

**Tripartite Meeting of Experts on Forced Labour
and Trafficking for Labour Exploitation**Geneva
11–15 February 2013

Conclusions adopted by the Meeting**Context**

It is to be recalled that the International Labour Conference at its 101st Session (2012) concerning the recurrent discussion on fundamental principles and rights at work called on the International Labour Office to “conduct a detailed analysis, including through the possible convening of meetings of experts to identify gaps in existing coverage of ILO standards with a view to determining whether there is a need for standard setting to: (i) complement the ILO’s forced labour Conventions to address prevention and victim protection, including compensation; and (ii) address human trafficking for labour exploitation”. On the recommendation of its Officers, the Governing Body approved the agenda of the Meeting, which was to formulate recommendations to the Governing Body as to whether there was scope for standard setting to complement the ILO’s Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105). The topics to be covered had been identified in the Framework for Action, namely: (i) prevention of forced labour; (ii) victims protection, including compensation; and (iii) human trafficking for labour exploitation.

The experts met in Geneva from 11 to 15 February 2013.

Introduction

1. The experts emphasized that freedom from forced labour is a human right. The experts recognized that the ILO’s instruments on forced labour, namely the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105), have played an important role in making progress to eradicate forced labour in all of its forms. The high rate of ratification of these Conventions attest to the commitment of ILO member States to the effective eradication of forced labour in all its forms. With regard to countries that have not ratified these Conventions, the Declaration on Fundamental Principles and Rights at Work of 1998 reaffirms the obligation of ILO member States to respect, promote and realize in good faith the principles concerning the fundamental rights in the Conventions concerned. Nevertheless, today, new manifestations of forced labour have appeared and an estimated 90 per cent of the 20.9 million victims of forced labour are exploited by private individuals or employers who operate outside the rule of law, primarily in the informal economy. This is unacceptable and no region of the world is spared. The Global Jobs Pact adopted in 2009 recalled the necessity to increase vigilance to achieve the elimination and prevention of an increase in forms of forced labour. Some populations, such as children, migrant workers, domestic workers, indigenous peoples and workers in the informal economy are particularly vulnerable.

Almost half of all victims have migrated internally or across borders. In this rapidly changing world, the challenge of eradicating forced labour is as great as ever before.

2. The experts emphasized that, taking into account Convention No. 29 and Convention No. 105 and the UN Protocol to Suppress, Prevent and Punish Trafficking in Persons, especially women and children, the ILO should pursue complementary approaches in accordance with its mandate and expertise with a view to ensuring the effective eradication of forced labour, including forced labour exacted as a result of trafficking.
3. The ILO should continue to pursue and strengthen its efforts to address the broader manifestations of forced labour today in view of the growing number of children, women and men who are victims of forced labour globally.
4. Despite the broad reach of Convention No. 29 and the measures taken to date by member States, the experts considered that significant implementation gaps remain in the effective eradication of forced labour and need to be urgently addressed in terms of prevention, victim protection, compensation, enforcement, policy coherence and international cooperation which are set out below.
5. The experts stressed the importance of allocating sufficient resources in order to effectively implement measures concerning prevention, victim protection, compensation and enforcement.

Prevention

The experts reached consensus on the following issues:

6. The vital importance of preventive measures to combat forced labour. Of all the measures to eliminate forced labour, prevention should be systematically considered by national authorities and social partners.
7. The preventive role of labour administration and inspection as well as the need for better coordination with other law enforcement agencies and training programmes for the judiciary, the police, immigration, social workers, and other relevant authorities.
8. The importance of regular awareness-raising activities, such as media campaigns, information brochures and school programmes, targeting people vulnerable to forced labour and other stakeholders.
9. Data collection, knowledge sharing and research are essential to design effective prevention measures and countries should reinforce their efforts in this area.
10. The need to address the trade in goods or services that could be tainted by forced labour.

Victim protection and compensation

The experts reached consensus on the following issues:

11. The identification of forced labour victims needs to be improved, and appropriate measures have to be put in place to protect all victims and suspected victims of forced labour, whether they have been trafficked or not.

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12. Strong victim protection measures, such as social services, can have a positive impact on the successful prosecution of cases.
 13. Labour-related protection provisions, such as payment of wage arrears, are often neglected while they should be part of a comprehensive and systematic approach to victim protection.
 14. Governments should explore the feasibility of different compensation mechanisms, such as setting up a state fund or strengthening provisions to recover compensation from offenders.

Enforcement

The experts reached consensus on the following issues:

15. Appropriate measures should be taken to enhance the capacity of the labour inspectorate to combat forced labour, including trafficking for forced labour, through the allocation of adequate resources and appropriate training.
16. The importance of cooperation and coordination between the labour inspectorate and other law enforcement bodies, including the police, public prosecutors and the judiciary.
17. The need to reinforce the ability of the labour inspectorate to protect the rights of forced labour victims.
18. The need to ensure the transparency of the public prosecutorial bodies, as well as the independence of the judiciary.
19. Victims' access to justice should be facilitated, and all appropriate legal and administrative procedures should be simplified for this purpose.
20. Other means of action to combat forced labour could include strategies to coordinate among various police departments, visa arrangements to ensure that victims of forced labour can stay in the country during the period of investigation and trial, as well as targeted measures to reach out to the most vulnerable groups.
21. The importance of imposing sufficiently effective and dissuasive penalties, in particular penal sanctions, on perpetrators of forced labour and to ensure a strong criminal justice regime.

Policy coherence, coordination and social dialogue

The experts reached consensus on the following issues:

22. The promotion of policy coherence is at the heart of the ILO's mandate and it needs to be reinforced with respect to forced labour, including trafficking for forced labour.
23. Cooperation at national, regional and international levels and within the multilateral system is of paramount importance for the effective elimination of forced labour.
24. The usefulness of adopting results-oriented national action plans against forced labour.

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25. Social dialogue and the involvement of social partners in the development and implementation of measures to combat forced labour including trafficking in persons, are essential to reinforce national and international action against forced labour.

Value added of new ILO instrument(s)

26. In light of the consensus reached on the abovementioned issues, the experts considered that there was an added value in the adoption of supplementary measures to address the significant implementation gaps remaining in order to effectively eradicate forced labour in all its forms.
27. There was consensus among the experts that the implementation gaps should be addressed through standard setting to advance prevention, protection and compensation measures to effectively achieve the elimination of forced labour globally. The experts considered different options for standard setting in the form of a Protocol and/or a Recommendation, but did not reach a consensus. The experts did not retain the option of a new Convention.