



# Forced Labour

## Forced Labour and Trafficking in Persons

„Forced labour is present in some form on all continents, in almost all countries, and in every kind of economy”.  
[International Labour Organisation (ILO) 2005:1]

Forced and bonded labour is probably the least known form of slavery today, and yet it is the most widely used method of enslaving people. Between 12 and 20 million people are kept in debt bondage and under forced labour conditions around the world (ILO 2005:12).

### What is forced labour?

According to the ILO, forced labour is defined 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” [ILO Forced Labour Convention 29, 1930: Art. 2(1)]. The term forced labour includes slavery and practices similar to slavery as well as bonded labour or debt bondage. The ILO definition generally applies to work or service exacted by governments and public authorities as well as private bodies and individuals. The ILO has developed several elements, which individually or in conjunction, can indicate a forced labour situation:

- Threats or actual physical harm.
- Restriction of movement or confinement to the workplace or a limited area.
- Debt bondage.
- Withholding wages or excessive wage reduction that violates previously made agreements.
- Retention of passports and identity documents.
- Threat of denunciation to the authorities, when the worker has an irregular immigration status.

### How are forced labour and trafficking in persons interrelated?

Trafficking in persons is the acquisition of people by improper means such as force, fraud or deception, with the aim of exploiting them. Trafficking includes different means of exploita-

tion, such as slavery or slavery-like practices, forced labour or services and prostitution or other forms of sexual exploitation [UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, 2000: Art. 3 (a)]. In the 2005 Global Report on Forced Labour, the ILO estimates that about 20 per cent of all forced labour is an outcome of trafficking. Of those trafficked into forced labour, 43 per cent are trafficked for commercial sexual exploitation, 32 per cent are trafficked for economic exploitation, and the remaining 25 per cent are trafficked for mixed or undetermined reasons (ILO 2005:14).

### Why does forced labour still exist?

Poverty and discrimination breed the conditions in which forced labour practices persist. Poor people are often in need of cash just for daily survival, which forces them to sell their labour in exchange for a lump sum of money or a loan. They are tricked or trapped into working for very little or no pay, often for long hours and seven days a week. The value of their work is invariably greater than the original sum of money borrowed. Forced labourers are routinely threatened with and subjected to mental and physical violence with women and girls being disproportionately affected by sexual violence. Forced labourers are kept under various forms of surveillance, sometimes even by armed guards. Entire families can be held under forced labour conditions, making it even harder for individual family members to escape.

Vice versa, forced labour systems lock marginalized groups, such as women and children, into extreme poverty since they have few possibilities to take self-determined decisions and, consequently, to elude the vicious circle of forced labour conditions. In most countries, legislation against various forms of forced labour exists. However, law enforcement is weak and corruption is widespread, hence, the vast majority of perpetrators remain unpunished. This helps keep forced labour exploitation a low-risk, but highly profitable operation.

## Who is exploited through forced labour?

Anyone can become a forced labourer when his or her labour is demanded as a means of repayment for a loan. However, marginalized groups, such as women, children, indigenous people, people of 'low' caste status or migrant workers are disproportionately

affected. In forced economic exploitation, while women and girls represent 56 per cent of victims, men and boys nevertheless account for 44 per cent. However, regarding forced commercial sexual exploitation, an overwhelming majority of 98 per

### Nisha from India

Nisha, 30, became bonded after she married her husband. His family had been bonded for four generations to the same landlord. His family took loans for marriage, for illness, for education and, as a result, were kept to pay off their loans. Nisha works 14 hours a day in the landlord's house: working, cleaning, cooking, and fetching water as well as on the landlord's farm with other family members. The landlord abuses her and other women of her family and threatens them if they ask to work for someone else. Since Nisha has two young children, she wants them to break the vicious circle and secretly seeks contact with a local support organization.

## In which sectors does forced and bonded labour appear?

Forced labour occurs in the formal and informal sector as well as in sectors not traditionally considered as employment sectors, such as domestic work. Generally, the informal and hence unprotected sector is more vulnerable to forced labour. In some areas, bonded labour patterns reflect traditional feudal relationships. However, newer forms of forced and bonded labour relationships are appearing: for example, where traditional relationships between the agricultural worker and landlord are replaced by seasonal migration forms of working. Previously formal sectors, such as construction, also tend to become increasingly informal with the use of contractors, intermediaries and others to hire workers, often for short periods. Such situations reinforce the risk of trafficking and bonded labour. Different groups can be found in different sectors, e.g. men are often found in construction work, women in domestic work and children in the carpet industry.

## Are there regional patterns of forced and bonded labour?

The Asian and Pacific region is struggling against both traditional and newer forms of forced labour. About 9.5 million people are victims of forced labour in the Asia-Pacific region, representing a large proportion of the global total (ILO 2005: 13). Although bonded labour is still widespread in its traditional stronghold of agriculture, it is increasingly found in other sectors such as do-

mestic service, brick-kilns, rice-mills, mining and quarrying, and carpet weaving. Of the millions of bonded and forced labourers in India, Pakistan and Nepal, the vast majority are of low caste status, indigenous people or other minority groups.

Until recently, the anti-trafficking movement in Europe and North America primarily focused on trafficking for the purpose of sexual exploitation and forced prostitution. However, forced labour exists in Europe in predominantly informal sectors, such as care, construction, agriculture and contract cleaning. In North America, the sweatshop industry as well as agriculture provides a common ground for forced labour exploitation.

Bonded labour was also used as a method of colonial labour recruitment for plantations in Africa or Latin America and the Caribbean. As in Asia, these traditional patterns laid the groundwork for a long and still existing tradition of forced and bonded labour (for example, in the wood industry in Brazil). ILO estimates indicate that about 3 million persons are working under forced labour conditions in Latin America. Countries with a strong indigenous population, such as Bolivia, Guatemala, Paraguay and Peru are disproportionately affected. About 660,000 persons live in debt-bondage in Sub-Saharan Africa as well as 260,000 in the Middle East and North Africa (ILO 2005: 13).

## What can be done to combat trafficking in human beings for forced labour?

Initiatives to combat trafficking and forced labour should always be based on a human rights approach by following the needs and rights of the victims and addressing the states' duty to respect, protect and fulfill human rights. The implementation of core labour standards is crucial. Consequently, awareness-raising work with employers and consumers as well as advocacy-work with trade unions in combination with legislative changes and better law enforcement are important steps to be taken. Focusing on forced labour can also help overcome many obstacles the anti-trafficking movement faces and provide an effective framework for the protection of trafficked people and migrant workers, especially women and children.

## Literature & Links

International Labour Organization: <http://www.ilo.org>  
ILO: *Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work 2005. Report I (B). Geneva, 2005.*

Anti-Slavery International: <http://www.antislavery.org>  
Global Alliance against Trafficking in Women: <http://www.gaatw.net>  
Terre des Hommes Digital Library: <http://www.childtrafficking.com>  
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children:  
<http://www.unodc.org/unodc/index.html>

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