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**Human Rights Council****Twenty-fourth session**

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development****Report of the Special Rapporteur on  
contemporary forms of slavery, including its  
causes and consequences, Gulnara Shahinian****Thematic report on challenges and lessons in combating  
contemporary forms of slavery***Summary*

The Special Rapporteur provides an overview of her activities and focuses her thematic report on challenges and lessons learned in combating slavery. Based on the Special Rapporteur's observations from the numerous activities carried out while performing her mandate, the Special Rapporteur highlights various challenges that need to be addressed in order to combat contemporary forms of slavery. The Special Rapporteur also puts forward recommendations for Governments, United Nations agencies and civil society organizations to tackle these challenges.

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## **I. Introduction**

1. The present report is submitted pursuant to Human Rights Council resolution 15/2 by the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian. In chapter II, the Special Rapporteur summarizes her activities since her previous report to the Council, and in chapters III–VII she discusses and makes recommendations on combating contemporary forms of slavery.

## **II. Activities of the mandate**

### **A. Visits to countries and follow-up activities**

2. The Special Rapporteur conducted official country visits to Kazakhstan from 24 September to 1 October 2012 and to Madagascar from 10 to 20 December 2012 to engage in dialogue with the Governments about policies, programmes, plans and activities aimed at combating contemporary forms of slavery (see A/HRC/24/43/Add.1 and A/HRC/24/43/Add.2). She wishes to thank the Governments of Kazakhstan and Madagascar for acceding to her request for a visit.

3. The Special Rapporteur participated in two follow-up workshops focused on the recommendations that she made upon concluding her country visits. On 12 and 13 November 2012, she participated in a follow-up workshop in Brasilia, at which the participants produced an action plan for the implementation of her recommendations on forced and bonded labour in agriculture and textile industry. She also participated in a follow-up workshop in Lima on 15 and 16 November 2012, at which the participants focused on the status of implementation of her recommendations on contemporary forms of slavery in Lima. They developed time-bound action plans to follow up on forced and bonded labour, child slavery in mining and domestic servitude.

4. Both workshops were organized jointly by the relevant Governments and the Office of the United Nations High Commissioner for Human Rights. The participants included relevant Government officials, and representatives of civil society organizations and United Nations agencies. The Special Rapporteur wishes to thank the Governments of Brazil and Peru for their continued cooperation and commitment to implementing the recommendations made in her reports (A/HRC/15/20/Add.4 and A/HRC/18/30/Add.2, respectively).

5. The Special Rapporteur would appreciate receiving invitations from the other countries to which she has sent requests to visit: Bangladesh, Ghana, Nepal, Niger, Sudan and Uzbekistan.

### **B. Communications and other activities**

6. The Special Rapporteur issued numerous press statements, either individually or jointly with other special procedure mandate holders.

## **III. Challenges and lessons in combating contemporary forms of slavery**

7. The closest figure for the number of individuals subjected to contemporary forms of

slavery is that of 21 million victims of forced labour worldwide.<sup>1</sup> This obviously does not include other forms of slavery that the Special Rapporteur has covered such as servile marriage, domestic servitude, child slavery and bonded labour which would show in a much higher number of victims.

8. Contemporary forms of slavery can be found around the world, but there are certain regions where it is more prevalent. For the 2012 International Labour Organization (ILO) estimate, the number of persons in conditions of forced labour are broken down by region: the Middle East had 600,000 persons in forced labour, “developed economies and the European Union” had 1.5 million, Central and South-Eastern Europe and the Commonwealth of Independent States had 1.6 million, Latin America and the Caribbean had 1.8 million, Africa had 3.7 million, and Asia and the Pacific had 11.7 million. Despite having the second lowest number of victims of forced labour, Central and South-Eastern Europe and the Commonwealth of Independent States registered the highest rate of forced labour, at 420 per 100,000 inhabitants.<sup>2</sup>

9. Women are also more often in charge of children, which adds pressure on them to work and provide for their households. Owing to the need to work, women may be financially obliged to remain in undesirable jobs and thus forced to endure less than ideal working conditions. In many countries, women are also at a disadvantage due to cultural traditions. Finally, women and girls are often denied equal access to education, which makes them less attractive in the labour market and fuels the cycle of poverty and vulnerability to slavery.

10. Servile marriage and domestic servitude are two forms of contemporary slavery that disproportionately affect women and girls. In a previous report, the Special Rapporteur defined servile marriage as an arrangement “in which a spouse is reduced to a commodity over whom any or all the powers of ownership are attached” (A/HRC/21/41, summary). Practices such as polygamy and “bride price”, especially when coupled with the prevalence of domestic violence, are possible indicators of servile marriage. Women’s bodies are directly tied to a family’s honour in many cultures, and if a girl refuses to marry, “she can be subject to character assassination or kidnapping by the man or his family to force her into marriage or to rape her” (ibid., para. 71). There is little to no legal protection for women in these situations in many countries. Some countries have gone so far as to enact legislation that acquits perpetrators of rape if they marry their victim. If a woman enters into a servile marriage, she essentially becomes a slave to her husband and his family.

11. Servile marriages are still practised today; for example, in Papua New Guinea. According to a 2012 report by The Protection Project, “women are victims of forced, fraudulent, servile, fraudulently brokered, and temporary marriages. Children may also become victims of exploitative marriage”.<sup>3</sup>

12. Domestic work is one of the largest service industries in the world, but it is among the least visible due to its location in the private sphere. Many women in domestic work find themselves physically and socially isolated and their right to organize is significantly restricted. Live-in workers are often expected to work 16–17 hours a day, frequently without a day off or vacation time. The work can be extremely taxing, including carrying heavy loads and handling toxic substances. Physical, emotional and sexual abuse occur in situations of domestic servitude. Employers often confiscate domestic workers’ passports or

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<sup>1</sup> International Labour Organization (ILO), *ILO 2012 Global Estimate of Forced Labour: Executive Summary* (2012), p. 1.

<sup>2</sup> Ibid., p. 2.

<sup>3</sup> The Protection Project, *The Protection Project Review of the Trafficking in Persons Report* (Washington, D.C., 2012), p. 39. Available from [www.protectionproject.org/wp-content/uploads/2012/07/TIP-Review-2012-Final.pdf](http://www.protectionproject.org/wp-content/uploads/2012/07/TIP-Review-2012-Final.pdf).

identity papers and withhold their wages for “safe keeping”, which makes it very difficult for them to leave their employment.

13. During her mission to Lebanon, the Special Rapporteur was informed that migrant domestic workers made up 25 per cent of the Lebanese workforce and faced “physical abuse, a category encompassing physical suffering caused by working a minimum of 18 hours per day and physical assault ... non-payment of wages, sexual abuse, moral harassment, food deprivation, sexual harassment, forced labour ... physical threats, forced prostitution, non-renewal of papers and employment of minors” (A/HRC/21/41/Add.1, para. 9). The Governments of Madagascar, Philippines and Sri Lanka have since prohibited their citizens from working in domestic service in Lebanon due to these extremely poor conditions and the fact that there is virtually no system in place in Lebanon to protect domestic workers. Article 7 of the Lebanese Labour Code of 1946 specifically excludes domestic workers from its provisions (*ibid.*, para. 21).

14. Children working as domestic servants experienced a variety of abuses, including physical and sexual abuse, long working hours, isolation and little to no access to education. According to the University of Nairobi, “child domestics [experience] significantly more psychological problems than other children (both working and non-working children). Frequent headaches, eating problems, nightmares, tiredness and unhappiness were found to be very common amongst child domestics”. These children were found to be extremely vulnerable to becoming victims of slavery.<sup>4</sup>

15. Discrimination based on race, ethnicity and caste also plays a role in increasing vulnerability to contemporary forms of slavery. Bonded labour in Asia, for example, disproportionately affects people with disadvantaged social statuses such as a low caste and the majority of forced labour victims in South America were from indigenous cultures, while strict social hierarchies in West Africa can dictate a person’s status as a slave. In many societies, racism is very common and typically the darker the skin, the more abuse that follows.

16. In Nepal, a debt bondage system, the labourers of which are known as Haliyas, can be found in the agricultural sector. Haliya means “one who ploughs”. Ploughing land is considered to be dirty and unskilled work that only lower-class citizens should perform, making it the work of “untouchables” or Dalits.<sup>5</sup> Haliyas are either paid very little for their work or paid only in small amounts of food.<sup>6</sup> Debt quickly accrues as workers take out loans for personal expenses,<sup>7</sup> while landowners take advantage of them by charging exorbitant interest rates. According to a Centre for Human Rights and Global Justice report, “such discrimination is intentionally designed to keep alive a system of debt bondage”.<sup>8</sup>

17. In September 2008, the Government of Nepal officially liberated all Haliyas and pardoned their debts to landowners. However, in 2010, the Asia Human Rights Commission reported that most Haliyas were still working for their landlords, despite formal liberation. It is very difficult for former Haliyas to integrate into the labour force as

<sup>4</sup> Bwibo and Onyango, *The Final Report of Child Labour and Health Research* (University of Nairobi, 1987).

<sup>5</sup> See Indian Institute of Dalit Studies, *Caste-based Discrimination in South Asia: A Study on Nepal* (New Delhi, 2008). Available from [http://idsn.org/fileadmin/user\\_folder/pdf/Old\\_files/asia/pdf/RR\\_Nepal.pdf](http://idsn.org/fileadmin/user_folder/pdf/Old_files/asia/pdf/RR_Nepal.pdf).

<sup>6</sup> Written statement by the Asian Human Rights Commission. “NEPAL: The Haliya bonded labour slavery system must be abolished without further delay”, 26 August 2010. Available from [www.humanrights.asia/news/alrc-news/human-rights-council/hrc15/ALRC-CWS-15-07-2010/?searchterm=ALRC-CWS-15-07-2010](http://www.humanrights.asia/news/alrc-news/human-rights-council/hrc15/ALRC-CWS-15-07-2010/?searchterm=ALRC-CWS-15-07-2010).

<sup>7</sup> Indian Institute of Dalit Studies, *Caste-based Discrimination*.

<sup>8</sup> *The Missing Piece of the Puzzle. Caste Discrimination and the Conflict in Nepal* (New York, The Centre for Human Rights and Global Justice, 2005), p. 8.

they have little to no education or technical skills and 97 per cent do not own land. Approximately 150,000 people were estimated to be affected by the Haliya system in 2010.<sup>9</sup> All Haliyas are male because females are not allowed to plough and cannot get loans to own land of their own. However, women still assist their husbands' landlords by collecting food for the animals or carrying manure to the farms. Children of Haliyas are often involved in the work as cattle herders, and therefore miss out on educational opportunities.

18. Migrant workers are also disproportionately affected by contemporary forms of slavery. Many are especially vulnerable because they are employed far from their homes, lack language skills and familiarity with host country legal systems, may be undocumented, hired through recruitment agencies, are unprotected by laws in host jurisdictions, rarely receive adequate training, lack access to effective grievance mechanisms, are vulnerable to contract substitution, and/or are severely underpaid. Limitations on migrant workers' freedom of movement greatly increase their chances of becoming victims of contemporary slavery. Employers may confiscate their passports or identity papers and migrant workers are often employed in remote locations where they are dependent on their employers even for basic necessities.

19. In informal artisanal mining, contemporary slavery is prevalent and freedom of movement is severely curtailed. Mines are often located far from population centres and many small, informal mines operate in areas outside the purview of the law. Therefore, it is very difficult for authorities to locate and identify victims of slavery in the sector. There are no labour inspections at many informal mines and violence, crime, and substance abuse are rampant. Working hours are often long, work is extremely dangerous, living conditions are poor and workers are often paid illegally low wages.<sup>10</sup> Debt bondage and child slavery are also common.

20. Another vulnerable group of workers are *Pallaris*, women who work outside the mines separating out minerals from piles of dirt. Interviews with in-country labour experts indicate that *Pallaris* generally lack formal work contracts, are paid at piece rates set by mineral brokers and must obtain authorization from the mine owners or administrators to work outside the mines. This authorization can be rescinded at any time, which makes *Pallaris* extremely vulnerable. Sometimes *Pallaris* are forced to provide sexual favours or do additional work to obtain or maintain their authorization. Children often work alongside their mothers or in the gold mines themselves. Children as young as 8 have been known to work underground with their fathers, small children are often sent down small mine shafts, and children are made to carry extremely heavy loads and exposed to toxic chemicals in gold extraction and processing.<sup>11</sup>

21. In addition to domestic work and mining, contemporary forms of slavery can be found in many other industries. According to the ILO 2012 estimate, 90 per cent of the 20.9 million victims of forced labour were employed in the private economy.<sup>12</sup> Slavery can also be found in fishing, domestic work, quarrying, brick kilns and illegal activities. Forced labour is prominent in agriculture, logging, mining, apparel and electronics manufacturing, personal-care services, construction and food processing.<sup>13</sup>

<sup>9</sup> Asian Human Rights Commission. "NEPAL: The Haliya bonded labour slavery system must be abolished without further delay", 26 August 2010. Available from [www.humanrights.asia/news/alrc-news/news/human-rights-council/hrc15/ALRC-CWS-15-07-2010/?searchterm=ALRC-CWS-15-07-2010](http://www.humanrights.asia/news/alrc-news/news/human-rights-council/hrc15/ALRC-CWS-15-07-2010/?searchterm=ALRC-CWS-15-07-2010).

<sup>10</sup> See the Special Rapporteur's report to the eighteenth session of the Council, A/HRC/18/30.

<sup>11</sup> Bhavna Sharma, *Contemporary forms of slavery in Bolivia* (Anti-Slavery International, 2006).

<sup>12</sup> ILO, *Global Estimate of Forced Labour*, p. 1.

<sup>13</sup> See Verité, *Help Wanted: Hiring, Human Trafficking, and Modern-Day Slavery* (2011).

22. Malaysia is currently the world's second largest producer of palm oil. According to a recent report, in order for Malaysia to "meet the growing global demand for cheaply produced palm oil, some producers are relying on forced labor and other forms of modern slavery".<sup>14</sup> Agricultural work is not an attractive form of employment for the majority of Malaysians. Therefore, men, women, and children – primarily from Indonesia and Philippines – migrate to Malaysia in order to work on these plantations. Many of these workers are undocumented, poor and isolated, making them extremely vulnerable to contemporary forms of slavery. The Secretary General of Indonesia's Commission for Child Protection reported that tens of thousands of Indonesian migrant workers and their children had been "systematically enslaved" on Malaysian plantations. The number of Indonesian children in forced labour in Sabah, Malaysia, is estimated to be as high as 72,000. Children born at the plantations are not issued birth certificates, preventing them from attending school and forcing them to stay at the plantations and work.<sup>15</sup>

23. ILO has reported that 69 per cent of child labour occurs in the agricultural sector, where there is a high incidence of the worst forms of child labour.<sup>16</sup> Because agricultural work is generally low-paid, carried out by temporary and migrant workers and occurs in isolated rural areas subject to little government oversight, both child and adult agricultural workers are vulnerable to contemporary forms of slavery.

24. A number of sources have reported that children are subjected to contemporary slavery in Ghanaian fisheries by "fisher-entrepreneurs"<sup>17</sup> or middlemen who take them far from their homes to work in fisheries. Recruiters reportedly deceive families with promises of educational opportunities in exchange for a few hours of work each day. Children are also often promised cash or in-kind payments for their labour, such as a cow for boys or a sewing machine for girls.<sup>18</sup> Parents may be offered an advance for their child's work, thus placing the child in a situation of debt bondage. Lake Volta is a popular destination for child slaves, as fishery resources have been depleted and children are considered cheap sources of labour.<sup>19</sup> Tasks in the fishing sector are gendered: boys paddle canoes, pull in nets and carry fish; girls sort, pack and transport fish; and both boys and girls are often tasked with deep-water diving to clear entangled nets. Children usually work six to seven days a week, at least 12 hours a day, and fishing expeditions can last for many days. These children are exposed to dangerous working conditions, long hours, sexual and physical abuse, and even death due to drowning, snake bites or physical abuse at the hands of boat or equipment owners.<sup>20</sup>

25. According to recent reports, migrant workers in the United Kingdom of Great Britain and Northern Ireland are subject to contemporary forms of slavery in the construction sector. By nature, work in this sector is seasonal, time-sensitive and temporary, qualities that can lead to poor working conditions. Construction companies also

<sup>14</sup> Accenture (for Humanity United), *Exploitative Labor Practices in the Global Palm Oil Industry*.

<sup>15</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, observation concerning ILO Worst Forms of Child Labour Convention, 1999 (No. 182): Malaysia, adopted 2009, published 99th ILC session (2010). Available from [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO::P13100\\_COMMENT\\_ID:2309483](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO::P13100_COMMENT_ID:2309483).

<sup>16</sup> ILO, *The end of child labour: within reach*, Global Report (Geneva, 2006).

<sup>17</sup> Dela Afenyadu, "Child Labour in Fisheries and Aquaculture, A Ghanaian Perspective", presented to the Food and Agriculture Organization (FAO) workshop on child labour in fisheries and aquaculture in cooperation with ILO, Rome, 14–16 April 2010, p. 6. Available from [www.fao-ilo.org/fileadmin/user\\_upload/fao\\_ilo/pdf/WorkshopFisheries2010/WFPapers/DAfenyaduChild\\_LabourGhana.pdf](http://www.fao-ilo.org/fileadmin/user_upload/fao_ilo/pdf/WorkshopFisheries2010/WFPapers/DAfenyaduChild_LabourGhana.pdf).

<sup>18</sup> *Ibid.*, p. 6.

<sup>19</sup> See ILO and FAO, *FAO-ILO Good Practice Guide for Addressing Child Labour in Fisheries and Aquaculture: Policy and Practice* (2011).

<sup>20</sup> Afenyadu, *Child Labour in Fisheries and Aquaculture*, p. 9.

use subcontracted labour, which can be exploited more easily. A 2003 survey estimated that 88,000 non-British workers were employed in construction. Migrant workers are attractive to construction companies because they are often seen as cheap, disposable labour. It is not possible for migrant workers to obtain a work permit for construction work, so they must enter the United Kingdom on a self-employed visa, which adds to their vulnerability and invisibility.<sup>21</sup>

26. Children as young as 3 years old were reportedly working in mines and quarries in Sierra Leone in 2012,<sup>22</sup> with children as young as 10 subjected to contemporary forms of slavery in diamond mines.<sup>23</sup> Children break apart, shovel and wash gravel all day, six days a week, for little to no compensation, with wages ranging from USD 0.15–0.60 per day. They are vulnerable to disease, injury and death due to collapsing mine pits.<sup>24</sup> Children working in mines are denied educational opportunities, preventing them from escaping the cycle of poverty and enslavement. Families often cannot afford to send their children to school because they need their labour to supplement family earnings, as 60 per cent of the population lives in poverty, according to the United Nations Development Programme. The civil war in the country exacerbated children’s vulnerability to slavery, as numerous child soldiers abducted by armed factions were subsequently forced to work in mining, many children lost their parents and schooling for most children was interrupted.<sup>25</sup>

## IV. International legal framework

### A. Slavery

27. Article 1 of the 1926 Slavery Convention defines slavery as the “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised”. The Convention calls for the “complete abolition of slavery in all its forms”, including the “capture, acquisition, sale or exchange, and disposal” of persons (art. 2, in conjunction with art. 1). Since the drafting of the Convention, most international legal frameworks have included articles concerning the prohibition of slavery, including article 4 of the Universal Declaration of Human Rights (1948), article 8, paragraph 1, of the International Covenant on Civil and Political Rights (1966) and, more recently, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol).

### B. Debt bondage and serfdom

28. Since 1926, a number of other international instruments have been drafted in order to address the varied forms of modern-day slavery that occur in the ever-changing social, political and economic environment. The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, adopted in 1956,

<sup>21</sup> Bridget Anderson and Ben Rogaly, *Forced Labour and Migration to the UK* (International Trade Union Congress), p. 27. Available from [http://ituc-csi.org/IMG/pdf/Forced\\_labour\\_in\\_UK\\_12-2009.pdf](http://ituc-csi.org/IMG/pdf/Forced_labour_in_UK_12-2009.pdf).

<sup>22</sup> Greg Campbell, “The Rock-Mining Children of Sierra Leone Have Not Found Peace”, *The Atlantic*, 31 May 2012. Available from [www.theatlantic.com/international/archive/2012/05/the-rock-mining-children-of-sierra-leone-have-not-found-peace/257899/](http://www.theatlantic.com/international/archive/2012/05/the-rock-mining-children-of-sierra-leone-have-not-found-peace/257899/).

<sup>23</sup> See The International Human Rights Clinic at Harvard Law School. *Digging in the Dirt: Child Miners in Sierra Leone’s Diamond Industry* (Cambridge, Massachusetts, 2009).

<sup>24</sup> *Ibid.*, p. V.

<sup>25</sup> *Ibid.*

highlights debt bondage and serfdom as specific forms of slavery. The Convention defines debt bondage as “the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt of the length and nature of those services are not respectively limited and defined” (art. 1 (a)). Serfdom is defined as “the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status” (art. 1 (b)).

### **C. Servile marriage**

29. The Supplementary Convention also addresses the practice of servile marriage as a form of slavery, although it does not label it as such. The Convention outlaws practices in which: a woman is “promised or given in marriage on payment”; “the husband of a woman, his family, or his clan, has the right to transfer her to another person”; and “a woman on the death of her husband is liable to be inherited” (art. 1 (c)). States Parties to the Convention are asked to establish suitable minimum ages of marriage. Servile marriage was also alluded to in the Universal Declaration of Human Rights. Article 16 establishes that “marriage shall be entered into only with the free and full consent of the intending spouses”.

### **D. Child slavery**

30. The Supplementary Convention also alludes to child slavery. The Convention requires the abolition of “any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or his labour” (art. 1 (d)). Article 10, paragraph 3, of the International Covenant on Economic, Social and Cultural Rights states that, “children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law.” Drawing on this, ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour defines and prohibits the worst forms of child labour, including child slavery (arts. 1 and 3).

### **E. Domestic servitude**

31. Domestic servitude can be another contemporary form of slavery, although it has not garnered as much attention in the international human rights frameworks of the twentieth century. Domestic servitude is implicitly prohibited in the articles of the Slavery Convention, the Covenants and Declarations that make up the International Bill of Human Rights, ILO Convention No. 105 (1959) concerning the Abolition of Forced Labour and the 1998 ILO Declaration on Fundamental Principles and Rights at Work. The Convention on the Rights of the Child and ILO Convention No. 182 both protect children against conditions akin to domestic servitude. In June 2011, ILO adopted Convention No. 189 concerning decent work for domestic workers, which similarly addresses such issues. The Convention sets out protections against domestic servitude, outlining specific rights for domestic workers, including fair terms of employment, decent working and living conditions, respect for their privacy, and protection against all forms of abuse, harassment, and violence (arts. 5 and 6).

## **F. Forced labour**

32. Slavery and compulsory or forced labour are separate practices that are addressed independently in most international human rights documents. The Slavery Convention establishes that States should “take all necessary measures to prevent compulsory or forced labour from developing into conditions analogous to slavery” (art. 5). ILO Convention No. 29 (1930) concerning Forced or Compulsory Labour defines forced labour 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” (art. 2). The Convention on the Rights of the Child, the International Covenant on Civil and Political Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, ILO Convention No. 182 and the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) all address forced labour.

## **V. Challenges in combating contemporary forms of slavery**

### **A. Legal and policy challenges**

33. There are a number of legal limitations that present challenges in protecting individuals from becoming the victims of contemporary forms of slavery. First, some countries have failed to ratify the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, including El Salvador, Liberia and Peru. In other cases, many countries that have ratified the Convention have not brought their domestic legislation into line with international standards. Still other countries also fail to explicitly define, prohibit or sanction specific forms of slavery, making it difficult to prosecute such cases. In Colombia, for example, the law does not specify sanctions for forced labour, except in cases involving trafficking in persons, while in Philippines, labour experts have noted that many laws prohibiting contemporary forms of slavery only cover children, victims of trafficking and victims of forced labour subjected to violence or debt bondage.

34. Legal loopholes that fail to cover certain categories of workers may also allow for their exploitation. This is the case in France and a number of other countries, where labour laws do not cover domestic workers (A/HRC/15/20, para. 74). In Guatemala, the law fails to provide special protections for agricultural workers and instead includes legislation that discriminates against them. It was not until 2011, for example, that the minimum wage for agricultural workers was set at the same level as that for workers in other sectors, while payments in kind, a remnant of peonage in Guatemala, are still permitted in the agricultural sector.<sup>26</sup>

35. Even if prosecutors are able to successfully prosecute cases, penalties and fines are often too low to be dissuasive. For example, in Morocco, employers found guilty of using forced labour are subject to fines of approximately USD 3,000–3,500 for a first offence and double for a subsequent offence, along with a jail sentence of 6–90 days.<sup>27</sup> However, these sanctions are not sufficiently dissuasive.

36. Certain countries also have laws that make migrant workers vulnerable to slavery-like practices. For example, in the Dominican Republic, temporary migrants must be

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<sup>26</sup> Verité. *Research on Indicators of Forced Labor in the Supply Chain of Coffee in Guatemala* (2012).

<sup>27</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, observation concerning Convention No. 29: Morocco, adopted 2010, published 100th ILC session (2011). Available from [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:2326286](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2326286).

provided with a “temporary worker card”.<sup>28</sup> This *carnet* only allows them “to perform the gainful activity for which they were admitted, for the authorized period of time and within the authorized area”. Migration Law 285-04 stipulates that employers should “repatriate” workers once their *carnets* expire, giving employers the authority to deport workers. This creates a legal restriction on migrant workers’ freedom of movement, links them to a specific employer and creates an inherent menace of penalty of deportation for leaving their jobs or workplaces.

## B. Institutional and implementation challenges

37. There are a number of institutional deficits that may prevent the full enforcement of laws against contemporary forms of slavery. Although countries may have ratified laws and international conventions that explicitly prohibit and sanction such exploitation, many Governments have not taken adequate action to enforce these laws. In some cases, central Governments’ failure to recognize the existence of contemporary slavery severely limits their enforcement activities. For example, the Government of the Dominican Republic has not recognized the existence of forced labour in any economic sector in the country, including sugar.<sup>29</sup> For this reason, there are no plans or programmes designed to combat the abuse.

38. In many countries in which slavery occurs, victims are poor, have few political connections and have little power to voice their grievances. These communities are normally marginalized and discriminated against as a result of their caste, race, gender and/or their origin as migrants or indigenous populations. In contrast, perpetrators may be wealthy, well-connected individuals who are able to influence policy and enforcement. This can result in corruption and a system in which there is little pressure on authorities to take action to combat exploitation. In Peru, gold generates tremendous profits and breeds corruption at every level, making it extremely difficult to combat labour abuses in illegal gold mining, including significant indicators of slavery. Such corruption facilitates the continued operation of illegal mines and gold-laundering and frustrates government enforcement efforts. In many cases, even when authorities have the will to carry out enforcement, they lack the training and resources to adequately do so.

39. A lack of resources and low levels of awareness and understanding often manifest themselves in deficiencies in labour inspectorates and other public enforcement institutions, severely limiting Governments’ ability to detect victims of contemporary forms of slavery. For example, one of the biggest factors impeding the ability of the Government of Guatemala to protect agricultural workers from exploitation is its deficient labour inspection system. Problems facing the Labour Inspectorate include a lack of staff and funding, the inability of inspectors to set fines and labour inspectors’ fear of carrying out inspections in the agricultural sector due to high levels of violence in the country.<sup>30</sup>

40. Even in countries in which authorities have the will and resources to combat contemporary slavery, they face the difficulty of locating victims. Contemporary forms of slavery often involve hidden populations, some of whom perform illicit work. Slavery often

<sup>28</sup> According to Article 55, the *carnet* must contain the following information: the name and photograph of the worker; the type of job they will be carrying out; their country of origin; an identification number; their date of birth; gender; date and place of entry; length of stay; extension of stay (if relevant); the area where the worker lives and works; the worker’s signature and fingerprints; and the employer’s name, address, and economic activity.

<sup>29</sup> Government of the Dominican Republic, *Declaraciones del Ministro de Trabajo ante el Comité de Derechos Económicos Sociales y Culturales*, 3 November 2011, Geneva, interview with the Director of Inspections, Federico Gomera.

<sup>30</sup> See Verité, *Research on Indicators of Forced Labor*.

occurs in isolated areas and access can be challenged or compromised when workers are involved in illegal activities, when they are geographically isolated, or when they work in violent or politically unstable countries or regions. The challenge of accessing women and children can increase in countries with cultural norms that restrict them from having contact with outsiders or strangers, or their general freedom of movement. For example, the Special Rapporteur has reported that it is difficult to access forced child labourers working in mines and quarries located in remote areas (see A/HRC/18/30).

41. It can also be difficult to identify victims of contemporary forms of slavery. Unlike child labour or dangerous working conditions, in which inspectors may identify victims by sight, it is difficult to identify victims of slavery without conducting extensive assessments. As most victims may not show visible signs of entrapment, authorities must ascertain whether they are being forced to work against their will. They must assess whether workers are employed under conditions to which they originally consented and whether there is the menace of penalty for leaving their employment. In some cases, a victim of slavery may be labouring alongside a freely employed worker. This requires authorities to have a much higher level of training, time and resources at their disposal.

42. Yet, even when inspectors are trained to identify victims of slavery, many victims may be afraid to talk because of threats made against them. This is especially true with migrant workers, many of whom are afraid that authorities may harass, detain or deport them. In the United States of America, for example, some migrant workers have reported that they are afraid to talk to neighbours or unable to do so owing to language barriers. In some cases, their employers have threatened to report them to immigration authorities if they try to leave.<sup>31</sup>

43. The State's ability to enforce the law can also be weak in remote and isolated areas. In the Plurinational State of Bolivia, for example, the State had a weak presence in the Chaco region, resulting in a failure to comply with ILO Convention No. 29.<sup>32</sup> In Peru, research indicates that the Government's capacity to enforce labour and criminal law in protected and remote areas is limited by the danger and costliness of entering them. Owing to a fear of heavily armed groups operating illegally, the authorities are not able to enter protected areas unless they are provided with military support.

44. Lack of prosecutions and convictions for contemporary forms of slavery can also be a significant problem. One reason for this is poor integration and cooperation among government institutions. The Special Rapporteur noted that, during some of her missions, there was lack of integration between the criminal, labour and civil law specifically addressing forced labour, which impeded enforcement efforts. This lack results in inadequate investigations and sanctioning of slavery-like practices. The Special Rapporteur has noted that multi-sectoral commissions must have representation from relevant concerned government offices in order for them to effectively combat slavery.

45. Another challenge in combating contemporary forms of slavery is the failure of Governments in some countries to adequately protect victims, while in other countries punitive actions by the State can exacerbate worker vulnerability, in some cases forcing workers deeper underground and making it harder to detect victims.

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<sup>31</sup> See Verité, *Regional Report – Immigrant Workers in US Agriculture: The Role of Labor Brokers in Vulnerability to Forced Labor*, Help Wanted: Hiring, Human Trafficking and Modern-Day Slavery in the Global Economy series (2010).

<sup>32</sup> José Antonio Arze Aguirre, "Documento de trabajo en materia de legislación comparada de Bolivia y Estados Unidos de América, en materia de trabajo forzoso", unpublished paper prepared by the consultant as part of this study (2010).

## VI. Good practices

### A. Legislation

46. There has been a series of improvements to legal frameworks on both an international and national level that represent best practice in combating contemporary forms of slavery. At the national level, a wide range of countries have passed comprehensive legislation prohibiting and sanctioning contemporary forms of slavery. For example, in 2007 Mauritania passed a law criminalizing slavery. Additionally, in Brazil, article 149 of the Penal Code establishes a sentence of between two and eight years' imprisonment for subjecting a person to forced labour, arduous or degrading working conditions or holding workers at workplaces through surveillance, debt bondage, restriction of movement and retention of personal identification documents or property. The sentence is increased by 50 per cent for cases involving children or discrimination based on religion, gender or race. Brazilian law also prohibits and penalizes other activities related to forced labour, including debt bondage. Nevertheless, owing to the variety of mechanisms used to subject individuals to slavery, many countries have also necessarily looked beyond traditional laws on forced labour and human trafficking. For example, some have established mechanisms to combat exploitative recruitment and hiring practices which increase the risk of contemporary forms of slavery. The Contract Act in Bangladesh, for example, establishes that all employment contracts must be made with the free consent of all parties without coercion, undue influence, fraud or misrepresentation.

47. Other countries have also stepped up efforts to regulate private employment agencies, as required by ILO Convention No. 181 (1997) concerning Private Employment Agencies. In 2011, the Government of Malaysia amended its Employment Act of 1955, defining the term "labour contractor" and requiring that wages paid to domestic workers be deposited into a bank account, that labour contractors register employees with the Director General of Labour and that the termination of foreign workers' employment be reported to the Director General of Labour. This amendment created a new type of legal labour relationship between third-party contractors and employees. In the Czech Republic, the Employment Act was amended in January 2011 to require the regulation of employment agencies. Such agencies must now be insured, pass a criminal record check and report statistics on the number and nationality of workers placed in employment.

48. A number of countries have also established specific protections for migrant workers, many of whom are extremely vulnerable to contemporary forms of slavery. In 2011, the Czech Republic made several legislative changes to improve protections for migrants and reduce their vulnerability to exploitation. The Act on Residence of Foreign Nationals was amended to require that employers cover the costs of repatriation when foreign nationals exit the country before the expiration of their work permit. Taiwanese law requires government oversight of the agencies through which migrant workers are recruited in order to ensure that they are not charged excessive service fees.<sup>33</sup> In the United Arab Emirates, Ministerial Resolution No. 1186 of 2010 allows migrant workers to transfer from one employer to another after their contracts expire. In 2007, the Mexican National Migration Institute improved labour protections for migrant agricultural workers with the intent of regularizing and reducing abuses of migrant workers.

49. Some countries of origin of migrant workers have also taken important steps. They have established protections for their citizens to reduce the risk of contemporary forms of slavery when migrating overseas for employment. The Nepalese Foreign Employment Act

<sup>33</sup> See Government of China (Taiwan Province of China), Council of Labour Affairs, *Council of Labour Affairs Newsletter*, vol. 69 (September 2004).

of 2007 delineates the role of the Government in the management of overseas employment through the regulation of licences for recruitment agencies. It also defines the process of recruitment for overseas employment; sets minimum wage, labour contract and insurance requirements; requires pre-departure training; and sets procedures for filing complaints. However, it failed to cover employment of Nepali migrants in India.<sup>34</sup> In May 2012, the Government of Nepal announced a policy of mandatory verification of migrant workers' documents by Nepali missions abroad and that it was working with receiving-country Governments to establish a minimum salary for Nepali migrant workers in Malaysia, Qatar, Saudi Arabia and the United Arab Emirates, which are amongst the largest employers of Nepali workers.

50. As business has become increasingly global, the international community has also responded by adopting non-binding global frameworks that are addressed to business. For example, the Guiding Principles on Business and Human Rights offer companies guidance on key labour and human rights issues relevant to contemporary forms of slavery. These principles, which were endorsed by the Human Rights Council in June 2011, cover all aspects of human rights, including reference to ILO core labour standards; and provide a common, authoritative standard and reference point for mitigating the risk of negative human rights impacts.

## **B. Enforcement**

51. Alongside the development of new laws, many countries have also taken steps to ensure that laws are effectively enforced. This is often more difficult, resource-intensive and time-consuming than getting laws passed. However, a number of countries have taken efforts to overcome challenges to successfully combat contemporary forms of slavery.

52. In order to do so, some sending and receiving countries of migrant workers have signed bilateral agreements or memoranda of understanding. Argentina and Peru, for example, recently established a Memorandum of Understanding on migrant domestic workers (see A/HRC/15/20, para. 82), while a new one for the employment of Indonesian maids was signed between the Governments of Indonesia and Malaysia in 2011 to update a 2006 agreement. This agreement requires an employment contract, sets recruitment fees, provides for a weekly day of rest, allows maids to keep their passports and requires the month-long training of Indonesian maids prior to entering Malaysia as workers. The agreement lifted a two-year ban that Indonesia had imposed on migration to Malaysia for domestic work.

53. Some countries have developed national strategies or action plans against contemporary forms of slavery. These initiatives can take various forms, including high-level interministerial commissions or new departments within existing government agencies. During her missions, the Special Rapporteur has encouraged countries to develop national action plans that incorporate country-level efforts into wider regional and international initiatives, which should be adapted to each country's context, and incorporate all relevant stakeholders. In-country research in Peru indicates that the Ministry of Labour's new National Plan to Combat Forced Labour for 2013–2017 includes many of these elements, as well as a number of other advances. This new plan includes improved definitions of forced labour; explicit acknowledgement of forced labour in the country; a baseline study to address a lack of statistics; pilot interventions to combat forced labour; and strategic, progressive and measurable goals. In Brazil, the National Commission for the Eradication of Slave Labour was established in 2003 to bring representatives of the

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<sup>34</sup> See Narayan Manandhar and Jagnath Adhikari, *Study of Issues on the Recruitment of Migrant Labour in Nepal*, submitted to the World Bank Country Office, Nepal (2010).

legislative, executive and judiciary branches of the Government of Brazil together with representatives of the United Nations and civil society to combat contemporary forms of slavery. This well-funded, permanent Commission, which is responsible for developing national plans to combat slavery and carrying out national awareness-raising campaigns, has been considered a leading example of successful efforts to combat slavery.

54. One of the most important steps in ensuring the successful implementation of laws on contemporary forms of slavery is the provision of training to authorities, including law enforcement officers, labour inspectors, judges and immigration officials. Training should cover relevant law, victim protection mechanisms and techniques for identifying victims.

55. Labour inspectorates and labour courts are extremely important entities, as they are on the frontline of detection and sanctioning of contemporary forms of slavery. It is therefore essential that they function properly and include measures such as increased fines for labour law violations; reduced timelines for processing cases and imposing fines; increased funding for the labour inspectorate; provision of police assistance; establishment of a unit to verify employer compliance with labour court orders; criminal prosecution of employers who fail to comply; and monitoring of enforcement of labour court orders.

56. Some countries have also taken action to punish perpetrators of contemporary forms of slavery and compensate their victims. In Argentina, in one notable court case, a judge ordered the owners of a garment factory that was employing Bolivian workers under conditions of forced labour to turn the factory over to the workers.<sup>35</sup> In the Plurinational State of Bolivia, the Government has confiscated land on which individuals were subject to forced labour and turned it over to those who were forced to work on it.<sup>36</sup> In 2013, the state of São Paulo in Brazil passed a law that makes companies liable for contemporary forms of slavery in their production chains (including in the operations of their subcontractors). The law allows the state government to cancel complicit companies' tax registration for 10 years, thereby making it impossible for them to continue operating legally. In May 2013, the Governor of São Paulo signed a decree enacting the above-mentioned Law 14.946, and the Senate of Brazil was considering passing the Proposed Constitutional Amendment (PEC) 57A/1999, which allows for the expropriation of the property of companies that have subjected workers to contemporary forms of slavery.

57. At the regional level, courts have also enforced slavery laws. For example, in 2008, Niger – which had criminalized slavery in 2003 – was brought before the Economic Community of West African States Community Court of Justice, which ruled that Niger was responsible for failing to protect 24-year-old Hadijatou Mani from slavery.

### C. Awareness-raising and prevention

58. One of the most important elements in combating contemporary slavery is awareness-raising and prevention. Some countries have set up innovative systems to raise awareness of contemporary forms of slavery. For example, in 2009, ILO noted that, as part of the National Policy and Plan of Action of Pakistan, the Government incorporated information on bonded labour into the curriculum of judicial officials, police and the civil service.<sup>37</sup>

<sup>35</sup> See Patrick Belser and David Duarte, *La eliminación de todas las formas de trabajo forzoso u obligatorio* (ILO, 2004). Available from [www.oit.org.ar/WDMS/bib/publ/libros/declaracion\\_2.pdf](http://www.oit.org.ar/WDMS/bib/publ/libros/declaracion_2.pdf).

<sup>36</sup> See Verité, *Research on Indicators of Forced Labor in the Supply Chains of Brazil-Nuts, Cattle, Corn, and Peanut Sectors in Bolivia* (2012).

<sup>37</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, individual observation concerning Convention No. 29: Pakistan, adopted 2009, published by 99th ILC session (2010). Available from

59. There have also been recent awareness-raising campaigns on an international level that focus on awareness among global companies. Business for Social Responsibility (BSR) has laid out a series of good practice examples on global migration to which businesses should adhere. BSR establishes specific standards regarding the legal status of migrant workers, worker rights, recruitment, orientation and training, wages and benefits, withholding of documents, living conditions, leave, grievance mechanisms, and termination and repatriation.<sup>38</sup> ILO has also developed a handbook for employers and business on forced labour, which seeks to raise their awareness and understanding of the issue.<sup>39</sup>

60. Unions have also become increasingly involved in global initiatives to raise awareness of contemporary forms of slavery. For example, the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations has recently published a tool for its affiliates on migrant workers' vulnerability.<sup>40</sup> The Italian General Confederation of Labour (CGIL) has carried out a mass media campaign to raise awareness about slave-like conditions under which workers are employed in the Italian agricultural sector. The Trade Union Congress of the Philippines has also set up information desks at airports, bus and train stations; shown videos on public transportation; and established community education programmes and a website to educate potential victims on risks of contemporary forms of slavery.

61. Consumer-based initiatives and public awareness campaigns have also begun to focus on contemporary forms of slavery. The International Organization for Migration "Buy Responsibly" campaign looks at consumer products like cocoa, coffee, sugar and shrimp, and identifies how each of these can be linked to forced labour in global supply chains.<sup>41</sup> The Slavery Footprint campaign personalizes modern-day slavery by asking consumers "how many slaves work for you?" It raises awareness about the effects of each person's consumption, including products such as electronics, food, apparel and other household items.<sup>42</sup> Finally, the Free2Work application for mobile phones provides consumers with information about specific products and how they relate to modern-day slavery. It rates companies based on their anti-slavery commitments, assigning them a letter grade from "A" to "F" to inform consumers and promote ethical consumerism.<sup>43</sup>

#### **D. Victim identification, protection and rehabilitation**

62. Despite the progress that has been made in recent years, awareness-raising and prevention have not been fully effective and victims of contemporary forms of slavery still abound. This requires the identification, protection and rehabilitation of victims.

63. The identification of victims is greatly aided by strengthening the capacity of labour inspectorates and other public institutions, such as police and immigration authorities, and by raising the awareness of authorities regarding laws on contemporary forms of slavery and techniques for identifying victims. The creation of specialized units to identify victims is also crucial. In the Czech Republic, a special police department aimed at uncovering forced labour was established in April 2006.<sup>44</sup> Brazil also offers an important and highly

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[www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:2309855](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2309855).

<sup>38</sup> See BSR, *Good Practice Guide: Global Migration* (2010).

<sup>39</sup> ILO, *Combating Forced Labour: A Handbook for Employers and Business* (Geneva, 2008).

<sup>40</sup> *Workers and Unions on the Move: Organising and defending migrant workers in agriculture and allied sectors* (Geneva, 2008).

<sup>41</sup> See [www.buyresponsibly.org/index.php](http://www.buyresponsibly.org/index.php).

<sup>42</sup> See <http://slaveryfootprint.org>.

<sup>43</sup> See [www.free2work.org](http://www.free2work.org).

<sup>44</sup> Government of the Czech Republic, Ministry of Interior, *National Strategy of the Fight against Trafficking in Human Beings for the period of 2005 – 2007* (2005).

successful example of specialized training, with its mobile inspections unit comprised of representatives from across government enforcement agencies.

64. Government measures to ensure that victims receive full protection and support when they are identified are also important. Such measures guarantee that perpetrators do not retaliate against victims for reporting abuses and help those victims to feel safe whenever they do report. Victims and their family members may be provided with safe houses, protection services and legal assistance. To this end, some countries have established specific protections for workers. For example, in Guatemala, article 10 of the Labour Code prohibits any form of reprisals against workers that are intended to completely or partially restrict them from exercising their legal rights.

65. In addition to identifying and protecting victims, Governments have also taken steps to rehabilitate them and reintegrate them into communities and labour markets. Victims may need psychological counselling to overcome the trauma they have experienced; they may also need compensation, social support, job training, social welfare and assistance with finding new employment to ensure that they do not fall prey to slavery again.

66. Nevertheless, Government-run rehabilitation and reintegration efforts are not always effective. In these cases, other stakeholders can offer assistance. Unions and non-governmental organizations (NGOs) in sending and receiving countries have cooperated in order to facilitate the reintegration of victims when return home. In Nepal, where government reintegration services have been limited, two NGOs rehabilitate and reintegrate returned migrant workers. Pouraki Nepal was initiated by women migrant workers, while Pravasi Nepali Coordination Committee advocates for the rights of male migrants. In-country research in Nepal also indicates that a new foundation to aid migrant workers has been established, with a free training centre in Kathmandu that helps rehabilitate and reintegrate returned migrant workers, including a counselling centre for female returnees.

## **E. Multi-stakeholder initiatives**

67. In cases in where Governments are unwilling or unable to take action to combat contemporary forms of slavery or where complex problems require the coordinated action of multiple stakeholders, new initiatives have been formed to tackle these issues. While national authorities are the primary entities responsible for combating slavery, other stakeholders have recently emerged to aid their efforts, including intergovernmental organizations, unions, NGOs and companies.

68. ILO followed this up in October 2008 with the publication of its handbook for employers on *Combating Forced Labour*, which sought to “encourage a broad partnership approach to the fight against forced labour and trafficking through the active engagement of business actors in global action” (p. 7).

69. Unions have also been active in combating contemporary forms of slavery. For example, the International Trade Union Confederation (ITUC) established a best practice manual for trade unions on *How to Combat Forced Labour and Trafficking* in order to “provide trade unionists and other interested individuals and organisations with a useful tool for increasing awareness of what forced labour is and how it can be effectively challenged”.<sup>45</sup>

70. A large number of NGOs have taken up the fight against contemporary forms of slavery and engaged other stakeholders to successfully do so. For example, Anti-Slavery International has signed a Memorandum of Understanding with ITUC in order to form a

<sup>45</sup> ITUC, *How to Combat Forced Labour and Trafficking: Best practices manual for trade unions*, (Brussels, 2009), p. 10.

Global Trade Union Alliance to Combat Forced Labour and Trafficking. They have agreed to share skills and experience on combating contemporary forms of slavery and integrate their members to reach a common goal. Under this auspice, they have formed a multi-stakeholder group in Europe comprised of unions and NGOs whose goal is to protect women and young people from contemporary forms of slavery. The Brazilian NGOs Repórter Brasil and Ethos have created the National Pact for the Elimination of Slavery, which brings the Government, ILO, NGOs and companies together to combat forced labour. Over 130 companies had signed the pact as of the end of 2010, including large companies such as Wal-Mart Brazil, committing to not buying goods produced with forced labour.

71. There have also been successful cases in which international associations of employers and employment agencies have established agreements with other stakeholders in order to improve efforts to combat contemporary forms of slavery. For example, the International Confederation of Private Employment Agencies signed a Memorandum of Understanding with the Global Union for Skills and Services in 2008. This Memorandum established a global partnership with other stakeholders to combat contemporary forms of slavery, policy advocacy and cooperation with ILO to encourage ratification and application of ILO conventions.

72. Some countries have taken proactive efforts to form multi-stakeholder initiatives to ensure more effective efforts to combat contemporary forms of slavery. This includes multi-stakeholder committees responsible for combating contemporary forms of slavery, which include members of civil society. These committees are important in holding Governments accountable for enforcing laws on contemporary forms of slavery. In cases in which the Government fails to carry out its commitments, it is necessary for these stakeholders to engage the media, form alliances and mobilize public support in order to exert pressure on the authorities.

## **F. Sourcing**

73. Recently, stakeholders have made efforts to influence the sourcing decisions of companies and national and local governments in order to reduce the level of contemporary forms of slavery. It is now generally accepted that Governments are responsible for preventing contemporary forms of slavery and holding companies accountable – whether a product is produced in the country, manufactured by a company based in the country or imported and consumed by its citizens. Additionally, civil society organizations have also taken steps to promote responsible sourcing decisions and have provided guidance to companies on ways to prevent contemporary forms of slavery in their supply chains.

74. Some Governments in countries that produce goods associated with contemporary forms of slavery have taken steps to publicize and punish individuals and companies that produce these goods. For example, Brazil passed a decree in 2003 containing a list, commonly referred to as “the Dirty List” of 52 individuals and entities that use or have used slave labour. The individuals and entities on the biannually updated list are barred from receiving national subsidies or tax exemptions and from engaging in financial arrangements with a number of public financial institutions. The Bank of Brazil denies financing to landowners who employ slave labour and the Ministry of National Integration recommended that private sector lenders also deny them financing. The Ministry of Labour’s “dirty list” included 165 employers of slave labourers in 17 states in 2009, 220 employers in 2010 and 294 employers at the end of 2011.

75. In other cases, Governments have taken efforts to reward companies that take positive steps to combat contemporary forms of slavery, including by offering access to State contracts. In Argentina, the National Institute for Industrial Technology recently established a comprehensive national certification system for companies operating in the

textile industry. The agency offers “certificates of quality” to firms that refrain from using forced labour and provide their employees with decent working conditions. Participating companies granted the certificate are eligible to bid on lucrative State textile contracts. In a similar spirit, the Plurinational State of Bolivia operates a certification programme called the Triple Seal, which is designed to encourage compliance with national labour laws and awarded to companies that prohibit child labour, discrimination and forced labour across their entire supply chains.

76. Consumer countries and countries in which companies are headquartered have also taken action to prevent contemporary forms of slavery. In the United States, the California Transparency in Supply Chains Act, which took effect on 1 January 2012, states that human trafficking and forced labour are state, federal and international crimes. The Act requires that all retailers and manufacturers with annual worldwide revenues in excess of USD 100 million disclose information about their efforts to eradicate contemporary forms of slavery from their supply chains so that consumers’ purchasing decisions can be better informed. These disclosures must be posted on the companies’ websites and include information about efforts to eradicate slavery from their supply chains, including verification, supplier audits, certifications, accountability standards and training. Failure to disclose this information by 30 November 2012 could allow for legal actions brought by the Attorney General of California.

77. Of course, companies are ultimately responsible for meeting their legal and moral obligations to prevent contemporary forms of slavery in their supply chains, and NGOs and multi-stakeholder initiatives have emerged to provide practical guidance to companies seeking to meet their obligations under national law, international standards and voluntary principles. The Fair Hiring Toolkit, developed by Verité and launched in 2011, gives companies comprehensive guidance on improving their codes of conduct, strengthening their social audits, and better understanding the complexities and risks of contemporary forms of slavery in their supply chains.

## VII. Conclusions and recommendations

78. **In recent years, contemporary slavery has drawn increasing attention from Governments and stakeholders around the world, although this attention remains insufficient to the task of its eradication. A number of international instruments have defined and prohibited, inter alia, debt bondage, serfdom, servile marriage, child slavery, forced labour and traditional forms of slavery.**

79. **A number of stakeholders have begun to take action to combat slavery in its contemporary forms. However, there are key challenges that prevent the reduction of slavery, including legal and policy challenges and institutional and implementation challenges. Among the legal and policy challenges are the absence of legislation in some countries, deficiencies and loopholes in legal frameworks, insufficiently dissuasive sanctions and laws that increase the vulnerability of workers. Institutional and implementation challenges include corruption, government failure to recognize the existence of contemporary slavery, a lack of political will and/or resources, the difficulty of locating and identifying victims, and a failure to adequately protect affected workers and provide sustained programmes for their effective rehabilitation.**

80. **Nevertheless, a series of good practices at international, regional, and country levels provide us with examples of the way forward. Among these are improvements to legislation, enforcement efforts, awareness-raising and prevention activities, and the identification, protection and rehabilitation of victims. The Special Rapporteur held follow up workshops in Brazil, Ecuador, Mauritania and Peru which resulted in action plans to implement her recommendations. Her recommendations included the**

need to include and strengthen these good practices and show the commitment and will of Governments to tackle slavery.

81. Multi-stakeholder initiatives and recent efforts to encourage responsible sourcing to protect workers also have the potential to strengthen the global fight against slavery.

82. Slavery and slavery-like practices are often clandestine. The majority of those affected are from the poorest, most vulnerable and marginalized social groups in society such as indigenous and caste-based groups. In order to effectively eradicate such exploitation in all its forms, Governments and other stakeholders must address the root causes of poverty, social exclusion and all forms of discrimination. At the heart of these campaigns, poverty reduction, the promotion of the Millennium Development Goals, the protection of human dignity and the establishment of robust protections against human and labour rights abuses, including effective access to remedy, should guide national and international strategies.

83. To strengthen global efforts, the following recommendations are made to Governments, international organizations and businesses.

#### **A. Recommendations to Governments**

84. To successfully combat contemporary forms of slavery, Governments should consider the good practices identified above and the recommendations presented below.

85. Governments should introduce or amend, where necessary, laws to effectively combat exploitation; strengthen implementation and enforcement; harmonize legislative and policy approaches to ensure greater coherence, efficiency and efficacy; develop and effectively monitor and implement national plans of action; introduce specialized agencies or institutions with the specific mandate to tackle contemporary forms of slavery; and ensure all such efforts are appropriately resourced and staffed.

86. Governments should promote and ensure access to basic rights such as education, work and health for all living within their country.

87. To detect and remedy contemporary forms of slavery, Governments should improve the capacity of labour inspectorates and other public enforcement bodies; provide them with adequate resources and training; enable them to carry out their duties in regions and sectors where individuals are vulnerable; and establish systems to effectively verify legal compliance, payment of fines and adherence to remediation orders.

88. Governments should also ensure that other institutions and stakeholders are appropriately resourced and trained to detect, report and prosecute cases, including by providing:

(a) Training for labour ministries, police, prosecutors, judges, NGOs, service providers and health workers;

(b) Establishing effective and reliable systems for reporting cases and referring victims to support services;

(c) Promoting greater public awareness of contemporary forms of slavery and the labour and human rights of workers and citizens; and

(d) Providing victims with free legal assistance, compensation, social protection, and long-term strategies for community and labour-market reintegration, including vocational training and job placement services.

89. Governments must create long-term and nationwide awareness campaigns to disseminate information about relevant laws and risks of slavery, and mechanisms to detect, report and combat it must be widely disseminated to all stakeholders, not just to workers.

## **B. Recommendations to international agencies and donors**

90. Supporting the engagement of national Governments should be a priority for the international community and donor agencies.

91. To effectively tackle the contemporary forms of slavery, Governments at national and sub-national levels need sustainable, reliable and systematic assistance both of a technical and financial kind.

92. International agencies can assist Governments to develop strong legal and regulatory frameworks or revise existing frameworks, and promote the mainstreaming of policies against contemporary slavery, including across ministries and mandates such as poverty reduction, education, labour, social protection, health, trade, immigration and internal affairs.

93. International organizations should also support government efforts to build law enforcement capacity within public institutions; raise awareness of relevant stakeholders; build broad-based support for policies to eliminate contemporary slavery; develop and implement measures to assist victims of exploitation and prosecute perpetrators; and lead mobilization efforts for further financing and support.

94. Without sustained assistance from the international donor community, national Governments will lack the resources they need to effectively challenge the diverse and complex forms of abuse described in the present report.

## **C. Recommendations to businesses**

95. Businesses must also take action both inside and outside of their supply chains. They need to find creative and effective ways to work with business peers and partners, NGOs, trade unions, Governments and international organizations.

96. Companies should engage with other actors across their industries and sectors; advocate for global action on contemporary forms of slavery both unilaterally and through membership or multi-stakeholder organizations; adopt codes of conduct and other corporate policies that explicitly prohibit forced labour and contemporary slavery; ensure that these policies are integrated throughout the company's management and performance systems; train all relevant staff, suppliers and other business partners on contemporary forms of slavery, and ensure that actions are taken beyond the first tier of the supply chain, where risks are greatest; and carry out risks assessments, audits and other forms of due diligence to determine, identify and root out any potential risk of exploitation.

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