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PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 928 9356 • FAX: +41 22 917 9006 • E-MAIL: srslavery@ohchr.org

Mandate of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences

Concept note

**Expert Meeting on Eradicating Contemporary Forms of Slavery from Supply Chains:
States' obligations, the role of businesses and other stakeholders and access to effective remedy
for victims**

**2 April 2015
Geneva**

Background on the mandate on contemporary forms of slavery

In September 2007, the UN Human Rights Council in resolution 6/14 established a new mandate of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, to replace the Working Group¹ in order to better address the issue of contemporary forms of slavery within the UN system.²

The Special Rapporteur has been mandated to, *inter alia*, examine and report on all contemporary forms of slavery and slavery-like practices, but in particular those defined in the Slavery Convention of 1926, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, as well as all other issues covered previously by the Working Group; to promote the effective application of relevant international norms and standards on slavery; and to recommend actions and measures applicable at the national, regional and international levels to eliminate slavery practices wherever they occur, including remedies that address the causes and consequences of contemporary forms of slavery, such as poverty, discrimination and conflict, as well as the existence of demand factors and relevant measures to strengthen international cooperation.

The issues in question for the mandate include but are not limited to: hereditary and caste-based forms of slavery, forced labour, bonded labour or debt bondage, serfdom, children working in slavery or slavery-like conditions, domestic servitude, and forced and child marriage.

On 2 June 2014, Ms. Urmila Bhoola assumed her mandate as Special Rapporteur on contemporary forms of slavery. In her first report to the Human Rights Council (A/HRC/27/53) she identified the role of business, in particular transnational corporations, in promoting and using forced labour in global supply chains as one of her priority focus areas.

Objectives of the expert meeting

Based on the priorities set by the current mandate holder, the expert meeting is meant to inform the strategic direction of the mandate and contribute towards the Special Rapporteur's 2015 report to the

¹ The Working Group on contemporary forms of slavery was established by the UN Economic and Social Council decisions 16 (LVI) and 17 (LVI) of 17 May 1974 and began its work in 1975.

² The mandate of the Special Rapporteur was further extended by the Human Rights Council for a period of three years by resolutions 15/2 of 29 September 2010 and 24/3 of 26 September 2013.

Human Rights Council, which will encompass recommendations on eradicating contemporary forms of slavery from supply chains provided to UN Member States, businesses and other stakeholders.

The meeting will look at States' obligations under the international normative framework and the role of businesses in respecting human rights at all levels of their supply chains. Access to remedy for victims of contemporary forms of slavery in supply chains and ways to strengthen it will also be discussed.

The meeting will aim to identify existing good practice in eradicating contemporary forms of slavery from supply chains across sectors, regions and stakeholder groups, lessons learned from this engagement, and the strengths and weaknesses of new and emerging strategies, including transparency and traceability, worker empowerment strategies, due diligence and grievance mechanisms, and supply chain assessments, certifications and verification.

Meeting modalities

The meeting will be organised around four sessions, each with a facilitator and a list of speakers, followed by a discussion and intermediary conclusions.

Session 1: International normative framework and responsibility of States to eradicate contemporary forms of slavery from supply chains and ensure access to remedy for victims

The international legal framework prohibiting slavery dates back to the 1926 Slavery Convention, that defined it 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” (art. 1) and called for “complete abolition of slavery in all its forms”. Ever since, most international legal frameworks have included articles concerning the prohibition of slavery. The 1956 Supplementary Convention addresses, *inter alia*, debt bondage, serfdom and child exploitation. The latter is further covered by several international human rights treaties and the ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour that defines and prohibits the worst forms of child labour, including child slavery and slavery-like practices. Forced labour is a separate practice, and defined by ILO Convention No. 29 (1930) 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).

In recent years, new standards have been adopted to address gaps in the normative framework prohibiting contemporary forms of slavery. In June 2014, the International Labour Conference adopted the legally binding international Protocol to the ILO Forced Labour Convention supplemented by a Recommendation (No. 203). New laws and regulations by different levels of government focussing on slavery in supply chains have also been passed, including the US State of California's Transparency in Supply Chains Act and the ministerial decree in Brazil containing a list of individuals and entities that use or have used slave labour. These normative efforts have been accompanied by important new voluntary initiatives that set out the respective roles and responsibilities of States and business in the context of human rights, most notably the UN Guiding Principles on Business and Human Rights.

This session will examine the existing normative framework, its strengths and weaknesses in relation to eradicating modern slavery with a focus on prevention, protection, prosecution and access to remedy.

Questions for discussion:

- What (if any) are the remaining gaps within the international normative framework on contemporary forms of slavery in relation to supply chains?
- What are the strengths and weaknesses of existing and emerging national legislation (e.g. UK Modern Slavery Bill) that attempt to address business practices in supply chains?
- What are the existing prevention, protection and prosecution challenges as well as ways to improve access to remedy for victims?

Session 2: New strategies in supply chain engagement and access to remedy for victims

Forced labour and other contemporary forms of slavery have risen high on the supply chain agenda of corporate, civil society and multi-stakeholder initiatives over the last few years. There is a better understanding by a wider range of stakeholders of risks of contemporary forms of slavery and strategies to address them are more commonly integrated than before into the programmes and platforms of companies, international employers' and trade associations, corporate social responsibility initiatives, civil society advocacy and multi-stakeholder engagement. All of this is to be welcomed as growing momentum in combating one of the most pressing issues to affect the global economy in the 21st Century.

Nevertheless, there is growing recognition that existing strategies in supply chains engagement, such as codes of conduct, social auditing, and voluntary reporting mechanisms have often not translated into real progress for vulnerable workers nor led to a clear reduction in cases of abuse, even in the most extreme forms. Debt bondage, forced labour and the worst forms of child labour remain a feature of global supply chains despite twenty years of sustained and multi-faceted engagement. As a result, stakeholders are now asking important new questions, developing and piloting new strategies and strengthening existing systems and approaches.

This session will highlight current thinking on the state of supply chain engagement, both its strengths and weaknesses, including in relation to access to remedy for victims, and discuss the new and innovative ways that businesses and other stakeholders are attempting to achieve the progress and impact that is so urgently required.

Questions for discussion:

- What is possible complementarity between the international normative framework, adequate national legislation and voluntary strategies in supply chain engagement?
- What, if any, role should social audits and other forms of supply chain engagement play in eradicating contemporary forms of slavery from supply chains, and how must they be improved to be effective?
- What are the strengths and weaknesses of new supply chain transparency and traceability initiatives, strategies that focus on due diligence, grievance mechanisms, worker hotlines and IT solutions promoting worker empowerment in eradicating contemporary forms of slavery from supply chains?
- In what way, if any, have these new strategies addressed the access to remedy for victims and what has been the impact?

Session 3: Partnerships and cooperation in eradicating contemporary forms of slavery from supply chains

One of the ways how companies and other stakeholders are trying to strengthen efforts to address contemporary forms of slavery is through greater cooperation and partnership, bringing together the combined strength, influence and expertise of diverse actors working both inside and outside supply chains. This approach has produced numerous corporate-civil society partnerships, multi-stakeholder initiatives, NGO partnerships and business or industry-wide cooperation, in some cases focused on modern slavery, while in others forced labour and other contemporary forms of slavery are only one among diverse issues addressed.

Such initiatives have been established at national or global levels, they can involve different constellations of stakeholders and typically have one or another key area of focus or emphasis, for example supply chain transparency, mapping or traceability; policy or advocacy; certification or labelling.

This session will explore some of the strengths and weaknesses of partnerships, the lessons learned and key models of cooperation by discussing existing and emerging initiatives that use different strategies and models of engagement.

Questions for discussion:

- What are the incentives and obstacles for companies to engage in partnership and cooperation with other stakeholders in eradicating contemporary forms of slavery from supply chains?
- What role can or should be played by public actors and regulators in multi-stakeholder initiatives?
- How is the new cooperation between foundations changing the landscape of multi-stakeholder initiatives and partnerships to eradicate contemporary forms of slavery?

Session 4: Sector- and commodity-based approaches to eradicating contemporary forms of slavery from supply chains with a focus on child slavery

Another way that companies and other stakeholders are responding to contemporary forms of slavery in supply chains is through action that targets specific industries, sectors and/or commodities at global, regional, national or sub-national levels.

Some of these initiatives focus on a single issue while others address labour and human rights broadly, including forced labour and other contemporary forms of slavery. Many are now very well known, with long-standing engagement in agricultural crops such as cocoa, sugar and cotton; manufacturing industries like garments, electronics and carpets; and other industries including mining, jewellery, forestry and fishing. These strategies rest on a foundation of partnership and cooperation and also use a diversity of models, including certification, product labelling, assessments, capacity building.

This session will present these initiatives, discuss lessons learned, and explore new and emerging thinking on sector- and industry-based engagement, with a focus on the worst forms of child labour, including child slavery and slavery-like practices as issues of urgency.

Questions for discussion:

- What are the key ingredients for success in sector- and commodity-based initiatives and how do these differ from broad cross-sectorial partnerships?
- Must sector- and commodity-based models include a global supply chain focus to ensure success or can they also be used as a blueprint for engagement in domestic or national production?
- What are the strengths and weaknesses of strategies that focus on a single issue - for example, child slavery - versus those that tackle a broader set of human rights concerns?

Meeting participants

The meeting will bring together more than 20 leading experts in the field from international organizations, companies, employer organisations, trade unions, non-governmental organisations, investor groups, foundations and academia.