

## Peter Peckard Memorial Prize

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Political governing bodies and forced labour imposed by private actors

## Preliminary notes

Special acknowledgement is given to the book *Researching Forced Labour in the Global Economy : Methodological Challenges and Advances* (LeBaron *et al.*, 2018), who has been particularly helpful. It was borrowed from the University Library and is not, to my knowledge, freely available online. Having left on June, 22<sup>nd</sup>, I had to work from notes I had taken from these books. As a result, some quotes may slightly differ. Also, I have sometimes used claims from this book which were not developed but simply quoted from another articles. I have endeavoured to make the use of these indirect quotations clear, by writing *Original article* according to *Corresponding co-author of the Researching Forced Labour book*.

The length of the essay, counting words from page 3 to page 15 included, excluding the title, is of 9,744 words. The Annex, one page of figures, has been counted as 250 words. The resulting number of words is 9,994.

## Political governing bodies and forced labour imposed by private actors

Throughout the 19<sup>th</sup> century, Western powers have abolished slavery in their colonial empires. In 1981, Mauritania, the last country yet to do so, criminalised slavery. However, this didn't prove the end of the long-lasting struggle against slavery, as, in parallel with the last legal abolitions of slavery, a new concern has been foregrounded in civil and political society, that of modern slavery. Modern slavery is a general term encompassing all forms of – now illegal – slavery and slavery-like practices, including forced labour, the practice of forcing someone to do work or to render service under threat – whatever its form. In 2013, and on a regular basis since then, there have been shaken outbursts in the press in reaction to the estimates of modern slaves worldwide – around 40 million people were victims of modern slavery worldwide according to the International Labour Organisation (ILO, a United Nations agency) 2016 estimates. In this respect, outlawing modern slavery proved insufficient to eliminate it, and, in fact, government efforts to combat modern slavery are sometimes deemed insufficient to provide effective protection and assistance to victims – as assessed by the European Court of Human Rights (ECHR) in the cases *Siliadin v. France* (2005), *Rantsev v. Cyprus and Russia* (2010), *C.N. v. The United Kingdom* and *C.N. and V. v. France* (2012), *L.E. v. Greece* (2016), *Chowdury and others v. Greece* (2017). After giving some insight into the main topics around forced labour and related practices in a global context, and discussing its main features today, this essay will dwell on how the political governing bodies at different scales – international, regional and national – articulate and coordinate their action in order to combat forced labour. It shall then tackle the main challenges they face when trying to fight forced labour – consisting, in short, firstly in data collection and detection of forced labour; secondly in data interpretation; thirdly, in adopting and enforcing laws that will provide effective protection and assistance to victims or potential victims. Finally, solutions that might be able to overcome these challenges will be discussed.

First of all, one should note that around the theme of forced labour are a series of close but different concepts which are often difficult to differentiate on the ground. From now on, we will drop the former general term “modern slavery” and instead privilege the more precise terminology defined by the United Nations (UN) agency dedicated to work-related human rights and labour rights : the International Labour Organisation (ILO). In the second article of the 1930 *Forced Labour Convention*, it defines “forced or compulsory labour” as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”. The article then excludes from this definition a few cases deemed legitimate, namely “military service”, “work or service forming part of the normal civic obligations of the citizens of a fully self-governing country”, work imposed on persons condemned to conviction following a trial, work or service exacted in cases of emergency and “minor communal services”. These are to be interpreted in a rather narrow sense; some further provisions regarding these are given, and they sometimes relate to other human rights – especially in the case of convicts' rights – however, that shall not be discussed here. With respect to the definition of forced labour, it should be emphasized that “all work or service” should be understood in a broad sense, and will include work or services performed in a country where they are illegal – for example prostitution and other forms of commercial sex in countries where they are banned. They may be performed in the formal or informal economy, and any human being can claim its status as victim of forced labour – including migrants in irregular situation (ILO, 2013, *Tripartite Report*, §26). To determine whether a given situation is a case of forced labour, focus should rather be given to the other two elements – the menace of any penalty and the absence of consent (ILO, 2017, *Global Estimates*,

p.16). In that respect, it should be underlined that the menace of any penalty is to be understood in a broad sense, and may consist in physical or psychological violence, direct or indirect. It also includes retention of identity documents (ILO, 2013, *Tripartite Report*, §27). This last case underlines that the threat need not be explicit, as retention of identity documents is usually considered enough of a threat – for example in the ECHR case *Siliadin v. France*, §118, where the perceived threat of being arrested by the police was acknowledged tantamount to the threat of a penalty. Finally, for someone to offer himself voluntarily to perform some work or service requires his free and informed consent, and thereby excludes consent given following external coercion, threat or deceit (ILO, 2013, *Tripartite Report*, §28).

Closely related to forced labour is human trafficking (or trafficking in persons) defined in the UN *Trafficking Protocol*, article 3 as “the recruitment, transportation, transfer, harbouring or receipt of persons [the act], by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person [the means], for the purpose of exploitation [the purpose]. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”. This definition features three prominent elements : the act, the means and the purpose – although the coincidence of the act and the purpose is declared sufficient in the case of children trafficking (article 3-c) – child being defined in the Protocol as any person under eighteen. Hence, recruitment of someone into forced labour – which by definition will be achieved by threat or deceit – is a form of human trafficking. A further interesting feature of this definition is that we can use it to understand the term exploitation. This term is used in several UN treaties or documents but isn't defined – it refers to working conditions considered harsh and abusive, or inconsistent with human dignity (in particular if it infringes other human rights) (ILO, 2013, *Tripartite Report*, §118) and does include instances of forced labour from the statement above. A relevant definition is given in the European Union 2015 *Severe labour exploitation* report glossary as “work situations that deviate significantly from standard working conditions as defined by legislation or other binding legal regulations, concerning in particular remuneration, working hours, leave entitlements, health and safety standards and decent treatment” – exploitation is thus tantamount to severe labour law infringements.

Finally, harsher forms of forced labour are also given specific attention. The most famous of these is slavery, defined in the League of Nations (and later UN) 1926 *Slavery Convention* and which definition was reaffirmed in the UN 1956 *Supplementary Convention on the Abolition of Slavery*, as “the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised”. It should be noted that, especially now that slavery is outlawed, the definition does not require legal ownership to occur, but only *de facto* ownership, tantamount to exercising control over a person that “significantly restricts or deprives them of their individual freedom, with the intent to exploit them through the use, management, benefit, transfer or divestment of their person”, an interpretation adopted by the Inter-American Court of Human Rights in the 2016 case *Fazenda Brasil Verde vs. Brazil* and several other international tribunals (Weiser I., 2018). However, the UN also defines slavery-like practices in the 1956 *Supplementary Convention on the Abolition of Slavery*. Among these are forced marriage, but also serfdom, defined as “the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status”, or debt bondage, defined as “the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined”. To finish with, servitude is also referred to in several UN documents, such as the fourth article of the *Universal Declaration of Human Rights*. It should be understood as an intermediary step between slavery and forced labour, and one may adopt the

definition given by the European Union in its 2015 *Severe labour exploitation* report (p.10) as “an obligation, imposed by the use of coercion, to provide one's services, [... and] the obligation for the victim to live on another person's property and the impossibility of altering his or her condition by stopping work or leaving the premises”.

Protection from all of these are fundamental human rights, guaranteed by the UN 1948 *Universal Declaration of Human Rights*, in article 4 but also implicitly from article 23-1, and by the ILO 1930 *Forced Labour Convention* in article 1-1 and by the ILO 1957 *Abolition of Forced Labour Convention* in article 1. A number of other UN or UN agency documents also prohibit some or all forced labour practices (ILO, 2013, *Tripartite Report*, §58 – 63). Yet, it can already be felt from the wide range of different modern slavery practices that it will not be possible to find one general strategy that will be able to tackle all these issues at once, but rather that a general framework will have to be set, within which several more precise measures will focus some specific practices each.

It should be noted that the UN and ILO documents and treaties on forced labour are pretty consensual within the international community (ILO, 2013, *Tripartite report*, §18). The two core ILO treaties about forced labour, the 1930 *Forced Labour Convention* and the 1957 *Abolition of Forced Labour Convention*, are among the most widely ratified ILO instruments, with 178 and 175 ratifications each and 2 denunciation for the latter, yielding only 9 and 14 ILO member countries that have not ratified (and not denounced) these – albeit it should be underlined that China has ratified neither, and the US have not ratified the former (ILO website, ratifications). Furthermore, the ILO and UN documents on the matter are the cornerstone of international legislation against forced labour – as attested by the striking similarity between articles of UN and ILO instruments and several articles from different regional human rights courts worldwide. Indeed, compare : 2015 *ASEAN Convention Against Trafficking* article 2 – (a) and UN 2000 *Trafficking Protocol*; 2012 *ASEAN Human Rights Declaration* article 13 and UN 1948 *Universal Declaration of Human Rights* article 4; Council of Europe 1953 *European Declaration of Human Rights* article 4-1 and 4-3 with UN 1948 *Universal Declaration of Human Rights* article 4 and ILO 1930 *Forced Labour Convention* respectively, especially in the light of the Court 2019 *Guide on Article 4*, §6; Organisation of American States 1969 *American Convention on Human Rights* article 6-1 and 6-3 with UN 1948 *Universal Declaration of Human Rights* article 4 and ILO 1930 *Forced Labour Convention* respectively (remark from ILO, 2013, *Tripartite report*, §18; comparisons my own).

Yet, if many of these treaties were written during the early or mid 20<sup>th</sup> century, not until recently was forced labour foregrounded as a civil and political society issue, at least so in more developed economies. Following the spread of slavery abolition in the 19<sup>th</sup> century, forced labour kept going on in the 20<sup>th</sup> century in colonial empires. In that respect, the ILO 1930 *Forced Labour Convention* was rather an instrument regulating the use of forced labour in colonies than absolutely forbidding it (Allain, 2018). After decolonisation, it was argued that forced labour would naturally disappear as result of inner incompatibility with capitalism (Rao, 1970 or Miles, 1987 according to LeBaron, 2018). Not until the 1990s and the beginning of the 21<sup>st</sup> century was proper attention given to the issue of forced labour. This can be seen by the multiplication of NGOs creation with main concern forced labour and modern slavery (Free the Slaves in 2000, Walk Free in 2010, or the Freedom Fund in 2013 among others), of research into forced labour (Bales, 1999, *Disposable People*; establishment of the US Trafficking in Persons Report (TIP) in the 2000 Victims of Trafficking and Violence Protection Act (TVAP) as stated in the 2001 TIP Introduction), and of national initiatives (ILO, 2013, *Tripartite Report*, §88). This does not mean that forced labour did not exist or was not known to exist before, merely that the struggle against it did not find political echo (see for instance Human Rights Watch (HRW) 1992 *Forced Labor in Brazil*, first paragraph of the section “Impunity” to show that forced labour is a long-detected problem in Brazil, and the remainder of the section, or the Recommendation section, to underline lack of political determination to combat it).

Nevertheless, today, forced labour has become a central human rights issue and the ILO publishes every four years global estimates about forced labour. According to the ILO 2017 *Global Estimates*, 25 million people worldwide were victims of forced labour – adding the estimated 15 million people in forced marriage, this yields 40 million victims of modern slavery. On a global scale, the market of modern slavery would account for 40 billion dollars each year (Bales, 2010). On the one hand, this shows how much of a concern forced labour still is, as there have never been in history as many victims of slavery as there are today; in fact, there are twice as many modern slaves today as there were African slaves deported during the whole Atlantic slave trade. On the other hand, this is in history the least proportion of the total population to be held in slavery, and likewise, the fraction of the global economy represented by slavery is at its least today (Bales, 2010). This leaves Kevin Bales (same source) to reckon that slavery “has ended up standing on the precipice of its own extinction, waiting for us to give it a big boop and knock it over, and get rid of it, and it can be done”.

However, these estimates do not only put forward how widespread forced labour remains today, they also give insight into the main features and the diversity of forced labour practices in the world today. Diversity occurs with respect to the means of coercion and the field of exploitation, as put forward in the following figures from the ILO 2017 *Global Estimates*. Yet they share common traits which can help understand forced labour. Among all the victims of forced labour, 17% are victims of state-imposed forced labour – which we will not draw on in this essay. The other 83%, victims of forced labour imposed by private actors, were forced into sexual exploitation (19%) or labour exploitation (64%). The main sectors in which forced labour exploitation occur are often the ones featuring workplaces away from public view or with regulated access : domestic work, agriculture, forestries, fishing, construction or manufacturing. This matches the claim from the ILO 2013 *Tripartite Report*, §50. With respect to means of coercion, three main practices can be drawn from this data – not excluding one another – coercion through violence or threats (against the victims or his relatives), coercion through economic domination (such as debt bondage or withholding wages) and coercion through spatial entrapment (being locked, too far away from home or being deprived from your passports and identity documents, especially in the case of migrants in irregular situation). Special attention should be given to debt bondage, which accounts for more than half of forced labour victims worldwide (note : I believe that the reason for the gap between debt bondage in figure C and “had to repay debt” in figure B is that, in figure C, the pretext for recruiting the victim into forced labour is evaluated, while, in figure B, what is evaluated is the reason which effectively forced the victim to submit - “had to repay debt” may thus refer to a legal or social duty). As detailed in the ILO 2017 *Global Estimates* report (p.37), debt bondage is particularly vicious in that, in most cases, the accounting is biased to make the initial debt grow at a rate that will not be matched by the wages – the latter being under-evaluated by charging expensive fees for accommodation and catering.

Therefore, beyond the apparent diversity in forms of forced labour and exploitation fields, it remains that general properties of forced labour can be found – and hopefully used against it. Debt bondage, for instance, gathers at once some local, traditional practices such as Nepalese Kamaiyas (ILO, 2013, *Tripartite Report*, §108) and much more recent forced labour practices adopted by some work agencies using recruitment fees and agency charges to create and sustain debt (ILO, 2017, *Global Estimates*, p.36). Such similarities are fortunate in that it allows successfully implemented and enforced measures against forced labour to be transposed to other environments where similar issues are faced. In the same vein, common features among victims tend to indicate vulnerability factors to forced labour. Among these, the ILO 2017 *Global Estimates* put forward that women and girls are dramatically more vulnerable to forced sexual exploitation – 99,4% of the victims of forced sexual exploitation being female – and slightly more vulnerable to forced labour exploitation – in which 57,6% of victims are female. The same source explains that roughly 20% of the victims of forced labour exploitation and forced sexual exploitation are children (that is to say

under 18), with a slightly higher prevalence in forced sexual exploitation than forced labour exploitation. It also highlights the higher vulnerability of migrants to human trafficking – especially irregular migrants (according to ILO, 2013, *Tripartite Report*, §134), women and children (p.30). In this respect, 74% of victims of forced sexual exploitation live outside their country, while this falls to 14% for forced labour. The ILO 2017 *Global Estimates* report hence asserts that “the fight against modern slavery is thus integrally related to global initiatives to promote orderly, safe, and regular migration”. Geography can also be a vulnerability factor, at all scales. At the regional scale, forced labour occur with prevalence varying from 1.3 to 4 (per 1,000), with higher prevalence in Asia and the Commonwealth of Independent States (CIS) and lower prevalence in the Americas and, possibly, Western Europe (figure D, tempered by ILO, 2013, *Tripartite Report*, §11). On a national scale, population from remote areas, less controlled by labour administration and inspectorate, are more vulnerable as well (ILO, 2013, *Tripartite Report*, §97). Other vulnerability factors, underlined in the ILO 2013 *Tripartite Report*, include : ethnic or cultural belonging, such as indigenous people (§8, §41); poverty (§68, §101); sector of work, with higher risks for domestic and agricultural workers, or workers of the informal economy (§41).

Finally, the link between forced labour and other illegal activities should be underlined. The case of illegal immigration has already been discussed. As regards prostitution, what has not been pointed out, however, are the links between human trafficking and illegal prostitution in countries where prostitution (or organised prostitution) is banned, as in UK (All-Party Parliamentary Group on Prostitution and the Global Sex Trade, 2018, *Behind Closed Doors*, “Prevalence” section). The formerly discussed children entrapped in forced sexual exploitation are used to produce child pornography, which might then be consumed everywhere in the world despite being illegal. Still in the UK, forced labour is used within the cannabis industry, not so much to reduce production costs, but rather to minimise risks : the use of forced labour from migrants in an irregular situation reduce the risk that they contact the police, fearing they might be imprisoned or repatriated (LeBaron & Crane, 2018). Finally, corruption is assessed to be “one of the main legal and institutional risk factors” favouring severe labour exploitation (which includes forced labour) in Greece and Bulgaria, while in at least one case in Poland “it was suspected that bribery of the police was used as a means of covering up the extremely harsh working conditions of Vietnamese workers in a shopping centre” (European Union Agency for Fundamental Rights, 2015, *Severe labour exploitation*, p.45).

Today, the fight against forced labour is global, and has resulted in a sophisticated juridical structure, articulated around several key organisations enforcing specific measures – the smaller the scale, the more detailed and strongly enforced the measures.

On the international scale, as illustrated earlier, the main regulatory body on the issue of forced labour is the ILO – although a number of other UN or UN-related document also tackle the issue. A number of international treaties, conventions or protocols define forced labour and forced-labour-related practices, and draw the big picture of how action against forced labour should be taken. In that respect, the ILO 1930 *Forced Labour Convention* requires states having ratified the Convention to make “illegal exaction of forced labour [...] a penal offence”, and for the law to provide for “adequate” and “strictly enforced” penalties (Article 25). However, the ILO 2014 *Forced Labour Protocol* is most significant in that regard. Firstly, it dismisses the transitional use of forced labour allowed by the ILO 1930 *Forced Labour Convention* (Article 7 from the Protocol), which was but a remainder of colonialism (Allain, 2018). Then, it formally adopts prevention, victim protection and compensation, and prosecution of those exacting forced labour from others as the core elements of the strategy to combat forced labour (Article 2). These elements are not new, they already show through the ILO 2013 *Tripartite Report* (see §4 or §87 for instance) – report which led to the creation and adoption of the Protocol – however, the Protocol creates an obligation for all states having ratified it to implement a national strategy revolving around these three poles. Moreover, the Protocol requires signatory states to cooperate with each other to achieve prevention

and elimination of forced labour (Article 5), and also requires them to address the underlying causes and vulnerability factors that facilitate exaction of forced labour (Article 2-f). All of these are not directly applicable in signatory states, but national measures should be taken to apply the provisions of the Protocol, and achieve its goal (Article 6). Still, if the UN instruments do let wide room for national margins of appreciation, and are but a sketch of what states should be aiming at in their own legislation, it remains that they are, as a whole, accurate enough to guide states in their legislation, and allow evaluation of their action to match UN requirements regarding forced labour. It should be underlined that, although “binding” (ILO, 1930, *Forced Labour Convention*, article 28; ILO, 1957, *Abolition of Forced Labour Convention*, article 4; ILO, 2014, *Forced Labour Protocol*, article 8-2), no evaluative organ, court or prosecution against states who do not abide by these treaties is set up, and hence enforcement cannot be forced on a signatory state, as is usual with international law. Although focus has here been given to the ILO forced labour instruments, similar remarks could be made about the UN 2000 *Trafficking Protocol*.

On a regional scale, associations of neighbouring countries have resulted in regional organs who have, among others, produced normative instruments concerning forced labour and human trafficking. Such regional organisations have adopted policies against forced labour and human trafficking nearly everywhere : in Africa, Asia, Europe and Latin America (ILO, 2013, *Tripartite Report*, §76). They strengthen cross-border cooperation between neighbouring states (ILO, 2013, *Tripartite Report*, §76), and can facilitate it by favouring common approaches among member states (ILO, 2013, *Tripartite Report*, §76). Because they do not embrace the entire world but merely a region, with less diversity among member states than in the UN, and likely to feature similar forms of forced labour and to face the same issues when it comes to combatting it, these regional organs can take more constraining measures. Hence several of these have gone beyond the requirements of the UN 2000 *Trafficking Protocol* in requiring member states to take measures going further than required in the UN 2000 *Trafficking Protocol*. One example, given in the ILO 2013 *Tripartite Report*, §75, is that of the *European Union Directive 2011/36/EU of 5 April 2011*, which “establishes certain minimum standards concerning the definition of criminal offences and sanctions [for sanctions, see Article 2] and seeks to strengthen the prevention of trafficking and protection of victims (Article 1)”, going further than the mere requirement for criminalisation in the UN 2000 *Trafficking Protocol*. As put forward earlier, regional organisations tend to supplement UN norms instead of aiming at replacing them – as can be seen from the similarities in wording in the different treaties, and even direct reference (see 2012 *ASEAN Convention Against Human Trafficking*, introduction). One effective way in which they can achieve this is by creating courts that do have some constraint powers over member states, to ensure the enforcement of treaties. This is made easier by the closer ties countries have at regional level than at an international level. A significant amount of regional organisations have thus created regional courts of human rights : the European Court of Human Rights to enforce the European Convention on Human Rights on behalf of the Council of Europe; the American Court on Human Rights to enforce the American Convention on Human Rights on behalf of the Organisation of American States; the African Court on Human Rights to enforce the African Charter on Human Rights on behalf of the Organisation of African Unity. The Association of South-East Asian Nations (ASEAN) has not yet set up a Human Rights Court, but might be doing so at some point : it has only adopted the *ASEAN Human Rights Declaration* in 2012, and has set up in 2009 the *ASEAN Intergovernmental Commission on Human Rights* – which, although having been criticised for being “toothless”, might have its “teeth strengthened down the road”, according to Abhisit Vejjajiva, ASEAN chair at the time (Wikipedia, *ASEAN Intergovernmental Commission on Human Rights*). Because all of these human rights instruments ban forced labour (in article 4; article 6; article 5 and 15; article 13 – banning human trafficking – respectively), the corresponding courts, when they exist, may condemn states for infringing the ban of forced labour. One interesting such case is the European Court of Human Rights 2005 case *Siliadin v. France*. The Court underlines that the European Convention of Human Rights does not merely require states to prohibit forced labour, but also creates positive obligations to take effective measures against forced labour (§89). In the given case, the Court decided that

France, in spite of its legislation against forced labour, had not provided a “practical and effective protection” against forced labour (§148). As a result, France was condemned to financially compensate the victim for a total of roughly 26,000€ (§152 - 154). This puts forward how regional organisations, much more than international organisations such as the UN, may evaluate the efficiency of its member states' policies against forced labour and push them to improve them, if deemed not efficient enough. If there is no doubt that such small fees in themselves are not enough to force a country to change its behaviour, by providing an assessment of the results achieved by its member states, regional courts encourage countries to improve their action when necessary, and the symbolic and moral weight of such a condemnation usually is more an incentive to comply than the fee in itself.

On a national scale, measures taken usually revolve around the above-mentioned poles : prevention, protection and prosecution. Prosecution probably is the more straightforward measure to combat forced labour : punishing people exacting forced labour from others will dissuade people from doing so. Yet even in a seemingly such straightforward case, problems arise : it is not enough to make provisions for adequate sanctions in law, they need to be strictly enforced. If most ILO member states have enacted legislation punishing the illegal exaction of forced labour (ILO, 2013, *Tripartite Report*, §100), enforcement is less of a success as prosecution rates remain quite low (ILO, 2013, *Tripartite Report*, §131). Thus, national measures concerning prosecution must take into account both a legal aspect – sanctions – and a practical aspect – effective enforcement. Protection is an even more complex issue, because it has many different facets, among which providing assistance and, when repatriation occurs, safe repatriation, but also privacy, and guarantee of their rights including labour rights (making it possible to ask for wage arrears and social protection) and right to seek compensation for moral and material damages. Assistance includes medical and psychological treatment, legal assistance to allow them to assert their rights (ILO, 2013, *Tripartite Report*, §103), but also providing shelter (ILO, 2013, *Tripartite Report*, §135) and physical protection from their former persecutors – because it encompasses all the immediate reaction needed to help the victim, assistance must be tailored to the specific needs of each victim, which will differ depending on the form of forced labour and the circumstances in which it was exacted (ILO, 2013, *Tripartite Report*, §103). Guaranteeing victims' rights is also manifold. It involves the possibility to ask for wage arrears and social protection, and compensation for the physical and moral damages (ILO, 2013, *Tripartite Report*, §103). This contributes to rehabilitate the victim, and to prevent her from falling back to a situation of vulnerability putting them at risk of being exploited again – special attention should be given to make social reintegration possible (ILO, 2013 *Tripartite Report*, §103). For instance, in Nepal, when the kamaiya (debt-bonded labourers) system was forbidden in 2002, vocational programs, employment schemes and a special fund to support entrepreneurship was created to reintegrate kamaiyas in society (ILO, 2013, *Tripartite Report*, §108). Guaranteeing privacy is at once a way to facilitate social reinsertion and to protect the victims from their persecutors' revenge or threats. Finally, special legal provisions can be made for victims, in particular on two aspects : the possibility of not imposing the penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so (ILO, 2013, *Tripartite Report*, §84) and the possibility to remain in the country if they wish to – especially relevant for illegal immigrants who were victims of forced labour in their destination country (ILO, 2013, *Tripartite Report*, §123). It should be underlined that protection and prosecution are two complementary aspects of combatting forced labour : providing effective victim protection and advantageous legal provisions for victims creates an incentive for denunciation, facilitating detection and prosecution, while one way of protecting the victim is to prevent its persecutors from doing any more harm, which implies prosecuting them. (ILO, 2013, *Tripartite Report*, §110). Yet prosecution and victim protection both imply detecting forced labour – which in itself is already an issue. To realise so, one just needs to compare the estimated number of forced labour victims worldwide – 25 million – and the number of detected victims – 63,251 in 106 countries between 2012 and 2014. (ILO, 2017, *Global Estimates*). On the one hand, states have to ensure that victims are able to complain to authorities. This can go through the creation of hotlines, especially useful

for victims enjoying some independence or privacy while having restricted movement freedom – such as domestic workers (ILO, 2013, *Tripartite Report*, §95). However, because victims can be in a state of dependence to their persecutor, or might be entrapped, they do not always have the possibility to complain to authorities. This means that states, in their positive obligation to eliminate forced labour, have to set up appropriate mechanisms to detect instances of forced labour (ILO, 2013, *Tripartite Report*, §103). Several organs are concerned with the issue of detecting forced labour : the labour administration and inspectorate, because of their role in looking for exploitative work condition instances and in controlling work conditions on the ground, but also other law enforcement bodies, such as the police, because labour inspection does not cover all sectors in which forced labour can occur – for instance, forced labour in illegal activities (ILO, 2013, *Tripartite Report*, §107). Cooperation between these different authorities is important to ensure a comprehensive approach against forced labour, and sometimes goes through the creation of joint inspection units gathering members of several of these authorities (ILO, 2013, *Tripartite Report*, §96-97). Because of their special access to workplaces, labour inspection units can play a key role in detecting and preventing forced labour, provided they are allocated adequate resources – material and human, including training. Such factors as exploitative work conditions and the multiplication of labour law violations, which labour inspection is meant to detect, can point to forced labour. In that respect, labour inspection can detect instances of forced labour, or even provide early warning and provide such situations to degenerate into forced labour. Moreover, because they can reach to the targets of prevention, that is to say vulnerable workers, directly on their workplace, educational and awareness-raising activities they may set up can make a key contribution in forced labour prevention (ILO, 2013, *Tripartite Report*, §96-97, §105, §132). To some extent, prevention would be an even better solution to forced labour than prosecution and victim protection in that, if successful, forced labour would not even occur. Recognition of the importance of prevention has been growing over the years (ILO, 2013, *Tripartite Report*, §92). Prevention can take several forms, including reducing vulnerability factors, address the demand for forced labour and raising public awareness about forced labour. Measures to reduce vulnerability factors are often linked to solving other related issues : better regulated and safer migration (ILO, 2017, *Global Estimates*), improving recruitment systems and monitor recruitment agencies (ILO, 2013, *Tripartite Report*, §95), dealing with poverty and extreme poverty (ILO, 2013, *Tripartite Report*, §101). As for addressing demand for forced labour, one way in which this can be done – in the case of supply chains of private companies – is through increasing transparency. By requiring companies to release reports accounting for their efforts to prevent forced labour to occur within their global supply chains, or by making public the names of those companies in whose supply chains forced labour occurred, the public image of 'good' and 'bad' companies can be praised or shamed respectively. That should impact consumer demand for these companies, and consequently create incentives for companies to self-monitor forced labour in their global supply chains – thereby decreasing demand for forced labour, who, although cheaper, would not be profitable any more (ILO, 2013, *Tripartite Report*, §102). This is the drive between the 2010 *California Transparency in Supply Chains Act* or the 2015 UK *Modern Slavery Act* (Rühmkorf, 2018). Finally, awareness-raising can take several forms, such as media campaigns, workshops, dissemination of educational materials and brochures and specific training for forced-labour-related authorities (ILO, 2013, *Tripartite Report*, §94). They can serve different purposes : make sure that the most vulnerable persons are aware of the existing schemes to protect them from forced labour, and of how they can reach for help; raise public awareness about forced labour in hope that witnesses of forced labour will denounce it, or to push consumers to pay attention to the forced labour policies of the companies whose product they consume; favour effective law enforcement from corresponding authorities (ILO, 2013, *Tripartite Report*, §94-95, §127, §131 respectively). As has already been underlined, purely legislative national measures against forced labour are not sufficient to eliminate it, and quite a number of the above measures have a very practical concern, which probably explains the spread of national action plans with respect to forced labour prevention and victim protection (ILO, 2013, *Tripartite Report*, §135). Finally, it should be pointed out that all countries have not adopted all of the above

measures – rather they are a vista of the most common national policies regarding forced labour. In its 2013 *Tripartite Report*, the ILO deplored that despite the fact that most countries had adopted some policies against forced labour, many lacked a comprehensive strategy – especially with respect to prevention and victim protection (§134-135).

Yet, despite all these measures, forced labour has not yet disappeared – and, indeed, a number of challenges make combatting forced labour difficult. Some of these have already been discussed : the difficulty to detect forced labour, for instance, is a major hindrance to forced labour elimination. Another issue which was implicit from our former discussion is that of the liberation of forced labour victims. Indeed, researchers have found that, in the absence of appropriate assistance following their liberation, workers that have been 'liberated' from slavery and trafficking are likely to end up in exploitative labour conditions (Shih, 2015 according to LeBaron, 2018). In that respect, in his 2010 TED Conference, Kevin Bales draws a parallel with the US 1865 13<sup>th</sup> Amendment abolishing slavery. He takes it as an instance of what he calls “botched emancipation”. He claims : “4 million people were lifted up out of slavery, and then ... dumped. Dumped without political participation, decent education, any kind of real opportunities in terms of economic lives and then sentenced to generations of violence and prejudice and discrimination, and America is still paying the price for the botched emancipation of 1865”. What this underlines is the importance of the formerly discussed assistance programmes to rehabilitate forced labour victims – to that sense, Bales calls liberation “not an event, [but] a process”. Finding and implementing programmes that will successfully reinsert victims in civil society, and prevent them from falling back to labour exploitation, is of utmost importance to avoid efforts against forced labour to be useless.

However, probably the main challenge faced when it comes to combatting forced labour is that of research and data collection. Because forced labour is illegal, it does not occur in a public way but is on the contrary hidden, making it hard to get data. On the global scale, the discrepancy between the estimated number of victims and the actual number of reported cases underlines how much these numbers are estimates, and not hard data. To illustrate this, consider the Global Slavery Index, a yearly index on modern slavery worldwide and in each country, made by the Walk Free foundation, an NGO cooperating with the ILO to produce the *Global Estimates*. The 2013 Global Slavery Index received harsh criticism, being called “guesstimates”, extrapolating data from 19 countries to come up with supposedly country-specific data for 167 countries, and achieving a score of four Pinocchios on the Washington Post Pinocchio rating scale (Kessler, 2015 in The Washington Post). For many scholars and commentators, these estimates would be “at best unverifiable and at worst arguably false” (Gallagher, 2014 according to LeBaron, 2018). This leads some scholar to claim that “it is actually impossible to confirm the true scale of forced labour, or whether it is growing” (LeBaron, 2018). One further hindrance to research is the lack of consensual standardised glossary on the subject. Although the ILO definitions which we previously described provide one possible glossary on forced labour, national legislations have sometimes distorted these (ILO, 2013, *Tripartite Report*, §119-120), making it sometimes difficult for searchers to extract data from other research papers, because it is not always clear which practice is quantified (Okyere, 2018). Another issue in which research is difficult is that of forced labour in global supply chains. Concerns with respect to forced labour (and more generally labour laws enforcement) in the global supply chains of transnational companies are a matter of increasing concern (ILO, 2013, *Tripartite Report*, §3). The main trouble with global supply chains is that, because they now spread over different countries as a result of globalisation, and involve different companies, as a result of generalised outsourcing, more often than not companies whose product use forced labour in their global supply chain will be able to avoid responsibility – benefiting from a “regulatory gap” (Fransen & Burgoon, 2012, §236-239 according to Rühmkorf, 2018). Therefore, “existing research suggests that long and complex product supply chains are most closely associated with forced labour, and that forced labour is especially likely to occur at the bottom [end] of outsourced production” (Phillips, 2016; Verité, 2014; ITUC, 2016 according to LeBaron, 2018). As a result, research about the prevalence or main

features of forced labour in global supply chains is difficult. Legislative transparency requirements, as discussed earlier, are a way to get round this regulatory gap. However, in the case of the UK 2015 *Modern Slavery Act*, companies are merely required to report qualitative data about their endeavour – no quantitative indices, neither details about how successful enforcement proved – which makes their report biased and hardly exploitable for research – at least not to understand forced labour in their supply chains, or to evaluate its prevalence (Rühmkorf, 2018). Finally, sometimes, biases and cultural misunderstandings will hamper research. For instance, the 2014 Free The Slaves report on child slavery and child labour in Ghana raises a number of methodological concerns. First of all, although one of the study objectives was to provide empirical evidence of instances of child slavery and child sexual exploitation in Ghanaian quarries, no such cases were attested. Yet, on the claim that “the worst forms of child labour often occur simultaneously with child slavery”, they inferred that child slavery did occur. What should raise concerns is the use of terms such as “enslaved”, “forced” or “exploited” to refer to the children throughout the report, even before data collection. This may well point to the fact that expectations were transposed into the report without careful reconsideration in the light of empirical findings (Okyere, 2014). This could be corroborated by the similar case in cocoa plantation : it would seem that, contrary to long-held claims, no child trafficking or child slavery occur in Ghanaian cocoa plantation – or at least with much lower prevalence than was previously thought (Berlan, 2013, according to Howard, 2018). Another worrying feature of the report is the lack of room given to the narratives of the interviewed communities. Parents are condemned as “lacking knowledge about their role as parents, and the rights and welfare of their children”. Yet, according to this report, when interviewed, only a minority of these parents agreed that the age boundary between childhood and adulthood was 18 years, even after information booklets were handed to them. This rather points to the facts that childhood, teenage and adulthood result of a different social construction in Ghana than in the Western world – and this is a significant difference because not the same awareness-raising campaigns will be required in both cases (Okyere, 2014). This case is significant in showing how much careful methodology matters to prevent cultural misunderstandings from creating bias. All of the above problems contribute to make research difficult, and research results inaccurate. This is a major problem because research informs political response and is used to evaluate the efficiency of measures against forced labour. Consequently, wrong or inaccurate research can lead to counter-effective measures that will harm even more forced labour victims (for examples of such measures, see Dottridge, 2007, Global Alliance Against Traffic in Women according to LeBaron, 2018). One such example is that of the northern part of the border between Benin and Nigeria, which was closed to prevent alleged child trafficking – Beninese children disappeared and were found to work in Nigerian quarry. The World Bank report (Duensavi & Kielland, 2006) decided to survey Beninese mothers to get information, assuming that they would know the reasons for their child disappearance. Yet West African mothers are often the last to know the reasons for their child's departure, and it is not unusual that teenagers abscond without notice to find a job in hope of economic opportunities (Hashin & Thorsen, 2011, according to Howard, 2018). In the end, Beninese children left to Nigeria of their own free will, pushed by poverty. By transposing to a different context the Western conception of motherhood, the report misevaluated the causes of this child exploitation situation, which led to the adoption of counter-productive measures – as closing the border did not solve poverty or child exploitation issue, but hampered economic opportunities in the area (Howard, 2018).

To overcome these challenges and efficiently combat forced labour, one can think of several solutions. The most obvious one is to improve current national measures. Drawing from our earlier discussion, such improvements could include stronger sanctions against perpetrators when these are deemed not deterrent enough, and mechanisms to ensure systematic prosecution and enforcement of adequate sanctions against perpetrators of human trafficking or forced labour, when they can be found. States should implement comprehensive prevention schemes, reaching to the most

vulnerable workers to make them aware of the existing mechanisms meant to protect them, to a lesser extent, raising public awareness, and also providing adequate resources and training to law enforcement officers (in labour inspection, in the police and among the judiciary system), as well as facilitating cooperation between the different law enforcement organs. Increasing incentives for victims to turn themselves to the police, by providing them with comprehensive assistance scheme and the possibility to remain in the country in cases of cross-border forced labour or illegal immigrants, can also boost denunciations and thus participate in eliminating forced labour. They should be provided with legal assistance along the emancipation process, to allow them to claim their rights. With respect to transparency policies, stronger requirements such as requiring companies to provide some specific indices, numbers such as the number of yearly reported cases of forced labour in a company's supply chain, and requiring transparency with respect to how labour law compliance within supply chains are evaluated, could contribute to reduce the information deficit scholars face (Rühmkorh, 2018). Finally, dealing with factors increasing vulnerability to forced labour, by creating social protection systems against poverty, fighting corruption and adopting policies promoting safely regulated migration, is a good preventive approach.

Now, for more detailed solutions, it should be underlined that states can also adopt specific measures targeting particular aspects of the struggle against forced labour. For instance, with respect to migrant workers, special attention should be given to avoid immigration policy to create dependency to their employer. Immigration policies such as the Gulf States Kafala ('sponsorship') visa system may be conducive to forced labour (ILO, 2013, *Tripartite Report*, §44) by giving employers too much power over their immigrating employees : employees cannot change their job, quit or even leave the country without being allowed by their employer, and employers may rescind their sponsorship at any time, resulting in the employee's arrest or deportation (ILO, *Reform of the Kafala (sponsorship) system*). To a lesser extent, the UK decision in April 2012 to revoke the right of overseas domestic workers to change employers under the terms of their visa has suffered the same criticisms (Quirk, 2018). Special focus can also be given to specific sectors in which forced labour prevails most. For instance, still in the UK, a Gangmasters Licensing Authority has been established to license labour providers in these sectors, namely agriculture, horticulture and shell fishing (ILO, 2013, *Tripartite Report*, §99). Another possibility is to make it illegal to retain another person's passport (especially employees') for countries who have identified this practice as common in exacting forced labour, such as the US (ILO, 2013, *Tripartite Report*, §117). One last example is that of Jordan, which has adopted special preventive measures targeting migrant domestic workers by distributing leaflets in different languages and hanging posters providing general guidance in all recruitment agencies (ILO, 2013, *Tripartite Report*, §95).

With respect to research, not all countries have implemented systematic data collection and research on the extent and nature of forced labour (ILO, 2013, *Tripartite Report*, §94); it is primordial that they do so to tackle the global lack of information about forced labour, but also to evaluate the efficiency of the measures they have taken and ensure that they do not have counter-productive effects. Moreover, in the 2018 research book *Researching Forced Labour in the Global Economy : Methodological Challenges and Advances* (LeBaron *et al.*), a set of eleven authors studying forced labour from different fields' perspective have criticised the excessive importance that has been granted to quantitative studies to the detriment of qualitative studies. In that respect, an anecdote is significant : when Andrew Forrest established the Walk Free Foundation, one of the main drives for him to launch the Global Slavery Index was his friend Bill Gates' remark : “If you can't measure it, it doesn't exist” – alluding to the importance of numbers to provoke civil and political reaction (Phillips, 2018). Yet, in this research book, the scholars argue that quantitative studies are not the fittest in the field of forced labour, given the difficulty in getting accurate numbers, and advocate giving more room to qualitative studies, which can provide, if not numbers, an accurate understanding of forced labour. They explore different qualitative approaches – and this highlights the need for some methodological daring, creativity or innovative spirit. This is a point on which the ILO (or the UN) can have a very positive role. Because of its international status, of its important rate of production of good quality research papers and reports, and of the many actors

it cooperates with, it probably is the actor with the best opportunities to foster successful qualitative research. Indeed, it would not be the first time that it cooperates with countries or NGOs for research (ILO, 2013, *Tripartite Report*, §93 for countries; for NGOs, note that the ILO 2017 *Global Estimates* were produced in cooperation with the Walk Free Foundation). We will develop on two such approaches.

The first aims at eliminating criminal organisations exacting forced labour and forced labour in supply chains by using a business model approach. This involves changing the misconceptions about forced labour : contrary to what can be claimed, there is no such thing as inner incompatibility between capitalism and forced labour (as claimed in Rao, 1970; Miles, 1987 according to LeBaron, 2018), but on the contrary, severe labour exploitation is a coherent and predictable feature of many sectors and regions of the global political economy (Crane *et al.*, 2017; LeBaron *et al.*, 2018; Anderson & Rogaly, 2007; McGrath, 2013 according to LeBaron, 2018). Similarly, forced labour must not be seen as a randomly occurring phenomenon performed by a few “unscrupulous employers” and “bad apples” (ILO 2012 according to LeBaron, 2018) but by a business managed by coherent men (LeBaron, 2018). A business model approach would consist in studying organised forced labour networks as one would study any other business, by finding “the patterns of how, where and when money is made, and the circumstances under which businesses are able to profit from it, despite it being illegal in most jurisdictions” (LeBaron, 2018). Such an approach would not aim at legitimising forced labour, but rather, by understanding the economy behind it, would allow efficient measures to counter illegal profits made on forced labour to be taken by states. According to the same source, business model approach “has helpfully begun to illuminate some of the dynamics of forced labour within individual supply chains – for example, the cattle industry in Brazil (Phillips, 2013 [according to LeBaron, 2018]) or garments in India (Mezzadri, 2016 [according to LeBaron, 2018])”. Drawing further on Brazil, “a number of recent court decisions in Brazil have ordered record levels of collective moral damages and have led the Government to conclude that high levels of fines and compensation are very effective in undermining the financial profits obtained from slave labour” (ILO, 2013, *Tripartite Report*, §113). Analysing whether existing forced labour business model research papers on Brazil can shed light on this success could be a good way to assess how relevant such an approach might be in helping governments to adopt measures undermining illegal profits made on forced labour. If successful, this approach could provide an efficient way to address demand for forced labour in making forced labour cost raise (because of fines) until it is no longer competitive.

The second approach draws from ethnographic methodology to provide alternative ways to produce data on the ground. This whole paragraph exposes the views argued by Howard in 2018 in *Why (and How) we need to talk to 'the victims'*, which he illustrates by his own research experience in Benin using this method. The negative impact of bias and cultural misunderstandings on the quality of research has already been developed earlier. Ethnography provides an alternative approach to surveys and production of quantitative data, rather focusing on exploring peoples' narratives and what we can learn from them. Adopting such an approach, the researcher would live within a community for a period long enough for him to integrate in this community – not hiding the reasons for his presence, for ethical concerns. By creating trust and emotional ties with members of the community, the researcher will be able to discuss the topic of his research with them. Arguably, such activities as semi-directed interviews, group interviews or focus groups, chosen depending on the circumstances, will give deeper understanding on the topic than surveys. Indeed, the human relation created, whether direct or indirect (if someone vouches for the researcher), can push participants to give honest responses to questions when they would not have done so in a survey, or to interact with people he could not have otherwise reached to, as Howard personally experienced in his research on forced labour in Benin. Furthermore, because such an approach strives to put the researcher on an equal footstep with the persons he interacts with, personal initiatives from interviewees are likely, and can be fostered with such questions as “What do you think I should be asking ?”. This allows to get information on topics deemed important by the people who do face forced labour, as a victim or as a witness, and which might otherwise not have

been thought of. Finally, cooperation of a local and of a foreigner for research can be helpful in providing two complementary views on the topic, and also on ensuring that mutual understanding is possible despite the cultural gap which might exist. In the end, although a smaller sample of people can be reached to with such an approach, it allows for more detailed answers, and more accurate ones when it comes to sensitive subjects. The example given by Howard is the comparison of his research results with the results of the World Bank report (Ouensavi & Kielland, 2006) concerning the same situation, as regards the reasons for the departure of children to go cross the Nigerian border and work in quarries. If both reports give poverty as the main reason for their departure, only his report can explain why these teenagers decided that their solution for slavery would be to go to Nigeria and work there. It is true that such methodology will not be applicable in all instances of forced labour – safety concerns should prevent the researcher from becoming a victim of forced labour, ethical concerns should prevent him from becoming guilty or accomplice in forced labour exaction. Still, there remain cases when such an approach is possible – in communities vulnerable to forced labour, but not victims, or when forced labour or labour exploitation victims still have some independence, as was the case for Howard in Benin.

To conclude, forced labour is a severe human rights infringement which is still widespread – with an estimated 24 million victims worldwide. Yet, it has successfully been pushed to the margins of society over the years; today, forced labour exaction is considered a human rights infringement and is a penal offence nearly everywhere in the world, its prevalence is historically at its least. However, we should not be mistaken : it is not dying. Rather, it has lost in importance, but its forms have evolved and have found themselves new places in the global economy, although more precarious than they used to be. The need to combat and eliminate forced labour is consensual within the international community, and has resulted in a pyramidal normative structure with respect to forced labour. On the international scale, the role of the United Nations, and of its agency specialised in labour rights, the International Labour Organisation, is mostly to foster initiatives to combat forced labour, and to assist states in fighting forced labour by outlining the main poles this struggle should revolve around, based on an overview of the states' individual efforts and achievements. The result is a set of three complementary poles, prevention of forced labour, protection of victims, prosecution of perpetrators, supplemented by two tools, international cooperation and academic research. On a regional scale, regional organisations gather member states to establish common strategies, enhance cooperation and ensure that states do make the required efforts to eliminate forced labour. On a national scale, states enact measures to combat forced labour in line with the requirements of the larger-scale organisations they take part in, using of their national margin of appreciation, and sometimes even adopt further measures. Their action is twofold : they must produce an adequate legislation, but they must also successfully enforce it. The latter is often much of a challenge, and the usual tools states use in that respect are national action plans, labour inspection and administration, and other law enforcement organs. Today, the foremost problem faced in combatting forced labour is the difficulty in gathering data and producing accurate research on the subject. To overcome this issue, two things are needed : on the one hand, systematic data collection from all states on their territory, on the other hand, new methodological approaches to research in the field of forced labour, able to go around the difficulties faced by traditional, quantitative research. I believe that, because of its international and open to cooperation stance, and of its prolific research papers production, the United Nations and the International Labour Organisation should lead the way and organise action within the international community as regards this second aspect.

# Annex

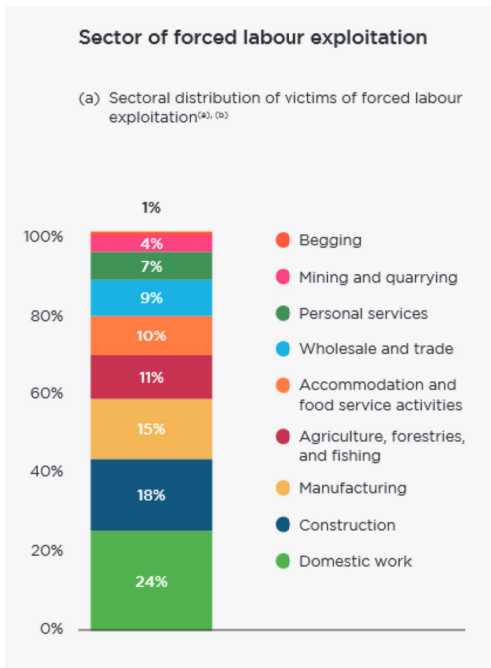


Figure A

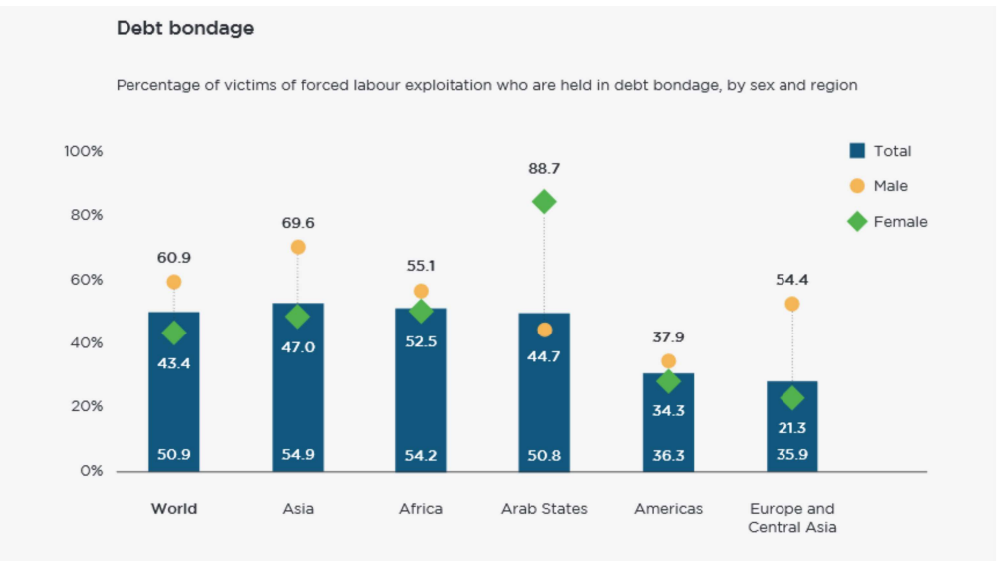


Figure C

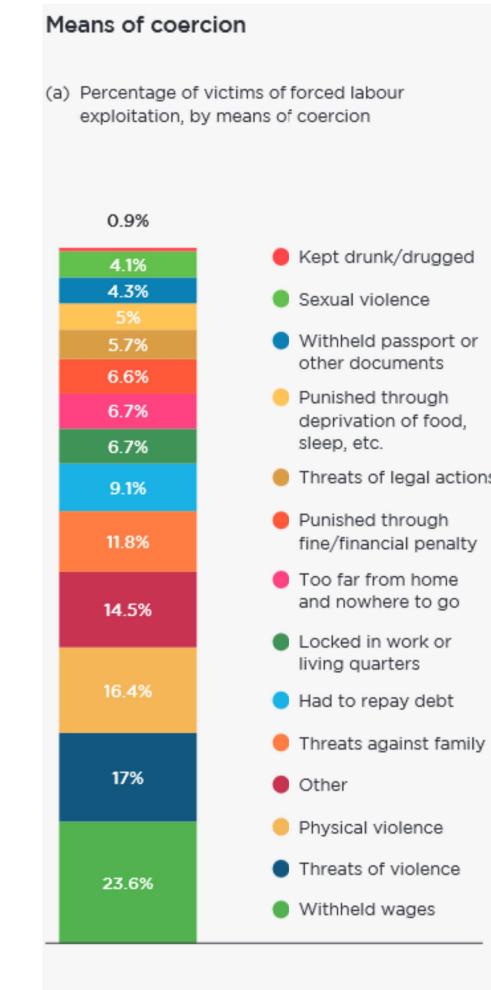


Figure B

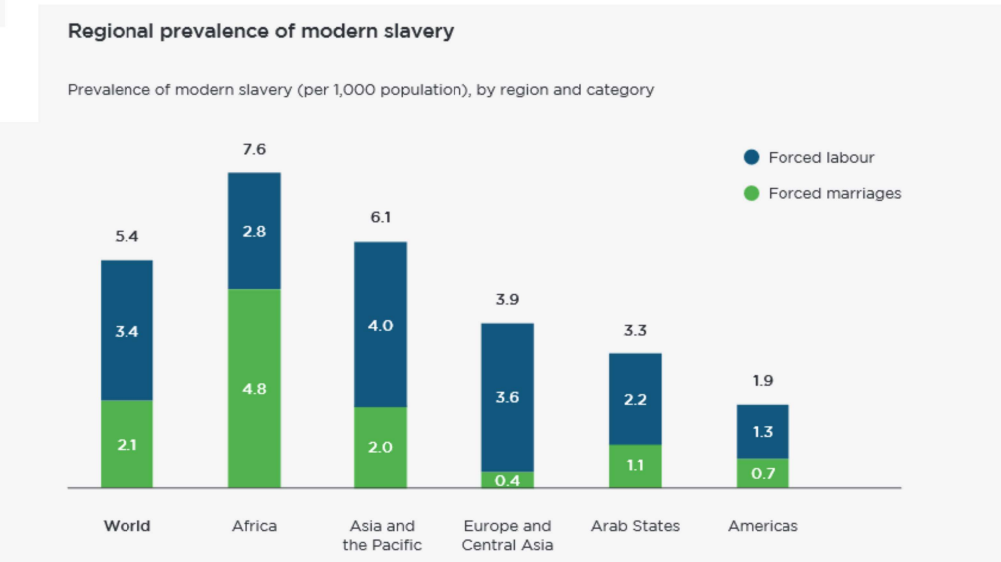


Figure D

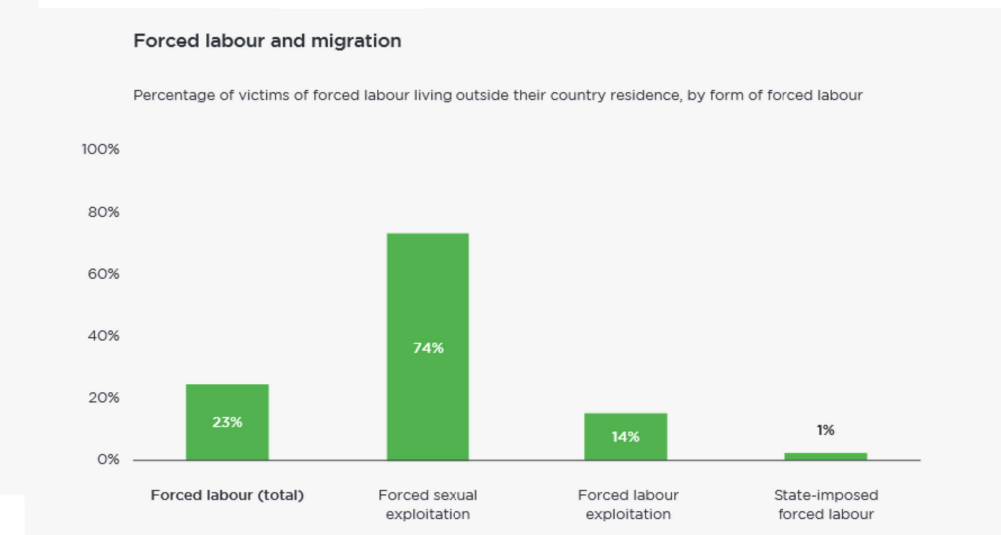


Figure E

## Bibliography

- All-Party Parliamentary Group on Prostitution and the Global Sex Trade, 2018, *Behind Closed Doors – Organised Sexual Exploitation in England and Wales* – shortened to *Behind Closed Doors* in this essay  
<https://appgprostitution.uk/wp-content/uploads/2018/05/Behind-closed-doors-APPG-on-Prostitution.pdf>
- Association of Southeast Asian Nations, 2012, *ASEAN Human Rights Declaration*  
<https://asean.org/asean-human-rights-declaration/>
- Association of Southeast Asian Nations, 2015, *ASEAN Convention Against Trafficking in Persons, Especially Women and Children* – shortened to *ASEAN Convention Against Trafficking* in this essay  
<http://agreement.asean.org/media/download/20160303122945.pdf>
- Bales K., 1999, *Disposable People : New Slavery in the Global Economy*  
<https://books.google.fr/books?id=P9ZhnLjWssC&printsec=frontcover&hl=fr#v=onepage&q&f=false>
- Bales K., 2010, TED Conference, *How to combat modern slavery*  
[https://www.ted.com/talks/kevin\\_bales\\_how\\_to\\_combat\\_modern\\_slavery](https://www.ted.com/talks/kevin_bales_how_to_combat_modern_slavery)
- Council of Europe, 1950, *European Convention on Human Rights*  
[https://www.echr.coe.int/Documents/Convention\\_ENG.pdf](https://www.echr.coe.int/Documents/Convention_ENG.pdf)
- European Union, 2011, *European Union Directive 2011/36/EU of 5 April 2011*  
[https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/directive\\_thb\\_1\\_101\\_15\\_april\\_2011\\_1.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/directive_thb_1_101_15_april_2011_1.pdf)
- European Union Agency for Fundamental Rights, 2015, *Severe labour exploitation : workers moving within or into the European Union – States' obligations and victims' rights* – shortened to *Severe labour exploitation* in this essay  
[https://fra.europa.eu/sites/default/files/fra-2015-severe-labour-exploitation\\_en.pdf](https://fra.europa.eu/sites/default/files/fra-2015-severe-labour-exploitation_en.pdf)
- European Court of Human Rights cases
  - 2005, *Siliadin v. France*  
<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-69891%22%5D%7D>
  - 2010, *Rantsev v. Cyprus and Russia*  
<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-96549%22%5D%7D>
  - 2012, *C.N. v. The United Kingdom*  
<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-114518%22%5D%7D>
  - 2012, *C.N. and V. v. France*  
<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-114032%22%5D%7D>
  - 2016, *L.E. v. Greece*  
<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-160218%22%5D%7D>
  - 2017, *Chowdury and others v. Greece*  
<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-172365%22%5D%7D>
- European Court of Human Rights, 2019, *Guide on Article 4 of the European Convention on Human Rights* – shortened to *Guide on Article 4*  
[https://www.echr.coe.int/Documents/Guide\\_Art\\_4\\_ENG.pdf](https://www.echr.coe.int/Documents/Guide_Art_4_ENG.pdf)
- Human Rights Watch, 1993, *Forced Labor in Brazil Re-visited : On-site investigations document that practice continues-* shortened to *Forced Labor in Brazil* in this essay, News from Americas Watch, November 30, volume No. 5, issue No. 12  
<https://www.hrw.org/sites/default/files/reports/BRAZIL93N.PDF>
- International Labour Organisation, 1930, *Convention Concerning Forced or Compulsory Labour, 1930, (No. 29)* – also known as *Forced Labour Convention*  
[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C029](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029)  
**Ratifications (accessed on 10/07/2019) :**  
[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO:11300:P11300\\_INSTRUMENT\\_ID:312174:NO](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO:11300:P11300_INSTRUMENT_ID:312174:NO)

- International Labour Organisation, 1957, *Convention concerning the Abolition of Forced Labour, 1957 (No. 105)* – also known as *Abolition of Forced Labour Convention*  
[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100\\_INSTRUMENT\\_ID:312250:NO](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312250:NO)  
**Ratifications (accessed on 10/07/2019) :**  
[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO:11300:P11300\\_INSTRUMENT\\_ID:312250:NO](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO:11300:P11300_INSTRUMENT_ID:312250:NO)
- International Labour Organisation, Unknown date (post-2012), *Reform of the Kafala Sponsorship system*  
<https://www.ilo.org/dyn/migpractice/docs/132/PB2.pdf>
- International Labour Organisation, 2013, *Report for discussion at the Tripartite Meeting of Experts concerning the possible adoption of an ILO instrument to supplement the Forced Labour Convention, 1930 (No. 29)* – shortened to *Tripartite Report* in this essay  
[http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---normes/documents/meetingdocument/wcms\\_203982.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/meetingdocument/wcms_203982.pdf)
- International Labour Organisation, 2014, *Protocol of 2014 to the Forced Labour Convention, 1930* – shortened to *Forced Labour Protocol* in this essay  
[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:P029](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:P029)
- International Labour Organisation, 2017, *Global Estimates of Modern Slavery – Forced Labour and Forced Marriage* – shortened to *Global Estimates* in this essay  
[https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_575479.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575479.pdf)
- Kessler G., 2015, *Why you should be wary of statistics on 'modern slavery' and 'trafficking'*, The Washington Post  
[https://www.washingtonpost.com/news/fact-checker/wp/2015/04/24/why-you-should-be-wary-of-statistics-on-modern-slavery-and-trafficking/?utm\\_term=.191816c5a479](https://www.washingtonpost.com/news/fact-checker/wp/2015/04/24/why-you-should-be-wary-of-statistics-on-modern-slavery-and-trafficking/?utm_term=.191816c5a479)
- League of Nations, 1926, *Convention to suppress the slave trade and slavery* – also known as *1926 Slavery Convention*  
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/SlaveryConvention.aspx>
- LeBaron G. *et al.*, 2018, *Researching Forced Labour in the Global Economy : Methodological Challenges and Advances*
  - LeBaron G., **Chapter 1 : Understanding Forced Labour**
  - LeBaron G. and Crane A., **Chapter 2 : Methods for Business Researching**
  - Phillips N., **Chapter 3 : The Politics of Numbers**
  - Quirk J., **Chapter 4 : The Political Effects of Activism**
  - Allain J., **Chapter 5 : Defining Forced Labour**
  - Okyere S., **Chapter 6 : Confronting Bias in NGO Research on Modern Slavery**
  - Howard N., **Chapter 7 : Why (and How) we need to talk to “the victims”**
  - Chan J., **Chapter 8 : Researching Unfree Student Labour in Apple's Supply Chain**
  - Rühmkorf A., **Chapter 9 : Transparent Companies ? Legal Research Strategies to Understand Forced Labour in Global Supply Chains**
  - Caruana R., **Chapter 10 : The Role of Discourse Analysis in Researching severe Labour Exploitation**
  - Pliley J.R., **Chapter 11 : Archival Trouble : Researching Sex Trafficking in Early Twentieth-Century America**
- Organisation of African Unity, 1981, *African Charter on Human and Peoples' Rights* – also known as *Banjul Charter*  
<http://en.african-court.org/images/Basic%20Documents/charteang.pdf>
- Organisation of American States, 1969, *American Convention of Human Rights*  
<http://www.cidh.org/Basicos/English/Basic3.American%20Convention.htm>

- United Nations, 1948, *Universal Declaration of Human Rights*  
<https://www.un.org/en/universal-declaration-human-rights/index.html>
- United Nations, 1956, *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery* – also known as *Supplementary Convention on the Abolition of Slavery*  
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/SupplementaryConventionAbolitionOfSlavery.aspx>
- United Nations, 2000, *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime* – also known as *Trafficking Protocol*  
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>
- US Department of State, 2001, *Trafficking in Persons Report*  
<https://2009-2017.state.gov/j/tip/rls/tiprpt/2001/3929.htm>
- Weiser I., 2018, *Inter-American Court of Human Rights issues its First Decision on Modern Day Slavery : Case of Hacienda Brasil Verde*, Philippe Kirsch Institute  
<http://www.kirschinstitute.ca/hacienda-brasil-verde/>
- Wikipedia, *ASEAN Intergovernmental Commission on Human Rights*, consulted on 10/07/2019  
[https://en.wikipedia.org/wiki/ASEAN\\_Intergovernmental\\_Commission\\_on\\_Human\\_Rights#cite\\_note-WSJ-20090722-2](https://en.wikipedia.org/wiki/ASEAN_Intergovernmental_Commission_on_Human_Rights#cite_note-WSJ-20090722-2)