



## Anti-Slavery International submission to the UN Special Rapporteur on contemporary forms of slavery

### Call for Inputs on the role of workers' organisations in preventing and addressing contemporary forms of slavery

March 2024

This submission is from Anti-Slavery International<sup>1</sup> and is drawn from our work with civil society and trade union partners on state-imposed forced labour in Uzbekistan, Turkmenistan and China; on bonded labour in India's brick kilns; on trafficking, migrants' rights and seasonal workers in Europe and the UK; with migrant and child workers in Mauritius and the Gulf; and on responsible business globally, including with business partners.

Forced labour takes place in a continuum of exploitation. At Anti-Slavery International, our experience leads us to attest, in agreement with the International Labour Organization (ILO),<sup>2</sup> that promoting fundamental labour rights standards, notably collective bargaining, freedom of association, and access to justice and remedy, is fundamental to preventing and mitigating exploitation along this spectrum, and thus slavery risks. This needs to be better understood by governments, trade unions and workers, businesses, and civil society, and we thank the Special Rapporteur for focusing on this issue.

- **Q2: Have workers' organisations in your country/focus countries played a role in preventing workers from being subjected to contemporary forms of slavery, or helping victims to move out of exploitative situations?**
- **Q3: Please provide any positive examples of collaboration or coordination with the following entities in preventing contemporary forms of slavery and protecting vulnerable workers and victims.**

#### **Case Study 1: Migrant Resource Centre – Mauritius**

The Migrant Resource Centre (MRC) in Mauritius was launched in late 2019 as part of a collaboration between Anti-Slavery International and a Mauritian trade union - Confédération des Travailleurs des Secteurs Publique et Privé (CTSP) - and supported by IndustriALL Global Union and the fashion brand ASOS.<sup>3</sup> It marked the first time that a brand, an NGO and a trade union had together supported and enhanced the rights and protections of migrant workers by providing effective remedy through a trade union-based mechanism.

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<sup>1</sup> [Anti-Slavery International](#), founded in 1839 and in consultative status with ECOSOC since 1950, is the oldest international human rights organisation in the world, working to eradicate all contemporary forms of slavery.

<sup>2</sup> ILO, IOM and Walk Free, [Global Estimates of Modern Slavery Forced Labour and Forced Marriage](#) (2022), p. 79: "Ensuring respect for workers' fundamental rights of freedom of association and collective bargaining is a critical precondition for social dialogue, which is in turn vital to building lasting, consensus-based solutions to the challenge of forced labour. Without the respect of freedom of association and collective bargaining in all parts of the economy... there can be no decent work."

<sup>3</sup> Anti-Slavery International, [Migrant workers' access to remedy: A briefing paper for business](#) (December 2021).

The MRC was set up at CTSP's office and has supported migrant workers (individually and collectively) with information and advice, facilitated access to remedy for labour grievances, and provided a safe space for migrant workers to meet freely and openly. Where possible, the MRC offered support in Creole, English, French, Bangla and Hindi through a dedicated hotline or walk-in visits during opening hours, with MRC staff available to meet migrant workers at their dormitories, with the permission of employers. At the time of its launch, the MRC was the only mechanism in Mauritius with the leverage, capacity and will to challenge the power imbalance between migrant workers and their employers. To improve case resolution, the MRC worked to generate better relations between employers and trade unions, but it would refer cases to the Mauritian Government when these was weak. A review of the MRC has indicated that it has been a meaningful non-state approach for providing effective and accessible remedy to migrant workers. To date, it has secured the payment of unpaid remuneration, better living conditions and flight tickets home for workers who had uncooperative employers, while also providing direct practical assistance (food and essential goods) and relocation support.

### **Case study 2: Trade Unions and NGOs combatting trafficking and forced labour in Europe**

Over the course of a project (2008-10), Anti-Slavery International and the International Trade Union Confederation (ITUC) set out to build stronger relationships between trade unions across Europe and NGOs active in addressing trafficking, generating useful learning. The project's premise was that both organisations had extensive expertise,<sup>4</sup> yet had rarely cooperated to address trafficking and forced labour at national level. An index of good practice examples is available on page 6 of the project report.<sup>5</sup> Here below are also some selected examples of joint intervention, campaigning and training:

#### ***Joint Intervention and assistance***

Over 600 workers from **Serbia, Bosnia and Herzegovina and Macedonia** were found in forced labour in **Azerbaijan** by NGOs in November 2009. When alerted, the authorities forcibly returned the workers home without legal assessment or full payment of their salaries. The Serbian NGO, ASTRA, shared this information with anti-trafficking NGO La Strada in Macedonia and Bosnia and, following a seminar with the ITUC under the ITUC-Anti-Slavery International project, ASTRA also informed the ITUC about the situation – the first time it had linked to a trade union on a case. In December 2009, representatives of the ITUC and its affiliate, the Confederation of Trade Unions of Bosnia-Herzegovina (KSBiH), undertook an assessment visit to Azerbaijan, and organised assistance to the workers with the Azeri national trade union AHIK. This was followed up by the development of action plans for further assistance.<sup>6</sup>

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<sup>4</sup> ITUC, [Creating a European coalition of trade unions and NGOs to prevent violence and protect women and young people in the workplace](#).

<sup>5</sup> Anti-Slavery International and the International Trade Union Confederation, [Never work alone: Trade Unions and NGOs joining forces to combat Forced Labour and Trafficking in Europe](#) (2011).

<sup>6</sup> Further information available on the follow up assistance is available on p. 33 of the report.

Learning from this project included the fact that trade unions often have access to specialised services, such as press and publication services and legal advice inhouse, which NGOs – although often well equipped to provide housing and psycho-social support – need to seek externally; trade unions also have greater access to funding. These partnerships can lead to effective outcomes for trafficked workers while also promoting trade unions as human rights defenders, since human trafficking cases may receive more media attention than other labour rights violations

### ***Campaigning, training and sensitisation***

Trade unions and NGOs can better amplify issues of mutual concern and interest by working together. With different constituencies, activists and supporters, this not only increases the social platform for campaigning messages but may also add to campaigners' credibility in the eyes of governments. Trade unions and NGOs also have different lobbying channels and methods which can add value to a campaign, including political support.

When the Human Trafficking Act was introduced in Ireland in 2008, the Migrants' Rights Centre Ireland and the Irish Congress of Trade Unions jointly argued that the Act would create insurmountable difficulties in identifying and securing convictions for forced labour, and called for separate legislation to criminalise it, with adequate protection and redress. The partnership commissioned and discussed a legal opinion, including with British NGOs and trade unions that had successfully led a similar call in England. After two years of campaigning, a definition of forced labour was put into Irish law through the Criminal Law (Human Trafficking) (Amendment) Act 2013, making forced labour a crime in Ireland. Decision makers, media and the public became more aware of forced labour in Ireland and the need for change.<sup>7</sup>

Many such joint initiatives have meanwhile led to greater awareness among stakeholders, including between trade unions and NGOs, public authorities and government representatives, on how to adequately address trafficking for labour exploitation.<sup>8</sup>

### **Case study 3: International advocacy – holding governments to account**

From 2003, Anti-Slavery International led a campaign to end the trafficking and use of children as camel jockeys in the United Arab Emirates (UAE) and neighbouring States, which had seen children as young as four years old trafficked from countries such as Bangladesh, Pakistan and Sudan for this purpose. Advocacy with the UN human rights mechanisms and the ILO supervisory system was key to its success, with the ITUC proving vital in feeding our evidence into the ILO system, including children's testimonies, and securing the support of governments, employer groups and trade unions.<sup>9</sup> This led to the ILO calling on the UAE

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<sup>7</sup> Migrants Rights Centre Ireland, [Changing the Law: Making Forced Labour a Crime in Ireland](#) (2020).

<sup>8</sup> See example given in [Never work alone: Trade Unions and NGOs joining forces to combat Forced Labour and Trafficking in Europe](#) regarding the union of agricultural and food processing workers (FLAI), p. 36.

<sup>9</sup> See, for example, ILO [Observation \(CEACR\)- adopted 2009, published 99th ILC session \(2010\) Worst Forms of Child Labour Convention, 1999 \(No. 182\) - United Arab Emirates](#). See also further detail on Anti-Slavery

Government to take action, including accepting an ILO technical mission. In 2005, the UAE banned camel racing for children, repatriating and compensating 3,000 children. Similar laws were then passed in Kuwait, Qatar, Oman and Saudi Arabia. Subsequent monitoring indicated that the practice ended after this date.

#### **Case study 4: Collective bargaining agreements**

Many businesses do too little to help effectively combat the violent repression of trade unions.<sup>10</sup> For example, prior to the murder of union leader Shahidul Islam in 2023 in Bangladesh – following a meeting with garment factory employees who were fighting for unpaid salaries – the factory had undergone audits by two well-known social audit systems.<sup>11</sup> Yet collective bargaining and global framework agreements can better protect labour rights, for example by strengthening the recognition of trade unions by businesses, and thus their negotiating power.<sup>12</sup> For example, the Bangladesh International Accord, which was set up following the Rana Plaza tragedy in 2013, is a legally binding agreement between businesses in the garment sector and global trade unions.<sup>13</sup> This has led to a fundamental and positive shift in how safety violations are addressed in workplaces, with over 90% of all safety hazards identified among signatories being remediated as of October 2018.<sup>14</sup>

- **Q4: Are there workers' organisations dedicated to organising and defending the rights of workers in certain sectors with higher risks of labour and/or sexual exploitation?**

An exemplary case on the value of collective bargaining took place in India in 2022, supported by our partner, Global Labor Justice-International Labor Rights Forum (GLJ-ILRF). The Tamil Nadu Textile and Common Labour Union (TTCU), a Dalit and women-led union, negotiated and won a comprehensive accountability and remediation programme with union-led training, an independent grievance mechanism and remedies for abuses, in response to documented and systemic gender-based violence and harassment. The programme was made enforceable through commitments by both the supplier and brands. As a result, forced

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International's longstanding collaboration with the ITUC (referred to in this report under its former name: the ICFTU) on the child camel jockey case here: [International action against child labour: Guide to monitoring and complaints procedures](#) (2002), p. 8-11.

<sup>10</sup> ITUC, [Global Rights Index 2023: Bangladesh](#).

<sup>11</sup> ITUC, [Bangladesh: ITUC condemns murder of Shahidul Islam](#) (2023); Human Rights Watch, [Bangladesh: Social Audits Shortchange Workers](#) (2023).

<sup>12</sup> ILO, [Global framework agreements: Achieving decent work in global supply chains](#) (2016).

<sup>13</sup> [The International Accord for Health and Safety in the Textile and Garment Industry](#); Clean Clothes Campaign; [Rana Plaza](#).

<sup>14</sup> Worker-Driven Social Responsibility Network, [International Accord For Health And Safety In The Textile And Garment Industry](#). In another example, Collective Bargaining Agreements has had a significant impact on seafarers, with working conditions and wages being improved as a result. [For example](#), '250,000 seafarers working on around 10,000 flag of convenience vessels covered by ITF-IBF collective bargaining agreements will have their wages increased, thanks to a four-year agreement reached by the International Bargaining Forum (IBF)'.

labour conditions were sufficiently addressed at the factory to allow US Customs and Border Protection (CBP) to end the import ban of the factory's goods.<sup>15</sup>

- **Q5: If any, please describe challenges or limitations experienced by workers' organisations.**

### ***Lack of business support for collective bargaining***

This is a global gap. For example, in 2023, less than a quarter (22%) of apparel and footwear companies reviewed in one study disclosed engaging with local or global unions to improve freedom of association in their supply chains.<sup>16</sup> In the Information and Communications Technology (ICT) sector, freedom of association was the only indicator on which all 49 of the world's largest benchmarked companies scored zero in 2020; by 2022 improvements had been extremely limited.<sup>17</sup>

In many cases, businesses actively restrict collective bargaining.<sup>18</sup> In other cases, companies engage in more negligent behaviour which nonetheless results in non-realisation of labour rights. These behaviours are often not addressed in supply chains due to limited meaningful engagement with unions or workers and heavy reliance on non-transparent, audit approaches that tend to be ineffective in identifying threats to collective bargaining.<sup>19</sup> Some businesses also promote company-led grievance mechanisms in a way that substitutes or undermines the legitimacy of trade unions in labour-related disputes.<sup>20</sup> Businesses crucially need to ensure that grievance mechanisms or remediation processes do not inhibit access to freedom of association collective bargaining.<sup>21</sup>

These restrictions are enabled by governments that have not introduced or are not implementing sufficient human rights and environmental due diligence laws. Governments which do enact strong due diligence laws create an environment which acts to protect the right to freedom of association and collective bargaining. This works by mandating companies to conduct human rights due diligence, based on meaningful stakeholder engagement at all stages of the process, including that of trade unions, and groups most at-risk of forced labour, such as migrants.<sup>22</sup>

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<sup>15</sup> ILRF, [Agreement in Decision to End Forced Labor Import Ban of Indian Garment Maker Natchi Apparels](#) (2022); also see CIVICUS, [INDIA: 'We have achieved a historic labour rights win for female Dalit workers](#) (2022).

<sup>16</sup> KnowTheChain, [2023 Apparel & Footwear Benchmark](#) (2023).

<sup>17</sup> This saw an average score of 1/100 on the freedom of association indicator. Only three ICT companies provided any information on how they support collective worker empowerment through limited engagement with unions or providing data on collective bargaining in their supply chains.

<sup>18</sup> Business & Human Rights Resource Centre, [Union busting and unfair dismissals: Garment workers during COVID-19](#) (no date).

<sup>19</sup> Human Rights Watch, [Bangladesh: Social Audits Shortchange Workers](#) (2023).

<sup>20</sup> Global Rights Compliance LLP, Anti-Slavery International, C-Lever, 'Effective access to remedy for migrant workers' (2021, unpublished).

<sup>21</sup> Anti-Slavery International, [Migrant workers' access to remedy](#) (2021).

<sup>22</sup> The latest [Global Estimates of Modern Slavery](#) found that as of 2021 migrant workers were three times more likely to be in forced labour than non-migrant workers. The exclusion of certain groups is outlined in the ITUC's [Global Rights Index 2023](#), in which 'Migrant, domestic and temporary workers, those in the informal economy, platform workers and workers in Special Economic Zones were denied the right to freedom of association'.

### ***The exclusion of certain groups of workers by trade unions***

The effectiveness of formal worker representation mechanisms (including trade unions) in protecting labour rights can be undermined if they fail to benefit certain groups of worker, whether due to exclusion based on immigration status, caste, age (such as in situations of child labour), gender or employment sector or contract type.<sup>23</sup> For example, victims of caste-based discrimination in South Asia tend to be excluded from trade unions,<sup>24</sup> and in many contexts, there are significant barriers to traditional organising for seasonal workers in agriculture, and migrants generally.<sup>25</sup> Particular considerations therefore need to be made to encourage collective agency from people excluded from traditional forms of collective organisation, as seen in the recommendations from our research into India's brick kilns.<sup>26</sup>

### ***Severe restrictions to freedom of association by governments***

In some contexts, there are severe restrictions on trade union activity imposed by governments, such as in the UAE, China and Turkmenistan. In the UAE, for example, trade unions are banned by law, and employers can suspend payment to workers in the case of strikes, and allocate one-year employment bans on migrant workers who incite a strike or are involved in illegal strikes.<sup>27</sup> More information is available in the submission of the Coalition on Labor Justice for Migrants in the Gulf (of which Anti-Slavery International is a member) to this Call for Inputs.

In Turkmenistan, all fundamental rights and freedoms are restricted by the Government and there is only one unified trade union, the National Center of Trade Unions of Turkmenistan (TKAMM), which is government-controlled. Sectoral trade unions within it, such as for agriculture, are not independent and have not addressed the fact that forced labour is imposed in Turkmenistan by the State itself in the cotton and silk sectors<sup>28</sup> and during Government-sponsored events and public works projects, and continues largely unabated.<sup>29</sup>

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<sup>23</sup> ILO, [Understanding patterns of structural discrimination against migrant and other workers in some countries of South and West Asia](#) (2022).

<sup>24</sup> The Center for Human Rights and Global Justice and Human Rights Watch (2007) Caste discrimination against Dalits in India: Information for the consideration of the Committee on the Elimination of Racial Discrimination, p61.

<sup>25</sup> Focus on Labour Exploitation (FLEX), [Assessment of the risks of human trafficking for forced labour on the UK Seasonal Workers Pilot](#) (March 2021), p. 16; 69-70.

<sup>26</sup> Anti-Slavery International and Volunteers for Social Justice, [Slavery in India's Brick Kilns & the Payment System](#) (2017) - this report included the following recommendations for trade unions: "Recognise that all brick kiln moulders are from the marginalised/excluded sections of society and ensure that unions are non-discriminatory and open to all sections of society. Promote leadership from these sections of society, as well as female leadership. Increase outreach, representation and participation of female brick kiln workers, those from marginalised castes and classes and migrant brick kiln workers. Consider how to represent migrant workers effectively in the context of an 8-10 month system of work. Approximately 60% of the workforce are inter-state migrant workers, who leave one state and travel and work in another for a period of the year. State worker representative structures must strive to affiliate/coordinate with similar unions in other states, so that workers have a body that represents them whether they are in their home state or working in another state." P31.

<sup>27</sup> Global Rights Index 2023, [United Arab Emirates - Workers' rights violations](#).

<sup>28</sup> ILO Committee on the Application of Standards, [CAN/PV.15/Turkmenistan-C.105](#) (12 June 2023), pp.10-11; Cotton Campaign, [Time for Change: Forced Labor in Turkmenistan Cotton 2022](#), p.5.

<sup>29</sup> US Department of State, [2022 Country Reports on Human Rights Practices: Turkmenistan](#) (2022).

## **Our recommendations**

### ***For governments***

- Ratify and fully implement all relevant ILO Conventions, notably the ILO Forced Labour Convention 1930 (No.29) and its 2014 Protocol, the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98). In doing so, engage in meaningful dialogue and consultation with trade unions at the national and international level, including via the ILO's supervisory mechanisms.
- Ensure that all barriers to realising these rights are removed for all groups, including migrant workers and those working in the informal economy.
- Take urgent action to end the practice of state-imposed forced labour in those countries where this takes place and ensure that forced labour reforms enable the freedom of expression and association.
- Introduce human rights and environmental due diligence laws, with meaningful stakeholder engagement, which alongside other rights, require companies to respect the right to freedom of association and collective bargaining.

### ***For businesses***

- Actively work to promote and enable fundamental labour rights, including freedom of association across value chains. This should include establishing credible grievance mechanisms and access to remedy through mature systems of industrial relations by default. This must ensure that grievance mechanisms and routes to remediation do not replace or inhibit freedom of association and collective bargaining.
- Ensure that trade union and migrant worker representatives are involved in the design and implementation of operational-level mechanisms, and that stakeholders representing migrant workers are assessed for their efficacy and credibility.
- Promote approaches such as collective bargaining and global framework agreements between brands, retailers and global unions, recognising that ongoing dialogue with trade unions allows for faster responses to crises in their supply chains.

### ***For trade unions***



- Prioritise combatting forced labour and trafficking at the sectoral, community, national and international levels, cooperating with and supporting social partners specialised in this work where possible. This can include sharing data and other information, facilitating connections with buyers and service users, joint programming and joint advocacy, including via human rights and labour rights mechanisms, such as the ILO supervisory mechanisms.
- Take special measures to prevent discrimination against workers based on immigration status, caste, gender or employment sector, among other factors, and encourage collective agency and leadership from people excluded from traditional forms of organising. This should include exploring partnerships with migrant-worker representative groups and confronting prejudices within trade union movements relating to worker immigration status.

### ***For civil society organisations***

- Cooperate with trade unions and promote worker-driven social responsibility initiatives, where possible. This can include sharing data and other information, facilitating connections with buyers and service users, joint programming and joint advocacy.
- Support and promote fundamental labour rights in the workplace, including collective bargaining and freedom of association, for example when supporting migrant worker participation in grievance mechanisms.
- Avoid undermining or substituting formalised worker organisations or the development of legitimate and democratic trade unions.