

CIVILIAN SECURITY, DEMOCRACY, AND HUMAN RIGHTS



NEW AT THE ILO: UPDATES TO THE FORCED LABOUR CONVENTION

On June 11, 2014, the tripartite constituency of the annual International Labour Conference (ILC) in Geneva comprised of governments, workers, and employers, voted overwhelmingly to adopt a protocol and recommendation to supplement the International Labour Organization (ILO) Convention concerning Forced or Compulsory Labour of 1930 (also known as the Forced Labour Convention or Convention 29).

PROTOCOL OF 2014 TO THE FORCED LABOUR CONVENTION

The new Protocol of 2014 (Protocol 29) updates the widely ratified Forced Labour Convention by addressing gaps in its implementation and reaffirming the obligation of States to take effective measures to prevent and eliminate forced labor in all its forms. It reaffirms the definition of forced labor contained in Convention 29 and provides concrete guidance to ratifying States on effective measures to prevent and eliminate all forms of forced labor. The legally binding Protocol 29 also complements other international instruments such as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000) and mandates specifically that measures include actions against trafficking in persons. Protocol 29 is open to ratification by governments that have ratified the Forced Labour Convention and will enter into force one year after it has been ratified by two Member States of the ILO.



Obligations under Protocol 29 include:

- » Developing comprehensive national policies and action plans for the effective and sustained suppression of forced labor;
- » Providing victims with protection and effective access to remedies, such as compensation, irrespective of their presence or legal status in the territory;
- » Sanctioning perpetrators;
- » Strengthening and applying labor laws and policies to all sectors, as well as inspection services;
- » Supporting due diligence by both the public and private sectors to prevent and respond to risks of forced labor; and
- » International cooperation between and among States.

FORCED LABOUR RECOMMENDATION NO. 203

Also on June 11, 2014, the ILC adopted the Recommendation on supplementary measures for the effective suppression of forced labour (Recommendation 203), which provides detailed technical and practical guidance to States on the implementation of Protocol 29 in the areas of prevention, protection, and access to justice and remedies, such as compensation, enforcement, and international cooperation. This recommendation supplements both Protocol 29 and the Forced Labour Convention. As a non-binding instrument, Recommendation 203 is not open to ratification.



Provisions of Recommendation 203 include:

- » Regulating labor recruiters and employment agencies, and eliminating recruitment fees charged to workers;
- » Supporting the private sector to address the risks of forced labor in their own operations, as well as those of their suppliers;
- » Immediate and long-term assistance for victims, taking into account the safety of the victims and their family members, and the protection of their privacy and identity, regardless of the victims' willingness to cooperate in criminal or other proceedings;
- » A reflection and recovery period for foreign victims, as well as temporary or permanent residence permits and access to the labor markets, irrespective of their legal status; and
- » International cooperation to prevent and address the use of forced labor by diplomatic personnel.

