member States from having recourse to any form of compulsory labour in five specific circumstances:

- ▶ as a means of political coercion or as a punishment for expressing political views;
- ▶ as a sanction for participating in strikes
- ▶ as a means of labour discipline
- ▶ as a means of racial, social, national or religious discrimination; and
- ▶ as a method of mobilizing labour for economic development purposes.

Guidance from International Labour Standards

Forced Labour as defined by the ILO under the Forced Labour Convention, 1930 (No. 29), covers traditional practices of forced labour such as slave-like practices, various forms of debt bondage, human trafficking, among others.

Situations such as slavery, practices similar to slavery, debt bondage or serfdom are defined in other international instruments such as the League of Nations Slavery Convention (1926), and the other United

ILO Instruments on Forced Labour

The Forced Labour Convention, 1930 (No. 29)

This Convention prohibits all forms of forced or compulsory labour, which is defined as “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”, and provides exceptions in certain limited circumstances. It also stipulates that forced labour shall be punishable as a penal offence, and requires that the relevant penalties imposed by law are adequate and strictly enforced.

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

This Convention prohibits forced or compulsory labour 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; as a method of mobilizing and using labour for purposes of economic development; as a means of labour discipline; as a punishment for having participated in strikes; and as a means of racial, social, national or religious discrimination.

The Protocol of 2014 to the Forced Labour Convention, 1930

The Protocol on Forced Labour is a legally binding instrument which requires member States to take effective measures on prevention, protection and access to justice, including compensation. It also requires the intensification of efforts to eliminate all forms of forced labour, including trafficking in persons.

the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203)

The recommendation is a non-binding instrument which provides further guidance on the implementation of the Forced Labour Protocol.

The **Declaration on Fundamental Principles and Rights at Work and its Follow-Up** adopted in 1998, requires all member states to take the necessary measures to eliminate all forms of forced or compulsory labour irrespective of whether the State has ratified the two fundamental conventions on forced labour.

Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956).

Forced labour can be an outcome of Trafficking and indeed there can be instances where forced labour and trafficking in persons may overlap. Trafficking in persons for labour or forced commercial sexual



exploitation are forms of forced labour. However, some forms of trafficking are not forced labour (such as trafficking for the removal of organs), and, conversely, some forms of forced labour are not trafficking (such as inherited debt bondage, forced labour as means of political coercion, etc.).

The Definition of Trafficking in Persons

Article 3 of the Palermo Protocol (Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children) defines **trafficking in persons** as:

“the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”.

Exploitation includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs

The definition of trafficking in persons encompasses three elements:

- ▶ **Acts:** Recruitment, transportation, transfer, harbouring or receipt of persons.
- ▶ **Means:** The means that are used to accomplish one of the prohibited acts; namely, the use of threat or of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person.
- ▶ **Purpose:** Whether this act, using the above means, was conducted for the purpose of exploitation. The Trafficking in Persons Protocol provides that “exploitation” includes “at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or

practices similar to slavery, servitude or the removal of organs” (article 3(a) of the UN Protocol, 2000).

Some examples of forced labour

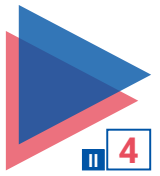
Bonded labour, also known as Debt-induced forced labour. This involves the taking of a loan or wage advance by a worker from an employer or labour recruiter, in return for which the worker pledges his or her labour and sometimes that of family members in order to repay the loan. This type is considered one of the most widespread forms of forced labour. When debt is the primary reason for bondage, the worker (or members of his or her family) is tied to a particular creditor for a specified or unspecified period until the loan is repaid.

Forced labour linked to abusive recruitment practices: Migrant workers who borrow money from third parties face a heightened risk of being in forced labour. They can fall prey to abusive recruitment fees and practices because they often don't speak the language, are unaware of the prevailing employment conditions in the country, have few friends, have limited rights and are dependent on their employers. In some instances migrant workers may face limited, or no possibility to change the employer once they arrive in the destination country.

Forced labour of children and worst forms of child labour: Forced labour of children includes all of the following categories of work performed by a child (anyone under the age of 18):

- i. work performed for a third party (other than his or her own parents), under threat or menace of any penalty either on the child directly or the child's parents; or
- ii. work performed with or for his or her parents, under threat or menace of any penalty applied by a third party either on the child directly or the child's parents; or
- iii. work performed with or for his or her parents where one or both parents are themselves in a situation of forced labour; or
- iv. work performed in any one of the following worst forms of child labour (set out in the Worst Forms of Child Labour Convention, 1999 (No. 182)): (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt





bondage and serfdom, [as well as 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 relevant international treaties. (Source: [Eliminating Forced Labour – Handbook for Parliamentarians No. 30, 2019](#))

ILO Forced Labour Indicators

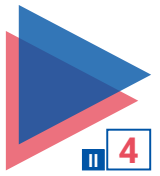
To further help with the identification of forced labour the ILO has further translated the definition of forced labour provided by Convention No. 29 into **11 operational indicators**². The presence of one or more of these indicators does not signify that forced labour is present. However they may be useful to such actors as law enforcement officials, labour inspectors, trade union officers, NGO workers or other actors to identify persons who could be possibly trapped in a forced labour situation and who may require urgent assistance. These indicators are summarized in the table below.

INDICATORS OF FORCED LABOUR	DESCRIPTION OF SITUATION OR CONDITION
Abuse of vulnerability	Occurs when perpetrators take advantage of the vulnerable conditions of workers such as in cases where a person lacks knowledge of the local language or laws, has few livelihood options, belongs to a minority religious or ethnic group, has a disability or other characteristic setting them apart from the majority population .
Deception	Cases where there has been a failure to deliver what has been promised to the worker, either verbally or in writing.
Restriction of movement	Instances where the worker cannot leave the workplace. He/She may be locked up and guarded to prevent them from escaping, at work or while being transported.
INDICATORS OF FORCED LABOUR	DESCRIPTION OF SITUATION OR CONDITION
Isolation	The worker is isolated in remote locations and/or denied contact with the outside world.

INDICATORS OF FORCED LABOUR	DESCRIPTION OF SITUATION OR CONDITION
Physical and sexual violence	Instances where the worker, their family members and close associates may be subjected to actual physical or sexual violence
Intimidation and threats	Common threats used against workers may include denunciation to the immigration authorities, loss of wages or access to housing or land, sacking of the worker or a family member, bad working conditions, loss of privileges.
Retention of identity documents	The retention by the employer of identity documents or other valuable personal possessions
Withholding of wages	When wages are systematically and deliberately withheld
Debt bondage	Binding the worker to the employer for an unspecified period of time for repayment of a loan or an advance payment
Abusive working and living conditions	Work performed under conditions that are degrading (humiliating or dirty) or hazardous (difficult or dangerous without adequate protective gear), and in severe breach of labour law
Excessive overtime	Labourers forced to frequently work excessive hours or days beyond the limits prescribed by national law or collective agreement

Source: https://www.ilo.org/wcmsp5/groups/public/--ed_norm/--declaration/documents/publication/wcms_203832.pdf

It has been observed that forced labour is more likely in cases of multiple dependency on the employer, such as when the worker depends on the employer not only for his or her job but also for housing, food and for work for his or her relatives. With regard to the withholding of wages, workers may be obliged to remain with an abusive employer while waiting for the wages that are owed to them. The fact of irregular or delayed payment of wages does not automatically imply a forced labour situation. But when wages are systematically and deliberately withheld as a means to compel the worker to remain, and deny him or her of the opportunity to change employer, this points to the possibility of forced labour. In all cases where forced labour may be suspected as a result of the presence of one or more of the above indicators, the matter should be further investigated by the appropriate law enforcement actors.



The Protocol and Recommendation supplementing the Forced Labour Convention, 1930 (No. 29)

In June 2014, governments, employers and workers at the ILO International Labour Conference (ILC) decided to give new impetus to the global fight against forced labour, including trafficking in persons and slavery-like practices.

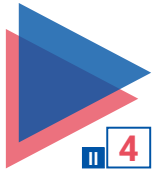
They voted overwhelmingly to adopt a Protocol and a Recommendation which supplement the Forced Labour Convention, 1930 (No. 29), and complements existing international instruments by providing specific guidance on effective measures to be taken to eliminate all forms of forced labour. The Protocol of 2014 to the Forced Labour Convention, 1930 aims to further advance prevention, protection and compensation measures, as well as to intensify efforts to eliminate forced labour in all its form, including trafficking in persons.

Some of the main provisions of the Protocol:

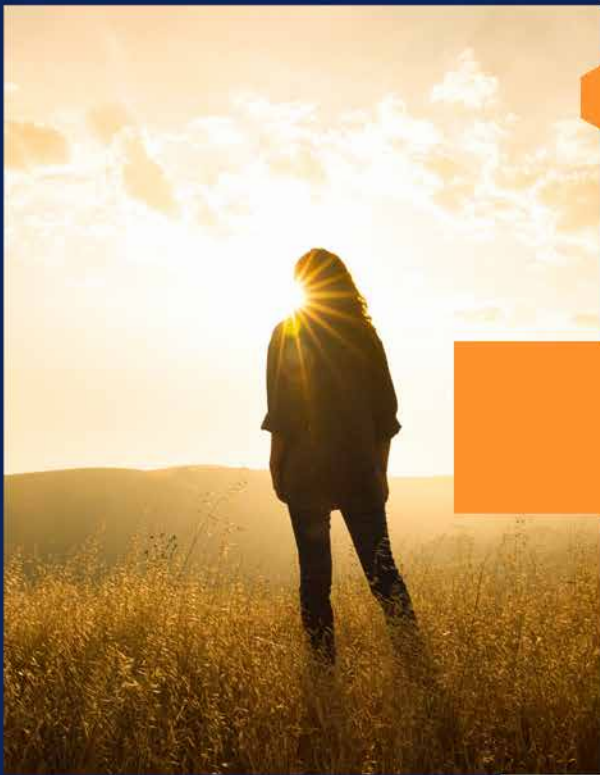
<p>Prevention Article 2</p>	<ul style="list-style-type: none"> ▶ Informing those considered particularly vulnerable, employers, and the public ▶ Extending the coverage and enforcement of relevant laws to all workers and sectors ▶ Strengthening labour inspection & other services responsible for implementation of these laws ▶ Protection from abuses arising during the recruitment process ▶ Supporting due diligence by the public and private sectors. ▶ Addressing root causes and factors that heighten the risks of forced labour.
<p>Protection Articles 3 and 4(2)</p>	<ul style="list-style-type: none"> ▶ Effective measures for the identification, release, protection, recovery and rehabilitation of victims. ▶ Protecting victims from punishment for unlawful activities that they were compelled to commit.
<p>Remedies Article 4(1)</p>	<ul style="list-style-type: none"> ▶ Ensuring victims' access to appropriate and effective remedies, such as compensation, irrespective of their presence or legal status in the territory.
<p>Effective measures Article 1(1)</p>	<ul style="list-style-type: none"> ▶ In giving effect to their obligation to suppress forced labour under the Forced Labour Convention, the Protocol requires States to take effective measures to prevent and eliminate forced labour, to provide victims protection and access to appropriate and effective remedies, such as compensation, and to sanction perpetrators.

The Protocol of 2014 to the Forced Labour Convention, 1930 establishes the obligations of States to prevent forced labour, protect victims and provide them with access to remedies, and emphasises the link between forced labour and trafficking in persons. In line with Convention No. 29, the Protocol also reaffirms the importance of prosecuting the perpetrators of forced labour and ending their impunity. Recommendation No. 203 provides orientations and guidelines to implement these obligations.

Together, the ILO's forced labour instruments – including the 2014 Protocol and Recommendation (No. 203) as well as the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105) – provide all actors with a comprehensive strategy and a set of tools to address forced labour in a modern-day context.



▶ Infographics: Dinara's story



DINARA'S STORY

INTRODUCTION

Dinara's story will help you to understand various forms of abuse that can occur during the recruitment process and why it is important to have principles and guidelines for fair recruitment

Risk of child labour

Risk of forced labour



Consult, inter alia:

- C138 (Arts. 1, 2 (3) and 3)
- C182 (Arts. 2-3)
- C029 (Art. 2)
- C105 (Art. 1)
- C181 (Art. 9)

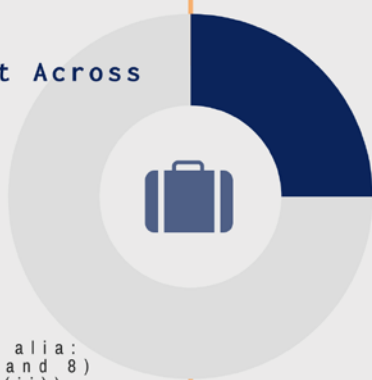


Dinara, aged 20, lives in a small village in rural area of Travaililand with her family. She has five siblings who are still at school. Since there are not many work opportunities in the village, her parents are mainly employed in seasonal work in agriculture.

This year crops were not abundant and in order to sustain the family, her younger siblings have to work in the fields. Dinara decides to go abroad for work to send back the remittances to help her family. This way her siblings could attend school instead of working.

Private Employment Agencies

Recruitment Across Borders



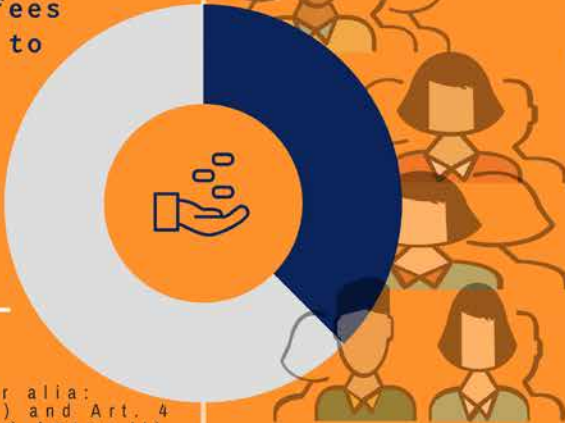
Consult, inter alia:
C181 (Arts. 1 and 8)
C88 (Art. 6(b)(ii))
C97
C143



She decides to go to one of the neighbouring countries, Labourstan or Worksilvania, where wages are significantly higher than in Travaililand. Dinara addresses one of the members of the community Qariya, very respectful and influential woman, who advises her to go Better Opportunities Recruitment (BOR) agency in the city. She gives her a contact of her friend Tursunbek, who works there. To thank Qariya for help, Dinara brings gifts.



Prohibition of charging fees and costs to workers



Arriving to the city, Dinara goes to BOR and meets Tursunbek. There is a long queue of applicants, who wish to go abroad for work, and Tursunbek helps her skip the queue. At the agency, Dinara finds out that most of the applicants want to go to either Labourstan and Worksilvania. To be considered, Dinara would need to pay a fee. Since wages in Labourstan are slightly higher, the fee is of USD 1000, while to go to Worksilvania, Dinara would need to pay USD 800. Dinara only had enough money to pay for Tursunbek's fees. She gave him USD 200 from her savings.



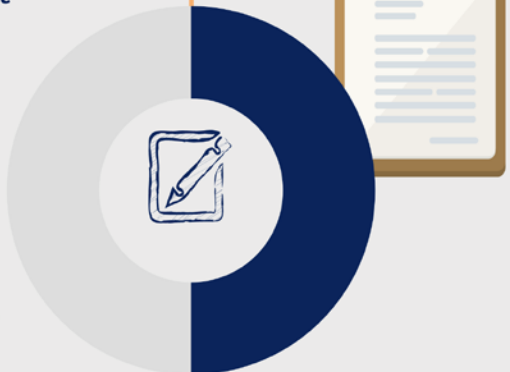
Consult, inter alia:
C97 (Art. 7(2) and Art. 4
of Annex I and Annex II)
MLC, 2006 (Regulation
1.4(1) and Standard
A1.4(5))
C181 (Art. 7)
C88 (Art. 1)
R203

Definition of recruitment fee:
the term recruitment fee or related costs refer to any fees or costs incurred in the recruitment process in order for workers to secure employment or placement, regardless of the manner, timing or location of their imposition or collection



Tursunbek manages to arrange a contract for her that foresees a 40% deduction to cover the occurred expenses. Dinara also finds out that she needs to pay USD 80 for the visa, USD 100 for the pre-departure medical test, which also serves to confirm that she is not pregnant, and USD 400 for her air tickets. She does not have money left and none of her family members or friends have such amounts, so she asks Qariya to lend her the missing sum, promising to pay her back with 20% of interest.

Clear and transparent contracts

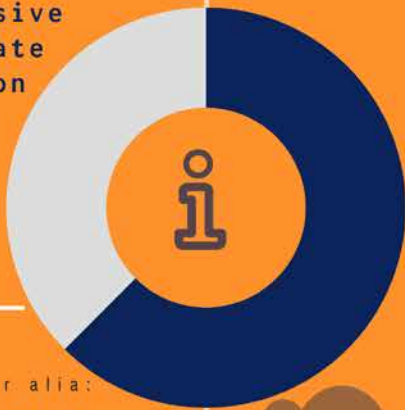


One week later Tursunbek called her and asked to come to BOR. Dinara received her contract, but could not read it as it was in Labourstane, which she does not speak. Tursunbek tells her that it is a standard contract and if she does not sign it today, she will lose all the money she has spent. He added that it is a one-year contract, which foresees a salary of USD 1200 and also includes accommodation and lodging provided by her employer. Dinara signs the contract and soon thereafter departs for Labourstan.



Consult, inter alia:
C97 (Annex I, Art. 5 and
Annex II, Art. 6)
C189 (Art. 8(1))
R86 (Annex, Para. 22)
R188 (Para. 5)
R203 (Para. 4 (e))

Free, comprehensive and accurate information



Dinara starts working on a farm, which is situated in a remote area. Every day she is taken to the field and spends at least two hours to get there and come back. She works 14 hours per day and does not have a day off. She was promised she would be given a language course, but there is no public transport to take her to the nearest town for classes. Her employer will not drive her. After one month Dinara's enthusiasm to learn Labourstaneese has disappeared as she does not have enough time for rest, not to mention other activities. She lives in a room with ten other workers, where they all sleep on the floor and share common space for personal belongings. There is one shower in the courtyard, which does not have hot water. All the workers pack their lunches to eat in the field, even though there are no sanitation facilities, where they can wash their hands, or cooking facilities to prepare or preserve their food. Several workers had food poisoning and were not taken to see the doctor. These are not the conditions she was expecting or aware of before accepting the job.



Consult, inter alia:
 C 88
 C 97 (Arts. 2 and 3)
 C 181
 C 189 (Art. 7)
 R 201
 R 86 (Para. 5)
 R 151 (Paras 7 (1) and 24)
 R 203 (Para. 4 (e))



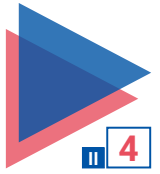
Termination of employment and permission to change employer. Access to grievance and dispute resolution mechanisms.



When it is time for payment of the first salary, Dinara receives only USD 320. She is reminded of the 40% she has to pay back to the agency and additional deductions to cover her lodging and meals. Dinara found out that there are other employers in the area, who offer better conditions. However, her employer would not let her go until she repays all the agency fees. He also has her passport, so she cannot come back to Travalliland until her contract has ended. Dinara has to also repay Qariya. She does not have anyone she can complain to or ask for advice. She does her best to repay all the loans and to send money back home so that her siblings can attend school.



Consult, inter alia:
 C 143 (Arts 5,6 and 9 (2))
 C 97 (Annex I, Art. 8 and Annex II, Art. 13)
 R 151 (Paras 32-34)
 C 181 (Arts 10 and 14)
 R 188 (Para 15 (c))
 P 29 (Art. 4)
 MLC, 2006 (Standard A1.4 (7))
 C 189 (Art. 15 (b, c), Arts 16-17)
 R 203 (Paras 8, 11-13)



Learn more about the guidance
offered by the ILO to realizing
fair recruitment

General principles and operational guidelines
for fair recruitment and definition of
recruitment fees and related costs

Sample session 1:

Abusive Recruitment and Forced Labour – analyse Dinara’s story



OBJECTIVES

- 📌 To utilize International Labour Standards to analyse a suspected case of forced labour
- 📌 To become familiar with the ILO Indicators of Forced Labour



SETTING

- 📌 Divide participants into small groups of four or five.
- 📌 Ensure that each group member has diverse expertise and background, contributing to highly participative group dynamics and initial brainstorming.



DURATION

- 📌 20-30 minutes to exchange views in groups.
- 📌 10 minutes to present the results in plenary.



TASK

1. Recalling the main provisions of the International Labour Standards on Forced Labour and the ILO Indicators of Forced Labour, each group is invited to analyse and Dinara’s case.

2. Each group will be asked to identify which ILO Indicators of Forced Labour can be found in Dinara's case and to consider whether Dinara is at risk of forced labour, and to further demonstrate why she may be in forced labour, referring to facts from her case.
3. Results of the discussion are then shared in plenary.



INSTRUCTIONS FOR TRAINERS:

- 📌 Invite each group to designate a note taker, moderator for the discussion and spokesperson to present the results in plenary;
- 📌 To prompt the discussion and ensure a fruitful exchange of ideas in groups, consider a collective brainstorming defining decent work; this preparatory exercise could also be used as an ice-breaker;
- 📌 Prepare guiding questions to facilitate discussions in groups, e.g.:
 1. *What are the risks of forced labour in Dinara's case ?*
 2. *What are the signs of forced labour in Dinara's case ?*
 3. *Are the signs sufficient to conclude that Dinara is a victim of forced labour ?*



TIPS FOR TRAINERS:

- 📌 Make sure each participant has a clear understanding of the tasks before the beginning of individual and collective group work; If necessary move about each group to repeat the tasks assigned to each group; do this several times during the time of the group work.
- 📌 Using a flip chart recall the three elements of the definition of forced labour reiterating that all three must be present for forced labour to be present;
- 📌 Remind participants that some indicators (e.g. restriction of movement) maybe so strong that alone they can present

a forced labour situation; conversely the presence of one or more indicators of forced labour may not be sufficient to conclude that forced labour is present; in cases where forced labour may be suspected the case should be brought to the appropriate law enforcement actors for further investigation, and if needed, action in line with national legislation and International Labour Standards on Forced Labour;

- 📌 Emphasize that forced labour typically exists in cases where there is a multiple dependency of the victim on the employer: the victim is depend on the employer for food, accommodation, transportation, access to their salary, access to communication with the outside world, etc;
- 📌 In defining measures to address child labour it is important to consider the gender related determinants which may affect girls and boys pathways into the world of work;
- 📌 According to the latest ILO Global Estimates on Child Labour girls are disproportionately affected by domestic chores; do existing public policies or programmes to address child labour or to promote universal education take this into consideration
- 📌 Recall that the Convention does not only call for action against discrimination but requires promotional action towards equal opportunity and treatment at work.

Sample session 2:

Translating obligations into actions – case study of Dinara’s story



OBJECTIVES

- 📌 To utilize International Labour Standards to analyse a suspected case of forced labour.
- 📌 To consider possible measures that would be applicable in the case of abusive recruitment practices leading to forced labour.
- 📌 To consider how international labour standards on forced labour may provide guidance on how to respond to a concrete example of forced labour (Dinara’s story).



DURATION

- 📌 45 minutes to exchange views in groups.
- 📌 15 minutes to present the results in plenary.



TASK

1. Recalling the main provisions of the international labour standards on Forced Labour and the ILO Indicators of Forced Labour, each group is invited to analyse and discuss Dinara’s case.
2. Each group is asked to consider whether Dinara is at risk of forced labour and to demonstrate why referring to facts

from her case, and, using the ILO Indicators of Forced Labour to further support their viewpoint .

3. Each group will then propose specific measures that would need to be implemented to address Dinara’s specific case in line with the provisions of the ILO instruments on Forced Labour and indicate the measures that they would propose to prevent such cases in the future based on the circumstances described in her case.
4. The results of the discussion are then shared in plenary.



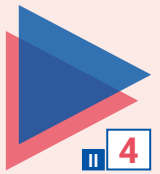
INSTRUCTIONS FOR TRAINERS

- 📌 Invite each group to designate a note taker, moderator for the discussion and spokesperson to present the results in plenary;
- 📌 Prepare guiding questions to facilitate discussions in groups, e.g.:
 1. *What are the signs of forced labour in Dinara’s case ?*
 2. *Is Dinara a victim of forced labour ? Develop argument to support this*
 3. *Identify which measures would need to be taken to address Dinara’s situation as a victim*
 4. *Consider the preventive measures that could be taken to prevent forced labour in other at risk cases, including measures in the country of origin as well as the country of destination arising from the application of the ILO General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs*



TIPS FOR TRAINERS:

- 📌 Considering how important the timing is for this exercise, make sure each participant has a clear understanding of the task before the beginning of individual and collective group work; If necessary move about each group to repeat the

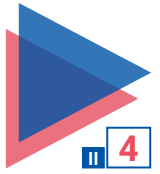


tasks assigned to each group; do this several times during the time of the group work.

- 📌 Using a flip chart recall the three elements of the definition of forced labour reiterating that all three must be present for forced labour to be present;
- 📌 Remind participants that the presence of one or more indicators of forced labour may not be sufficient to conclude that forced labour is present;
- 📌 Emphasize that forced labour typically exists in cases where there is a multiple dependency of the victim on the employer: the victim is depend on the employer for food, accommodation, transportation, access to their salary, access to communication with the outside world, etc;
- 📌 If a group is running short of time invite the group to divide up the tasks among the different group members who can work in pairs to complete each task;
- 📌 To wrap up the group discussion, ask each group to identify one idea to be presented in plenary. Ask participants which idea stood out during their discussion and which one they consider to be the most important. Make sure each group is ready to present another idea, in case their idea is presented by another group to avoid repetitions in plenary.
- 📌 During the plenary discussion, you might wish to visualize or write down all the ideas on a board. Using the main headings from the text of the ILO Forced Labour Protocol, you could broaden the discussion using the framework described under Articles 2 (Prevention), 3 (Protection) and 4 (Remedy) to better visualize the ideas expressed by the groups and demonstrate how these may align with ILS on Forced Labour ;
- 📌 Alternatively you might prepare a grid on a flipchart or a board with certain provisions from the General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs - https://www.ilo.org/global/topics/fair-recruitment/WCMS_536755/lang-en/index.htm - and fill it in during the plenary presentations.

Further references

- ▶ ILO standards on Forced labour, the New Protocol and Recommendation at a glance (ILO, 2016)
http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_508317.pdf
- ▶ Key elements of the ILO Standards on Forced Labour (ILO, 2016)
http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_534403.pdf
- ▶ Brief on the Protocol to the Forced Labour Convention (ILO, 2014)
http://www.ilo.org/global/topics/forced-labour/publications/WCMS_321414/lang--en/index.htm
- ▶ ILO Declaration on Fundamental Principles and Rights at Work and its Follow-Up, 1998
https://www.ilo.org/declaration/thedeclaration/textdeclaration/WCMS_716629/lang--en/index.htm
- ▶ United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956)
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/SupplementaryConventionAbolitionOfSlavery.aspx>
- ▶ League of Nations Convention to Suppress the Slave Trade and Slavery (the Slavery Convention), 1926
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/SlaveryConvention.aspx>
- ▶ Forced and compulsory labour in international human rights law (ILO, 2015)
http://www.ilo.org/global/topics/forced-labour/publications/WCMS_342966/lang--en/index.htm
- ▶ Giving globalization a human face, ILO General Survey on Fundamental Conventions 2012
https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_174846.pdf



- ▶ ILO indicators of Forced Labour (ILO, 2012)
https://www.ilo.org/global/topics/forced-labour/publications/WCMS_203832/lang-en/index.htm
- ▶ Ending forced labour by 2030: A review of policies and programmes (ILO, 2017)
https://www.ilo.org/wcmstp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_653986.pdf
- ▶ Global estimates of Forced Labour, Modern Slavery and Human Trafficking (ILO, 2017)
<http://www.ilo.org/global/topics/forced-labour/statistics/lang-en/index.htm>
- ▶ Guidelines concerning the measurement of forced labour, International Conference of Labour Statisticians (ILO, 2018)
https://www.ilo.org/wcmstp5/groups/public/---dgreports/---stat/documents/meetingdocument/wcms_648619.pdf
- ▶ Ending child labour, forced labour and human trafficking in global supply chains (ILO, 2019)
https://www.ilo.org/ipec/Informationresources/WCMS_716930/lang-en/index.htm