



Fact Sheet Forced Labour

Focus on the role of buying companies

September 2013

Nobody should be forced to work against their will. Any form of forced labour is a grave violation of human rights. However, in many parts of the world men, women and children are trapped in jobs that they were forced into by coercion or deception. Often, they cannot leave these jobs.

This fact sheet is about forced labour in the textile and garment supply chain. It offers examples of different types of forced and bonded labour. Recommendations are made for garment buying companies to recognise cases of forced labour in their supply chains and to act upon these practices.

What is the problem?

According to the International Labour Organization (ILO), the term 'forced labour' refers to situations in which women and men, girls and boys are made to work against their free will, coerced by their recruiter or employer. Coercion tactics include violence or threats of violence, or more subtle means such as accumulated debt, retention of identity papers or threats of denunciation to immigration authorities. Human trafficking and slave labour are also forms of forced labour.

The ILO estimates that almost 21 million people around the world are currently victims of forced labour. More than half (11.7 million) of all forced labourers are found in the Asia-Pacific region, followed by Africa (3.7 million) and Latin America (1.8 million). Migrant workers and indigenous people are particularly vulnerable to becoming victims of forced labour.¹

Below are three examples of modern-day forced labour practices in different parts of the supply chain.

Case 1 Forced labour in Uzbek cotton fields

(based on reports by Cotton Campaign and Human Rights Watch)

Uzbekistan is the world's fifth largest exporter of cotton. The cotton industry is entirely state controlled. Every year, over one million people are forced to help with the manual harvesting of cotton. The Uzbek government requires farmers to grow cotton and local provincial government offices forcibly mobilise adults and children, some as young as ten, to harvest cotton during the harvesting season, which runs from September to November. Children are also made to weed and prepare cotton fields in the spring time. As a result, they often miss out on school for months on end.

During the harvest, regional authorities, police and school administrators arrange for the cotton pickers to be transported to the cotton fields. Those coming from further afield are assigned temporary housing. The workers are forced to pick cotton for weeks at a time, from early morning until evening to meet assigned quotas, receiving little or no payment. Children are threatened with expulsion from school if they do not cooperate and adults are threatened with the loss of employment, pensions and child benefits if they refuse to work.

Weather conditions are harsh; in the early harvesting season, the pickers work under the scorching sun. Towards the end of the season, snow may fall. Workers do not have protective gear to protect their hands from the bristly cotton bolsters.

Most Uzbek cotton (around 70%) ends up in Bangladesh and China, where it is converted into yarn and subsequently used in garment manufacturing.² Other importers of Uzbek cotton include Russia, and the European Union. Garment brands and retailers sourcing from these countries run the risk of using Uzbek cotton in their garments.

Case 2 Forced labour in the Tamil Nadu spinning sector in India

(based on reports by SOMO and the India Committee of the Netherlands)

In the South Indian state of Tamil Nadu, more than 100,000 – and possibly as many as 300,000 – girls and young women currently work under employment schemes that amount to forced labour. These are often referred to as the ‘Sumangali Scheme’.³ The workers, who usually come from a lower caste or Dalit background, are recruited with the promise of a decent wage, comfortable accommodation and a considerable sum of money upon completion of a three-year contract. The lump sum – ranging from 400 to 800 Euros – is particularly attractive because it could potentially be used to pay for a bride’s dowry.

However, the reality stands in sharp contrast to the alluring promises. Workers are forced to work extremely long hours for very little pay. The promised lump sum is not a bonus but consists of withheld wages. The lump sum is only paid out if the contract period (usually three years, sometimes longer) is completed, which effectively ties workers to the factory. In several documented cases, girls have not received the lump sum they were entitled to, despite having completed the contractual period.

In addition, the girls and young women work and live without much freedom or privacy. Most of the workers live in hostels on the factory compound or in off-site hostels. They are not allowed to leave the factory grounds freely and their stay in the hostels is mandatory, and often necessary, since many of them come from distant villages and even other states. Contact with relatives or friends is limited or prohibited, and the workers are not allowed to leave the hostel without guards accompanying them.

Sumangali workers are mainly employed in the many spinning mills that are located in Tamil Nadu. To a lesser extent, the practices also exist in the garment factories.

Indian textile and garment production is strongly export oriented, including catering to European and US markets. Any company sourcing from India runs a serious risk of directly or indirectly sourcing from manufacturers that apply these exploitative practices.

Case 3 Debt bondage of migrant workers in garment workshops in Argentina and Brazil

(based on reports by SOMO and Repórter Brasil)

In Argentina and Brazil, a considerable proportion of garment production takes place in unregistered workshops. Workers are often immigrants – sometimes illegal immigrants – who are forced or cheated into these jobs or do not have any other option than to accept this kind of work. Most of the immigrant workers in Argentina and Brazil come from other South American countries such as Bolivia and Peru. The immigrants are often smuggled into the country with false documents and with the forced agreement to pay back the often exorbitant travel costs by working in the garment workshops. Upon arrival, working conditions and wages often turn out to be much worse than agreed upon. Physical persuasion, forced work and harassment are commonplace.

After arrival, the immigrants’ documents are often taken away, preventing them from moving to another employer or from going back to their country of origin. Workers usually come to live in the workshops or in cramped dormitories and quickly accumulate debt, which includes the cost of their trip, water, electricity and food. Workers are forced to work long hours, sometimes seven days a week, for little pay.

The workshops that employ migrant workers produce for the domestic market but are often also linked to international garment brands and retailers. Mostly, the workshops become part of the brands’ and retailers’ supply chain through ‘unauthorised subcontracting’. First tier suppliers may choose to outsource part of the production process

or part of the production to other units. Usually, this is done to meet tight delivery deadlines or to complete multiple orders. In 2011, on three different occasions, Brazilian labour inspection teams found workers from Bolivia and Peru subjected to slave-like conditions while producing clothes for international brands.

Legal and normative framework

According to the Universal Declaration of Human Rights (UDHR), all human beings are born free and equal in dignity and rights. Everyone has the right to free choice of employment and to just and favourable conditions of work. All human beings have the right to freedom of movement and all forms of slavery are prohibited.⁴ The UDHR is not a binding treaty, yet it provides the normative basis for international human rights standards. International law stipulates that exacting forced labour is a crime, and should be punishable through penalties that reflect the gravity of the offence.

Labour-related human rights have been further developed by the ILO, which sets international labour standards by adopting conventions that the ratifying countries have to translate into their national legislation. Eight of the ILO's conventions have been qualified as 'fundamental'. These conventions are binding upon every member country of the ILO, regardless of ratification. Two ILO Conventions regarding forced labour are among these fundamental conventions.⁵

Role of governments

Governments have a duty to respect, protect and fulfil human rights. Governments have an obligation to refrain from subjecting individuals to forced labour and to penalise and prosecute any such acts.

While human rights are often guaranteed in law in countries that produce garments, the enforcement of these laws is often lacking and human rights abuses are not penalised. In some cases, such as in Uzbekistan, the state itself is the perpetrator.

ILO Conventions on forced and bonded labour

ILO Conventions 29 and 105 prohibit all forms of forced or compulsory labour. The ILO defines forced labour as 'all work or service which is extracted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'.

The 'forced labour convention' (C29) requires that the illegal extraction of forced or compulsory labour should be punishable as a penal offence, and that ratifying states ensure the relevant penalties imposed by law are adequate and strictly enforced.

The 'abolition of forced labour convention' (C105) is aimed at the abolishment of certain forms of forced labour still allowed under the forced labour convention. The convention stipulates that each ratifying country must strive to suppress and not to make use of any form of forced or compulsory labour:

- as a means of political coercion or education, or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
- as a method of mobilising and using labour for purposes of economic development;
- as a means of labour discipline;
- as a punishment for having participated in strikes;
- as a means of racial, social, national or religious discrimination.

Additionally, forced or compulsory labour is considered as one of the worst forms of child labour in the Worst Forms of Child Labour Convention, 1999 (No. 182).

The forced labour convention (ILO Convention 29) is ratified by 177 countries, while the abolition of forced labour convention (ILO Convention 105) is ratified by 174 countries.

Brazil's dirty list

In order to combat forced and slave labour practices, the Brazilian government has come up with a 'dirty list' – an official federal registry that lists companies using labour conditions analogous to slavery. It names almost 300 companies, from major brands to small enterprises that have been found to be profiting from slave labour. Companies stay on the list for two years, during which time they have to prove they are making concerted

efforts to clean up their supply chains and pay a series of fines and unpaid labour taxes. While their name is on the list, they cannot obtain credit from government and private banks and they are boycotted by those who have signed up to the National Pact for the Eradication of Slave Labour, a multi-stakeholder initiative aimed at ensuring that the supply chains of participating companies are free of slave labour.⁶

Role of buying companies

Any form of forced labour is a grave violation of human rights. Although prohibited by international human rights law, forced labour still occurs around the world, including in the textile and garment industry. Garment brands and retailers might be linked to these abusive practices through their supply chain. Forced labour practices might exist at direct suppliers, but more often such practices occur further up the supply chain.

Companies have a responsibility to respect human rights, including those of workers throughout their supply chain. Companies should avoid and address adverse human rights impacts, even if they have not contributed directly to the violation of these rights. This responsibility is laid down in the United Nations Guiding Principles on Business and Human Rights, which were adopted by the United Nations Human Rights Council in 2011.⁷

The responsibility to respect human rights as stated in the Guiding Principles is a global standard of expected conduct for all business enterprises, wherever they operate. This means that corporations always have to respect internationally recognised human rights and should do the utmost to prevent abuses from occurring. If a corporation is associated with a human rights abuse, it should take action to address the negative human rights impact.

The Guiding Principles describe three ways in which a company can be associated with a negative human rights impact: by causing it, by contributing to it and by being directly linked to it. The most important differences between the three different scenarios are as follows:⁸

- In cases where a company causes a negative human rights impact: the corporate responsibility to respect requires them to cease the impact, and to be actively engaged in remediation through legitimate processes, by itself or in cooperation with other actors.
- In cases where a company contributes to a negative human rights impact: the corporate responsibility to respect requires them to cease its own contribution to the impact. In addition, it has to mitigate the impact of the third party causing the impact, which means the company should use its abilities to cease the wrongful practices of the party causing the harm. Furthermore, the company is expected to be actively engaged in remediation through legitimate processes, by itself or in cooperation with other actors.
- In cases where a company is directly linked to a negative human rights impact, the corporate responsibility to respect human right requires it to mitigate the impact of the third party causing it.

What can buying companies do?



• Corporate accountability

Ideally, corporate accountability policies should be integrated across business operations and the supply chain. Commitment from the corporate board of the enterprise is crucial. Corporate accountability should be integrated into all relevant aspects of company policy and should be incorporated throughout the entire business operations and the supply chain. In this way, different corporate divisions – such as the financial department, the corporate social responsibility (CSR) division, the sourcing department, etc. – can work together effectively to ensure that human rights are respected.

• Extended supply chain responsibility

Brands and retailers should accept a broad definition of supply chain responsibility beyond the Cut Make and Trim (CMT) phase to include not only the garmenting process but also preceding steps, including the sourcing of raw materials. Consequently, monitoring and corrective actions should not be limited to the end manufacturing units, but need to be extended up the supply chain.

• Transparency and traceability

As a first step to ensuring that no forced labour is used in the manufacturing of products, brands and retailers should know and show where their products are made. They should gain a complete understanding of the supply chain, including second and third tier suppliers and subcontracted units. Brands and retailers should also improve the traceability of raw materials, such as the cotton used in their products.

• Human rights risk assessments and continuous monitoring

As a standard due diligence procedure, buying companies should undertake human rights risk assessments at country or regional level before sourcing. In order to gain a good understanding of the particular local context, consultation and cooperation with local stakeholders, including trade unions, civil society organisations and community-based organisations, is essential. Extra attention should be given to signs that might

be an indication of forced labour practices, such as the existence of on-site hostels and the presence of large groups of migrant workers among the workforce.

• Enable workers to stand up for their rights

Buying companies have a responsibility to ensure that independent trade unions can play their designated roles. First and foremost, the right of workers to form and join trade unions and to bargain collectively should be protected and respected. These enabling rights allow workers to defend their rights, voice grievances and negotiate recruitment and employment conditions. Buying companies should support and facilitate the training of management, workers and workers' representatives (both separately and jointly) in freedom of association, collective bargaining, labour-management relations, occupational health and safety etc. Such training should be delivered by trade unions or credible labour rights organisations.

In addition, genuine and credible grievance mechanisms should be established at supplier level to deal with workers' needs and complaints. Company's grievance procedures are an important supplement to collective bargaining, but may never be used to replace this legitimate process.

• Purchasing practices

The point of departure is that the purchasing practices of buying companies should enable – and not inhibit – safe working conditions at supplier factories. This includes:

- a pricing policy that takes into account the social and environmental quality of sourced products;
- building long-term, stable buyer-supplier relationships;
- incorporating good production planning, including reasonable supply lead times, predictability of orders and minimising last-minute changes;
- establishing effective communication between sourcing, financial and design divisions to make sure that the consequences of certain decisions, such as design changes and urgent orders, are understood.

Cotton Campaign – Recommendations for brands and retailers

The Cotton Campaign – a coalition of NGOs and labour groups working together to end forced labour in the Uzbek cotton fields – has put together the following recommendations for garment brands and retailers. The Cotton Campaign effectively calls for a boycott of Uzbek cotton, as long as the current unacceptable situation lasts. This is an extremely strong measure, but it is justified, according to the Cotton Campaign, by the urgency and the scope of the problem.

- ❑ Sign the Company Pledge against the forced labour of children and adults in the Uzbek cotton sector. Signing the Pledge demonstrates a company's commitment to respecting human rights and is also an important public denunciation of forced labour. The text of the pledge can be read [here](#). As of March 2013, 131 brands had signed the Pledge. After signing the pledge, companies must follow up with actions to implement the commitment.
- ❑ Implement the Company Pledge
 - A Establish a company policy that prohibits the use of Uzbekistan's cotton and prohibits business with companies that are either invested in the cotton sector in Uzbekistan or use Uzbekistan's cotton. A list of those companies can be viewed [here](#).
 - B Implement the company policy on Uzbekistan's cotton by incorporating language into vendor agreements and purchase orders that effectively prohibits suppliers from doing business with all companies that are either invested in the cotton sector in Uzbekistan or using its cotton.
 - C Require suppliers, suppliers' subsidiaries and suppliers' affiliates to: (a) establish a company policy that prohibits the use of cotton from Uzbekistan and prohibits business with companies that are either invested in the cotton sector in Uzbekistan or using its cotton, and (b) implement the company policy on Uzbekistan's cotton by incorporating language into vendor agreements and purchase orders that effectively prohibits their suppliers from doing business with all companies that are either invested in the cotton sector in Uzbekistan or using its cotton.
 - D Remove all companies operating in Uzbekistan [listed here](#) from the company's supplier database. Lock suppliers out of the company's supplier database that have not signed the revised vendor agreement and fully complied with point C.
 - E Verify compliance with the company policy by incorporating a check on implementation of the ban on business with companies that are either invested in the cotton sector in Uzbekistan or using its cotton into supplier social compliance audits.
 - F Release documentation of these steps publicly.

More information

Reports



Time for Transparency – The case of the Tamil Nadu textile and garment industry, SOMO and ICN, March 2013



Captured by Cotton, Exploited Dalit girls produce garments in India for European and US markets – SOMO and ICN, May 2011



Bonded (child) labour in the South Indian Garment Industry – An update of debate and action on the 'Sumangali Scheme', SOMO and ICN, July 2012



Gender Aspects in the Latin American Garment Industry (includes information about bonded labour in Argentinean garment workshops), SOMO, April 2011



Maid in India – Young Dalit women continue to suffer exploitative conditions in India's garment industry, SOMO and ICN, April 2012



A Systemic Problem: State-sponsored forced labour in Uzbekistan's cotton sector continues in 2012 – Uzbek-German Forum for Human Rights and the Cotton Campaign, 2013



Still 'Captured by Cotton'? – Update on exploitation of women workers in the garment industry in Tamil Nadu, South India, SOMO and ICN, March 2012



Slavery on the high street – Forced labour in the manufacture of garments for international brands, Anti-Slavery International, June 2012

Useful links

- [Centre for Research on Multinational Corporations \(SOMO\)](#)
 - [Anti-Slavery International \(ASI\)](#)
 - [Clean Clothes Campaign \(CCC\)](#)
 - [Cotton Campaign](#)
 - [Human Rights Watch](#)
 - [India Committee of the Netherlands \(ICN\)](#)
 - [International Dalit Solidarity Network \(IDSN\)](#)
 - [International Labour Organization \(ILO\)](#)
 - [Repórter Brasil](#)
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End notes

- 1 International Labour Organization website, "21 million people are now victims of forced labour, ILO says", 1 June 2012 < http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_181961/lang--en/index.htm> (31 July 2013).
- 2 Other significant importers of Uzbek cotton are Turkey, Germany, South Korea, Iran, Pakistan, United Arab Emirates, Russia and Italy. Source: Responsible Sourcing Network, "From the field: Travels of Uzbek cotton through the value chain", 2012 < <http://www.sourcingnetwork.org/storage/FromTheFieldReport.pdf>> (31 July 2013).
- 3 In the SOMO and ICN reports, the term 'bonded labour' is used to emphasise the financial bondage element of the Sumangali scheme.
- 4 United Nations, "Universal Declaration of Human Rights", Articles 1, 4, 13 and 23, <<http://www.un.org/en/documents/udhr/>>.
- 5 International Labour Organization, "Normlex Information System on International Labour Standards", <<http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:1:0>> (31 July 2013).
- 6 Repórter Brasil, "Slave Labour Laundry List", no date <http://reporterbrasil.org.br/lista-suja/?lingua=en> (5 September 2013).
- 7 United Nations Human Rights Office of the High Commissioner, "Guiding Principles on Business and Human Rights. Implementing the United Nations 'Protect, Respect and Remedy'", 2011 <http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf> (31 July 2013).
- 8 SOMO, CEDHA and Cividep, "How to use the UN Guiding Principles on Business and Human Rights in company research and advocacy – A guide for civil society organisations," November 2012, http://www.somo.nl/publications-en/Publication_3899 (31 July 2013).

Colophon

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