

# Research Report

# MUNISH '12



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**Forum:** Human Rights Commission

**Issue:** Combating forced labour in Asia

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## Introduction

To many, slavery is a thing of the past; an immoral act that had been abolished decades ago through human rights conventions and inspirational people. However, what most don't realize is that slavery is still very much present in our world, in forms such as forced labour and human trafficking.

Over the last years, the struggle against forced labour has become more and more important to the countries of Asia. However, there is a long road ahead of them, and many obstacles that need to be overcome.

## Definition of Key Terms

### Forced Labour

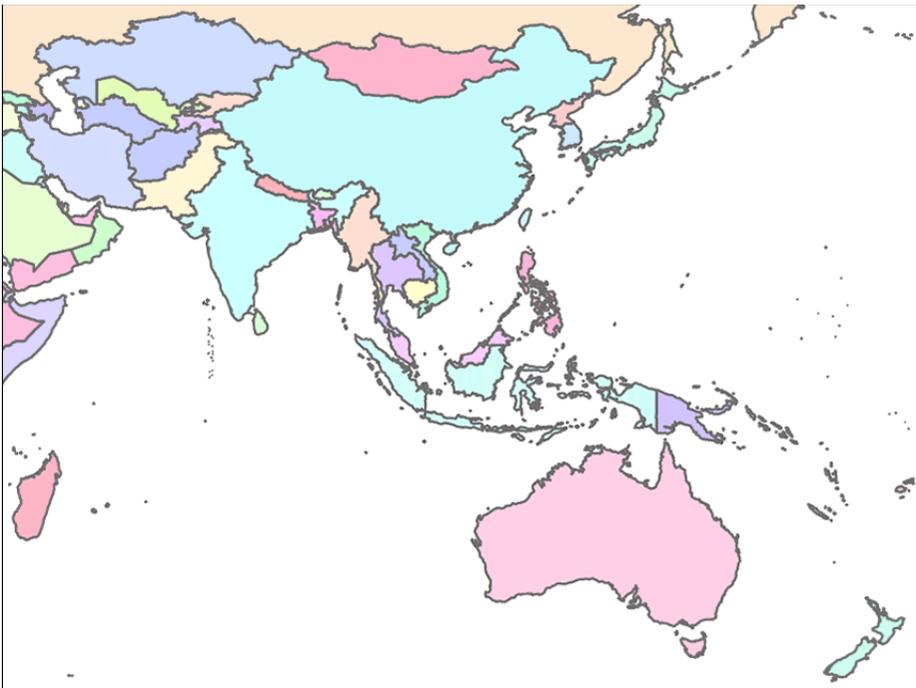
**Forced labour is defined by the International Labour Organization (ILO) as “work or service extracted from a person under threat or penalty, which includes penal sanctions and the loss of rights and privileges, where the person has not offered him/herself voluntarily.”<sup>1</sup> The ILO also states that there are eight main types of forced labour in the world today. Forced labour is also sometimes referred to as ‘modern slavery’.**

### Bonded Labour

Bonded labour is one of the eight main types of modern forced labour, and is also the most prevalent form in the Asia and Pacific Region, affecting mainly the South Asian countries of India, Nepal, Bangladesh, Sri Lanka and Pakistan. It is a type of debt bondage in which low-income families are forced to take on a loan or wage advance from their employer due to emergency or major social expenses. They then find it impossible to repay for several reasons, and quickly fall into a vicious cycle of debt that is extremely challenging to break free from.

### Asia and Pacific Region (AP)

The Asia and Pacific (AP) region is one of the most diverse regions in the world in cultural, ethnical, economical, and religious aspects. There are currently 34 countries in the AP region that are member states of the ILO: Afghanistan, Australia, Bangladesh, Brunei Darussalam, Cambodia, China, Fiji, India, Indonesia, Iran, Japan, Kiribati, Korea, Lao People's Democratic Republic, Malaysia, Maldives, Marshall Islands, Mongolia, Myanmar, Nepal, New Zealand, Pakistan, Palau, Papua New Guinea, Philippines, Samoa, Singapore, Solomon Islands, Sri Lanka, Thailand, Timor-Leste, Tuvalu, Vanuatu, and Viet Nam.



*A map of the Asia-Pacific (AP) region. <http://www.apdip.net/about/map/apdipprojects>*

## General Overview

A 2012 ILO report on forced labour estimates that a minimum of 20.9 million people are now victims of forced labour globally. Of those 20.9 million, 18.7 million (90%) are exploited in the private economy by individuals or enterprises. Out of these 18.7 million, 14.2 million (68%) are victims in economic activities such as agriculture, construction, or domestic work, and 4.5 million (22%) are victims of sexual exploitation. The 2.2 million (10%) that remain are in forms of work that have been made compulsory by the state.

When looking at the regional distribution of forced labour, the Asia-Pacific region accounts for by far the largest number of forced labour- 11.7 million, which is 56% of the total. The Asia-Pacific region also struggles most with forced labour, as two-thirds of the world's poorest countries pertain to said region. Poverty and discrimination are breeding grounds for the conditions in which forced and bonded labour systems persist, which locks already vulnerable groups of people into extreme poverty.



***The regional distribution of forced labour. [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_181953.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_181953.pdf)***

Even with strong legislations against some forms of forced labour in certain countries, inadequate law enforcement still allows for the vast majority of perpetrators to go unpunished. Older versions of forced labour are also transforming into new ones, making the combat of forced labour even more challenging.

### **Bonded Labour**

As mentioned before, bonded labour is a type of forced labour in which low-income individuals have no option but to take on debt and are unable to pay them back afterwards. It is usually a combination of reasons that prevents people from paying back their debts- high interest rates, low pay and over-inflated prices for agricultural or other essential product inputs provided by the landlord or employer are usually included in this combination.

Illiteracy is also a contributing factor to the problem, as debtors are unable to keep track of their loan repayments and are therefore susceptible to further exploitation. Furthermore, written contracts are barely used, so the employer can easily manipulate terms and agreements. Violence or threats of violence are often used to reinforce the bond, along with more subtle strategies such as exclusion from any future employment. Children can even be targeted and bonded with debt separately from their families, or can inherit debts from their parents, thus making the cycle of debt bondage even more challenging to get rid of.

### **Human Trafficking**

Human trafficking is the act in which individuals are forced or manipulated into travelling to a certain region where they are coerced into working against their will, most often in sexual trades. While research has proven that most trafficking begins with voluntary migration due to unemployment in native countries and the allure of the big cities, it quickly turns into forced labour when people, and especially women, are coerced into working through threats and violence. The

root causes of trafficking include poverty, social exclusion, and limited educational and employment opportunities. Women are most often trafficked from countries such as the Philippines and Indonesia into forced sexual trade in destination countries such as Japan, Australia, and Thailand.

While human trafficking 'only' accounts for 22% of the total forced labour, it is worthwhile to try and shut it down now for several reasons. First of all, human trafficking has grown immensely over the last 7 years- claiming 4.5 million victims now as opposed to 'just' 1.4 million (less than 10% of the total) victims in 2005. If this rate is to be upheld, human trafficking will grow to account for a huge amount of the total victims in just a few decades. Do keep in mind that this might be a false growth rate and that most human trafficking systems could have just not been in sight in 2005.

## Major Parties Involved and Their Views

### International Labour Organisation (ILO)

**The International Labour Organisation (ILO) is a UN-affiliated organisation that is responsible for supervising and drawing up international labour standards. It is a 'tripartite' agency that brings together governments, employers as well as workers to collaboratively create new policies and programmes promoting Decent Work.<sup>2</sup> The ILO currently has 183 member states and a secretariat, the International Labour Office. The ILO works closely with countries on the matter of forced labour and is an active participant.**

### Myanmar (Burma)

Myanmar, otherwise known as Burma, is an ILO member state that is notoriously known for its state-imposed forced labour. According to the ILO, Myanmar coerces its inhabitants to work in a range of sectors, including agriculture and construction. If the inhabitants do not comply, they can be subjected to threats, violence and imprisonment. Amnesty International has also reported that while Information Minister Kyaw Hsan stated that Myanmar was 'almost free from forced labour', the amount of labour complaints had increased from 21 per month in 2010 to 30 per month in 2012.

It is evidential that Myanmar is not completely rid of forced labour, and communicating with the government and the inhabitants of Myanmar in order to solve the problem of forced labour would be a great step forward in the struggle for a forced labour-free Asia.

### China

China is one of the most developed countries in the AP region, and well on its way to becoming as developed as some western countries. If China could set an example by enforcing its

laws against forced labour and complying fully with the UN and other human rights organisations, its neighbours would surely be more convinced to follow in its footsteps.

## Amnesty International

Amnesty International is a non-governmental human rights organisation that aims to rid the world of human rights abuse. Amnesty International has a lot of information regarding human rights issues, including information on forced labour in individual countries. It also campaigns in countries all over the world. Amnesty International collaborates with the UN to study and analyse situations and issues.

## Timeline of Events

Date	Description of event
1919	International Labour Organisation goes into force
October, 1919	First International Labour Conference (ILC) is held in Washington D.C
1926	The first international treaty on slavery (Slavery Convention) is held
May 1 <sup>st</sup> , 1932	ILO convention concerning forced labour goes into force
1934	The United States joins the ILO
December 10 <sup>th</sup> , 1948	Universal Declaration of human rights is adopted by the UN
1998	Universal Declaration of Fundamental Principles and Rights at Work is adopted by the ILO
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2005	The first official report on forced labour is published
2012	The report following the 2005 report indicated that forced labour has grown
2012	Amnesty International reports that Myanmar has not progressed in abolishing state-imposed forced labour
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June, 2013	ILC to be held in Geneva

## UN involvement, Relevant Resolutions, Treaties and Events

The UN is very involved in the matter of forced labour. The ILO is a UN-affiliated organization and is very active, providing useful statistics and research that are essential to get an accurate picture of the situation. Below are some UN resolutions that have been significant to the UN's approach to the issue of forced labour.

- Trafficking in women and girls (A/RES/61/144)
- Improving the coordination of efforts against trafficking in people (A/RES/61/180)

Numerous conventions, declarations and commissions have also contributed to tackling forced labour. The main ones have been listed below.

- ILO Declaration on Fundamental Principles and Rights at Work, 1998
- ILO convention (no.29) concerning Forced or Compulsory Labour, 1930
- ILO convention (No.105) concerning the Abolition of Forced Labour, 1957

## **Evaluation of Previous Attempts to Resolve the Issue**

Various attempts have already been made to combat forced labour in the AP region. The governments of India, Nepal and Pakistan have all introduced legislations to abolish bonded labour systems, and have had different amounts of success. Some 18,000 former victims of forced labour in Nepal have received a bit of rehabilitation. At the moment, however, Nepal's political situation is hampering ILO programmes.

In Asian countries, domestic workers are not recognized as actual workers and therefore do not receive labour rights. To counter this, the Philippines and Indonesia have created bills that give domestic workers a minimum wage and working hours similar to those of other workers. However, the fact remains that most Asian countries do not have bills or laws similar to those of Indonesia and the Philippines in terms of domestic workers.

Both China and Japan have prosecuted some major leaders of trafficking systems. The ILO has also set up programmes in most of its member states that attempt to combat forced labour issues. It's a good start, but more needs to be done to rid both the AP region and the rest of the world of forced labour.

## **Possible Solutions**

Many bills and laws that have been implemented in one or two countries should also be implemented in the rest of the AP ILO member states. However, there are usually quite a number of issues that stop this from happening, such as a lack of government collaboration or political and economical situations. Thus keep in mind that most of these countries are Lesser Economically Developed Countries (LEDCs) that lack the money to fund a large amount of programmes.

The spread of information concerning forced labour, and trafficking in general, is also a good way to prevent forced labour from occurring, in the sense that people will be more aware of their situation and will be able to know what the potential risks are.

Furthermore, government collaboration is important. Countries such as Myanmar must be convinced that state-enforced labour is not doing them any good before any action can be undertaken in the country itself.

Lastly, education is key to this situation. If people are to be educated, even just the basics, they can at least know what their employer has written in their contract, for example, and step in and make their employer aware of their rights. Education will also lead to jobs with higher wages, which is good for the economy in general and also for individuals.

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The most useful links have been put in bold.

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"Slavery and Forced Labour." *Hrea*. Human Rights Education Associates, n.d. Web. 12 Aug. 2012. [http://www.hrea.org/index.php?doc\\_id=430#top](http://www.hrea.org/index.php?doc_id=430#top)

## Appendices

I. The ILO Declaration of Fundamental Principles and Rights at Work:

<http://www.ilo.org/declaration/lang--en/index.htm>

II. The ILO 2012 Global Estimate of Forced Labour Executive Summary:

[http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_181953.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_181953.pdf)

III. The ILO 2005 report on Forced Labour in Asia:

[http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_decl\\_fs\\_16\\_en.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_decl_fs_16_en.pdf)