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Volume 14 Issue 4 2008

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Focus on forced labour



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Editorial: tackling forced labour

This special edition of IUR marks a concerted effort by trade unions worldwide to better understand, engage with, and take steps to challenge the continuation of slavery and forced labour. The debates around forced labour were brought to the fore when the 200th anniversary of the British Parliament Act abolishing the Transatlantic Slave Trade was celebrated this year in the UK and around the world.

Whilst illegal across the world, the ILO estimates that at least 12.3 million people are enslaved in the world today, and this issue of IUR seeks to alert readers to the scale and nature of the problem and to the efforts being made by unions and the international labour movement towards understanding and tackling this complex practice.

This edition of IUR was produced with the support and assistance of the ITUC's Global Trade Union Alliance against Forced Labour and Trafficking (which is supported by the ILO Special Action Programme to Combat Forced Labour (SAP-FL)). Jeoren Beirnaert, Co-ordinator of the ITUC's Alliance joined the Editorial Board of IUR as a guest member for this edition.

Roger Plant, Head of the ILO's SAP-FL, highlights some of the ILO's activities against forced labour and human trafficking that have taken place since the establishment of the SAP-FL project, in 2001. The project is working to a four year

plan against forced labour adopted by the ILO Governing Body in 2005.

An indication of the severity of the problem of forced labour in Burma is evident from its treatment in isolation compared to the continent-wide approach adopted by the ITUC for the rest of the world. A contribution by Maung Maung, Secretary General of the Federation of Burmese Trade Unions (FTUB), provides a vivid account of forced labour in Burma, and highlights the difficulty and danger the FTUB faces in gathering evidence on the scale of the problem.

An overview of the nature of contemporary slavery practices is offered by Anti-Slavery International's Director Aidan McQuaide. Aidan provides some sobering facts regarding the extent of the problem across the world, its multifaceted nature and thus the need to engage in a broad struggle that tackles the problem from combined political, economic and social angles. A look at the main victims of forced labour – minority groups and migrant workers – provides evidence that poverty and vulnerability, reinforced by societal prejudice, form key elements in the structural causes contributing to the perseverance of these practices. Policies to improve education and reduce poverty need to be encouraged, but organization and political voice are of vital importance. It is here that trade unions can play a crucial coordinating role: reaching out to the informal sector; making use of their advantageous position as key social actors that can influence government and business; and drawing on their links with international civil society.

But a responsible search for solutions requires an accurate definition of the nature of the problem. Labour lawyer Steve Gibbons examines the difficulties in the identification of forced labour practices, the changing nature of forced labour, and the complexities in categorizing and tackling its diverse forms.

Gareth Chetwyn interviews award-winning labour inspector Fernanda Giannasi about the harsh treatment and unsafe labour conditions of asbestos workers in Brazil.

Moving away from the main theme of this edition, Italian lawyer Federica Micoli reports on a recent crackdown by the Italian authorities on the radical syndicalist trade union Slai COBAS, while Sudanese labour expert and ICTUR Vice-President Fathi El Fadl looks at issues facing vulnerable workers in Sudan. Dr El-Fadl also brings us back to the major theme of the journal with his description of the plight of child soldiers in Sudan.

Next issue of *IUR*

Articles between 850 and 1,900 words should be sent by email (mail@ictur.org) and accompanied by a photograph and short biographical note of the author. Photographs illustrating the theme of articles are always welcome. All items must be with us by 20th February 2007 if they are to be considered for publication in the next issue of *IUR*.

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A problem that transcends all boundaries

In old and new forms forced labour is a problem that transcends all political boundaries whether they are ideological or geographical. Slavery, debt bondage and human trafficking are universally condemned. However, in the words of Ban Ki-Moon, UN Secretary-General, while 'the abolition of slavery should be a remembrance by now, a companion to history books recounting humanity's worst offences, it isn't. Instead millions of our fellow human beings continue to live as contemporary slaves, victims of abominable practices like human trafficking, forced labour and sexual exploitation. Countless children are forced to become soldiers, work in sweatshops or are sold by desperate families. Women are brutalised and traded like commodities. Entire households and villages labour under debt bondage'. Poverty and discrimination allow forced labour to fester.

Forced labour represents one of the most extreme violations of the rights proclaimed by trade unions: freedom of association and the right to collective bargaining, equal treatment of all women and men, living wages and adequate working conditions, in short, decent work. Trade unions have since their origin been the vanguard of the fight against any form of labour exploitation and of discrimination. The incidence of all the forced labour forms is not surprisingly the highest in areas where trade unions are the least present such as among informal workers, in rural areas and in sectors such as agriculture, construction and textiles. The presence of independent trade unions and the occurrence of forced labour are directly linked and therefore trade unions are essential to sustainable eradication of the phenomenon.

ILO and ITUC

The ILO renewed its commitment in 2000 to eradicate all forms of forced labour by 2015 and in November 2006 the International Trade Union Confederation (ITUC) did the same by means of its own inaugural Congress in Vienna. Its constitution stated the ITUC was to: '*strive for the universal respect of fundamental rights at work, until child labour and forced labour in all their forms are abolished, discrimination at work eliminated and the trade union rights of all workers observed fully and everywhere*'. With intensive programmes and active policies to defend the right to freedom of association, the right to organise and to bargain collectively, integrated strategies to fight inequality, racism and discrimination and global campaigns against child labour already in place, there was a necessity for additional coordinated trade union action against forced labour and trafficking. Therefore, in May 2007 the ITUC took on the challenge of establish-

ing a global trade union alliance against forced labour and human trafficking with the financial support of the ILO Special Action Programme to Combat Forced Labour.

ITUC Challenge: A Global Trade Union Alliance

The ITUC undertook a survey to assess the existing capacities, needs and opportunities of trade unions in order to actively combat forced labour and human trafficking and to measure actual commitment and possible limitations of constituents and partner organisations. It made clear that in several ways trade unions are already carrying out valuable work to fight forced labour and human trafficking. Current trade union efforts are mostly focused on fighting the worst forms of child labour (forced child labour is one of the worst forms of child labour as specified in ILO Convention 182), abuse of domestic workers (growing numbers of often migrant child and adult household workers, who hand over identity documents, find themselves tied to one household with restricted freedom of movement, and are highly vulnerable to forced labour), and the protection of migrant workers' rights (migrant workers and especially undocumented migrant workers are specifically vulnerable to forced labour exploitation due to their precarious legal status in the host country). In several regional trade union structures such as East Africa, South Asia and certain parts of Europe, the trade union movement already made important contributions to the fight against trafficking in persons e.g. ICFTU-AFRO in cooperation with the American Solidarity Center organised several seminars to develop regional trade union strategies to tackle human trafficking in Nairobi, Kenya. They also produced some specific country studies such as a report on Kenya. On a sectoral level the International Transport Workers' Federation, in close cooperation with the European Transport Workers' Federation also made a good specific effort to fight trafficking. During the 2006 Football World Cup in Germany they launched a campaign to raise awareness of the possibility of increased trafficking of women for sexual exploitation to Germany among their members and the wider public and encouraged them to report cases of abuse.

The survey revealed general trade union concern and widespread commitment to fight this problem and its related issues. However it also showed that there is still some degree of unfamiliarity of many trade unionists with the concepts of forced labour and trafficking as they are put forward by the ILO in Conventions 29 and 105. The conventions and their definitions have been developed in a specific socio-economic era aim-

Trade unions are essential to sustainable eradication of forced labour



JEROEN BEIRNAERT is Project Coordinator Forced Labour and Trafficking at the ITUC in Brussels

The conventions were developed in a specific socio-economic era but apply increasingly to different forms of exploitation today

ing at combating compulsory labour in public works in countries and territories under colonial administration. Nevertheless, the Conventions are of more general application and apply increasingly to different forms of labour exploitation today.

Additionally the ITUC organised an Interregional Conference to consult with its affiliates, Regional Organisations, GUFs, and ILO-ACTRAV from 9 to 11 September in Kuala Lumpur. At this event a provisional strategy was presented and thoroughly discussed by participants representing the earlier mentioned organisations. Overall accents in the discussions were the role of the ITUC and the Global Union Federations as adequate structures to address this complex global issue showing specific characteristics per region and sector. In relation to an action plan, different approaches and activities have been put forward that can be divided into three pillars: research and data gathering, awareness raising and campaigning, and actively reducing the vulnerability of workers. Additionally, a number of priority areas for action have been selected: bonded labour in South Asia and Latin America, exploitation of domestic workers, child labour, trafficking in Europe and Asia and additionally Burma. Participants proposed to present the strategy to the ITUC General Council in December 2007 and to design an implementation action plan for the coming two or three years for which cooperation with the ILO Special Action Programme to Combat Forced Labour is foreseen.

Attention has been drawn to the restricted financial possibilities of trade unions implying that any successful strategy has to fully exploit existing trade union structures in related areas of work such as child labour, migrant workers, domestic workers, discrimination and the informal economy.

It was followed by another consultation round in Turin, Italy from 23 to 25 October, adding to the conclusions of the first. This time general comments put more emphasis on gender and discrimination aspects, effective labour inspection systems, collective bargaining and collective agreements, and the ETUC migration policy as well as on the sectoral level. There were calls to create a network of trade unionists and to train them by jointly working on cases; develop a webpage with links to different trade union web pages addressing forced labour issues; develop a case based training guide, and hold regional train the trainer sessions; develop international campaigning materials; and calls for incentives to encourage national unions to do the same.

These conclusions were all reflected in the paper presented to the ITUC General Council meeting in December 2007 in Washington, DC, US. The paper introduced a framework for future trade union action and made reference to the importance of rights based migration policies, effective labour inspection services and clear regulations for private employment agencies and encouraged all awareness raising, social dialogue and monitoring activities specifically addressing the issue of forced labour. It pointed out the role of trade unions in the identification, documentation and public exposure of forced labour issues and cases. It also put emphasis on the increasing importance of bilateral, sectoral and regional trade union cooperation to tackle this issue of importance to the increasing number of migrant workers. In a national context trade union involvement in labour inspection services, law enforcement and national committees and working

groups and networks combating trafficking and forced labour is essential. It promotes the outreach and direct support to informal, unprotected and migrant workers at risk and urges affiliates to address their specific situation and needs, including through their integration in trade union ranks. As the most important is to reinforce trade union presence in specifically vulnerable areas and sectors the ITUC should undertake targeted organising activities working closely with the Global Union Federations. Trade union leaders representing national affiliates, Global Union Federations, and all regional organisations of the ITUC have endorsed the paper and formally mandated the ITUC to implement an action plan that would lead to the establishment of a Global Trade Union Alliance against Forced Labour and Trafficking.

Action Plan

The outcome of the previously mentioned direct consultations together with the results of the survey are of course the basis of the action plan scheduled to be implemented during the coming three years. The ITUC decided to develop an integrated programme thematically focused to combat forced labour and human trafficking but also aimed at strengthening the trade union movement as a whole and linking up closely with existing programmes on related themes.

The first year will aim at capacity building of trade unions to combat forced labour and trafficking. In cooperation with the ITUC Affiliates and Regional Organisations together with the Global Union Federations and their regional networks we aim to build a global alliance as a network of trade unions providing expertise, information and an action platform to combat forced labour and human trafficking. This network will jointly discuss, address and highlight possible issues, actions to end forced labour and human trafficking. Capacity building training and awareness raising seminars will be organised in the three regions to create expert national focal points that should design their trade union action plans and further develop their training by addressing individual cases on the active regional networks fora. These experts will assure more trade union presence in national, regional and international forums by establishing working relationships of the trade union alliance vis-à-vis other stakeholders such as governments, employers, international organisations and NGOs. During the first year two pilot projects are to be initiated at grassroots level. The identification of partner organisations has been delayed due to the recent and ongoing unification process of the ITUC regional organisations. However, this process has been finalised in Africa as well as in Asia and these pilot projects are soon to take concrete form. As identified by participants of the conference in Malaysia, we will install help desks to assist victims of trafficking in Africa, and to address bonded labour in South Asia. The ITUC will develop a global awareness raising campaign as part of the Decent Work-Decent Life campaign and develop a comprehensive trade union policy reflecting trade union concern in relation to traditional and more contemporary forms of forced labour, including some more subtle and complex issues such as prison labour and forced overtime. The webpage of the Global Trade Union Alliance Against Forced Labour and Human Trafficking will be integrated in the ITUC website and should serve as a tool for trade unionists fighting together to end forced labour and trafficking.

The second year should focus more on en-

ILO

The ILO project to tackle forced labour has a new website outlining the aims and objectives of the ILO's work together with summaries of current activities, meetings, events and publications. Visit: <http://www.ilo.org/forcedlabour>.

Ratifications

During 2007 Nepal, Madagascar, Vietnam and Qatar ratified ILO Convention 105 on the Abolition of Forced Labour bringing the total number of ratifications of the two forced labour conventions up to 172 and 170 out of 181 ILO Member States.

Latin America

On 5 December 2007 the GUFs, ORIT-IUC, ILO regional office and the ILO Workers' Bureau met in Panama to discuss trade union unity in the region, to debate the actions and policies of the GUFs in the region, and to discuss the promotion of decent work. The meeting also saw the signing of a cooperation agreement between the regional office of the building workers' international BWINT and the ILO regional office in order to fight against forced labour.

Pakistan

A new report produced by the ITUC for the WTO review of trade policies (see also p27) reveals the fact that while Pakistan has ratified both conventions combating forced labour, this practice, including by children, is 'widespread' in the country. Bonded labour is described as 'a major issue', despite legislation that should outlaw the practice. The report equally recalls that Pakistan is a source, transit and destination country for trafficked people and that currently, women and children are most vulnerable to such practices.

Burma / Myanmar

The British TUC, together with Tourism Concern, a charity, have called for a tourism boycott of Burma and are urging tour operators, guidebook publishers and tourists to stay away

until democracy is restored. The TUC advises tourists that 'the use of forced labour, including child labour, to develop tourism infrastructure in order to attract foreign investment is well-documented', and adding that 'Burma's tourism industry is directly linked to mass human rights abuses'. A tourism boycott was first called for by the democratically elected government in exile and their leader, Aung San Suu Kyi, who remains under house arrest in Rangoon.

Award winners lobby Burger King

The Coalition of Immokalee Workers (CIW) has been recognised as 'leading the fight against forced labour in US agriculture' by Anti-Slavery International and was awarded the 2007 Anti-Slavery Award in November 2007. CIW led a successful four-year campaign against Taco Bell and other fast food giants, including McDonalds, resulting in agreements for zero-tolerance on slavery in agriculture. The Coalition is now taking its campaigning to Burger King which it believes needs to accept greater responsibility for working conditions in its agricultural supply chains.

Labour inspectors

On 5 December the ILO hosted a high level meeting which brought together labour inspectors from 10 European countries together with international experts to share ideas and experiences around the identification of forced labour and the development of appropriate policies and legislative responses. The meeting took forward ILO's initiative to strengthen the role played by labour inspectors in national level responses to forced labour and trafficking.

UN

The September 2007 session of the UN Human Rights Council resolved to appoint a Special Rapporteur on contemporary forms of slavery. The Rapporteur will be appointed to a three year term in March 2008 to investigate contemporary forms of slavery and slavery-like

practices. The Rapporteur will facilitate the exchange of information and will recommend actions and measures at national, international and regional levels to eliminate slavery.

Mauritania

On 8 August 2007 Mauritania passed a law with 100 percent support in parliament to criminalise slavery. Although slavery had been formally abolished in 1981 there had been no law criminalising slavery prior to the recent legislation. Despite the formal provisions, Anti-Slavery International reports that thousands of people in Mauritania remain in slavery having been born into an established slave-class. ASI has called for the Government to create a monitoring body to promote the new law.

Child slavery conference

An international conference on child slavery is to be held in November 2008 at the Wilberforce Institute for the study of Slavery, University of Hull (UK), in association with Anti-Slavery International and a number of other NGOs. The conference organisers note that even as the 10th anniversary of the ILO's Worst Forms of Child Labour Convention approaches in 2009, current estimates suggest that 218 million children are trapped in child labour worldwide, with 126 million of them in hazardous work.

The transatlantic slave trade

A new website has been launched by Anti-Slavery International to provide an access point to over 40,000 digitised pages of literature. The site covers 100 years of campaigning in Europe and the Americas, including arguments condemning and supporting the slave trade, parliamentary evidence, details of slave uprisings, and illustrations of life on the plantations. Access the site at: www.recoveredhistories.org.

The struggle against forced labour

The struggle for legal abolition of slavery is a necessary but insufficient measure for slavery eradication

Since the beginning the anti-slavery and organised labour struggles have gone hand in hand. It was a combination of resistance by enslaved Africans in Africa and the Americas, and civil society in Europe, including the emergent trade union movement, that forced the British Parliament to finally pass the 1807 Act abolishing the Transatlantic Slave Trade. Many ordinary working people supported the anti-slavery movement even though abolition could threaten their own livelihoods. Manchester sold some £200,000 worth of goods each year to slave ships (\$28 million today), but roughly 20 percent of its population actively supported abolition. Similarly, hundreds of Sheffield metal workers petitioned Parliament to end the slave trade even though many of the goods they produced were being used to buy slaves. They knew that abolition was not in their interests, but they supported it as they considered 'the case of the nations of Africa as their own'.

The British abolitionists who masterminded the struggle against the Transatlantic Slave Trade believed, in the main, that the ending of the trade in human beings would inevitably lead to the ending of the institution of slavery itself. While this was not the case, viewed in hindsight it can be seen that the struggle to abolish the slave trade was a necessary but insufficient measure, which prepared society for much more comprehensive assaults upon slavery.

Today slavery is everywhere illegal but still widely practiced. The ILO estimates that at least 12.3 million people are enslaved in the world today. The academic and campaigner Kevin Bales estimates that the number is closer to 27 million. Furthermore the ILO Global Report on Forced Labour (2005) estimates that 40 to 50 percent of forced labourers are children.

Whichever of these estimates is closer to the truth the problem of forced labour remains a shocking indictment of modern society, and one that affects every region of the world. This is demonstrated by the continuing necessity of police anti-trafficking action, such as Operation Pentameter in the UK, and from stories exposing that even the supply chains of manufacturers such as Gap can become tainted by child labour in the developing world.

The ILO estimates that at any one time about 2.4 million people are in forced labour as a result of trafficking in a trade worth about USD 32 billion. Of these about 270,000 are trafficked to industrialised countries and that trade alone is worth approximately USD15.5 billion. In other words just over 10 percent of the trade is worth just under half of the total value. ILO global trafficking statistics indicate that some 80 percent of those trafficked for economic and sexual exploi-

tation are women and girls. The trafficking in human beings is, at least for some, a high reward-low risk business.

Given the scale of contemporary slavery it can be seen that the struggle for legal abolition of slavery itself is also a necessary but insufficient measure in the struggle for slavery eradication. While the necessity of law against slavery is self-evident such laws are not everywhere enforced, particularly in poor, corrupt or undemocratic countries. By some estimates India has the largest number of slaves of any country in the world despite having substantial anti-slavery law and reasonable democratic and judicial systems.

Slavery itself has also demonstrated a considerable resilience, transmuting in form and migrating to the more obscure corners of the economy as law enforcement becomes more conscientious. Consequently a comprehensive global programme composed of political, economic and social components is still required to bring the anti-slavery struggle to a successful conclusion. In this struggle the engagement of trades unions remains as vital as ever.

Slavery – causes and consequences

A fundamental point about slavery is its personalised aspect. Slavery is perpetrated on human beings by other human beings. Given the extent of slavery in the contemporary world then it is clear that there must be a large number of people who are directly involved in slavery themselves. Bales estimates that there are of an order of 6 million slave holders in the world. This in turn indicates that there must be an even larger number who are prepared to tolerate others being enslaved. In other words slavery is not only a dreadful violation of individuals' human rights but it is also an extensive social phenomenon.

On closer examination it can be seen that, as in the days of the Transatlantic Slave Trade, those who are enslaved tend to be victims of a wider societal prejudice. For example in South Asia bonded labour is disproportionately made up of minority and marginalised groups. In West Africa white Moors enslave blacks. In Europe those who are enslaved tend to be migrants. This fact helps explain why slavery is so widely tolerated: those who are enslaved are regarded as in some way inferior by more dominant social groupings in the societies in which they are enslaved.

However prejudice alone does not explain why slavery occurs. Those who are enslaved are also vulnerable. Generally this is because of material poverty. For example in India a survey by the Gandhi Peace Foundation and the National Labour Institute found that 81 percent of bonded labourers took a loan because they could not meet their basic daily needs or to pay for a specific

AIDAN MCQUADE is Director of Anti-Slavery International, based in London

event such as a wedding or a funeral. The survey also found that nearly 60 percent knew that they would work for an indefinite period to repay the debt, but took it anyway as they did not see an alternative. Research on child trafficking between Benin and Gabon found that nearly 40 percent of the parents interviewed handed their children over to traffickers because they could not meet the basic needs of their families.

However in some instances particularly in the case of migrant workers, it is an aspiration for a better life which creates the vulnerability. This leads to them travelling to places where they are socially isolated, incurring debts in the process which are used to bond them: forcing them to pay off the debts, often at exorbitant interest rates, using only their generally undervalued labour.

Responses to Slavery

This conjunction of prejudice and vulnerability giving rise to slavery then indicates means by which slavery can be eradicated. For example the struggle towards universal education can help reduce worst forms of child labour and stop the replication of poverty to future generations: in Brazil 86 percent of child domestic workers had either no formal or only primary education. Two-thirds of these children's mothers were themselves child domestic workers. Poverty reduction programmes can decrease the imperative for migration and hence reduce the risk of trafficking. Access to affordable credit can reduce vulnerability to debt bondage. The effectiveness of slavery reduction efforts could be enhanced further by focusing vulnerability reduction measures on identifiable at-risk groups across the world, such as scheduled castes or minority groups in South Asia, or indigenous communities in South America such as Bolivia, where over 80 percent of indigenous communities live below the poverty line. Some 60,000 indigenous Bolivians are in forced labour in sugar cane and nut harvesting or on private ranches.

However there are further possibilities: as is noted above in key respects contemporary slavery echoes the slavery of 200 years ago. Then, as now, those who are enslaved are rarely passive victims, and when those who were enslaved have the opportunity to organise they are able rapidly to reduce their vulnerability, increase awareness of their rights and to begin to refute societal prejudice.

It is plain that trade union activists can be catalysts in these efforts. Much of the contemporary struggle against bonded labour in South Asia is led by trade unions and organisations that have their roots in organised labour. Anti-Slavery's key partner in Nepal is Gefont, the Nepalese trade union centre. In Pakistan it is PILER (Pakistan Institute of Labour Education). In India our partners in CEC (Centre for Education and Communication) and the Jana Jagriti Kendra organisation take a central role in organising bonded labourers in brick kilns and agriculture as part of their struggle to eradicate slavery from South Asia.

Outreach work to monitor the industrial sectors in which slavery is prevalent must be a priority: by monitoring, identification of those who are either enslaved or at risk of enslavement becomes possible. Identification in turn leads to the possibility of organisation and unionisation of vulnerable workers. Provision of help lines and an openness by trade unions to advise and act

for vulnerable people who may not be members is a response that, while perhaps breaking with traditional notions of trade union organisation, seems an appropriate measure to cope in general with increasing fluidity in the globalising labour market and specifically with the challenges posed by forced labour.

Achieving organisation also creates a political voice. In the struggle for slavery eradication one of the first things that that voice should call for is that the state fulfils the promise of its laws. As noted above slavery is today everywhere illegal, and yet there are still millions of slaves in the world. In large part this is because states fail to protect both their own citizens and the citizens of other countries who are resident. This is most starkly the case in the situation of people who have been trafficked. Protection requires not only the enforcement of anti-slavery laws but also the promotion of regular migration so that potential migrants are offered a chance to take up jobs abroad that are safer, cheaper and which guarantee their human and labour rights. In a world in which there is free movement of capital that there must be at least safe movement of labour. Already it is widely recognised that there is a critical need for migrant labour to sustain many advanced economies, including the UK where a 1999-2000 study showed that migrants in the UK contributed GBP 2.5 billion more in taxes that they consumed in benefits.

A safe migration policy could be dovetailed with development policy by helping to maximise the flow of remittances back to the migrants' countries of origin. This in turn would help promote sustained economic and social development in sending countries and may remove some of the factors which compel people to seek work abroad. Remittances can be worth more than direct foreign investment and foreign aid to many low income countries and can account for up to 50 percent of a family's household income.

The struggle to finally eradicate slavery will require not only labour organisation but also social development, government action and business engagement. However organised labour, which is already heavily engaged in anti-slavery work, is also strongly positioned to compel both business and government to fulfil their potential in the struggle against slavery, and to facilitate learning across continents on effective strategies and policies for effective anti-slavery action. Deepening the dialogue between organised labour and social development organisations on this issue could also encourage such actors to realise their potential in the struggle and identify some original approaches to tackling the issue.

The nature and dynamics of contemporary slavery are clearly complex and so require sophisticated responses from a range of different stakeholders. However the complexity should never mask the fact that slavery, like all human institutions can be changed by human action. That this is already happening is shown by a host of anti-slavery trade unions and non-governmental organisations across the world. Their work should be an inspiration that success can be achieved. However it is also an indictment on all of us to do more. The strategy for eradication of slavery is becoming clear. What is needed now is increased action to finally make slavery a thing of the past.

For more information please visit www.anti-slavery.org

Those who are enslaved are often regarded as in some way inferior by more dominant social groupings in the societies in which they are enslaved

The ILO special action programme

Forced labour is widespread and in many regions a growing problem often linked to globalisation

Some six years ago in November 2001, a proposal to create a new Special Action Programme to Combat Forced Labour (SAP-FL) was approved by the ILO Governing Body. SAP-FL had its origins in the Director General's first Global Report, *Stopping Forced Labour*, issued earlier that year under the Follow-up to the Declaration on Fundamental Principles and Rights at Work.

The 2001 report highlighted the nature and extent of the challenges ahead, if the ILO and its tripartite constituents including trade unions wanted to have a real impact on modern forced labour. First it argued persuasively that forced labour, rather than being a minor problem surviving in isolated pockets in only a few countries, was widespread and in many regions a growing problem often linked to globalisation, and also one that needs to be disaggregated into its more 'traditional' and 'modern' forms. The report also emphasised that most forced labour today is exacted by private individuals rather than directly by the state. In this situation, the main duties of the state are to enact appropriate legislation; to identify, release, rehabilitate and compensate the victims; to identify and sanction the users of forced labour; and to take appropriate action to prevent its future occurrence.

Second, *Stopping Forced Labour* observed that national and international actors, including the ILO itself, had taken very limited practical action to address the structural factors giving rise to forced labour, or to conduct systematic surveys of its nature and incidence. It also pointed out that trade unions, like employers' organisations, had generally been far less active in action against forced labour than in other areas. The victims were mainly the vulnerable, including irregular migrants, who are difficult to organise – at least along conventional trade union lines – and who are almost invariably too poor to pay regular dues. Thus tackling forced labour would largely involve trade unions reaching out beyond their normal constituents. The ILO was nevertheless invited to encourage trade unions to take up the forced labour cause with renewed vigour.

The ILO Declaration provided an ideal means to initiate a more problem-solving approach to the elimination of forced labour. SAP-FL was created to do just this, to spearhead the ILO's activities against forced labour and human trafficking, to give them enhanced external visibility and greater internal coherence. As of early 2002, it quickly embarked on a programme of awareness raising, research and surveys, country programmes of practical assistance to those in or at risk of forced labour, and capacity building to strengthen law and its enforcement against forced labour.

From its inception, SAP-FL sought to reach

out to trade unions, sometimes through informal consultations to identify priorities, training needs and other follow-up action; sometimes through involving trade unions in the operational aspects of specific projects.

An example of the former was a programme held in 2003, jointly by SAP-FL and the ILO Bureau for Workers' Activities, with representatives of workers' organisations and resource persons on the issues of forced labour, irregular migration and trafficking in Europe. The aim was to examine the state of knowledge on the situation of persons subject to coercive working conditions in the three sectors of agriculture, construction, and textiles and garments in destination countries for migrant workers; and to reach agreement on workers' priorities for follow-up research and action. The consultation indeed paved the way for some important follow-up, including a report by the UK Trades Union Congress on forced labour in the United Kingdom.

At the more operational level, a project covering human trafficking and its forced labour outcomes between Central Asia and the Russian Federation promoted significant cooperation between construction worker unions in the Kyrgyz Republic, Tajikistan and Russia. In Tajikistan, five trade union centres were set up in key recruitment areas for the Russian construction industry, providing pre-departure training and awareness of the labour rights of aspirant migrant workers, and warning of the dangers of illegal recruitment. In Russia, a construction union engaged a full time Tajik officer to attend to the migrant workers, providing practical assistance in such areas as wage arrears, health care and accommodation problems. Almost 3,000 Tajik migrants are estimated to have joined the trade union in Russia, while after trade union intervention an estimated five million roubles were paid to migrants by construction employers who tried to avoid or delay salary payments.

In other select cases, trade unions took the initiative in seeking SAP-FL support for their activities on behalf of migrants. In Israel for example, the ILO worked with the General Federation of Labour in Israel (Histadrut) to promote the inclusion of foreign workers, especially Chinese migrants, as members with equal trade union rights. With SAP-FL support, a first trade union training programme for mainly Chinese migrants was held in late 2004, providing practical information on trade unionism, the protection of labour rights, and the application of relevant ILO Conventions.

In May 2005 the ILO issued its second global report on forced labour, *A Global Alliance against Forced Labour*. A key feature was to provide the first global and regional estimates by an international organisation of forced labour in



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the world today, including the number of people affected, their composition by sex and age, as well as the huge profits made by the criminals exploiting trafficked workers. Some figures could now be provided, to illustrate the broad trends and the warning bells that had been sounded four years previously. There are a very minimum of 12.3 million persons in forced labour in the world today, some 9.5 million in Asia, 1.3 million in Latin America and the Caribbean, 660,000 in sub-Saharan Africa, but also some 360,000 in the industrialised countries. For economic exploitation outside the sex industry, more than half of the victims were women and girls, and over 40 percent were children. Four out of every five cases of forced labour involved exploitation by private agents, rather than directly by the state. And the profits generated by the criminal trafficking of human beings for either sexual or labour exploitation were no less than USD 32 billion per year, half of which is realised in the wealthier industrialised countries.

The 2005 global report also discusses some of the policy concerns regarding forced labour and the modern global economy, which now warrant attention from trade unions worldwide. The report highlights the dangers of excessive labour market deregulation, for example when strong pressures to deregulate labour markets and downsize labour inspection services may have allowed the proliferation of unregistered agencies which can operate beyond the boundaries of state control. Monitoring such job placement and recruitment agencies, including those that recruit for international placement, represents a major challenge for trade unions worldwide.

The ILO now seeks to consolidate its global alliance against forced labour, setting itself the ambitious task of ridding the world of all forms of forced labour over the next decade. For this goal to be realised, all of the ILO's social partners – governments, workers' and employers' organisations – will have to intensify their efforts. Action will be needed on many fronts. A four year action plan, adopted by the ILO Governing Body in November 2005, calls for a broad based programme of action including:

- Clear legislation, national policies and time-bound action plans against forced labour and trafficking

- Better data gathering and statistics on forced labour, disaggregating forced labour by types, gender and age, to provide the benchmarks by which progress can be measured over time

- Awareness raising, research needs and networks, involving the academic and policy community in furthering understanding of modern forced labour and its causes. Thematic areas could include the economic underpinnings of modern forced labour including debt bondage, and the scope for its prevention through microfinance and other interventions; socio-cultural factors behind modern forced labour: a research programme on forced labour and human trafficking, to enhance understanding on the means to identify, and provide appropriate sanctions for, forced labour exploitation; and the scope for reducing poverty through targeted action against forced and bonded labour systems

- Developing training and advocacy materials, targeted at labour inspectors, judges and prosecutors, private recruitment agencies, among others

- Operational projects to provide capacity building, direct action and support to victims. The main thrust of these projects has varied by

region, depending on the main forms of forced labour abuse. In South Asia, priority has been given to integrated action to eradicate bonded labour systems. In Latin America, there has been a particular focus on forced labour and discrimination affecting indigenous peoples. And in Africa, there is scope and need for a regional programme covering countries which have a legacy of slavery, as well as those where forced labour abuse has occurred during and in the immediate aftermath of conflict situations

- Capacity building for workers' and employers' organisations, in which the action plan envisaged a workers' alliance against forced labour with multiple objectives. First, it can enhance the outreach of trade unions to vulnerable groups, including migrants and workers in the informal economy, most at risk of forced labour situations. Second, trade unions and workers' organisations can play a key role in monitoring recruitment and employment conditions. Third, they can exercise due vigilance that the emergence of coercive practices in some parts of the labour market, for example in subcontracting chains, does not lead to a general lowering of labour standards and protection for the workforce.

Over the past year, SAP-FL has taken a number of steps to promote a workers' alliance against forced labour, as envisaged in its action plan. In particular, it has provided support to the International Trade Union Confederation (ITUC), enabling it to mobilise its affiliates worldwide and develop a global trade union strategy against forced labour and trafficking. In the meantime, the ILO through its Workers' Activities branch and SAP-FL have continued their supporting activities on this urgent concern, organising awareness raising seminars in countries including China and Vietnam, and a regional meeting for trade union leaders at its Turin training centre.

This is only a beginning. The challenges ahead are formidable, if the ILO and its social partners are to meet their goal of eradicating forced labour worldwide over the next decade. But the consciousness is growing, the tools are being developed, and it is to be hoped that action against this intolerable form of human rights' abuse will remain high on the agenda of trade union priorities until forced labour has been definitively consigned to history.

For more information on the ILO's SAP-FL programme and a Global Alliance against Forced Labour, go the SAP-FL website at: www.ilo.org/forcedlabour.

Tackling forced labour involves trade unions reaching out beyond their normal constituents

Burma must abolish forced labour

The authorities forced the population to carry out a wide range of tasks... workers were not compensated in any way

Intransigence by Burma's military regime in the face of pressure over its slave labour system has already led to one novel legal tactic with broader implications for globalisation. Now, the ILO is being asked to innovate again.

First, consider the problem. Pre-colonial Burma, like most of medieval Europe, had a corvée labour system whereby villagers and townspeople were compelled to work on construction projects at the behest of the local authority. Unlike in Europe though, the corvée system didn't die with the arrival of market economy. Instead, it metastasised.

First, the military seized power in 1962 and began using large numbers of villagers as military porters in the place of jeeps and trucks for its endless wars with ethnic minorities. By the late 1980s, the generals were desperate for hard currency and decided to create their own version of an export driven market economy. Their plan faced major obstacles. Expanding and then exporting the country's rice crops required vast irrigation projects. Even if the rice could be produced, it would rot before it made it over Burma's dilapidated road and railroads. To build the dams, levees, roads, railroads and pipelines they needed to get Burma's natural resources onto world markets, the generals launched a massive expansion of forced labour. By the mid 1990s, the regime's own statistics on these projects indicated that the average number of forced labourers on any given day was 800,000. Since each worker's forced labour burden was typically a few weeks or months a year, the total pool victims numbered between three and five million.

The massive expansion of forced labour led to a response first, inside Burma and then joined by international labour unions and others. The Federation of Trade Unions, Burma (FTUB) was formed by exiled workers and students who had participated in Burma's 8 August 1988 people's uprising and it began documenting the forced labour system in 1991. Working through the International Confederation of Free Trade Unions (ICFTU) and now the ITUC, Burma's trade unionists have brought scrutiny and helped spur sanctions against the regime for its pervasive use of forced labour.

As a dialogue partner with the International Labour Organisation (ILO), ICFTU/ITUC have repeatedly challenged the regime's representatives at the ILO who argue alternately that forced labour isn't happening, won't happen again, and never happened. Through thorough and voluminous accounts from victims of forced labour in Burma, the FTUB has helped broker global support by revealing the scale and pervasiveness of the regime's forced labour system. A recent example is the June 2007 report to the International

Labour Conference (ILC) in Geneva documenting 3,405 cases of forced labour since March 2007. To get a sense of the scale of the problem, consider that the actual number of instances of forced labour will be larger—much larger—than the 3,405 that could be documented by an organisation that cannot work openly in a police state like Burma. Also, this is the regime which is trying to avoid international scrutiny through illustrating progress on eliminating forced labour in advance of the ILO Governing Body's meeting in June 2007.

A Glimpse of the Suffering

Personal accounts from victims of forced labour in Burma have helped to strengthen claims against the secretive regime which now goes by the name of the State Peace and Development Council (SPDC). With Xs in place of names for fear of SPDC reprisal, the June ILC report is replete with testimonies from victims of forced labour. The following is one account from a 50 year old carpenter, forced to work without pay, from the Tenneserim Division in southern Burma:

'XXXX is a carpenter from Gant-gaw Taung village, Ye Phyu Township, Tenneserim Division. Tin Myint, Chairman of Cang-taw Taung village Peace and Development Council (PDC) made villagers including XXXXX work for fire prevention on the Government's rubber plantation near by their village. He was told that the order [came] from Ye Phyu Township PDC and one person from each household of the village had to take their turn for this work. A group of 50 villagers a day had to take their turns to clear undergrowth in an adjacent area of the rubber plantation, extinguish fires, and make firebreak for the plantation'.

Report to the International Labour Conference, June 2007, p27.

The FTUB has been forced to operate clandestinely since it was formed but FTUB now maintains underground unions in industrial, agricultural and educational sectors in Burma and throughout the country. The evidence of violations of workers' rights and forced labour is communicated to the ILO and to the international labour movement at great risk to its organisers. FTUB members caught doing so are accused of, among other things, treason and are subject to life imprisonment, abuse and torture, and in some cases, the death penalty.

The FTUB also organised a civil lawsuit in the US against oil companies that partnered with the regime on a natural gas pipeline. The plaintiff [name withheld], said of the help from FTUB "the [regime] uses us like animals as forced labourers, porters and human shields. I myself was forced by the soldiers to work on the Total/Unocal pipe-

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line. The soldiers, Total/Unocal and even some of the lawyers who represented us all betrayed us as human beings. Only the FTUB has always stood up for us and all the workers of Burma against the regime and its foreign business partners”.

Progress from ICFTU/ITUC Reporting:

The history of forced labour violations in Burma is unfortunately both extensive and worsening. Burma finds itself facing increasing scrutiny due to its persistent refusal to observe and adhere to the Forced Labour Convention, 1930 (No. 29). Having ratified the Convention, Burma's abject repudiation to comply with prescribed mandates on forced labour has rightly angered many. In response to Burma's 30 years of forced labour violations, twenty-five of the Workers' delegates in the ILO raised a complaint in 1996, which resulted in the creation of a Commission of Inquiry (COI), to be sent to Burma.

The role of the COI was to inspect and report on the status of forced labour in Burma (Myanmar). Among its myriad findings, it noted succinctly:

‘... that the Myanmar authorities, including the local and regional administration, the military and various militias, forced the population of Myanmar to carry out a wide range of tasks. Labour was exacted from men, women and children, some of a very young age. Workers were not paid or compensated in any way for providing their labour, other than in exceptional circumstances, and were commonly subjected to various forms of verbal and physical abuse including rape, torture and killing’.

Report of the Commission of Inquiry, July 1998, ILO Governing Body

Burma's SPDC continued to sidestep the issue of redressing its forced labour violations. However, the vigilant efforts of the FTUB in supplying the ICFTU with testimonies of forced labour victims have kept international pressure on the SPDC regime.

In 2000 the ILO invoked a groundbreaking interpretation and implementation of Article 33 of the ILO constitution, with regard to forced labour atrocities in Burma. Article 33 pertains to any Member that fails to comply with the recommendations of a Commission of Inquiry. In its history, Article 33 has never been enacted against a Member government. Never before had the tripartite ILO acted with such resounding unity between its constituent government, employer, and worker Members.

ILO Monitoring Inside Burma

The ILO then sent in a High-Level Team in 2001 to report on the degree to which Burma has changed its forced labour practices, and again it was revealed that the SPDC was not interested in change. In 2002, the ILO appointed a Liaison Officer to continue to press for progress against forced labour in Burma. Since 2003, the Liaison Officer has had the task of working with the regime to establish a serious plan to approach eradicating the practice of forced labour. The regime has consistently skirted the issue by proposing insufficient plans of action.

Finally, in February 2007, the ILO reached an understanding with the regime which detailed a mechanism through which forced labour victims might seek redress. Included in the understanding are conditions concerning the rights of individuals to report abuses to the ILO Liaison Officer in Yangon, and seek reprisal without fear of retri-

bution from the SPDC. Where the arrangement takes a most dubious turn is in the proposed subsequent courses of action. After the Liaison Officer establishes that the complaint does in fact involve forced labour, the claim is handed over to the SPDC authorities so that they can take action against the perpetrators.

An SPDC enforced system will likely prove ineffective, since most of the perpetrators of forced labour in Burma, are in fact the authorities themselves. Another shortcoming is that many of the instances of forced labour occur in remote regions of Burma, far away from the Liaison Office in Yangon. Thus, there lies a critical logistical issue, and a definite shortcoming in the proposed 'mechanism' through which forced labour victims might find redress. However, the positive outcome is that the proposed 'mechanism' provides another inroad to reaching the voiceless and oppressed people of Burma.

Beyond Burma and the ILO

What the ILO did in invoking Article 33 was to recommend that governments, employers, and workers' organisations take appropriate measures to ensure that their relations with SPDC do not abet the regime sponsored forced labour system. Here the story begins to have implications far beyond Burma.

Indeed, the advent of global trade agreements creates new possibilities to deter abusers like Burma. While the WTO has very narrow specific exceptions for banning prison labour imports, the direction of several recent WTO panel rulings indicates that any action by another country against Burma's forced labour-derived exports would probably be upheld by the WTO. In other words, no country trying to ban the products of Burma's forced labour system should seriously fear being on the losing end of a WTO dispute, as the US example has shown.

In 2003, the US adopted such sanctions on Burma, relying in large part on the ILO's Article 33 invitation to governments to 'take appropriate measures to ensure that their relations with SPDC do not abet the government sponsored system of forced, compulsory or slave labour in Burma'. In short, the US bootstrapped the ILO action into a WTO defence. Other countries could and should take the same approach.

Next steps...

Intense debates have taken place within the ILO since 2000 on to how to force Burma to comply with its obligation to abolish forced labour. One of the most interesting possibilities is to bring a case before the International Court of Justice (ICJ) against the regime for its abuses. One possible option to get the matter before the court would be for the ILO to ask the Court for an advisory opinion on Burma's interpretation of international law barring forced labour. Specifically, experts consulted by the ILO have held that the Court may be asked whether retaliatory prosecution of civilian victims of forced labour who have complained to Burmese courts - a major bone of contention between the ILO and the junta in recent years - is compatible with Burma's obligations under Convention 29. Such an advisory opinion, if rendered, would not be self-enforcing but could well be an invitation to act that would be taken up by other states, or even the UN Security Council.

In 2000 the ILO invoked a groundbreaking interpretation and implementation of its constitution with regard to forced labour atrocities

A modern definition of forced labour

The ILO Committee of Experts is refining and expanding the definition of forced labour to meet modern challenges

Forced labour often stands on its own amongst labour standards. Because of the inherent links with concepts of slavery and bondage it is considered one of the most heinous and unacceptable forms of the many aspects of labour rights violations. When tackling forced labour, zero tolerance is usually the watchword. Normally the requirement is that forced labour should stop immediately. Gradual action plans and remedial action are not regarded as an appropriate response.

The apparent increase in forced labour is therefore very worrying for labour organisations, rights advocates and labour policy makers and regulators. However, the rise in incidences could be due to a number of factors, possibly in combination. The first, quite straightforwardly, may be that forced labour could indeed be more common. The second is that instances of forced labour could be more visible as a result of better communication, with the media and trade unions publicising instances of forced labour, and the ILO carrying out excellent work in terms of sensitising the public to the presence of forced labour. Finally, there may have been a change in the definition of 'forced labour' which is commonly applied leading to an increase in the scenarios that are considered to fall within that definition.

As for the factual prevalence of forced labour, one of the key aspects is certainly the increase in migrant workers travelling across borders to work. Migrant workers are particularly at risk of forced labour as a result of practices such as passport retention, the payment of large sums to agents prior to travel and their general vulnerability and lack of understanding or alternative options in the host country. According to the ILO, it is also the case that newer forms of forced labour such as human trafficking for sexual exploitation have become more prominent compared to 'older' forms such as bonded labour, and the more traditional forms are themselves evolving to penetrate a wider section of the economy than simply agriculture where bonded labour has traditionally been found.

Two elements of forced labour

As with all legal rights, there are questions of definition when considering what actually amounts to forced labour. According to the ILO, forced labour 'cannot be equated simply with low wages or poor working conditions. Nor does it cover situations of pure economic necessity, as when a worker feels unable to leave a job because of the real or perceived absence of employment alternatives'. Forced labour is something more, in the sense that it represents a severe violation of human rights and restriction of human freedom. Under the key ILO definition two basic

elements must be present: the work or service has to be exacted under the menace of a penalty and the work must be undertaken involuntarily. Box 1 indicates a range of factors that have been considered to indicate a lack of consent to work and also the threats or penalties that have been considered to give rise in combination to forced labour.

We see from the box that there are a relatively broad range of circumstances that can potentially fall within the definition of forced labour. One difference with forced labour, as opposed to many other labour rights, is that there is not normally a great deal of detailed national legislation which can help in determining whether a particular situation can have the serious label of 'forced labour' attached to it. For example, with the other three core labour standards – non-discrimination, child labour and freedom of association and collective bargaining – there will normally be national legislation which outlines the provisions which need to be interpreted in the light of the rigours of the ILO standards. But while there may be general exhortations against forced labour, it is not something which is necessarily dealt with in detail in labour codes or other legislative measures. Provisions are more likely to be found in criminal or penal legislation – reflecting the seriousness of the matter, but making it a difficult issue to be dealt with purely by the traditional or emerging methods of labour rights regulation, such as collective bargaining.

Wage slavery and forced labour

It is possible to see a spectrum of abuses that range from holding of women and children as sex workers in slave-like conditions with violent threats to their lives, to circumstances where workers are forced to work extensive overtime. According to the ILO, 'within that part of the spectrum... the line dividing forced labour in the strict legal sense of the term from extremely poor working conditions can at times be very difficult to distinguish'.

Under a purely Marxist approach, of course, many apparently free workers could be characterised as toiling in 'wage slavery', and, if we were to ask the question, many workers the world over would say that they have no choice but to remain in their job due to broad economic circumstances or geographical factors. Such cases, needless to say, do not amount to forced labour under any reading of the ILO conventions.

Forced overtime and forced labour

A particularly thorny area arises where workers claim that they are forced to work overtime. This could arise in the relatively common circumstance where workers are told that they



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Identifying forced labour in practice

Lack of consent to (involuntary nature of) work (the 'route into' forced labour)

- descent into 'slave' or bonded status
- Physical abduction or kidnapping
- Sale of person into the ownership of another
- Physical confinement in the work location – in prison or in private detention
- Psychological compulsion i.e. an order to work backed up by a credible threat of a penalty for non-compliance
- Induced indebtedness (by falsification of accounts, inflated prices, reduced value of goods or services produced, excessive interest rates, etc)
- Deception or false promises about types and terms of work
- Withholding and non-payment of wages
- Retention of identity documents or other valuable personal possessions

Source: A global alliance against forced labour, Report of the Director General, ILO, 2005.

must work an extra hour or two at the end of a shift – but does it amount to forced labour? Finding guidance on this topic is not as easy as might be hoped. For some time the only place in ILO committee reports where the issue finds any comment is in the 1998 General Survey of the Committee of Experts where, at paragraph 107, the Committee states that it 'considers that the imposition of overtime does not affect the application of the Convention so long as it is within the limits permitted by the national legislation or collective agreements'. However, in more recent decisions, this analysis has been expanded somewhat. In the 2007 General Survey, which returned to the issue of Forced Labour, the Committee stated that:

'although workers may in theory be able to refuse to work beyond normal working hours, their vulnerability means that in practice they may have no choice and are obliged to do so in order to earn the minimum wage or keep their jobs, or both... In cases in which work or service is imposed by exploiting the worker's vulnerability, under the menace of a penalty, dismissal or payment of wages below the minimum level, such exploitation ceases to be merely a matter of poor conditions of employment and becomes one of imposing work under the menace of a penalty and calls for the protection of the Convention, according to which the term "forced or compulsory labour" means all work or service which is

Menace of a penalty (the means of keeping someone in forced labour)

- Actual presence or credible threat of:
 - Physical violence against worker or family or close associates
 - Sexual violence
 - Threat of supernatural retaliation
 - Imprisonment or other physical confinement
 - Financial penalties
 - Denunciation to authorities (police, immigration, etc) and deportation
 - Dismissal from current employment
 - Exclusion from future employment
 - Exclusion from community and social life
 - Removal of rights or privileges
 - Deprivation of food, shelter, or other necessities
 - Shift to even worse working conditions
 - Loss of social status

exacted from any person under the menace of any penalty and for which the said person has not offered himself or herself voluntarily' – para 134.

There are some that may argue that the inclusion of compulsory overtime dilutes the purity of a concept of forced labour, but this may underestimate the changing nature of the concept. The consequences of categorising such behaviour by an employer as forced labour may prove complex in some jurisdictions, given the criminal sanctions that are attached. What it does illustrate, however, is the openness of the supervisory bodies of the ILO to reconsider long-standing ILO principles and standards and reinterpret them to deal with current issues of concern – although, of course, the existence of forced overtime is nothing new.

The power of categorising certain activities and outcomes as forced labour is substantial and almost no-one would suggest broadening the definition of the concept so wide as to cover all forms of wage slavery, on the assumption that it becomes almost meaningless. However, the effect of moulding the definition to fit current day reality – as has been done by the ILO in relation to issues like overtime and those relating to trafficking – does mean the strength of the concept can be applied in relation to the very real abuses that occur in relation to migrant workers or around circumstances where workers are made to work hours well in excess of those provided for by national legislation.

Under the key ILO definition two basic elements must be present: the work or service has to be exacted under the menace of a penalty and the work must be undertaken involuntarily



Mahamadou is a slave. His family has belonged to master Hassane's in Niger for several generations. He worked as a shepherd from childhood (© International Labour Organisation/ M. Crozet)

Belarus

The offices of the Congress of Democratic Trade Unions (BKDP) were raided by police on the evening of 6 December, union equipment and documents were sealed and / or confiscated, and a number of youth activists were arrested. The arrested youths were subsequently released, only to be called on later to appear in court on charges of 'hooliganism'.

ICTUR has written to remind the authorities that interference in the activities of a trade union, harassment and arrests of union activists, and the confiscation of union documents and equipment constitute serious violations of freedom of association. Belarus is obliged to respect these rights as a matter of international law under the terms of ILO Convention 87, which it has ratified.

Brazil

On 12 October Aparecido Galvão, President of the construction workers' union CONTICOM CUT was shot and killed outside São Paulo. The murderers had pursued Galvão at high speed in two cars before pulling alongside his vehicle and firing the fatal shots. Earlier that day the union reported that Galvão had photographed workers at a building site that violated health and safety standards. A union colleague commented that Galvão had received several threats from building contractors.

On 21 October a group of 40 armed men attacked peasant farmers from the Landless Workers Movement (MST) at a plantation owned by Cam-pamento Tierra Libre that the MST had occupied. Valmir Mota de Oliveira, a landless worker, was murdered by the armed mob.

ICTUR has written to the authorities calling for investigations to be launched into both cases. ICTUR urged the authorities to consult with the construction union and MST and to

fully investigate the role of companies and landowners in relation to the murders. ICTUR emphasized that Brazil is bound to respect and protect freedom of association under the terms of the ILO constitution and the Declaration of Fundamental Principles of 1998.

Burma / Myanmar

U Tin Hla and his family were arrested and taken into detention at Mingala Taungyunt police station on 20 September. U Tin Hla was accused of organising railway workers and encouraging them to join rallies. He was also accused of possessing cables and tools and photographs of Daw Aung San Suu Kyi. His family were released after five days, but information received by ICTUR suggested that U Tin Hla had been kept in detention.

ICTUR wrote to the authorities to argue that neither U Tin Hla's possession of tools necessary to conduct his work nor possession of photographs of a Nobel Peace Prize winner are sufficient grounds for interfering with his human rights. ICTUR further emphasised that the organisation of railway workers, if this indeed took place, would also be perfectly legal under the terms of international law. ICTUR further emphasised that under the terms of ILO Convention 87, which has been ratified by Myanmar, the authorities are required to protect that right. ICTUR called upon the authorities to engage fully with the international process that is taking place within the International Labour Organisation, to release all persons currently detained because of their labour organising activities, and to work towards a resolution of the issues that have kept the country subject to ILO scrutiny in recent years.

Colombia

Violations of trade union rights in Colombia continued to be of grave concern to ICTUR, typically constituting at least as many cases dealt with by ICTUR as the rest of the world combined.

Every three months ICTUR catalogues details of trade union rights violations in Colombia in the English and Spanish language bulletins which are available on the ICTUR website www.ictur.org.

China

On 20 November, two unidentified people violently attacked the Shenzhen Dagongzhe Migrant Worker Centre, smashing windows and disturbing the offices, and violently assaulted Huang Qingnan, an employee of the Centre, who is now in a serious condition in hospital as a result of his injuries.

ICTUR has written to the Mayor of Shenzhen calling for the case to be fully investigated and insisting that those responsible should be brought to justice.

Georgia

On 25 October five trade unionists were dismissed from the port of Poti. Vaxtnag Tirkia; Mamuka Shengelia; Giorgi Ghurgia; Xvicha Gogia; and Sergo Tirkia were all dismissed following a workplace meeting held outside management quarters during an official break, at which the workers presented a list of union priorities for a forthcoming restructuring process. Following the dismissals, the union chairman's office was sealed and he was denied access to the port.

ICTUR has written to remind the authorities of their obligation to protect the rights of trade unionists, and has called for the authorities to ensure that they provide appropriate remedies for victims of anti-union discrimination as they are required to do

under the terms of ILO Conventions 87 and 98, which have been ratified by Georgia.

Guatemala

On 31 December, while union leader Carlos Enrique Mancilla Garcia and his family were out celebrating New Years' Eve, a group of unknown assailants carried out a heavily armed attack on his home. Carlos Mancilla, Labour and Disputes Secretary with the trade union centre CUSG, had just been appointed by the union to follow-up on the murder of fellow trade unionist Marco Tulio Ramirez Portela, the leader of the banana workers' union SITRABI.

ICTUR has written to the authorities to protest at the lack of progress in investigating recent violations of labour rights and to urge the authorities to take up seriously their responsibility to protect the rights of trade unionists to carry out their activities in safety.

India

The bodies of two local leaders of an autorickshaw union, Satender Hooda and Neeraj Dahiya, were discovered in a burnt-out office at Jhajjar road in Rohtak on 9 December. According to local media reports, the fire appeared to have been set after the men had been killed, in an attempt to destroy evidence.

ICTUR wrote to the authorities calling on them to ensure that this case is fully investigated and that those responsible should be brought to justice.

Iran

Reza Dehghan, a member of the Founding Committee of Painters Union (Syndica Nagash) was arrested on 18 November and was held in detention for at least a further 12 days at Evin Prison. ICTUR has received no further information concerning Mr Dehghan and remains gravely concerned by the situation. ICTUR is

not aware of the grounds of Mr Dehghan's arrest, but the ITUC has suggested that he is being persecuted for his trade union activity.

A number of other trade unionists remained in detention in Iran, most notably Mansour Osanloo, Mahmoud Salehi and Ebrahim Madadi.

On 27 November, it was reported that lawyers working for Mansour Osanloo and other members of the Syndica Sherkat-e Vahed had tendered their resignation to the court.

ICTUR has called on the authorities to recognise that the arrest and detention of trade unionists is a serious violation of freedom of association. ICTUR urges the authorities to recognise that under the terms of the ILO Declaration of Fundamental Principles Iran is bound to respect the rights of freedom of association. ICTUR further expressed concern for the resignation of trade union lawyers from the Syndica Sherkat-e Vahed and urged the authorities to guarantee access to lawyers.

Mexico

In October more than one hundred workers were dismissed from the Vaqueros Navarra factory in Tehuacan following their expressions of support for an independent union at the factory. The factory produces garments for leading US clothing brands, and the case has been taken up by campaign groups seeking to promote greater respect for labour standards by US companies in their operations outside the US.

ICTUR has written to the authorities expressing its concern regarding the apparent anti-union basis for the mass dismissals. ICTUR expressed concern for the job security of other workers at the plant and insisted upon their right to participate freely in the activities of trade unions of their own choosing. ICTUR reminded the authorities of their obligation to protect trade

union rights in accordance with ILO Convention 87, which Mexico has ratified.

Nigeria

On 6 January Alhaji Saula Saka, Lagos State Chairman of the road transport workers' union NURTW, was assassinated at his home. According to witnesses four men carried out the shooting. Local media reported that within a few days at least one arrest had been made in connection with the murder, and that various people had been called to help police with their inquiries.

ICTUR has written to the President of Nigeria to express its grave concern at the murder of a trade union leader. ICTUR reminded the authorities of the requirement under the ILO Conventions and the African Charter to protect freedom of association and the rights of trade unionists to carry out their activities. ICTUR called for a full investigation of this case.

South Korea

On 21 November 15 trade unionists from the Korean Government Employees Union were arrested and taken into detention. 12 were arrested on the morning of 21 November during a sit-in protest at the Dongan-gu office building. Three others, including KGEU President Son Young Tae, were arrested later that day.

In a separate incident the leaders of the migrant workers trade union President Kajiman; Vice President Raju; and General Secretary Masum were arrested, at separate times and locations, on 27 November.

ICTUR has called on the authorities to recognise that the arrest and detention of trade unionists is a serious violation of freedom of association. ICTUR urged the authorities to respect that under the terms of membership of the ILO and under the Declaration of Fundamental Principles of the ILO

Korea is bound to respect these principles.

Pakistan

Several trade unionists were arrested and held in detention for a period of 18 days during the recent state of emergency:

Rana Ayub Aki Khan, Deputy General Secretary of the WAPDA labour union, together with four colleagues; Liaquat Ali Sahi, a union leader from the State Bank of Pakistan; Ghulam Fareed Awan, Assistant General Secretary of the All-Pakistan Trade Union Federation; Ayub Qureshi, a member of the Pakistan Trade Union Federation

ICTUR has written to remind the authorities of the legal obligation to respect freedom of association as an international human right. ICTUR noted that the arrest and detention (even briefly) of a trade unionist constitutes a serious violation of the ILO's key conventions on freedom of association, which Pakistan has ratified.

UAE

As many as 4500 migrant workers were arrested and briefly detained after participating in a strike. Some of the strikers were reported to have thrown stones at police after police attempted to disperse the demonstration. Emirates' Labour Minister called the strikers "uncivilised" and described their actions as a threat to national security, but the authorities denied that workers had been arrested because of their participation in strike action, citing the stone throwing as the reason for the arrests. Trade unions are illegal in UAE but in recent years migrant workers have organised (unlawful) mass demonstrations in protest at poor working conditions.

ICTUR has written to the UAE authorities to express concern at the mass arrests of workers. In its letter

ICTUR argued that the authorities must introduce freedom of association and assembly and permit the establishment of legal trade unions. ICTUR urged the authorities to recognise that the lawful operation of trade unions and collective bargaining would provide more effective mechanisms for the resolution of workplace grievances.

UK

UNISON activist Karen Reissmann was suspended on 15 June 2007 after speaking out against a policy of cuts and privatization that she believed was being pursued by her employer Manchester Health and Social Care Trust. Ms. Reissmann was then dismissed on 5 November 2007.

ICTUR has written to remind the Manchester Health and Social Care Trust of its obligation to respect international labour laws that have been ratified by the UK, specifically ILO Conventions 87 and 98. ICTUR noted that trade unionists should not be subject to any detriment or dismissal due to their trade union activities.

Manchester Health and Social Care Trust responded to ICTUR's letter, saying that the case was a 'private employment matter' and 'should not attract comment'.

Cameroon

Jean Marc Bikoko, President of the Confederation of Civil Service Trade Unions, and Brigitte Tamo, a teacher and member of the CCSTU, were both arrested at a demonstration calling for the restoration of civil servants' salaries to their pre-1993 levels. Armed police dispersed the demonstration.

ICTUR has written to remind the authorities that Cameroon is bound by international law protecting trade union rights, including the ILO Conventions and the African Charter.

Paths to social reform

A recent report stated that the Labour Ministry inspection units liberated a record 5877 workers from conditions analogous to slavery in 2007

Fernanda Giannasi has devoted her working life to combating degrading work conditions in Brazil including the nation's deeply-rooted problems with debt-bonded labour. Her story reveals much about the plight of the most vulnerable workers, but also illustrates the institutional difficulties facing reformers and activists in a nation whose democratic institutions are still maturing after a long period of dictatorship and where an agricultural frontier is aggressively expanding across vast areas where the rule of law remains weak.

Giannasi gained entrance to the Brazilian Labour Ministry in 1983, during the transition from dictatorship to democracy. During Brazil's military dictatorship Giannasi recalls times when the ministry was a vehicle for some limited intervention on behalf of workers, but such efforts were quickly stifled. When the return to democracy was consecrated in 1985, Giannasi describes the creation of more appropriate structures governing the entrance of inspectors to the Labour Ministry, including a competitive application system open to the public.

Giannasi was among the new crop who brought a new spirit to the ministry, which she describes as "revolutionising". Working as an inspector at the ministry for the last 25 years, Giannasi has seen at close hand the chronic exploitation that is common in the rural hinterlands of a nation that only formally abolished slavery in 1888. The problems of forced labour surfaces most frequently into the public consciousness in the shape of bonded labour camps that trap families in cycles of charcoal-burning. However, the problem is also common among the rootless workers who have followed the expansion of cattle ranching along the agricultural frontier.

Despite high-profile enforcement campaigns against forced labour, there are signs that the problem may be increasing in scale and range with recent economic trends. Brazil's recent elevation to its status as the world's biggest exporter of both beef and poultry has been achieved with a massive expansion into freshly-deforested regions, which is precisely where public institutions remain weak and workers are at their most vulnerable. Practices involving logging and enclosing land for cattle grazing are rife with bonded labour and other forms of unlawful exploitation.

In more remote areas, typically in states like Para and Mato Grosso do Sul, the isolation of migrant workers makes them more vulnerable to the Hobsons choice of buying essential goods at inflated prices or refusing the employment. Workers often run up debts against their low wages, and then face the risk of threats and violence without any realistic chance of protection or redress.

Many of them are charged transport costs for being trucked to remote locations, while others accept offers for payment of outstanding debts in return for their labour. The vulnerability is heightened by the fact that the migrant workers are often illiterate, uneducated and lacking the papers that are so essential for moving through Brazilian bureaucracy, Giannasi says.

As an inspector Giannasi has also seen some of the worst conditions to which these workers are subjected, including unhygienic living conditions and inadequate or expensive medical care,

A newer engine for agricultural expansion is now emerging in the shape of a booming global market for sugarcane ethanol. Brazil's ethanol production is already equivalent to that of the USA's but higher productivity and lower costs have attracted billions of dollars of investment, with a prominent role for the big American and European trading groups. Brazil's ethanol production is expected to double over the next few years

The sugarcane industry already has a long-established reputation as one of the most exploitative and insecure sources of employment for the migrant labourers who follow the Brazilian harvest seasons, yet the euphoria about Brazil's future role as major supplier of ethanol to Asian and possibly American markets initially ran ahead of concern for the harsh realities of working in the canefields.

President Luiz Inacio Lula da Silva, the former metalworkers' union leader, described the ethanol producers as "agricultural heroes" in a 2007 speech, apparently forgetting the industry's poor record in the field of labour conditions. The issue made headlines in Brazil last year when a Para-based sugarcane ethanol company was accused of maintaining 1064 people in conditions of slavery. The freed sugarcane workers had been working 14-hour shifts for meagre wages, being fed rancid food and water and charged inflated rates for transport and medicine.

One Brazilian study put the number of bonded labourers at 25,000, but this is seen as a very conservative estimate. Official government statistics have recorded nearly 28,000 workers 'liberated' since 1995.

A recent report stated that the Labour Ministry inspection units liberated a record 5877 workers from conditions analogous to slavery in 2007, up 72 percent from 2006. The statistics were a result of 110 raids accompanied by Federal Police units.

Giannasi is not alone when she states the view that these figures represent the tip of an iceberg that includes undetected victims, but she goes much further, arguing that the whole focus on statistics is harmful. "I've been at very involved in the Labour Ministry's work in this field and I have seen the emphasis switch to a concern for gener-



GARETH CHETWYND is a British journalist based in Rio de Janeiro

ating statistics even if those numbers are not an accurate reflection of the situation.

“This government has been extremely concerned to show that it is creating jobs and stamping out evasion of employers’ contributions to the workers’ guarantee (severance) fund for time of service (FGTS). We see the government touting its statistics but problem industries remain as untouched by enforcement as ever. She stresses that the pitfalls of these policies are more pronounced in the rural hinterlands of the Brazilian interior. “The realities of scratching out a living in an insecure economic environment mean the workers will often follow the same old channels in their search for employment and end up in the same situation”, she claims.

Giannasi argues that the same people may even go through this process a number of times, distorting the statistics and providing support for the view that policies are not really providing opportunities for a more stable form of earning a living. She stresses the need for a greater “qualitative” approach to research into working conditions “such as following up on the liberated workers and providing them with information and meaningful support, such as education, training and credit tools. The most basic attempts at survival means those workers tend to fall back into similar conditions”, she states. Workers from the poorest regions find themselves in trucks that take them to work locations hundreds of miles away, helping to confuse worker and statistical system alike.

The current head of the Mobile Inspection Unit, Ruth Vilela, has promised that in 2008 the inspection effort will begin focusing more on prevention, with return visits to offending farms, especially in the busy harvest season, “to check for recidivism”, she said recently.

Giannasi does see some value in the preventative role played by the inspection unit and the Brazilian government’s ILO-inspired national plan for the eradication of forced labour. “Being invisible to society is our worst enemy, so it is important to highlight the problem”. However, she is adamant that the qualitative aspect of the programme is weak, and appeals for a more “robust decision-making” international body in order to enforce “difficult decisions such as the total banning of asbestos”, she says.

Giannasi’s experience has also led to a deep disappointment with developments in the Brazilian union movement, as reflected in her own department. “The creation of the CUT [trade union confederation] in 1983 was a major step on the way to democratisation ... The unionists were aware of the opportunity to seize new space in society”, she recalls. But during Collor’s two centre-right administrations, Giannasi detected signs of a shift to a more pragmatic role for CUT, grounded on the search for negotiated solutions rather than confrontation. She now sees the convergence of union, government and employer interests as helping to perpetuate the widespread perception that allegations involving supposed forced labour will rarely result in heavy punishment. “I am in favour of disappropriation once the landholder is found guilty of subjecting workers to degrading treatment but the powerful pro-farming bloc in Congress would never let this through. Fines are not enough to force real change”, she argues.

The working of political forces in a state like Para was on display when the Labour Ministry took a hardline against Pagrisa, the biggest etha-

nol producer in the region. A group of six Senators leapt to the defence of Pagrisa despite ample evidence of work conditions analogous to slavery, and accused the Ministry inspectors of abusing their authority. The Mobile Inspection Unit responded by suspending its activities for 22 days and unit coordinator Ruth Vilela nearly resigned before the validity of the action was upheld judicially. The fact that a Senate committee had been activated in defence of such a business weakened the Ministry’s image, Giannasi believes.

Giannasi also expressed concerns over the degree of protection afforded to Labour Ministry inspectors. Like other inspectors she has received threats thought to emanate from powerful landowners, but was rarely issued with a bullet-proof vest and the presence of back-up team was not guaranteed. In 2004, three inspectors and their driver were shot dead in the south-eastern Minas Gerais state. “We have to ask why the inspection unit does not have better back-up”, she said.

Giannasi has been deeply affected by such shifts in Brazil’s political landscape. She expected to gain more freedom to combat unacceptable labour practices once the Workers’ Party came to power but has instead witnessed increasing restrictions on her work as the jobs bonanza has provided administrative posts to scores of people with little or no real connection to the traditional labour movement.

A watershed came when Giannasi was trying to investigate allegations involving the use of asbestos by a subsidiary of Odebrecht, an industrial group with powerful lobbying traditions, in the underdeveloped northeastern state of Alagoas. The experienced inspector was called off the case after making statements to the press, but went ahead with the inspection regardless, resulting in disciplinary action and her de facto barring from future asbestos cases.

Giannasi continued to speak out against the asbestos industry and found herself under fierce pressure from its supporters. Rather than receiving increased protection after receiving threatening letters, she was instead taken off the case, and confined to office work.

In this problematic political and institutional climate, she has developed a growing interest in innovative solutions, focusing to a greater extent on the important role of single-issue or highly focused campaign organisations. Her focus has fallen on industries with cancer risks, such as asbestos and nuclear power industries. “These organisations have proven an effective form of intervening for worker protection. For example, Brazil has been unable to end the asbestos industry by decree but action groups focusing on consumer rights have shown themselves effective in exerting pressure through market mechanisms, she adds.

Civic organisations and businesses have also got involved in the issue of forced labour, with the signing of a National Pact for the Eradication of Slave Labour in May 2005, and Pagrisa was boycotted by this organisation in the wake of the raid that discovered 1100 people in forced labour.

Giannasi also argues for the role that smaller single-issue organisations can have in countries like Brazil, where the public perception of government inspectors and enforcers is often tinged with suspicions or expectations of corruption. “I would really like to help change this perception, but after 25 years of work in the ministry I no longer feel able to intervene in a positive way”, she says.

Giannasi argues that the same people may go through the ‘liberation’ process a number of times, distorting the statistics



FERNANDA GIANNASI is Health and Safety Inspector with the Brazilian Ministry of Labour (San Paulo)

Exploitation in Sudan

Vulnerable workers in Sudan face violation of their human rights on a daily basis

Sudan, which has always experienced the brain drain of its best and most talented professionals and skilled workers to other countries (for different reasons: political; economic; and otherwise), is now witnessing an influx of foreign workers.

Walking through the streets of the capital, Khartoum, you come across street sweepers from Bangladesh or Sri Lanka; visiting one of the numerous coffee shops you would be served by Filipinos or Ethiopians; travelling abroad, porters from India or a neighbouring African country will insist on helping you with your luggage. If you go further, and visit the numerous construction sites, many workers there are from Syria and Turkey: sweet shops and refreshments from both countries are attracting the new rich in Khartoum as well as the numerous UN and foreign NGO staff. Sudan and Khartoum have changed. Oil and civil war have contributed not only to making the country a permanent item in the news, but also a haven for foreign workers. They are coming in their thousands to a country where basic human rights are violated as a normal daily practice, where discrimination according to race, colour, religion and sex is rife and where the National Islamic Front which has ruled the country for the last eighteen years, continues to repress its people and their guests and to violate basic human values under the eyes of all observers: the UN, the EU, AU, AL, and the family of INGOs. Recently, to prove that all National Islamic Front (NIF) candidates are immune, a former Interior Minister who was involved in a big financial scandal and who was forced to resign his post, was rewarded by the President and was appointed as Minister of Defence.

In a country where there is very little respect for the law and where citizens can hardly express themselves, organise, or enjoy economic and social rights, and where unemployment is as high as 30 - 35 percent, it is strange that the country is importing so many foreign workers. Some say foreign workers are cheaper and work more hours: that is to say, they are easier to exploit. When the issue of forced labour appeared in the newspapers, an official of the pro-government trade union was asked about the policy of this union. He replied that the issue is new and under study.

The suffering of foreign workers in the Sudan is a major source of concern since their numbers are increasing day by day. The oil boom which lead to expansion in the construction industry, road building, and the recent presence of dozens of real and bogus companies dealing with both the legal and dubious commercial activities have increased the importation of foreign workers. This is taking place in the absence of basic trade union rights and with a lack of freedoms and democratic rights. And it is expected that the traffic and movement of foreign men and women looking for work in the Sudan will double or treble by the end of 2008.

One million migrant workers in Sudan are discriminated against either on the grounds of their race or their religion or both. They are exposed to bad treatment simply for being foreigners. The majority of workers come from neighbouring countries, but also from Asia. Those of Arab origin enjoy better treatment, not only because of their origin, but also because in the majority of cases they are skilled workers, since the country allows only for the recruitment of skilled workers. The majority of those who arrive in the Sudan are nurses, teachers, drivers and bricklayers. But when they arrive they are forced to work according to the demands of their contractor. Some end up as housemaids, sweepers, cleaners, waitresses etc. Women and children among the group are vulnerable and are exposed to difficulties and suffering in Sudan.

With the development and expansion of the oil industry, the number of foreign workers has increased dramatically. This has not been coupled with the introduction of laws which protect the rights of these workers or organise their presence in the Sudan. It is estimated that there are over 50,000 legal foreign workers in the Sudan. But the number of those working illegally could be three or four times that figure. Over 100 offices deal with importing and recruiting foreign workers in Khartoum alone. In the majority of cases these offices are organised along the same lines as those in other countries. There are also similar offices in other cities near the border with Ethiopia. According to the information received from the Ministry of Interior Affairs, only 32 offices are licensed to perform this work. A recent study from the University of Khartoum on the origins of the recent wave of foreign workers shows increasing numbers of workers from Bangladesh, India, Pakistan, Sri Lanka and Philippines. Workers from Ethiopia and Eritrea form the majority. In principle only skilled workers are allowed to work in the Sudan. All foreign workers are supposed to be contracted to perform work as skilled workers, but the majority end up as street cleaners, house aides and salespeople. Similar studies carried out by the independent Trade Union Alliance reveal that the majority of workers are forced to work due to lack of protection. Some don't have embassies to call upon or the right papers. The majority are ignorant about their rights and are afraid to contact the police for fear of retaliation from their contractor, who can bribe the police and settle the case before it reaches the courts. An additional complication is that some of these workers enter Sudan as refugees, and since there is no organisation to look after them, they are vulnerable to exploitation. The average salary is \$100 a month. Most of these workers end up in hostels provided by their contractor, with up to 5-8 people per room.

Working hours vary from contractor to contractor and place of work, but generally it is between 12-15 hours a day, with one meal provided



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by the contractor.

On the other hand, as a result of the civil war in Sudan, the influx of internally displaced people around the major cities represent fertile recruitment centres for contractors. The inhuman conditions of the camps lead many men, women and children to escape their misery only to become easy victims. Men recruited to the construction industry without any previous experience are exposed to accidents and low salaries. Women are contracted to do housework or forced into prostitution and the trade and production of illegal alcohol. Children who are forced into the streets end up as victims of prostitution, drugs or become involved in criminal activity. Despite the efforts of a number of NGOs both Sudanese and foreign, the plight of child labourers in Sudan is the biggest shame of the country. Tens of hundreds of children remain exposed to all sorts of work and life hazards. In a country which officially prides itself on being Islamic, no state mercy is being extended to the victims of civil war, especially children. Last year, clashes between one faction of the Darfur Rebels and the police in the capital exposed the racist nature of the regime and its followers in the capital. A wave of propaganda against the people of Darfur was launched by the government and its supporters in the capital. Sudanese of dark skin, from Darfur or not, were looked upon suspiciously, insulted and sometimes physically abused, dismissed from work and arrested.

Another important aspect in Sudan is the existence of child soldiers. One of the most pressing issues in the Sudan according to the UN Mission in Sudan (UNMIS) is that of child soldiers. Peter Maxwell, head of UNMIS stated that the real concern of the mission is not only to secure the decommissioning of the children and their release from military service, but, recently, also to prevent the return of these children to the military. According to Mr Maxwell, this continues to take place because of the return to civil war and the criminal activities that accompany it. Both armed groups - so-called freedom fighters - or

other gangs, forcibly recruit children. Part of the problem is also connected to the lack of financing for reintegration and resettlement projects where children can resume their studies or find alternative employment. Mr Maxwell lamented the deterioration of the situation in the country stating that while the mission was intended to address the aftermath of the civil war in the south of the country, it was now also required to deal with the civil wars in Darfur and Eastern Sudan. An additional problem in this respect is that the different rebel groups in Darfur recruit child soldiers from the camps. Military friction or confrontation between these groups in refugee camps has led to bloodshed and loss of life from innocent victims from all sides. The camps are engulfed with weapons - witnesses say that the price of 10 bullets is less than the price of a loaf of bread.

Are Sudan's oil resources the cause of this nightmare? It is very clear that at the root of the present problems is the dictatorial regime of the Islamic Front. The government of the National Islamic Front that came to power in June 1989, has realised that organised labour is the most effective opposition it would potentially face. It therefore launched an unprecedented attack on the Sudanese trade union movements. Labour law in the Sudan does not protect the workers, but the state.

This is why forced labour can flourish in Sudan, and why migrants and other vulnerable workers face such exploitation.

The Sudan Centre for Trade Union and Human Rights, which was recently established in Sudan, pledges to continue the struggle for the restoration of trade union rights in the Sudan, the construction of democratic and independent trade unions, and the abolition of forced labour. In this respect it extends its hand of co-operation to all interested partners inside and outside the Sudan.

For more information about the Sudan Centre for Trade Union and human rights, please contact ICTUR at ictur@ictur.org.

There are serious problems of exploitation, including forced labour and the recruitment of child soldiers

hancing monitoring of forced labour in companies as well as in their supply chains and how we can use the existing regional and international networks to act against abuses and to have an effect on national or international supervisory mechanisms. During the second year also, financial and project management training should enable participants to design individual sustainable projects and structures to directly assist victims and to provide the services they need. In most cases outreach and direct support to victims will initially have to be funded by trade union solidarity support and donor organisations. This requires thorough knowledge of the project management cycle and the logical framework approach.

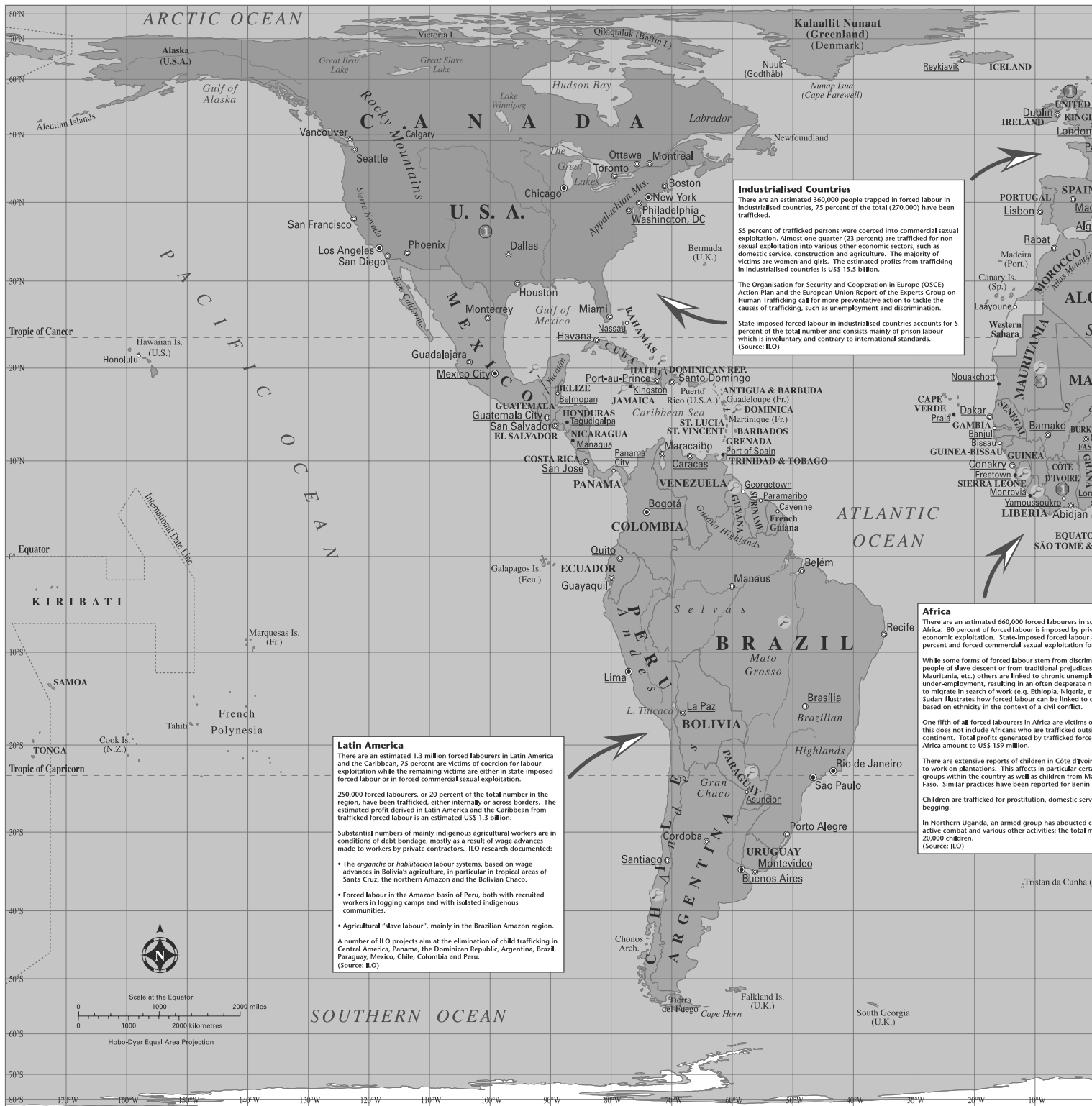
An International Conference in the heart of Europe, Brussels, should mobilise the international anti-forced labour and human trafficking movement and build an effective liaison with the trade union alliance against forced labour and trafficking not only to facilitate the contact between stakeholders at all levels but to develop a strong global position towards the eradication of forced labour.

The third year aims to look further into real possibilities for sustainable poverty reduction. Offering savings and credit mechanisms or establishing structures such as cooperatives integrated

in or in-built alongside trade union organisations may in specific cases provide the financial security for people in order not to be trapped in bonded labour practices or forced to seek a livelihood away from home regardless of all migration legislation.

As mentioned above, the highest trade union priority throughout this entire period in the fight against forced labour is targeted organising activities in vulnerable sectors in cooperation with the Global Union Federations. Therefore Global Union Federations will be involved in all activities. Target areas and groups of people will be identified and organising campaigns developed. An example of good practice is given by the General Federation of Bahrain Trade Unions (GFBTU) which developed an organising campaign of migrant workers in the construction industry with the support of the international building workers' federation, BWI. The alliance will also support, integrate and reinforce all existing and very valuable trade union efforts to defend trade union rights, and to fight discrimination and exploitation of women domestic workers and child labour, as well as to reinforce the ongoing trade union struggle to fight the oppressive regime in Burma.

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The presentation of data on this publication does not imply the expression of any opinion on the part of ICTUR or IFWEA concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

What is forced labour?

Forced or compulsory labour is all work or service which is exacted from any person under the menace of a penalty and which the person has not entered into of their own free will.

Workers of both sexes can be forced to work in a range of sectors, including agriculture, construction, mining and domestic service, as well as in forced commercial sexual exploitation.

Victims of forced labour are frequently drawn from minority social and ethnic groups who are subject to discrimination, and who live and work in poverty. Mechanisms of force applied include debt bondage, slavery,

misuse of customary practices and deceptive recruitment systems.

State imposed forced labour includes labour demanded illegally by military authorities, and certain kinds of forced prison labour.

The ILO has adopted two Conventions on forced labour: the Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105).

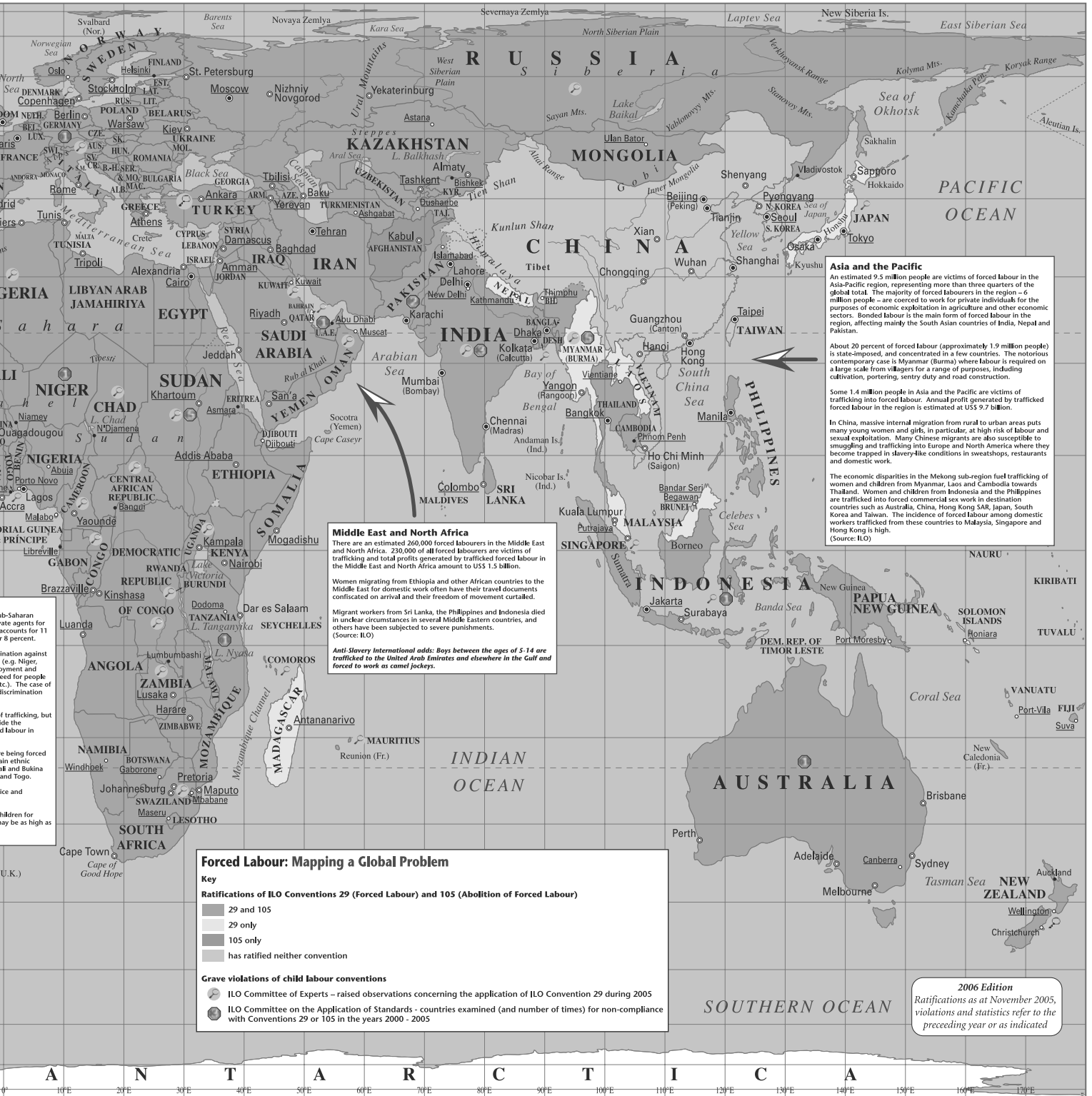
How many people are trapped in forced labour?

The ILO estimates that at least 12.3 million people are victims of forced labour worldwide. Of these 9.8 million are exploited by private individuals



Mapping a Global Problem

The International Federation of Workers Education Associations



and enterprises, including more than 2.4 million in forced labour as a result of human trafficking. The remaining 2.5 million are forced to work by the state or by rebel military groups.

Children are believed to represent 40-50 percent of all forced labourers. Women and girls account for almost all forced commercial sexual exploitation and 56 percent of forced economic exploitation.

How can the problem be solved?

Forced labour is for the most part rooted in poverty, inequality and discrimination, and most often driven by the pursuit of financial profit at the expense of vulnerable, unprotected and unorganised workers.

Getting rid of forced labour requires countries to adopt and implement strong laws and policies that outlaw the different forms of forced labour, protect the victim and allow appropriate punishment of the perpetrators.

In the long term, forced labour prevention rests on targeted poverty-reduction initiatives such as creating income-earning activities, land reform and guaranteeing the right of all workers to organise and bargain collectively.
(Source: ILO)



Radical union faces 'terrorism' crackdown

Federica Micoli reports on serious crime raids and a crackdown against the Slai Cobas trade union following the union's participation in recent strike action

On October 16th 2007, under instructions from the Procura della Repubblica di Potenza, (Public Prosecutor's Office) and the Direzione Distrettuale Antimafia (local anti-Mafia authority), the serious crime unit Digos searched the local headquarters of the trade union organisation Slai Cobas in Taranto, Milan, Ravenna, Palermo, Bergamo and Marghera. The search was also extended to the homes of about 25 workers, some of them local level officers and delegates of Slai Cobas, but also members of other unions.

The Digos seized computers, leaflets, software, correspondence and other documents reporting the social and political activities of the union. The Procura della Repubblica issued a search warrant to the people involved, informing them they were suspected of the crimes under Article 270 of the Italian Criminal Code (which refer to associations with terrorist scope and subversion of the democratic order).

Newspapers reported that the search apparently concerned activities undertaken by the union at the Fiat Sata Plant in Melfi, plus activities carried on at the Ilva Plant in Taranto, among others, 'through which activities' as a newspaper wrote 'terrorism has tried to penetrate Fiat'. The story of FIAT Sata plant in the southern Italian town of Melfi, Basilicata, is sadly known in the country: in the early 1990s Fiat announced its intention to found a plant in the region. The news was welcomed by the local population, the investment seen as a lever to start industrial and social development in an area tormented by the drama of widespread unemployment, poverty and heavy emigration. The project should have followed a work organisation model based on the participation of the workers ('fabbrica integrata', or 'integrated factory'). The young people who were employed by the new undertaking were seen as privileged.

Unfortunately, the 'fabbrica integrata' described in public debates and FIAT's in-house training was never experienced by these workers. Instead, they worked shifts of 12 consecutive nights and underwent unbearable rhythms of work in exchange for meager salaries, inferior to those paid to Fiat employees in the North of Italy. 'Too radical' union representatives were moved to other production departments or even sacked.

As Fiat Sata workers understood that being employed there was not a privilege, their rage mounted and resulted in a 21 day strike which ended on 9 May by the agreement signed between Fiat and trade unions led by the metalworkers' union FIOM (affiliated with the CGIL trade union confederation). The strike brought about salaries equal to those of the other Fiat employees, abolition of the 12-night shifts, improvement of work conditions and more occupational

opportunities.

Slai Cobas describes its allegedly 'illegal' activities which were the object of the charges moved by the prosecutors, as the following: activists of Slai Cobas took part in the strike, supporting the plant's works committee, who were fighting on the front line, and distributing leaflets, all of them public. After the strike they denounced the violence with which the police faced the workers, criticised the final agreement, which, according to them, sold off the fight's outcome, insisted for the unity of the different unions present on the plant and exhorted the employees of other factories in the southern Italy, where work conditions were similar to the ones in Melfi, 'to do the same as in Melfi'.

Slai Cobas also approached other Fiat Sata activists, in order to organise the workers and give them union training and education, they called public meetings, published an article and a booklet. They also started procedures to recover salaries long due to the workers, with the help of Ispettorato Nazionale del Lavoro (National Inspectorate of Work), which were successful for all the employees, and pressed charges with the Procura of Melfi against some directors of the plant for exploiting systems of work.

These are the same kind of interventions that Slai Cobas is making at the Taranto Ilva Plant, renowned for the so called 'white deaths' (morti bianche). Ilva is one of the biggest Italian steel production plants, and one of the most polluting. There are 1200 deaths a year from lung diseases among the local population. Many criminal charges pressed against Ilva directors shamefully ended with acquittal sentences, with the complicity of the local politicians; many agreements reached on the matter between trade unions and Ilva directors and administrators were never applied.

The investigation by the Procura della Repubblica is not over yet, therefore we cannot reach conclusions on the alleged guilt of those involved (although Fiat has already dismissed some of the workers under investigation, who were also union representatives). Nevertheless, the intimidating search and the vague accusations suggests this is one more attempt to silence the workers' protest and stop them from exercising their right of organisation and collective action, despite official recognition of trade unions and their rights in the Italian Constitution and legal system, as well as in the ILO Conventions signed by Italian government. It is also suspicious that the investigation concerns collective action undertaken in the South of Italy, where widespread serious unemployment induces workers to accept situations characterised by exploitation, lack of safety measures and extremely low wages.

Federica Micoli is an Italian labour lawyer currently based in London

Violence in South China

China's new Labour Contract Law came into force on 1 January 2008. The final version of the law is less stringent towards employers than many of us would have liked and argued for. Nevertheless, it represents a substantial improvement on the current situation and provides for punishment of employers who avoid signing contracts with their workers.

The process of drafting, debating and publicising the law gives some insight into where China is heading in terms of trade union rights. For the first time, the Chinese government allowed a degree of public discussion over the various drafts. A public consultation was facilitated by China's rapid growth in internet use and more than 200,000 people and organisations sent their views including many of the 71 labour NGOs currently operating in China. Hong Kong-based labour organisations also sent submissions and suggestions. So did employers organisations with the far from diplomatic tactics of the US American Chamber of Commerce leading by example. Its representatives interrupted conferences discussing the new law and threatened disinvestment should the contents remain tough on employers. At the same time, two factions emerged among China's top labour academics. The 'Beijing faction' argued for the higher standards of the original drafts and a 'Shanghai faction' held that such standards set the bar too high for a developing country and were unenforceable anyway. The only trade union permitted to operate in China, the Party-led All China Federation of Trade Unions, lobbied behind the scenes for a compromise based on the centrality of 'collective contracts' concluded via non-adversarial consultation rather than bargaining.

The final version of the law does make it much more difficult for employers to dismiss workers who have built up seniority with a firm. As 1 January approached, there was a wave of sackings as employers sought to avoid their new obligations. At the same time, South China has witnessed a far more sinister turn of events. The offices of labour NGOs and legal advice centres such as the Shenzhen-based *Dagongzhe* (Workmates) have been ransacked by unknown thugs. These vital organisations are already subject to regular



scrutiny by the authorities and operate in very difficult circumstances. However, they have taken the new Labour Contract Law at face value and worked hard to inform the internal migrant workers in Guangdong province of their new rights. Their work has been important and effective with some experts warning of a further clogging up of the labour disputes resolution system - a linear process of mediation, arbitration and litigation - by an 'avalanche' of new cases. Combined with serious labour shortages and generally increased levels of rights awareness among migrant workers, employers in the province are facing a new situation in which they cannot maintain the levels of exploitation they have been more or less guaranteed over the previous two decades.

In recent weeks the attacks on labour NGOs have degenerated from ransacking offices and threatening phone calls to extremely violent attacks by unknown persons. On 13 November, labour rights activist Li Jinxin was attacked by thugs and remains in hospital as a result. Li helped out at a law firm specializing in labour rights work. He was kidnapped and both his legs were broken in a vicious and prolonged beating after meeting a 'client' outside the offices. At around 3 pm on 20 November, labour activist Huang Qingnan was chatting to a friend outside his local shop when two young men approached the friends, one armed with a machete. In the ensuing *melée*, Huang was chopped so badly that doctors expect him to lose the use of his right leg. The attackers fled on a motorbike. Huang is a veteran labour rights activist who was badly scarred in an industrial fire. His struggle for legal compensation for his burn injuries brought him into contact with many other victims of appalling occupational safety regimes and he now runs the Workmates centre not far from where he was attacked. The centre dispenses services to workers who are in dispute with their employers on a 'pay what you can basis'. As with others, his legal advice to workers chasing unpaid wages or compensation for work injuries has made him powerful enemies among factory bosses and various 'interested parties'.

The regional section of the ACFTU, the SFTU, has visited Huang in hospital and acknowledged the importance of his work in upholding workers' rights. Trade Unions and NGOs in Hong Kong have organised an international appeal to publicise these attacks as well as pay for Huang's medical costs. They have also called on the local police and Shenzhen authorities to investigate past attacks and do more to prevent more. Unless they are stopped, it is only a matter of time before someone is killed. Please contact duxiu@hotmail.com if you or your union wish to contribute to the appeal fund.

The offices of a labour rights NGO have been raided and staff subjected to violent assaults

JOHN CHEN is a journalist and commentator on Chinese labour affairs



Thokozani, with Elizabeth and Chifundo Miambe, Jackson Mtimankanena, Thom Chirwa and Rhodric, the paralegal staff.

Africa visit: legal project

ICTUR project manager Elizabeth Molinari travelled to South Africa, Botswana and Malawi in December 2007 to meet a number of labour lawyers, unionists and human rights NGOs in relation to a joint ICTUR/UNI Property Services Global Union project to defend the rights of security sector workers in the region.

In South Africa, Elizabeth met with a number of organisations to discuss labour rights

in the region including the International Labour Research and Information Group (ILRIG), the Labour Resources Centre (LRC); law firm Cheadle, Haysom and Thompson; the Law and Development Department of the University of Cape Town; and COSATU's international section.

The trip also provided an opportunity to assess progress on the legal action ICTUR has been co-ordinating in Malawi. At the Malawi TUC headquarters, Elizabeth met with Grace Nyirenda and Macdonald Chuma (Secretary General and Assistant Secre-

tary General) of the Textile, Garment and Security Workers Union (which organises



Mauritius: legal analysis

The British TUC approached ICTUR on behalf of trade unionists from Mauritius and requested an assessment of the proposed new labour relations code for Mauritius, *The Employment Relations Bill 2007*. For the previous 30 years local unions had complained of a repressive labour relations system under the regime imposed by the Industrial Relations Act (IRA).

ICTUR's analysis, prepared by staff lawyers and approved by a network of senior ICTUR legal experts, found that the Bill contained a number of encouraging and constructive measures that should, if properly implemented and upheld, appropriately protect certain aspects of these rights. Indeed, ICTUR further emphasised that the Bill is in some ways a labour law model deserving of attention and study, particularly in terms of its introduction into a common law legal framework of the concept of suspension

of the employment contract during strike action.

But a caveat of fundamental importance was attached to this assessment: in many ways the Bill does not fully or properly respect these fundamental rights. ICTUR found that the organisation of lawful strike action might be practically impossible through a combination of lengthy, mandatory 'conciliation' procedures (that might lead to delays of more than seven months); the prospect of 'minimum service' imposi-

workers in the property services sector) along with Thokozani Ngwira, a legal expert from the University of Malawi, who has provided advice in planning the legal work.

A legal rights centre has now been opened in central Blantyre, with the support of the union and local lawyers. It is staffed by four full-time paralegals who are working to collect information from security sector workers on employment rights violations. Elizabeth travelled from Blantyre to Malawi's capital Lilongwe with Thokozani and Macdonald to meet one of Malawi's leading legal practitioners, Alan Chinula, to discuss the details surrounding the case to be submitted to the Industrial Relations Court on the issue of systematic underpayment of overtime pay. The case was filed on 19 December and a hearing is expected in the coming weeks.

tions across broad swathes of industry; limitation on the permissible subject matter of strikes; and prevention of strikes for three years following a collective agreement. Added to this, ICTUR found unacceptably severe sanctions permitted for those who participate in 'unlawful' strike action.

Yet ICTUR's conclusions were that no fundamental re-writing of the Bill would be required. Several of its provisions are not only welcome, they are innovative.

ICTUR expressed the hope that trade unions would lobby for revisions to certain key sections of the Bill, and urged the Government to take steps to bring the 2007 Bill into compliance with international obligations.

Sudan TURC

ICTUR Vice President Fathi El Fadl is currently working in Khartoum, Sudan, on a project to establish the fourth Trade Union Rights Centre. Dr El-Fadl has advised ICTUR that there is currently a unique opportunity for work to promote trade union rights to take place in Sudan. Although the project was initiated within the independent trade union movement, Dr El-Fadl is keen to see a sustainable and practical model develop for the TURC Sudan, and has established a dialogue with the official trade union movement.

An executive board has been assembled, and a constitution drafted, for the new organisation, which has also secured office space in Khartoum. The first important project of the TURC will be a meeting scheduled for mid-April 2008, in which the official and independent trade unions will participate, together with Sudanese and international labour experts. As a preliminary stage to the April meeting, Dr El-Fadl has established a dialogue with the Labour Minister. It is expected that the Ministry will participate in the April conference. TURC has already been invited to brief the Ministry on the trade union structures and organizing models of various European countries.

The workshop is expected to generate a conducive atmosphere for participatory and transparent exchanges of opinions concerning trade union rights as enshrined in the ILO conventions. Also, as a result of the workshop, a significant positive shift at the policy, legislative and executive levels towards protection and promotion of trade unions rights laws is envisaged, as well as increasing coordination among

trade unions.

Spanish newsletter

The second edition of ICTUR's new Spanish language newsletter *Derechos Sindicales Internacionales* was published in early January 2008 to a worldwide audience of subscribers. The newsletter is distributed free of charge in email format, and includes brief summaries of key trade union rights issues, modelled largely on the 'Interventions' and 'Worldwide' sections of IUR journal, together with one or more lead articles. To receive DSI newsletter once every three months contact Miguel Puerto on miguel@ictur.org.

Affiliations

Towards the end of 2006, ICTUR changed its affiliation strategy to promote the direct affiliation of trade unions to ICTUR internationally in countries where there is no existing national committee of ICTUR. The new approach has begun with an impressive start, with LO-Norway, CCOO (Spain), and SEIU (USA) taking up affiliations. The new affiliates join those countries where ICTUR has strong national committees (in particular Australia, Canada, Ireland and the UK). It is expected that more affiliations will follow in 2008, and the process is seen as an important step to formalise and rationalise the high levels of support for ICTUR that exist around the world but which are currently a rather incoherent mixture of subscriptions, bulk subscriptions, affiliations, correspondent status, and memberships of ICTUR's governing bodies.

British Committee AGM

The AGM of the British Committee of ICTUR has been scheduled for Wednesday 20 February. Affiliated unions and individual members of ICTUR are invited to join us at Old Square Chambers.

ICTUR staff will deliver a presentation on current projects and seek input from affiliates around proposals for ICTUR's work in the year ahead. The meeting will also elect its governing officers.

Please note that meetings of the Committee are open to affiliates of ICTUR, but not normally to subscribers of IUR journal, other than by prior arrangement.

Irish Committee conference

The Irish Committee of ICTUR is developing a conference, scheduled for 25 March, to be held in Dublin at which Canadian labour lawyer Peter Barnacle will join discussions covering the application of international law in Ireland and the role of Irish trade unions around global solidarity. ICTUR's international staff will attend to deliver a presentation on their work.

The conference will be open to affiliates and non-affiliates. Please contact ICTUR for further information.

World maps: seafarers

ICTUR has met with the ITF to discuss the development of a world map to promote seafarers' rights. The proposed map will illustrate the Memoranda of Understanding that exist in several regions to protect seafarers, while also showing the locations and contact details of ITF inspectors.

TURC Colombia

Following the success of the joint ICTUR / Amnesty International (UK Section) conference on Colombia, ICTUR has persuaded several of the participants in that conference to further support the operation of the Trade Union Rights Unit

established by ICTUR in the offices of the CAJAR lawyers' collective in Bogotá. The SEIU (US), UNISON (UK), and Thompsons solicitors (UK) have all pledged to support the TURC Colombia during 2008. Thanks to this support, the Unit will take on a second lawyer for six months. ICTUR hopes to secure additional support to employ the lawyer for a further six months.

China

New legislation on collective consultations came into effect for the Hebei province in a move that has been welcomed by China Labour Bulletin who said that 'the new legislation allows for democratically elected workers' delegations to negotiate collective labour contracts with management'.

Climate change

An 80-member trade union delegation attended the Bali climate change conference in December to argue for the creation of 'Green Jobs' and to promote a trade union role in developing action plans. The NGO SustainLabour organised a training session on climate change, effects on employment, and negotiating on climate change.

Colombia

An in-depth report on the trade union and human rights situation in Colombia was prepared by the national trade union school ENS for presentation to a high-level ILO mission that visited Colombia in late November 2007 as a follow-up to the Tripartite Agreement on Colombia that was reached at the ILO Conference in 2006. The report, which is available in English and Spanish editions, directly from ENS who can be contacted on: dgeneral@ens.org.co.

CSR

British union Prospect has produced a leaflet, poster and DVD to help its members in various professional sectors to promote more socially and ethically responsible business by their employers. The CSR-promotion pack gives advice around actions to improve social and environmental issues at the workplace and examines how to make a local-level impact towards the Millennium Development Goals.

Europe

In December the European Court of Justice issued two judgements on two cases which pitted trade union rights against business interests under the EU's freedom of movement and

establishment rules. The outcome of the first case 'Viking' was given a muted welcome by the unions, recognising the status of the right to strike as a fundamental right and an integral principle of EC law, and one capable of justifying restrictions on freedom of establishment. However, lawyers expressed concern that the true status of freedom of association (a right protected under the Universal Declaration of Human Rights) had been undervalued by the Court when it added that the exercise of this right would need to be justified on a case by case basis. The Laval case seems to have blurred the lines, with the union losing the case, while at the same time confirming the basic principles set out in Viking.

Global

The third International Forum on Economic Globalisation and Trade Unions, held each year in Beijing, took place from 7-8 January with the World Federation of Trade Unions; the Organisation for African Trade Union Unity; and the All China Federation of Trade Unions among the international, regional and national trade unions in attendance. The ACFTU pledged to enhance its cooperation with foreign trade unions, citing the principles of 'equality, mutual respect and non-interference in each other's internal affairs' that have underpinned each meeting of the Forum. Issues under discussion included climate change, world economic structures, and the role of international organisations.

Global Unions Council

Union leaders from 60 countries took part in a 'global summit on organising' held at the National Labor College under the auspices of the recently formed Global Unions Council. Introducing the themes of the discussion Fred Van Leeuwen, chairman of the Council, said that 'as never before, we must link globally. We are sending a message to corporations everywhere that everyone has a right to join a union'. Van Leeuwen was also keen to emphasise the role of unions as organisations vital for social justice, adding that 'like a free press, a free trade union move-

ment is vital to democracy'. Welcoming international guests to the US, AFL-CIO President John Sweeney called for the creation of 'global strategies... to restore the right to organise for workers all over the world'. The conference agreed that the Council should take up 'a new campaign to raise awareness of fundamental labour rights'.

ILO / World Bank

The fifth annual edition of the World Bank's *Doing Business* report (see IUR 14.3, p27) was singled out for discussion at the November session of the ILO's Governing Body. A preparatory report produced for the Governing Body noted that *Doing Business* 'suggests that reducing protection to a minimum and maximizing flexibility is always the best option' thus raising 'policy coherence issues central to the ILO's mandate'. ILO Director-General Juan Somavia was 'well positioned' to discuss these issues with the World Bank.

Industrial relations report

The annual report on industrial relations in the EU, US, Japan and other global economies was published at the end of 2007 by the European Foundation for the Improvement of Living and Working Conditions. Once again the report painted a picture of falling union membership and density rates. Industrial disputes in the US and Japan are presented as 'limited and declining', while European trends are mixed, marked by cycles closely tied to bargaining rounds. The report also features analysis of temporary agency work and small / medium sized enterprises. Access the report at www.eurofound.europa.eu/eiro.

MDGs

The MDG monitor is a new online tool that helps generate a global picture of progress towards the Millennium Development Goals. Although there are significant gaps in the data, the map function is particularly engaging, showing shifting patterns of development over time. <http://www.mdgmonitor.org/>

Pakistan

The ITUC's latest reports for the WTO review of trade policies examine the condition of labour rights in Pakistan. Pakistan has ratified all eight of the ILO's core labour conventions, but the ITUC's report finds 'massive and flagrant' violations of all of these standards.

Legislation on trade union rights effectively denies the right to organise to many classes of worker by the two-fold approach either of exempting a class of worker from the labour code altogether, or by designating an industry as an 'essential service'. These exclusions vastly exceed those permitted by ILO Convention 87, and the ITUC describes the 2002 Industrial Relations Ordinance as a law with 'many flaws'. Strikes are subject to numerous legal obstacles, and the criminal code requires that gatherings of more than four people must obtain permission from the police. This provision, reports ITUC, allows the authorities easily to prevent trade union rallies.

The law contains provisions against discrimination, but in practice ITUC describes discrimination against women as 'a serious problem', and says that discrimination in the workplace is 'widespread' and that there is 'no national law in force' against harassment at work.

Child labour and forced labour are both identified as serious problems, the former 'very serious'. ITUC's report also makes clear that many forced labourers are also children, and so this 'widespread' practice represents a double violation of core labour standards.

Private Equity

New research produced by Birmingham University in the UK is being promoted by UNI as proof that private equity buyouts 'destroy jobs'. The new findings show a tendency to cut a quarter of jobs over a four year period as a result of an equity buyout, although the contradictory message that job revivals are common after five years was again found by the Birmingham team. UNI describes the job revival as 'small consolation for redundant workers'.

At a meeting in Switzerland in November the global unions UNI, IUF and IMF discussed how the introduction of 'massive debt on the portfolio companies' balance sheets fundamentally altered the context of collective bargaining'. IUF suggested that when negotiating 'essentially, with a bundle of debt', unions would need to understand and unpack that debt, press for full disclosure of total debts and debt types, whilst also pushing for ongoing access to verifiable financial accounts throughout the bargaining process

Turkey

The ITUC's latest reports for the WTO review of trade policies examine the condition of labour rights in Turkey. Turkey has ratified all eight of the ILO's core labour conventions, but the ITUC's report finds 'massive and flagrant' violations of all of these standards.

On trade union rights, ITUC finds that several categories of public sector employees (around 450,000 people) are denied the right to organise, and that all public sector unions are denied the right to collective bargaining and may participate only in 'collective consultations'. ITUC reports 'significant' government interference in union affairs, and catalogues several serious cases of discrimination against union members by employers, and incidents of police violence during union disputes. ITUC also reports that solidarity strikes are banned, as are general strikes, go-slows and workplace occupations, and notes that 'severe penalties' can be invoked against workers who participate in unlawful strikes.

ITUC finds that women 'often face' discriminatory practices 'despite theoretically adequate legal provisions'. The report also quotes a European Commission report which found that 'no steps have been taken...to create the conditions required for the Kurdish population to enjoy full rights and freedoms'.

Child labour and forced labour are prohibited, but problems remain. Indeed, ITUC describes child labour as 'widespread', and cites State statistics from 2004 of 764,000 child labourers,

whilst noting that the statistics may not fully represent the reality on the ground. In terms of forced labour, ITUC refers to forced begging by children in the streets and the trafficking of women and children for sexual exploitation as 'widespread' problems.

USA

The Centre for American Progress, an NGO, has issued Beyond Justice, a report that examines the Bush Administration's increased financial support for the Office of Labor-Management Services, a regulatory body that monitors union financial and internal affairs. The report contrasts the administrative burden of increased reporting requirements with the apparently limited value of some of the information sought by OLMS, and alleges that the results of OLMS investigations (into union expenditure, legal fees and fraud cases, among others) have been disclosed to the public in 'seriously misleading ways'. Access the report at www.americanprogress.org

USA

The National Employment Law Project, an NGO, has issued a strategy handbook to support what it calls 'direct action' campaigns by workers to expose injustice, to build leadership skills, and to secure workers' demands, such as payment of overdue wages. The handbook is aimed at Worker Centers which seek to defend the legal rights of marginalised workers and which pursue issues such as unpaid wages at unorganised workplaces. The handbook features a series of suggested scripts to help Worker Centres staff structure their approaches to the employers, citing relevant provisions of law, and giving advice on negotiating positions. Access the handbook at: www.nelp.org.

WFTU

The World Federation of Trade Unions has launched a new website www.wftucentral.org with up to date content in five languages (English, French, Spanish, Russian and Arabic). The new website showcases a wide range of activities by the WFTU.

REVIEWS □

By Daniel Blackburn (barrister),
Director of ICTUR / Editor, IUR

Iraq: operation corporate takeover By Sean Michael Wilson and Lee O'Conner

War on Want / Boychild Books, 2007, 74pp,
softcover, £5

ISBN: 0-9546596-3-5

This slim comic-book volume traces the story of a young man, Nazem, returning to the chaos of Iraq following a period of study in London. As Nazem adjusts to the everyday problems his family and friends have lived with in the aftermath of the US-led invasion of Iraq, he decides to set out his experiences in the form of an online blog. Nazem's father works for an oilworkers' trade union, providing Nazem with insights into some of the restrictions faced by unions and social activists and leading Nazem to question the web of intrigue surrounding the involvement of various corporations in the 'corporate takeover' of the country.

The comic format is well suited to show extracts from the reports of international campaign groups (which we see Nazem accessing from his computer) alongside images of events unfolding on the ground in Iraq, while retaining a strong narrative structure. As a quick read or an introduction to complex problems for a younger audience the booklet is a punchy and accomplished piece of work. As a tool for promoting greater awareness of corporate power, its collusion with political power, and the potential for the abuse of such power, the booklet also succeeds. What it lacks is engagement with some of the complexities of local politics in Iraq (such as the fragmented structures of the trade unions), but it would have been an extraordinary feat to pack such detail into a brief comic book and maintain the coherence and readability of this publication. And on the subject of why and how trade unions have been held in a state of suppression the comic effectively explains, through sections following Nazem's father, how the restructuring of Iraqi law has maintained restrictive labour laws from the Saddam-era.

International Labour Law Reports, volume 26

Martinus Nijoff, 2007, 478pp,
hardback, €265

ISBN: 978 90 04 16442 0

With the assistance of an editorial team consisting of eminent international labour lawyers, the International Labour Law Reports bring to international attention cases within the field that either significantly develop the law in a particular

country or that in some other sense might have an international resonance (focussing, perhaps, on a particular line of judicial reasoning, etc). For each case there are brief headnotes, the judgement (in the original language, with less relevant sections deleted by the editors), and an English language analysis of the key issues raised. The analysis also helps to place the decision within the national legal context. Often the judicial reasoning around public policy is as interesting as are the technicalities of the application of law, and several of the cases in this volume discuss policy concerns in detail.

IUR's readers should be aware that the Reports might more appropriately be titled 'employment law' rather than 'labour law', as a large proportion of the content concerns workplace rights such as discrimination, vicarious liability, secondment of employees from one company to another, contracts, qualifying periods of service, etc, rather than the collective rights that are usually implied when the term 'labour law' is used. That is not to say that collective rights are absent from the Reports. Indeed, a few of the 41 cases contained herein do concern trade union issues and collective rights: among them are cases covering the grant of 'trade union status' (a formal recognition of status provided by the state to a sufficiently powerful and representative workers' association) in Germany; the right of a national union to discipline a 'reformist' local in the US; and rights for unions to access a workplace in Germany.

What is striking to this reviewer - given the title of the volume, and the growing interest generally among lawyers in the work of the ILO - is the absence from almost all of these reports of any reference to the ILO and its jurisprudence. The Reports pull together decisions from 'the highest courts in a number of jurisdictions', but few include any reference at all to the ILO or its conventions, nor to the jurisprudence of the ILO's quasi-judicial bodies such as the Committee on Freedom of Association. It seems strange that this should be the case, as in recent years there has been a subtle but noticeable trend among courts around the world to pay greater attention to the ILO, and a growing awareness among lawyers of the possibility to cite ILO instruments in argument before national courts.

It was also strange to read a set of international labour law reports covering the period 2005-2006 that fail to mention the European 'ferry' cases; the Swedish 'Laval' case; the New York Transport Workers Union case (in which the union leader received a prison sentence, the union was fined one million dollars, and the union's check-off system for dues collection was blocked following a strike). Other notable cases that IUR

would have like to have seen included were the cases brought against Egitem-Sen in Turkey, and the judicial decisions in Korea and Iran that have authorised the imprisonment of union leaders following strike action. Key decisions in the aforementioned cases were all made by national courts during the period under review, and so it would seem that the Reports might not be the best guide for someone seeking the key freedom of association cases of recent years. Of course, this might not be the fairest way to approach the Reports. They don't claim to be a definitive guide to freedom of association cases, and it might be argued that the Reports don't need to play that role: the ILO already publishes regular reports from the Committee on Freedom of Association in its Official Bulletin. But given the absence of such key cases on trade union rights, I am not persuaded to take out a subscription for the ICTUR office.

Indeed, the Reports would be a strange choice of reading matter for an individual lawyer to subscribe to: they are a highly specialised publication, and it seems unlikely that any one practitioner would gain much practical benefit from reading all or even a majority of the cases presented in this volume. On the other hand, for any given labour lawyer, *two* or *three* cases from this volume *would* have the potential to greatly develop their perspective and analysis on their own key area of specialisation: be that equality, employment contracts, whistleblowing, or whatever. In the context of a legal partnership or barristers' chambers, where different members may specialise variously in any number of these sub-fields within employment law, the Reports would have an altogether deeper resonance and would play a valuable role.

In conclusion, a subscription to this series would make an excellent addition to the library of any employment law practice or university department, but its contents may be at once both too highly specialised and too diverse in focus for an individual lawyer.

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DEFEND PUBLIC SCIENCE, DEFEND THE PLANET

British facilities for researching the effects of climate change are being cut back because of a squeeze on funding by the UK government. Research is being cut into:

- Biodiversity and climate change
- Methane emissions
- Nitrogen pollution and acid rain
- Ozone and heavy metals pollution

The Centre for Ecology and Hydrology is one of a number of public research institutes which are making scientists redundant and closing laboratories.

These are world-class facilities carrying out ground-breaking national and international research. Prospect calls on the UK government to reverse these short-sighted cuts and invest in public science for the public good.



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- **This special edition of IUR journal was supported by the ITUC forced labour project**

main pic: Young girl victim of traffickers at the Benin / Burkina Faso border (© International Labour Organisation/ E. Gianotti)

inset pic: Hundreds of families with young children work and live in these brickyards near Islamabad - often under conditions of bonded labour (© International Labour Organisation/ M. Crozet)

