



## **Follow-up activities by the Office under the Declaration on Fundamental Principles and Rights at Work: Freedom of association and collective bargaining, forced or compulsory labour, discrimination**

1. This note has the purpose of informing delegates at the 92nd Session of the International Labour Conference (Geneva, June 2004) of activities in pursuit of the action plans approved by the Governing Body in November 2000 on freedom of association and the effective recognition of the right to collective bargaining,<sup>1</sup> in November 2001 on forced or compulsory labour,<sup>2</sup> and in November 2003 on discrimination.<sup>3</sup> The action plan approved by the Governing Body in March 2003 on the abolition of child labour<sup>4</sup> is essentially congruent with the most recent orientations concerning the InFocus Programme on Child Labour (IPEC).
2. The note updates *Provisional Record* No. 2 of last year's session of the Conference. Not listed here are the many activities, such as meetings, publications and advisory services projects, handled by the Bureau for Workers' Activities (ACTRAV), the Bureau for Employers' Activities (ACT/EMP) and other headquarters or field units that are concerned with or touch upon freedom of association and collective bargaining, forced or compulsory labour, or discrimination which complement the action plans. They tend to be reflected in the Office's programme implementation reports regularly submitted to the Programme, Financial and Administrative Committee of the Governing Body.<sup>5</sup>

### **A. Freedom of association and collective bargaining**

3. The Global Report *Organizing for social justice*, to be discussed at this year's session of the International Labour Conference, gives a complete picture of the activities implemented since the adoption of the action programme at the November 2000 Governing

<sup>1</sup> GB.279/TC/3.

<sup>2</sup> GB.282/TC/5.

<sup>3</sup> GB.288/TC/4.

<sup>4</sup> GB.286/TC/2.

<sup>5</sup> For the last report, see GB.289/PFA/10.

---

Body session, and thereby updates the information provided during last year's session of the Conference.<sup>6</sup>

## **B. Forced and compulsory labour**

4. The Special Action Programme to Combat Forced Labour (SAP-FL) expanded its activities in Europe, Latin America, Africa and Asia, in selected priority countries. Four major new technical cooperation projects on combating forced labour and trafficking came on-stream during the period. Research and awareness raising on combating forced labour accelerated. Close working relationships were cemented with other international agencies, particularly in the field of combating trafficking (notably with the European Union, the Organization for Security and Co-operation in Europe (OSCE), the Stability Pact for South-Eastern Europe (the Task Force on Trafficking in Human Beings) and the Council of Europe), and in the field of bonded labour with the World Bank. SAP-FL continued as joint coordinator of the Inter-Governmental Organizations' (IGO) Contact Group on Human Trafficking and Migrant Smuggling. It also took the lead in the new internal office trafficking working group, which aims to enhance coordination, collaboration and knowledge sharing between the various ILO units that work on the topic.

### ***Applied research and its dissemination***

#### Misuse of cultural traditions

5. *Niger*: Following an in-depth study of forced labour and slavery in Niger, SAP-FL supported an awareness-raising programme with the Association of Traditional Chiefs of Niger (ACTN). A first regional workshop was held in December 2003, in the Tahoua region, for a group of chiefs and advisers from the surrounding areas. Two further regional and one national workshop will be held in the coming two months. A radio campaign, through community-based radio stations, is about to be launched.
6. *Western Africa*: Studies of forced labour in Burkina Faso, Guinea and Mali were completed and validated at tripartite workshops in the countries concerned. Draft action plans were formulated for consideration by the constituents and donors. A new anti-trafficking programme covering Ghana, Nigeria and Senegal includes a study of the cultural factors that give rise to trafficking and forced labour.

#### Trafficking and its forced labour outcomes

7. *Eastern and Western Europe*: A research programme covering ten countries of Eastern and Western Europe has generated important insights into forms of coercion and deception of irregular migrant workers throughout the trafficking cycle, in source, transit and destination countries. The results allow more systematic conclusions to be drawn with regard to the profile of victims, economic sectors, forms of exploitation and coercion. Interviews with more than 1,200 migrant workers confirmed the significance of trafficking for labour exploitation, in addition to the already well-established fact of trafficking for sexual exploitation. Whereas most women who are trafficked for sexual exploitation are deceived either by individual intermediaries (friends, neighbours or family) or criminal networks, victims of trafficking for labour exploitation are usually caught in a net of

<sup>6</sup> ILO: *Provisional Record No. 2, Record of Proceedings*, Vol. I, International Labour Conference, 91st Session, Geneva, 2003.

---

dependence through “semi-legal” recruitment and employment practices that are very difficult to detect.

8. In the Russian Federation, a major study on the new forms of forced labour was launched in March 2004. A further study examined the particular plight of Tajikistan migrant workers in the Moscow construction industry.
9. *North America*: Preliminary research has been undertaken in the United States, focusing on trafficking for both labour and sexual exploitation from Latin America and Asia, and on best practices associated with the United States Victims of Trafficking and Violence Protection Act of 2000.

#### Bonded labour

10. *South Asia*: Rapid assessment studies of bonded and related labour arrangements in ten economic sectors in Pakistan were completed, published and launched, in collaboration with the Ministry of Labour, at a national seminar in January 2004. The studies have shed valuable new light on the range of labour arrangements that prevail, and have helped in the design of practical interventions under the Government’s National Policy and Plan of Action for the Abolition of Bonded Labour. The Pakistan Federal Bureau of Statistics completed a household sample survey of bonded labour in agriculture and brick kilns, with ILO support. In India and Nepal, studies were conducted on the gender dimensions of bonded labour and on employers’ perspectives on bonded labour.

#### Debt bondage and servitude

11. *Latin America*: The ILO assisted (or currently assists) Governments and social partners in Bolivia, Guatemala, Paraguay and Peru to increase their knowledge base of forced labour through field investigations. Preliminary results indicate the existence of practices similar to those prevalent in Brazil – primarily debt bondage in remote rural areas. Other, more country-specific forms of forced labour, were also detected. In Brazil, an ILO-supported project has worked with national partners to set up a reliable data system to bring together information on cases of forced labour from government departments, agencies and other groups. Research was also undertaken on the pattern and incidence of forced labour, concentrated in illegal logging activities in the Amazon region. The research aims to inform President Lula’s action plan against forced labour adopted in March 2003, with the objective of eradicating the problem by the end of 2006.

#### ***Awareness raising on forced labour***

12. *Eastern Asia*: In China, a study tour on forced labour was organized for selected high-level Chinese officials to France, Germany, Hungary and the Russian Federation. Participants were from the key agencies to be involved in the process of law and policy reform, including China’s re-education-through-labour system. The study tour prepared the ground for follow-up activities, including an inter-ministerial workshop on forced labour, held in Beijing in January 2004.
13. In Mongolia, a course on core labour standards was held in June 2003, followed by a national study on law and practical aspects of forced labour. The study identified some new forms of forced labour, as well as certain outstanding problems from the former socialist era. Employers’ organizations have since proposed some specific activities for the eradication of forced labour.

- 
14. A series of consultations in Viet Nam paved the way for an inter-ministerial workshop on forced labour in February 2004. Agreement was reached on the establishment of a tripartite inter-ministerial task force on forced labour concerns, as well as on terms of reference for a comprehensive study.
  15. Two important events were held in East Asia in September 2003, in which SAP-FL was able to participate and draw attention to the forced labour dimensions of trafficking. The first was the Expert Group Meeting on Prevention of International Trafficking and Promotion of Public Awareness, hosted by the Ministries of Justice and Gender Equality in Seoul, Korea. The second was the ILO Symposium on Combating Trafficking in Human Beings, in Tokyo, Japan.

### **Advisory services**

16. *Madagascar*: An in-depth study of the legal and policy environment and of different manifestations of forced labour in the country was completed and will be discussed and validated soon at a tripartite workshop.
17. *Germany*: Germany recently requested ILO guidance on the concept of forced labour in order to implement Article 3 of the United Nations Convention Against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol). In response, SAP-FL developed draft legislative guidelines to assist governments in the ratification and implementation of the Protocol. Support was also offered to the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) and the German trade union IG BAU in their effort to draft a human rights charter for migrant workers in agriculture, demanding better protection of migrant workers from exploitation by smugglers or traffickers. A workshop in June 2003 was held to draft the charter and discuss follow-up action.

### **Programmes and projects**

#### **Coercive recruitment, debt bondage and bonded labour**

18. *Brazil*: The ILO project continues to support members of the Executive Group for the Abolition of Forced Labour (GERTRAF) and other key partners within and outside government, at federal, state and municipal levels. The project has offered training and other support to the mobile inspection units and law enforcement agencies, and has helped to improve coordination between the various agencies involved in combating forced labour. A national information campaign was launched in October 2003, with the media as important partners. Since early 2002, more than 4,000 workers have been freed by government inspection teams.
19. *South Asia*: As of mid-2003, SAP-FL became a partner in the subregional project initiated by the Social Finance Programme (SFP) in Bangladesh, India (Andhra Pradesh), Nepal and Pakistan. It also continued the joint project with SFP in Tamil Nadu, India. The project has so far focused primarily on the prevention of bonded labour through the provision of a range of services, including financial and non-financial. In its new phase, it will expand the scope of activities. The project seeks to develop a proven "package" of interventions both to reduce the vulnerability of families at risk of falling into bondage and to rehabilitate those released from bondage. These approaches can then be replicated more widely by national partners. Increased emphasis is being placed on strengthening the institutional environment, including the role of District Vigilance Committees at local level and the role

---

of the social partners in combating bonded labour. The project also engages at the policy level with governments and the social partners across the subregion.

- 20.** *Pakistan:* SAP-FL continued to support implementation of the National Policy and Plan of Action for the Abolition of Bonded Labour and Rehabilitation of Freed Bonded Labourers. The Ministry of Labour hosted an inter-ministerial round table discussion in August to seek wider involvement of other key government agencies in action against bonded labour; a national seminar was held in January 2004 to launch the findings of the rapid assessments, as endorsed by the Bonded Labour Research Forum; an adviser on bonded labour was appointed to work with the Ministry of Labour and manage ILO-sponsored activities on bonded labour, as of late 2003; and the National Committee for the Abolition of Bonded Labour and Rehabilitation of Freed Bonded Labourers held its first meeting in January 2004. An awareness- and consensus-building event was held by the brick-kiln owners' association of Pakistan, resulting in recommendations for follow-up activities. Under the auspices of the subregional project, collaboration continued with the National Rural Support Programme in Sindh Province, involving assistance to freed bonded labourer families living in camps around Hyderabad.
- 21.** *Nepal:* Implementation of the joint Declaration/IPEC project on the sustainable elimination of the *kamaiya* system of bonded labour continued. The project works with the Ministry of Land Reform and Management and other partners to provide an integrated package of support to freed *kamaiyas* living in five districts of western Nepal. The project includes support for income generation through credit and skills training, group organization in the resettlement areas, small-scale infrastructure development, support for unionization of farm workers and campaigning for minimum wage and other labour standards, awareness raising on labour rights, non-formal education and mainstreaming of school-age children, and provision of micro-health insurance. To date, around 650 men and women have received skills training, more than 6,000 children have been mainstreamed into formal schools and 2,800 have been given non-formal instruction. Some 70 per cent of agricultural labourers in the target districts receive at least the minimum wage.

#### Internal or international trafficking resulting in forced labour situations

- 22.** *South-eastern Asia:* As an outcome of the regional consultation for domestic workers' organizations held in February 2003, a technical cooperation project, Mobilizing Action for the Protection of Domestic Workers from Forced Labour and Trafficking in South-East Asia, has just been launched. It targets Indonesia and the Philippines as source countries, and Hong Kong, China, and Malaysia as transit/destination countries, in an integrated programme of action. Initial preparatory research has been undertaken.
- 23.** *Central Asia:* A new technical cooperation project to combat human trafficking and its forced labour outcomes in Central Asia and the Russian Federation has recently commenced. It focuses on the exploitation of mainly Tajik and Uzbek migrant workers in the Russian construction industry and other sectors. Project components include awareness raising, law and policy reform, capacity building and demonstration projects for prevention and rehabilitation.
- 24.** *South-eastern and western Europe:* SAP-FL, based on its European experience, has developed training tools to enhance the capacity of law enforcement authorities to detect and prosecute abusive recruitment practices and trafficking. Two modules – one for law enforcement agents and another for trainers – are currently being tested. The main target groups are police officers and labour inspectors involved in monitoring private recruitment agencies and anti-trafficking programmes. The training also encourages self-regulation by

---

private recruitment agencies. Additional work aims to foster cooperation between law enforcement authorities and labour market institutions in European Union Member States, accession countries and third countries.

25. *West Africa*: A new technical cooperation project is under way to combat trafficking in Ghana, Nigeria and Senegal, with Italy as a destination country. The project aims to improve the knowledge base (while there is considerable knowledge on child trafficking, little is known about adult trafficking in the region for labour exploitation), to mainstream forced labour and trafficking concerns into Poverty Reduction Strategy Papers and other important policy frameworks and to implement pilot prevention, protection and rehabilitation schemes, involving all key stakeholders.

## C. Discrimination

### ***Employment and occupation***

26. In June 2003, the Global Report *Time for equality at work* was discussed at the Conference. Many Conference delegates voiced their concern about the rise in racial and ethnic discrimination stemming from the intensification of cross-border migration, the redefinition of national boundaries in Central and Eastern Europe, which had exposed national minority issues, and the persisting social and economic inequalities in multi-ethnic or multiracial countries. Concern was also expressed in respect of the persistent inequalities in remuneration between men and women worldwide, which were only in part to be ascribed to gender differences in education or work experience. Many speakers highlighted the nexus between discrimination at work and poverty and the failure of anti-poverty strategies to address this link.
27. Between May and December 2003, the InFocus Programme on Promoting the Declaration, in cooperation with the Department of Communication (DCOMM) and many regional and subregional offices, carried out multimedia campaigns and organized round tables and seminars to disseminate the main messages and findings of *Time for equality at work*. In several countries, including Brazil and the Philippines, national compendia, focusing on the national situation and complementing information contained in the Global Report, have been discussed with national governments and social partners and have led to immediate follow-up in Brazil (see paragraph 29).
28. In November 2003, the Governing Body Committee on Technical Cooperation adopted a four-year follow-up action plan regarding the elimination of discrimination in employment and occupation.<sup>7</sup> The action plan aims to help constituents develop their own policies and strategies to address discrimination in the world of work. It focuses on two main themes: racial/ethnic discrimination at work and development, with attention to its gender dimensions, and equal pay for work of equal value between women and men and between mainstream and racial/ethnic minority groups. Strategies promoted by the action plan include strengthening the capacity of governments and social partners to understand the causes and dynamics of discrimination, the need to tackle it and how to eliminate it; generating and disseminating knowledge about which policies and strategies work and which do not and why; and encouraging dialogue and consultation on selected themes – such as racial/ethnic discrimination and pay equity – between ILO constituents, nationally and globally, and between them and members of groups that suffer discrimination. The

<sup>7</sup> GB.288/TC/4.

---

action plan includes a global task force on the elimination of discrimination, to be created within the Office. Its aim will be to improve communication and enhance coordination and synergy between present and future activities in this domain. While this action plan is yet to be adequately funded, some activities – mainly seminars – have been started with limited regular budget funds, as well as funds provided by initial donors.

### ***Addressing racial/ethnic discrimination***

29. In Brazil, as part of the preparation of the national compendium to the Global Report, the ILO undertook a study assessing the effectiveness and impact of several regional centres (*núcleos*) that comprise the Ministry of Labour's programme to combat racial, gender and other forms of discrimination in employment and occupation. The ILO and the Ministry of Labour discussed the study's conclusions and recommendations. As a result, a number of changes in the programme's location in the Ministry's structure, its priorities and work methodology have been introduced. Since November 2003, the InFocus Programme on Promoting the Declaration, with the financial support of the Government of the Netherlands, has been implementing a technical cooperation project to assist the Special Secretariat of Policies to Promote Racial Equality, established in March 2003, and the Ministry of Labour in the design and implementation of a national policy to prevent and combat racism in the world of work.

### ***Strengthening the capacity of trade unions to address discrimination at work***

30. The InFocus Programme on Promoting the Declaration has provided technical and financial support to a number of trade unions to improve their capacity to tackle different forms of discrimination. These activities included:
- (a) the ICFTU Conference on How to Oppose Discrimination in the Labour Market in South-East Europe (Skopje, Macedonia, 3-4 March 2003). The Conference was co-sponsored by ICFTU, ACTRAV, the InFocus Programme on Promoting the Declaration and the Subregional Office for Central and Eastern Europe in Budapest and was attended by trade union leaders, trade union officers and young trade union representatives of ten trade unions from Albania, Bosnia and Herzegovina, Croatia, Romania, Serbia and Montenegro, Slovenia and The former Yugoslav Republic of Macedonia. The Conference highlighted the difficulties that trade unions face in promoting policies geared towards the elimination of discrimination at work, owing to mass redundancies and erosion of social rights and benefits, and the legacy of socialism under which equity and non-discrimination were supposedly underpinning values of the regime. A declaration and a plan of action were adopted confirming the commitment of trade union leadership to respect the principles and rights enshrined in the Declaration on Fundamental Principles and Rights at Work and its Follow-up and identifying capacity building for the elimination of discrimination at work as a priority for both themselves and their membership.
  - (b) The first Regional Conference of Public Services International (PSI), Racism is a Trade Union Issue: Developing a Public Sector Trade Union Response (Bahia, Brazil, 8-10 October 2003), brought together 70 delegates representing PSI affiliates from 13 countries in the Americas and five countries in Africa. The Conference adopted a statement and an action plan for trade unions to fight racism in the community, the workplace and within trade unions. Proposed actions at the international level include developing regional and international anti-racism networks of public sector trade unions, adopting affirmative action in decision-making structures, implementing

---

training programmes on racial equality for union members and staff and building alliances with community organizations and groups of workers facing multiple forms of discrimination.

- (c) A six-month technical assistance project to the women's secretariats of the three trade union confederations of Central America, the Dominican Republic and Panama to strengthen their capacity to advocate and improve women's participation in the labour movement. This joint venture, involving, among others, the Subregional Office for Central America in San José, the InFocus Programme on Promoting the Declaration and ACTRAV, consisted of a series of activities at the country and subregional levels ranging from participatory assessment studies on the patterns and trends of women's participation in trade unions, by economic sector and by country, on gender inequalities in the labour market, and on the main factors and processes hampering women's representation in trade union leadership, their access to skill-enhancing opportunities and their involvement in key negotiations to preparation and validation by national trade union leadership of national action plans.

### ***Addressing various forms of discrimination***

31. In April 2004, the InFocus Programme on Promoting the Declaration, in collaboration with the Subregional Office for Central and Eastern Europe in Budapest, launched a project aimed at promoting the development of a national policy of non-discrimination and equality in employment and occupation in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the territory of Kosovo under interim international civilian administration, the Republic of Moldova, Romania, Serbia and Montenegro and The former Yugoslav Republic of Macedonia. The project, which is financed by the Government of Belgium, is part of a broader project aimed at strengthening social dialogue and tripartism and enhancing national technical expertise in labour law in south-eastern European countries, in the framework of the Stability Pact for South-Eastern Europe.
32. At the request of the Ministry of Labour of Peru, and in cooperation with the Subregional Office for the Andean Countries in Lima, a technical assistance programme was designed, in May 2004, to assist the recently established Intra-Ministerial Committee on Equality of Opportunities in reviewing all the Ministry's policies and programmes with the aim of mainstreaming non-discrimination and equality of opportunities throughout the Ministry's work. This technical assistance also envisages supporting the Ministry of Labour in the preparation of its contribution to the National Plan for Equality of Opportunities between Men and Women (2004-10).

### ***Pay equity***

33. In November 2003, the third Pay Equity Discussion Forum, jointly convened by the ILO and PSI, brought together the global union federations and the different departments of the ILO working on gender issues and pay equity in particular. The forum allowed participants: (i) to share updates on work on pay equity by the ILO and the global unions; (ii) to review and make recommendations to the pay equity component of the follow-up action plan on the elimination of discrimination, as endorsed by the Governing Body at its November session; and (iii) to plan strategies to raise the profile of pay equity issues in the global trade unions' agendas.



---

## CONTENTS

	<i>Page</i>
<i>Follow-up activities by the Office under the Declaration on Fundamental Principles and Rights at Work: Freedom of association and collective bargaining, forced or compulsory labour, discrimination</i>	
A. Freedom of association and collective bargaining.....	1
B. Forced and compulsory labour .....	2
Applied research and its dissemination .....	2
Misuse of cultural traditions.....	2
Trafficking and its forced labour outcomes .....	2
Bonded labour .....	3
Debt bondage and servitude .....	3
Awareness raising on forced labour .....	3
Advisory services .....	4
Programmes and projects .....	4
Coercive recruitment, debt bondage and bonded labour .....	4
Internal or international trafficking resulting in forced labour situations .....	5
C. Discrimination .....	6
Employment and occupation .....	6
Addressing racial/ethnic discrimination .....	7
Strengthening the capacity of trade unions to address discrimination at work.....	7
Addressing various forms of discrimination .....	8
Pay equity .....	8