



International  
Labour  
Organization

Strengthening the global fight  
against all forms of forced labour

# THE PROTOCOL

## to the Forced Labour Convention

### What is Forced Labour?

Forced labour is defined in the International Labour Organization (ILO) Convention No. 29, one of the most ratified ILO Conventions, as work that is performed involuntarily and under coercion. It can take place in any industry, including in the informal economy. Many victims, in particular women and girls, are subjected to commercial sexual exploitation, but forced labour is also prevalent in sectors such as agriculture, fishing, domestic work, construction, manufacturing and mining. It includes men, women and children in situations of debt bondage, suffering slavery-like conditions or who have been trafficked.

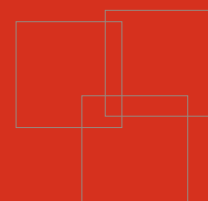
### What is the scope of this issue?

- 21 million men, women and children today are in forced labour – trafficked, held in debt bondage or working in slavery-like conditions
- 90% of victims are exploited in the private economy
- Every region of the world is affected
- Victims often work hidden from public view and are difficult to identify
- 44% of all victims have migrated internally or across borders
- US\$150 billion generated in illicit profits. Industries and businesses face unfair competition and states lose billions in tax income and social security contributions

# Forced Labour

## 21 million victims

## US\$150 billion in illicit profits



## What happened in 2014

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

They voted overwhelmingly to adopt a Protocol and a Recommendation which supplement the Forced Labour Convention, 1930 (No. 29), and complement existing international instruments by providing specific guidance on effective measures to be taken to eliminate all forms of forced labour.

The adoption of the Protocol to the Convention is “the fruit of our collective determination to put an end to an abomination which still afflicts our world of work and to free its 21 million victims” as ILO Director-General, Guy Ryder, said in his closing remarks to the ILC.

## What the Protocol will change

### What is the Forced Labour Protocol?

The Protocol to the Forced Labour Convention, 1930, is a new, legally-binding instrument that requires States to take measures regarding prevention, protection and remedy in giving effect to the Convention’s obligation to suppress forced labour. It supplements the Forced Labour Convention, 1930 (No. 29), so only ILO member States that have ratified the Convention can ratify the Protocol. The Convention itself remains open for ratification.

### What is Recommendation No. 203?

The Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203) provides non-binding practical guidance in the areas of prevention, protection of victims and ensuring their access to justice and remedies, enforcement and international cooperation. It supplements both the Protocol and the Convention.

### What must states do to eliminate forced labour?

The fundamental obligation of Convention No. 29 is to suppress all forms of forced labour. This means that States must not only criminalize and prosecute forced labour, but also – as the new Protocol makes clear – take effective measures to prevent forced labour and provide victims with protection and access to remedies, including compensation.

### What does ratification mean and when will the Protocol enter into force?

A Protocol, like a Convention, needs to be ratified by a country to enter into force. By ratifying the instrument, a government:

- accepts it as a legally binding instrument;
- makes a formal commitment to implement the obligations in that instrument;
- accepts the ILO supervisory system, in which social partners may intervene.

The Protocol will enter into force following registration of its second ratification. Thereafter, it enters into force for any ratifying member twelve months after ratification.

A Recommendation, as a non-binding instrument, is not open to ratification.

# The Forced Labour Protocol's main provisions

## Definition

It reaffirms the definition of forced labour contained in Convention No. 29.

## Prevention (Article 2)

- Educating and informing those considered particularly vulnerable, employers and the wider public.
- Extending the coverage and enforcement of relevant laws to all workers and sectors.
- Strengthening **labour inspection** and other services responsible for implementation of these laws.
- Protection from abuses arising during the **recruitment process**.
- Supporting **due diligence** by the public and private sectors.
- Addressing **root causes** and factors that heighten the risks of forced labour.

## Protection (Article 3 and 4(2))

- Effective measures for the identification, release, protection, recovery and rehabilitation of victims.
- **Protecting victims from punishment** for unlawful activities that they were compelled to commit.

## Remedies (Article 4(1))

- Ensuring victims' access to appropriate and effective remedies, such as **compensation**, irrespective of their presence or legal status in the territory.

## Trafficking in persons (Article 1(3))

- Measures taken under the Protocol must include specific action against trafficking in persons for forced labour.

## Effective measures (Article 1(1))

In giving effect to their obligation to suppress forced labour under the Forced Labour Convention, the Protocol requires States to take effective measures to prevent and eliminate forced labour, to provide victims protection and access to appropriate and effective remedies, such as compensation, and to sanction perpetrators.

## Implementation and consultation (Article 1(2))

- Development of a national policy and plan of action in consultation with **employers' and workers' organizations**.
- Systemic action taken in coordination with these organizations as well as with other groups concerned.

## International Cooperation (Article 5)

- Cooperation between and among States to prevent and eliminate forced labour.

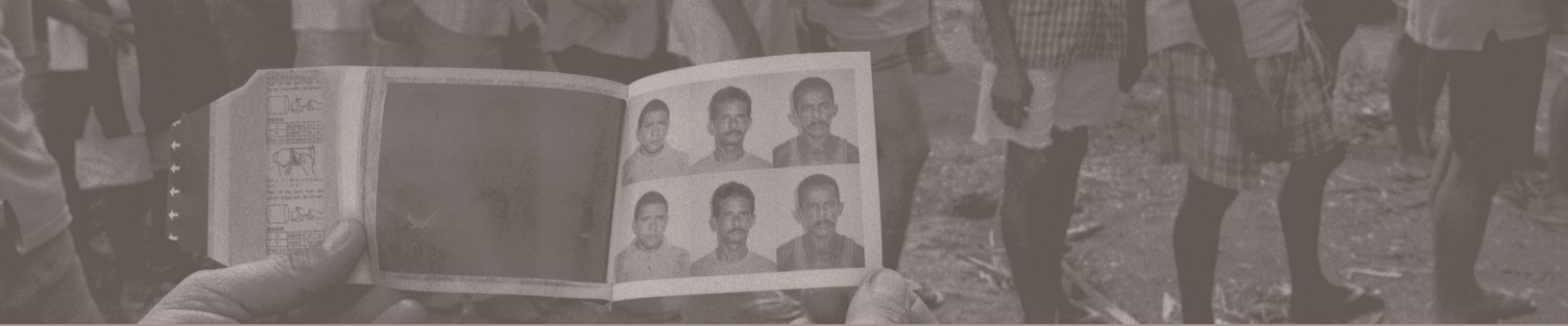
## How will ILO supervision work?

As the Protocol supplements a **fundamental** ILO Convention:

- Ratifying members States must submit a report every 3 years on measures they have taken to implement the Protocol, which will be examined by the ILO supervisory bodies;
- non-ratifying members States are required to participate in the annual reporting and review process set out in the Follow-up to the 1998 Declaration on Fundamental Principles and Rights at Work.

## What can the ILO do to support the ratification process?

The ILO has provided technical assistance on combatting forced labour to its members throughout the world through its research, capacity building and field-based projects. The ILO supports countries that pursue the ratification of the Protocol. For instance, it can contribute to awareness-raising campaigns, provide capacity building to strengthen the role of employers' and workers' organizations and advise governments on the development and implementation of relevant laws, policies and programmes.



# A global alliance against modern forms of slavery

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

It complements and strengthens existing international law, including the UN Slavery Conventions and the UN Protocol to prevent, suppress and punish trafficking in persons, especially women and children, as well as regional instruments such as the Council of Europe Convention on Action against Trafficking in Human Beings.

These instruments have contributed to widespread prohibitions of slavery, forced labour and human trafficking practices. But the scale of the problem suggests a need to focus actively on prevention, for instance through strategies that strengthen the role of labour inspection and workers' and employers' organizations.

The greater emphasis on protection and access to justice brought by the Protocol will help to ensure that the human rights of victims are respected and that perpetrators are punished.

A wide ratification of the Protocol will be a clear sign given by countries that forced labour must be eradicated.

*"A global alliance against forced labour which holds that it is neither necessary nor tolerable to countenance a form of abuse which has no place nor justification in today's world seems to me the only acceptable response. The ILO is ready to do what it can in such a global partnership with you."*

Guy Ryder, ILO Director-General

## **Special Action Programme to Combat Forced Labour (SAP-FL)**

Fundamental Principles and Rights at Work Branch

International Labour Office

Route des Morillons, 4

CH – 1211 Geneva 22, Switzerland

Tel: +41 22 799 63 29; Fax: +41 22 799 65 61

[forcedlabour@ilo.org](mailto:forcedlabour@ilo.org)

[www.ilo.org/forcedlabour](http://www.ilo.org/forcedlabour)