



# **PRACTICAL GUIDELINES FOR CHILD FRIENDLY SUPPLY CHAIN**

## **Vol. 2 - The Fisheries/Seafood Sector**

**(Based on data and situational analysis from  
Bangladesh, India and Philippines)**



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# INTRODUCTION TO THE PRACTICAL GUIDELINES

The Global March Against Child Labour (Global March) is partnering in the Girls Advocacy Alliance (GAA) programme that aims to contribute to building a society where children are protected from all forms of exploitation and violence, and are socially, culturally and economically empowered. The issues of forced labour, child labour, human trafficking and modern slavery in supply chains are increasingly acquiring attention globally and nationally in several countries, and are now also a part of the UN Sustainable Development Goals (SDGs) under SDG 8.7 (Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms). Global March is strongly addressing these issues, with a particular focus on children, girls and young women as a vast majority of all human trafficking victims – some 71 per cent – are women and girls and one third are children. In order to strengthen and expand Global March's initiatives towards the prevention and mitigation of child labour, forced labour and trafficking in supply chains, practical guidelines have been developed with the following goals:

- Complying with the OECD guidelines and the UN guiding principles
- Contributing to implement SDG 8.7
- Creating handles to do due diligence within your supply chain
- Mitigation of practices such as child labour, forced labour and trafficking in the supply chain of the fisheries/seafood sector and its remediation
- As a reference point for suppliers

These guidelines can be used:

- As a reference point for trainings, workshops and capacity building of fisheries/seafood sector companies and other relevant stakeholders in combatting and mitigating human trafficking, forced labour, child labour and modern slavery.
- To prioritise gender dimension in strategizing the process of identifying and supporting victims of human trafficking, forced labour, child labour and modern slavery effectively, within the SDGs framework.
- To offer guidance to companies on approaching local law enforcement authorities, government and other relevant actors in the supply chains to mitigate human trafficking, forced labour, child labour and modern slavery.



The guidelines are part of Global March's programmatic effort to address human trafficking, forced labour, child labour and modern slavery in the fisheries/seafood sector supply chains, usually rooted in countries with unequal and low socio-economic indicators. For the purpose of the guidelines, data from 3 countries - Bangladesh, India and Philippines has been used (countries that also rank among the lowest on Transparency International's 2016 Corruption Perceptions Index) in order to identify human trafficking and forced labour of children, girls and young women in the respective sector's supply chain. Countries such as Bangladesh and India are source, destination, and transit countries for men, women, and children who are subjected to forced labour and sex trafficking.

Given that majority of the victims and survivors of trafficking and slavery are women and young girls, these guidelines are biased towards:

- a) its focus on a gender and rights-based development paradigm; and
- b) victim protection and empowerment, rather than just the "enforcement" of laws<sup>1</sup>, policies, company codes and standards - that usually focus on "risk mitigation" and crossing it off the "checklist".

Therefore, the guidelines:

- Acknowledge and recognise the similarities and differences in the experiences of trafficked persons - women, men, girls and boys – and highlights that the burden, work and sufferings are different for all, and thus need different outlook, ways and types of strategizing and interventions
- Aim to address special needs and situations of trafficked and enslaved persons, and advocates personal empowerment as well as support the strengthening of policy and institutional frameworks and mechanisms and interventions with private sector support and contributions
- Aim to support the private sector to strengthen their initiatives and be a voice of the victims and survivors of child labour, human trafficking and slavery in their supply chains.

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1. Chuang, J. A. (2014). Exploitation creep and the unmaking of human trafficking law. *American Journal of International Law*, 108(4), 609-649.



# DESIGN AND DEVELOPMENT OF THE GUIDELINES

The guidelines are designed and developed using research material from secondary sources. Prior to the development of this guidelines, Global March commissioned a study “Trafficking and Forced Labour in Global Supply Chains in the Garment and Fisheries Sector” to understand how victims of human trafficking end up in the supply chains of the companies. These guidelines utilise the findings of the study, and the development process involved extensive consulting with international and national laws, policies, guidelines, frameworks, and interventions on human trafficking, forced labour, child labour and modern slavery. The rich experience of Global March and Centre for Responsible Business (CRB) on supply chain sustainability and human rights issues also proved handy. The document provides insights and guidelines that companies, particularly SMEs, can use as a key resource for:

- a) Developing basic awareness on the issues of child labour, human trafficking, forced labour and modern slavery in supply chains and identifying these salient human rights issues in supply chain. It also recognizes the similarities and differences in the experiences of child labourers, trafficked persons, and on the differences in burden, work and sufferings for women, men, girls and boys.
- b) Developing strategies and mechanism for combatting and mitigating the situations, conditions and practices of human trafficking, forced labour, child labour and modern slavery in supply chains of fisheries/seafood sectors in India, Bangladesh and Philippines.
- c) Understanding, appreciating and differentiating the supply and demand factors that may compel suppliers to involve child labour and trafficked persons in their production processes and tasks.
- d) Strategizing and developing gender sensitive and rights based plans and actions by involving local enforcement agencies (LEAs), other local and national government agencies and relevant national and international stakeholders.

## **The guidelines are divided in three parts:**

**Part I** sets the context, provides relevant definitions and terminologies, statistics and figures, international and national frameworks, laws, and policies, and offers a glimpse of international and national initiatives and campaigns on human trafficking, forced labour child labour and modern slavery.

**Part II** develops a business case and provides a strategic framework for SMEs and supplier businesses for preventing, combatting and mitigating the human trafficking, forced labour, child labour and modern slavery in their operations, processes and supply chains. This part also explains the process of utilising the guidelines as a key resource for accomplishing the strategic objectives of mitigating human trafficking, forced labour child labour and modern slavery in supply chains.

**Part III** consists of a separate section on fisheries/seafood sector in India, Bangladesh and Philippines, and offers a broad strategy and a generic guideline for application of four cyclic and overlapping steps - Due Diligence, remediation, prevention, and claims - to be made in dealing with and supporting victims and survivors of human trafficking, forced labour child labour and modern slavery issues in supply chains.

## Section 1:

# The Context of Human Trafficking, Forced Labour, Child Labour and Modern Slavery

***“The fact that slavery - in the form of human trafficking - still exists in the 21<sup>st</sup> century shames us all.”***

**(Dr. Antonio Maria Costa<sup>2</sup>)**

Child labour human trafficking and forced labour, including modern slavery in supply chains extending to the emerging markets, bring and bear differentiated impacts and consequences on vulnerable women, girls, men and boys. In a global business environment and marketplace, businesses source a wide range of products and merchandise from suppliers throughout the world. Last few decades have witnessed increasing trend towards such trading relationships, and particularly large, small and medium enterprises (as buyers) from developed countries sourcing from businesses (as suppliers) from the emerging markets. Such business-to-business (B2B) trade relationships have benefits for both buyer and supplier entities and to their home and host economies and countries. Policymakers worldwide consider such trade processes and trading relationships valuable. Agencies like the United Nations Conference on Trade and Development (UNCTAD<sup>3</sup>) and International Trade Centre (ITC) document, monitor and encourage trade and argue that the international “trade can be made more compatible with the broader pillars of economic, social and environmental sustainability<sup>4</sup>”.

The UNCTAD in 2017 suggested that the value of world trade over the past 20 years nearly quintupled from US \$5 trillion to about US \$24 trillion, and during this period trade proved as a medium for leveraging and promoting economic growth and lifted a billion people out of extreme and abject poverty globally<sup>5</sup>. UNCTAD, however, acknowledged that while international trade has brought benefits, it brought inequalities too. The benefits of trade accrue unevenly across the trading countries, regions, entities and individuals. International trade “can polarise the gap between the low and high skilled, suppress wage growth for workers...and create hardship and displacement for those who lose their jobs<sup>6</sup>”. UNCTAD, therefore, advocates for “better trade, fashioned by the principles of inclusivity and equity<sup>7</sup>”.

2. Dr. Antonio Maria Costa served as an Under-Secretary-General of the United Nations to the positions of Executive Director of the United Nations Office on Drugs and Crime (UNODC) from May 2002 to August 2010.

3. UNCTAD deals with trade, investment, and development issues, with a goal to maximise trade, investment and development opportunities of developing countries and assist in their efforts to integrate into the world economy on an equitable basis (<http://unctad.org/en/Pages/Home.aspx>).

4. <http://unctad.org/en/pages/newsdetails.aspx?OriginalVersionID=1699> – accessed on 18 March 2018

5. <http://unctad.org/en/pages/newsdetails.aspx?OriginalVersionID=1699> – accessed on 18 March 2018

6. <http://unctad.org/en/pages/newsdetails.aspx?OriginalVersionID=1699> – accessed 18 March 2018

7. <http://unctad.org/en/pages/newsdetails.aspx?OriginalVersionID=1699> – accessed 18 March 2018

The international supply chains, as part of trading relationships, are usually multi-layered, complex and obscure for the firms acting as lead firms at the downstream end of the chain in the developed countries. Such multi-layered complexity of supply chains also often hides various unwarranted activities and practices that may be happening at the upstream end of the chain consisting of suppliers in the developing countries, with often differentiated and unequal socio-economic and cultural norms, value and belief systems. In many cases, even the supplier entities may not be aware of such unwarranted activities and practices that may be happening further upstream in the chain. Some of the most exploitative practices in such contexts include child labour, trafficking in persons, forced labour and modern slavery.

Children, especially girls and young women are trafficked for varied reasons, such as forced labour, prostitution and domestic work, and subjected to exploitation, and their basic rights denied. Human trafficking, forced labour, child labour and modern slavery is rampant in many countries and evident in the supply chains of many products. Businesses from many Asian countries participate in international trade and most of the victims are trafficked from and within Asia. Several countries in Asia serve as the source, destination and transit routes for human trafficking. Despite growing awareness on the problems related to human trafficking, forced labour, child labour and modern slavery, and efforts on the part of many policymakers and companies to stem such abuse and violations in their supply chains, the diversity and complexity of the global supply chains can be challenging even for the most well intentioned companies. More importantly, women, particularly young women and girls are usually the worst sufferers of practices related to human trafficking, forced labour, child labour and modern slavery.

## **The Rights Based Gendered Perspective on Human Trafficking, Forced Labour & Child Labour**

The UN Guiding Principles on Business and Human Rights (UNGPs), endorsed by the United Nations Human Rights Council in 2011, are “the first globally accepted standard covering the responsibilities of states and businesses in preventing and addressing business-related human rights abuse, and thus the authoritative point of reference for all those working to ensure business respect for human rights. UNGPs have established a common global platform for action, upon which cumulative progress has started to be recorded<sup>8</sup>”. All countries globally are expected to develop a National Action Plan for implementing the UNGPs. Also, relevant key international initiatives and standards like OECD Guidelines for Multinational Enterprises, the UN Global Compact (UNGC), the International Standards Organisation ISO 26000, the International Finance Corporation (IFC) Performance Standards and many more have been aligned with the UNGPs.

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8. [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/578031/EXPO\\_STU\(2017\)578031\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/578031/EXPO_STU(2017)578031_EN.pdf) – accessed 02 April 2018.

As a set of universal standards on business-related human rights, UNGPs apply to all companies globally. The UNGPs are aimed to prevent companies from violating human rights. According to UNGPs, a company can be linked to negative impacts on human rights when its products, services or operations are an essential component of a human rights violation, even if the company itself did not intend, nor carry out, such violation. Companies can be considered violating human rights directly, indirectly, by association, through investments or through B2B relationships. The Second Pillar of UNGPs 11-29 set out the process guidance for businesses on human rights.

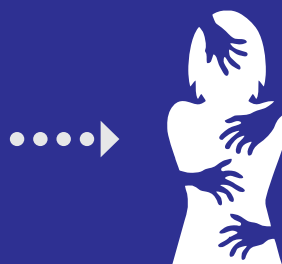
Anyone, irrespective of gender, nationality and age can be a victim of human trafficking. However, women and children – both girls and boys - are usually more vulnerable and at higher risk. Trafficking in persons, especially of women and girls, is gaining newer dimensions in the context of supply chains. Although, trafficking, especially of women and children, is a growing concern on the agenda of governments, multi-laterals, and non-government agencies, anti-trafficking measures and interventions often are gender neutral and insensitive. Thereby, blunting their efficacy and, in some cases, even disempower trafficked persons, women and children in particular.

***Here are some statistics as per Global Modern Slavery Index, 2016:***



# 99%

Females are victims of sexual exploitation



Industry sectors and the forms of coercion too are highly gendered



## Men & Boys

face exploitation in :

- Construction
- Manufacturing
- Agriculture Sectors

Men & boys are likely to face violence such as threats against family



## Women & Girls

face exploitation in:

- Domestic Work
- Sex Work

Women & girls are likely to face violence such as sexual violence

The pre-existing levels of gender inequality, poverty and rights violations exacerbate during conflicts and displacement caused due to disasters and breakdown of support networks and communities, amplifying women and girls' vulnerability to trafficking, forced labour and slavery. Any intervention designed to combat and mitigate human trafficking and modern slavery should consider specific vulnerabilities and experiences of females and males. Also, for women, girls, men and boys vulnerable to severe exploitation, specifically designed solutions and options should be designed and provided. Therefore, a focus on both gender and rights-based approach in the context of human trafficking, forced labour and modern slavery in supply chains is urgently required. These guidelines aim to meet that need to some extent.

# 1.1 Concepts, Definitions and Terminologies

Definitions and terminologies are necessary for identifying risks and hazards, understanding compliance needs, setting strategies, guiding action, developing reliable indicators for data collection, and for measuring change. Following terminologies are useful in the context of the guidelines:

**Trafficking in Persons<sup>12</sup>:** According to Article 3, paragraph (a) of the UN Trafficking in Persons Protocol<sup>13</sup>, trafficking in persons is defined as “the recruitment, transportation, transfer, harbouring or receipt of persons, 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, for the purpose of exploitation. 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”.

Article 3, (b) states “the consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used”; Article 3, (c) states “the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered trafficking in persons even if this does not involve any of the means set forth in subparagraph (a);”

Transportation, transfer, harbouring or receipt of persons, 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, for exploitation. According to the definition given in the Trafficking in Persons Protocol, trafficking in persons has three constituent elements; The Act (Recruitment, transportation, transfer, harbouring or receipt of persons), the Means (Threat or use of force, coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability, or giving payments or benefits to a person in control over another person) and the Purpose (at minimum exploiting the prostitution of others, sexual exploitation, forced labour, slavery or similar practices and the removal of organs). The definition implies that the exploitation does not need to be in place, as the intention by traffickers to exploit the victim is sufficient to define a trafficking offence. Furthermore, the list of exploitative forms is not limited, which means that other forms of exploitation may emerge and they could be considered to represent additional forms of trafficking offences.

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12. Article 3, paragraph (a) of the UN Trafficking in Persons Protocol - <https://unstats.un.org/sdgs/metadata/files/Metadata-16-02-02.pdf>.

13. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (also referred to as the Trafficking Protocol or UN TIP Protocol) is a protocol to the Convention against Transnational Organised Crime. The protocol was adopted by the UNGA in 2000, and entered into force on December 25, 2003. As of February 2018, 173-member states have ratified it. The UNODC is responsible for implementing the protocol and offer help to states with drafting laws, creating comprehensive national anti-trafficking strategies, and assisting with resources to implement them – [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12-a&chapter=18&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&lang=en)



**Exploitation<sup>14</sup>:** 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. The consent of a victim of trafficking in persons to the intended exploitation shall be irrelevant where any of the means as given above are used.

**Child<sup>15</sup>: A person under eighteen years of age.**

**Child Labour<sup>16</sup>:**

- A child under 12 who is economically active for 1 or more hours per week,
- A child 14 and under who is economically active for at least 14 hours per week,
- A child 17 and under who is economically active for at least 43 hours per week
- A child 17 and under who participates in activities that are "hazardous by nature or circumstance" for 1 or more hours per week
- A child 17 and under who participates in an "unconditional worst form of child labour" such as trafficked children, children in bondage or forced labour, armed conflict, prostitution, pornography, illicit activities.

**Forced Labour<sup>17</sup>:** All work, or service, extracted from any person under the menace of any penalty and for which the said person has not offered voluntarily.

**Slavery<sup>18</sup>:** All work and services that involve debt bondage, serfdom, forced marriage and the delivery of a child for the exploitation of that child.

**Modern Slavery<sup>19</sup>:** "Modern slavery is an umbrella term used to encompass slavery, servitude and forced or compulsory labour and human trafficking. It includes slavery-like practices such as debt bondage, sale or exploitation of children and forced or servile marriage. The theme underlying all these offences is one person depriving another person of their liberty, in order to exploit them for personal or commercial gain".

**Home Based Work (HBW)<sup>20</sup>:** Home-based work is defined as the part of the work contributed by own family members to contribute to the production of goods and services. However, the goods and services can also be produced for sale in the market, thereby earning profits. This work is irrespective of who provides the employment, materials or other inputs used.

**Bonded Labour<sup>21</sup>:** Bonded labour is a form of forced labour, where individuals are forced to work as security against a debt.

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14. <https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html>

15. According to the definition provided by the United Nations Convention on the Rights of the Child

16. <http://www.theworldcounts.com/stories/Child-Labor-Facts-and-Statistics>

17. <http://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/forced-labour/lang--en/index.htm>

18. <http://www.renecassin.org/wp-content/uploads/2014/10/Modern-Slavery-Background-Paper.pdf>

19. The UK Modern Slavery Act 2015 <http://www.antislaverycommissioner.co.uk/media/1190/a-typology-of-modern-slavery-offences.pdf>

20. The definition of home-based workers was developed by the Independent Group on Home-Based Workers in India, set up in 2007 by the Ministry of Statistics and Programme Implementation of the Government of India

21. End Slavery Now, 2016. Bonded Labour. [www.endslaverynow.org](http://www.endslaverynow.org)

**Child Abuse<sup>22</sup>:** Child abuse is when a parent or caregiver, whether through action or failing to act, causes injury, death, emotional harm or risk of serious harm to a child. There are many forms of child maltreatment, including neglect, physical abuse, sexual abuse, exploitation and emotional abuse.

**Child Prostitution<sup>23</sup>:** It is prostitution involving a child and is a form of commercial sexual exploitation of children. The term usually refers to the prostitution of a minor or a person under the legal age of consent. In most jurisdictions, it is illegal as part of general prohibition of prostitution. Child prostitution usually manifests in the form of sex trafficking, in which a child is kidnapped or duped into becoming involved in the sex trade, or "survival sex", in which the child engages in sexual activities to procure basic essentials such as food and shelter.

**Migrant<sup>24</sup>:** According to the definition provided by UN Migration Agency, a migrant as any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of (1) the person's legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is.

**Migrant Worker<sup>25</sup>:** According to the ILO, a person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment.

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22. <https://www.childhelp.org/child-abuse/>

23. <https://www.humanium.org/en/child-prostitution/>

24. <https://www.iom.int/who-is-a-migrant>

25. <http://www.ilo.org/public/english/standards/relm/ilc/ilc87/r3-1b2.htm>

## 1.2 Statistics and Figures

The Sustainable Development Indicator 16.2.2 has set a global goal for the number of victims of human trafficking per 100,000 population, by sex, age group and form of exploitation.

The Global Slavery Index (GSI) of 2017<sup>26</sup> estimated that there were 40.3 million people as victims of some form of slavery<sup>27</sup>, with 24.9 million of these in forced labour. As per the ILO estimates, 11.8 million forced labour victims are exploited within their own home area, and 9.1 million have been moved either within a country or region, or across national borders, that is, internationally<sup>28</sup>.

The GSI 2016 estimated that the highest prevalence of slavery is in five countries – India, Bangladesh, China, Pakistan, and Uzbekistan<sup>29</sup>. The ILO estimates that an average of three of every 1,000 labourers worldwide work as forced labourers or are victims of human trafficking activities. Forced labourers in businesses and in other activities account for nearly 90% (18.7 million) of the 20.9 million estimated victims.

### Child Labour:

Here are some statistics and figures as per the latest ILO Global Estimates on Child Labour 2016:



**152** Million Children involved in child labour globally



**88** Million Child labourers are boys



**68** Million Child labourers are girls



**28%** Victims of human Trafficking are children



**51%** Victims of human Trafficking are young women & girls aged between 7-25

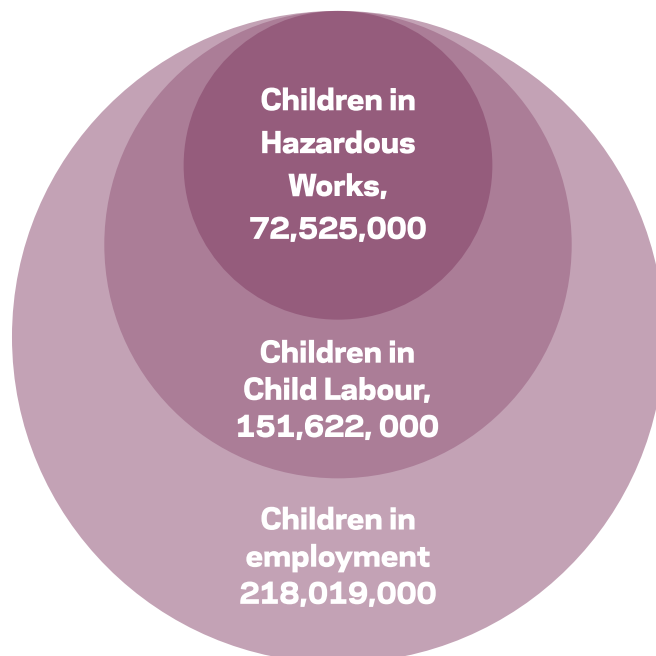
26. <http://www.globalslaveryindex.org/>

27. On modern slavery, the UK government had set the global movement for the fight against modern slavery in motion through Modern Slavery Act 2015. Now governments in several countries (such as The Netherlands, France, Australia, Brazil, Qatar) are in the process of developing laws and policies on modern slavery.

28. ILO 2012 Global Estimate of Forced Labour.

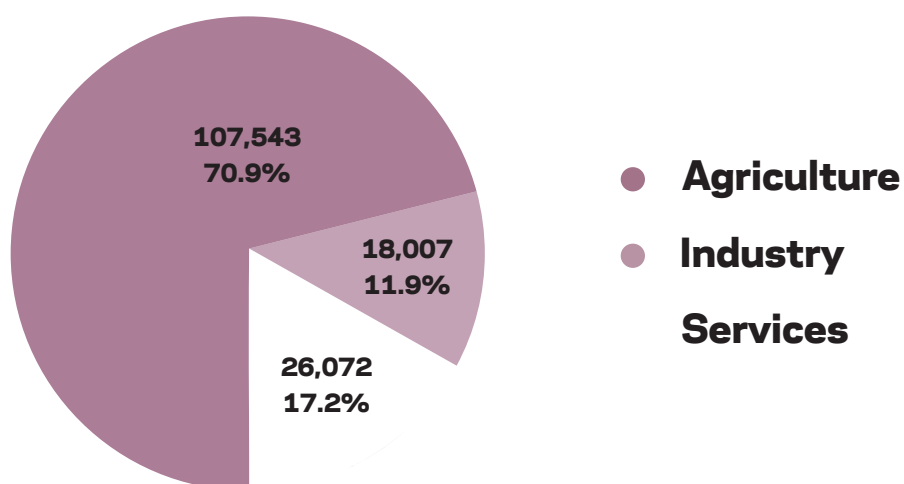
29. <https://www.globalslaveryindex.org/findings/>

## ABSOLUTE NUMBER OF CHILDREN IN EMPLOYMENT, CHILD LABOUR AND HAZARDOUS WORK, 5-17, YEARS AGE RANGE, 2016

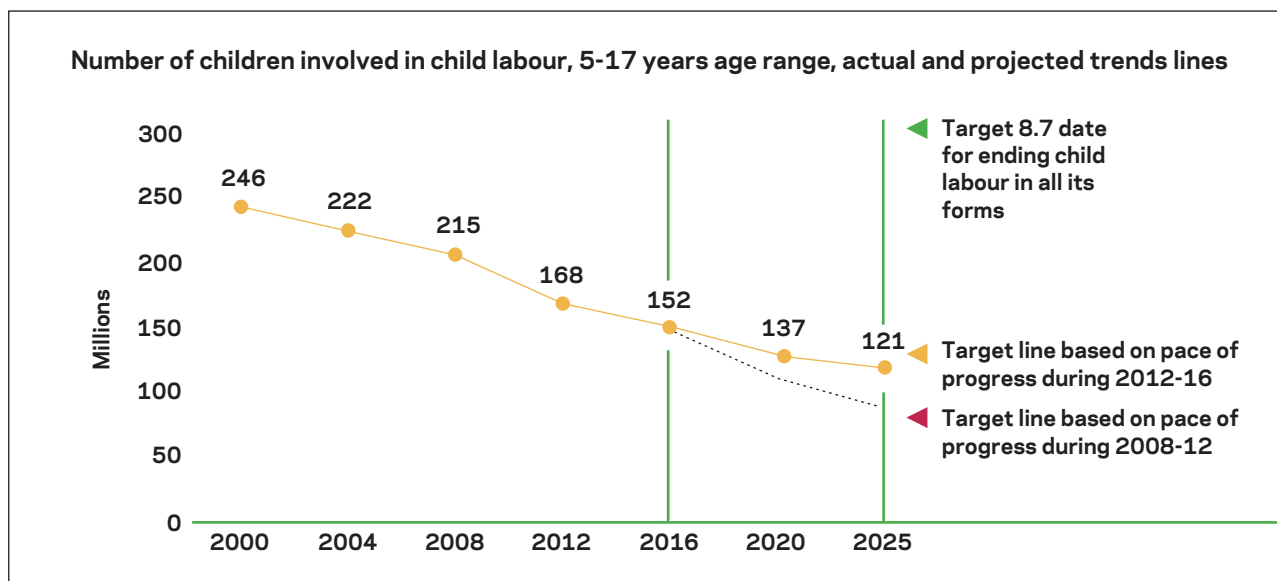
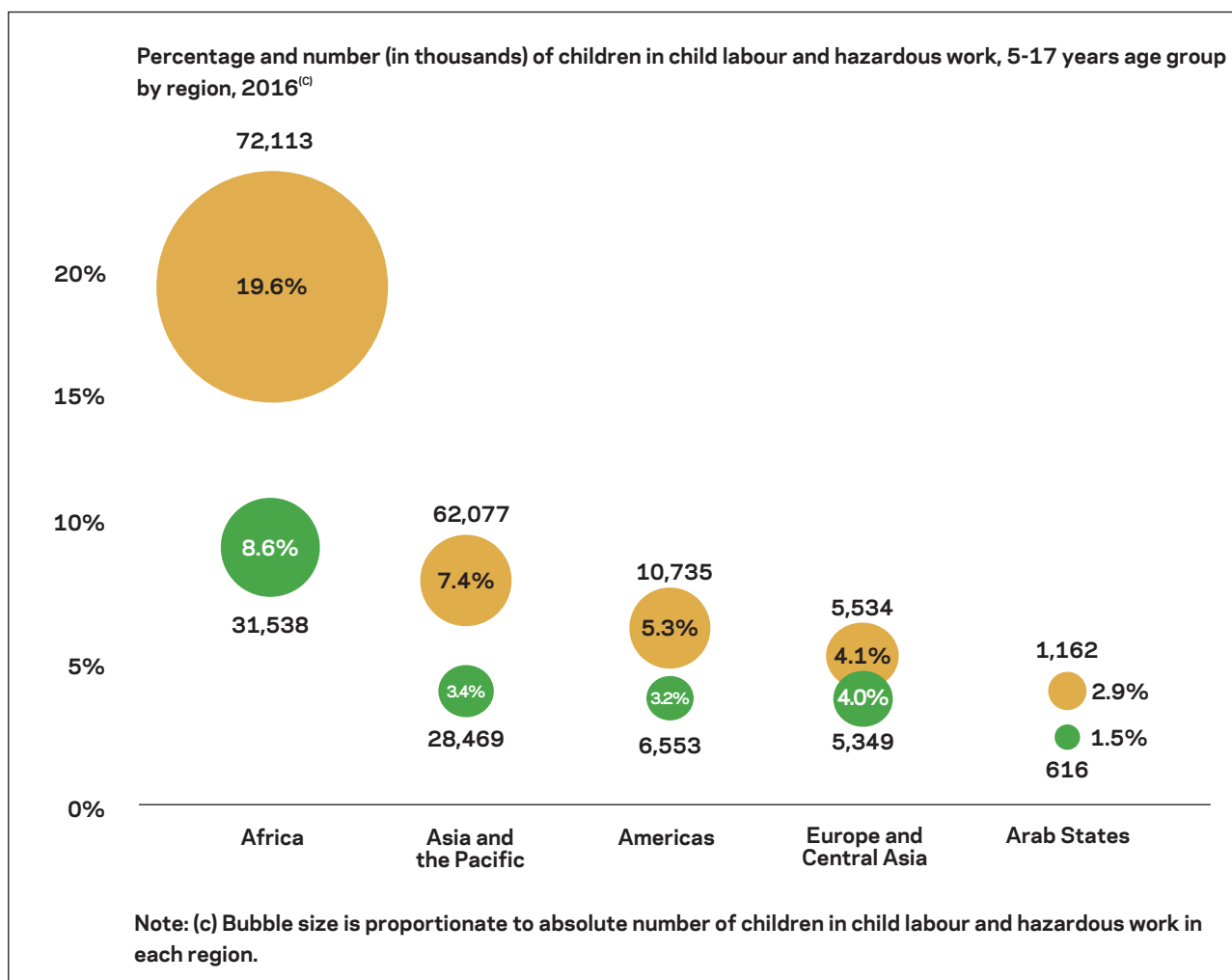


Source- Global Estimates of Child Labour (Results & Trends, 2012-16) ILO

## SECTORAL COMPOSITION OF CHILD LABOUR (5-7 YEARS AGE GROUP)



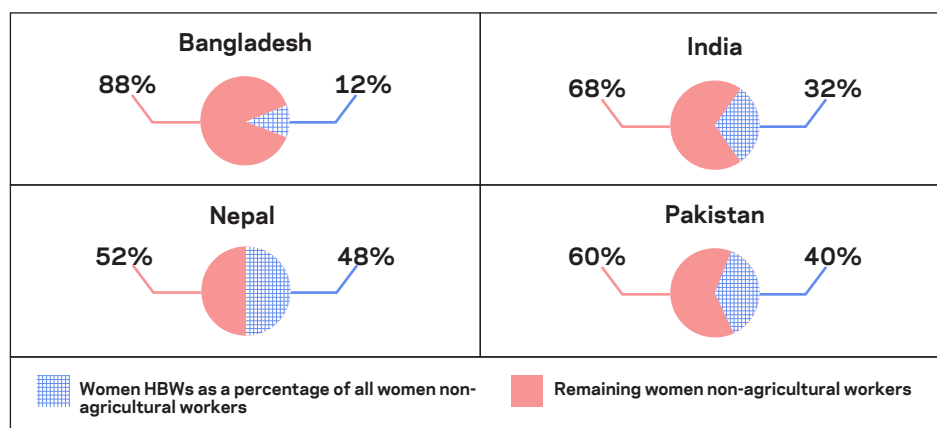
Source- Global Estimates of Child Labour (Results & Trends, 2012-16) ILO

**Figure 1: Assessing the Pace of Progress towards target 8.7 of the SDGs****Figure 2: Estimates of Child Labour by Region**

## Home Based Workers (HBWs) <sup>30</sup>:

- In 2011-12, India had 16 million women HBWs.
- In 2011, Nepal had 0.47 million women HBWs.
- In 2008-09, Pakistan had 1 million HBWs.
- In Bangladesh, in 2009, one-third of HBWs, about 0.66 million were women.
- In India, there were marginally more men than women in homebased work. IN 2011-12, women HBWs represented 43 percent of all HBWs in India.
- In 2008, in Nepal, more women than men were in homebased work.
- In 2008, 51 percent of all HBWs in the country were women in Pakistan.
- Only one third of all HBWs were women in Bangladesh in 2009.

**Figure 3: Percentage of Women HBWs to total non-agricultural women workers**



**Figure 4: Men and Women in Urban Home Based Work**



Source: Women in Informal Employment: Globalising and Organizing<sup>31</sup>

## **1.3 Hazards and Risks (Consider the hazards and risks that affect differently girls and boys)**

People's vulnerability increases risks of their exploitation and there can be various reasons for vulnerabilities. Migrants are often susceptible and victims of human trafficking, forced labour, and other forms of labour exploitation. Migrants need work for survival and their options are limited due to language and other barriers. Further, human trafficking operators are skilled in controlling, subduing and maximising returns from enslaved individuals. Methods used by operators include monetary indebtedness, physical and psychological violence, or threat of violence, withholding identification and other important documents of victims.

Pay special attention to the following employees:

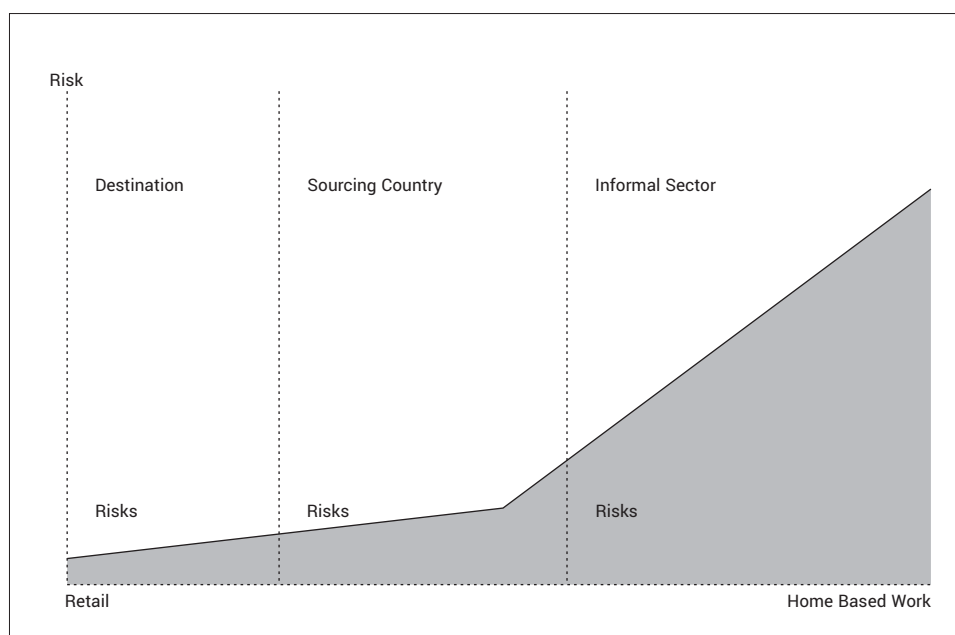
- They speak a different language.
- They are illiterate.
- They don't have papers.
- They are not married
- They are young

Human trafficking, forced labour, child labour and modern slavery victims usually are unwilling or unable to seek justice due to the lack of knowledge of their rights, fear of retribution, psychological damage such as self-blame and shame about their situation. Additionally, women and girl victims feel constrained due to the cultural and social reasons, sense of powerlessness and attribution of their situations to fate.

Experience suggest that temporary workers recruited through agencies and labour contractors, and labour providers are particularly at risk of being victims of human trafficking, forced labour, child labour and modern slavery.

- a) Trafficking particularly affects women and children disproportionately. Women and children are raped, drugged, blackmailed, imprisoned and beaten and their passports and other important documents confiscated.
- b) Industries' that are highly competitive, with continual downward pressure on prices, are usually at higher risk of employing trafficked person such as seafood.
- c) Jobs that are socially stigmatized or socially devalued, involve prolonged periods of repetitive action (factory assembly lines, stitching, sewing) and low-paying are likely to be performed by vulnerable and marginalised workers (women, children and in some cases men) affected by human trafficking, debt bondage, forced labour or slavery.





Human Rights Risk Assessment

## Child Labour Country Wise Reports

Based on the findings of worst forms of child labour report of 2017 by USDOL, find below the situation in Bangladesh, Philippines and India.

### Bangladesh

<b>International relevant conventions:</b>	
ILO 138 convention on the minimum age	not ratified
ILO 182 convention on the hazardous forms of child labour	ratified
UN convention of rights of the child	ratified
Palermo protocol on trafficking in persons not	not ratified
<b>Local legislation meet international standards:</b>	
Minimum work age	no
Hazardous work	Yes
Types of hazardous work	Yes
Forced Labour	Yes
Child trafficking	Yes
Commercial sexual exploitation of children	no
Using children in illicit activities	no
Compulsory education	no
Free Public education	Yes

## India

<b>International relevant conventions:</b>	
ILO 138 convention on the minimum age	ratified
ILO 182 convention on the hazardous forms of child labour	ratified
UN convention of rights of the child	ratified
Palermo protocol on trafficking in persons not	ratified
<b>Local legislation meet international standards:</b>	
Minimum work age	Yes
Hazardous work	Yes
Types of hazardous work	Yes
Forced Labour	Yes
Child trafficking	Yes
Commercial sexual exploitation of children	Yes
Using children in illicit activities	Yes
Compulsory education	Yes
Free Public education	Yes

## Philippines:

<b>International relevant conventions:</b>	
ILO 138 convention on the minimum age	ratified
ILO 182 convention on the hazardous forms of child labour	ratified
UN convention of rights of the child	ratified
Palermo protocol on trafficking in persons not	ratified
<b>Local legislation meet international standards:</b>	
Minimum work age	Yes
Hazardous work	Yes
Types of hazardous work	Yes
Forced Labour	Yes
Child trafficking	Yes
Commercial sexual exploitation of children	Yes
Using children in illicit activities	Yes
Compulsory education	Yes
Free Public education	Yes

#### **Business Imperatives and a Case for Preventing, Combating and Mitigating Human Trafficking, Forced Labour, Child labour and Modern Slavery in Supply Chains**

#### **Why Businesses Must Engage in Tackling and Mitigating Human Trafficking, Forced Labour, Child Labour and Modern Slavery in their Supply Chains?**

While political instability, corruption, relatively weak institutions, and institutional capacities in some emerging and developing economies pose higher risks of various nature to companies operating in and/or sourcing from such destinations, the issues of human trafficking, forced labour, child labour and modern slavery lurk as an obscure risk in complex supply chains in such country contexts with deeply rooted unequal social, economic and cultural norms and practices. Practices and situations of human trafficking, forced labour, child labour and modern slavery can pose different forms of risks and challenges in supply chains. Even well intentioned companies with corporate social responsibility (CSR) initiatives and supply chain monitoring protocols in place may be unintentionally collaborating with, abetting or supporting suppliers and recruitment agencies that use trafficked persons for forced labour and other forms of slavery.

The failure to adequately sensitive and address these challenge and implement systems to prevent, combat and mitigate the occurrence of trafficking in persons and associated abusive practices by contractors, subcontractors, and recruitment agencies can lead to disastrous personal consequences for workers. These can also inflict significant damage on the sourcing company's brand image and reputation among buyers, consumers and stakeholders such as the policymakers, investors and civil society organizations. The scope and magnitude of human rights abuses in the global workplace, combined with the complex nature of international supply chains, means that many companies who rely on suppliers and manufacturers may be unintentionally aiding and abetting human trafficking and abusive labour practices and situations.

A UN report noted, "Human trafficking is not currently well integrated into the Corporate Responsibility (CR) programmes of most brands, companies and business associations"<sup>31</sup>. This

31. [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_142722.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_142722.pdf) - accessed 30 March 2018

may be due to the lack of fuller understanding or underestimation of the gravity, complexity, multi-dimensionality and multifaceted aspects of the phenomenon of trafficking and slavery; that these are both a local and global challenge; and geographic variabilities influence in a variety of ways. Companies need to develop sensitivity and a complete understanding of the challenges involved to be able to deal effectively as well as address gender, age and geography specific vulnerabilities associated with human trafficking, forced labour, child labour and slavery.

In SDG Target 8.7, the governments as member states of the United Nations committed to:

“Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.”<sup>32</sup>

## TRAFFICKING IN SUPPLY CHAINS

### DID YOU KNOW?

- Countries like Bangladesh, India and Philippines are a destination and transit country for trafficked men, women, and children who are subjected to forced labour in supply chains of various products & services.
- In India men, women, and children are forced to work in the textile industries, embroidery factories and fish farms among others.
- The U.S. Department of State estimates that between 300000 and 400000 women and 60000 to 100000 children are trafficked annually from Philippines.
- UNICEF lists Philippines as one of the seven worst countries for child trafficking in Asia.



32. <http://www.ilo.org/global/topics/sdg-2030/goal-8/target-8-7/lang--en/index.htm> - accessed 30 March 2018

Businesses should take the responsibility for preventing, combatting and mitigating human trafficking, forced labour, child labour and modern slavery in their supply chains, to ensure:

- a. Compliance with national laws and international frameworks:** For most of the OECD countries following the OECD guidelines, implementing the UN guiding principles are mandatory. Based on that national laws and policies, drawing from international frameworks, are developed in almost all countries on the issues of human trafficking, forced labour, and child labour. In US, and several countries in Europe, the laws and policies also include issues of human trafficking, forced labour, child labour and modern slavery in supply chains. For instance, French Corporate Duty of Vigilance Law and the upcoming Swiss version, The Modern Slavery Act 2015 of the UK; California Supply Chain Transparency Act 2011; Human Trafficking and Exploitation (Scotland) Bill; Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. The adopted European guidelines on non financial reporting in 2017 have to be implemented in 2018.
- b. Protecting reputation and brand:** companies work hard to build their reputation and brand. Any incident involving issues of human trafficking, forced labour, child labour and modern slavery in supply chains can attract the attention of campaigners, law enforcement agencies, media and other stakeholders and can potentially sully the hard build reputation and brand.
- c. De-risking trade and operations:** laws and policies in many countries prohibit import of goods produced by trafficked, forced, child and enslaved labour. In these countries, any kind of accusations around such issues in supply chains may lead to seizure of goods by law enforcement agencies. Such seizures may also disrupt business planning, schedules and operations.
- d. Meeting customer expectations:** increasingly customers and consumers expect businesses to be responsible and ethical in their business and dealings, and such expectations influence purchasing behaviours and decisions. Consumer facing companies particularly are at risk of losing customers around allegations related to human trafficking, forced labour, child labour or modern slavery in supply chains. The NGO Not For Sale offers an interactive online “slavery map” that allows consumers to estimate the number of the “slaves” that were used to produce the goods they buy<sup>33</sup>.

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33. Gómez-Mera, L. (2017). The Global Governance of Trafficking in Persons: Toward a Transnational Regime Complex. *Journal of Human Trafficking*, 3(4), 303-326.

- e. **De-risking investments:** Allegations of human trafficking, forced labour, child labour or modern slavery in supply chains can also significantly scare and threaten investor confidence, influence investor relations, impact company's stock prices, and jeopardise access to public funds (such as export credits) and government favours such as exclusion from trade missions. Also, the Interfaith Center on Corporate Responsibility (ICCR) in 2013 issued its Recommended Principles for Confronting Human Trafficking for multinational corporations<sup>34</sup>.
- f. **Corporate responsibility to respect human rights:** the UNGPs expect companies to avoid causing, contributing to or be directly linked to adverse human rights impacts. UNGPs suggests that the companies may be involved with adverse human rights impacts either through their own activities, or through their business relationships with other parties, and therefore are responsible to respect human rights in their own operations as well as in their supply chains.
- g. **Leveraging the opportunity to be a responsible corporate citizen/leader by being a voice of the trafficked victims:** with increased stakeholder expectations, companies take the opportunity to play a key role in preventing, combating and mitigating practices, situations and conditions around human trafficking, forced labour, child labour and modern slavery. Besides ensuring good practices with suppliers and business partners, and generating a positive reputation and image, companies can be a voice of victims and survivors. By joining the industry, civil society and public policy actors' initiatives, companies can safeguard themselves from potential situations of unfair competition from those who indulge in or do not pay attention to the issues of human trafficking, forced labour, child labour and modern slavery in supply chains. Companies are resourceful and can provide effective solutions for the community, at the workplace, and in the global and local economy. The UNGPs also expect companies to engage actively in remediation either directly or in cooperation with others (i.e. courts, government, other companies – such as suppliers, contractors, vendors, and business partners).

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34. See [http://www.iccr.org/sites/default/files/2013iccr\\_htprinciplesfinal112013.pdf](http://www.iccr.org/sites/default/files/2013iccr_htprinciplesfinal112013.pdf).

## Section 2

### Supply Chain Human Trafficking Prevention, Combatting and Mitigation Strategy, Framework and Process

The companies contribute to creating jobs in local economies through their sourcing from emerging countries. In terms of trafficking for forced labour, generally industries that rely heavily on inputs of low-skilled labour are at risk of trafficking in persons. This is particularly true for industries in which low-skilled labour is used to carry out the **“THREE D” jobs - “dirty, dangerous, and difficult.”** Such jobs include those involving dangerous or physically arduous manual labour (mining, farm work, construction, fishing), work involving prolonged periods of repetitive motion (factory assembly jobs, stitching, sewing), and work that is stigmatized or socially devalued (domestic work). As these jobs are undesirable and low paying, in many cases they are performed by individuals with a high level of vulnerability, including immigrants, minorities, and from other socially and economically marginalized groups. Also, industries that are highly competitive, with continual downward pressure on prices, may be at risk of trafficking.

There is wider expectation that sourcing companies bear a responsibility to ensure that their working relationships with suppliers respect national laws and fundamental labour rights as enshrined in international standards and frameworks. Some businesses and industry groups have for long taken this responsibility seriously, through robust voluntary standards, due diligence, remediation, transparency, and engagement with stakeholders. Now, the combination of increased awareness and pressures from stakeholders, tightening public policies around the issues of human rights in supply chains, and incentives to develop stronger responses is driving more companies to acknowledge and address human trafficking, forced labour, child labour and modern slavery related labour abuses in their supply chains.

Whether motivated by regulation, risk of reputational damage, stakeholder and peer pressure, the desire to do the right thing, or a combination of these factors, sourcing companies today have heightened incentives to pay attention to human trafficking, child, forced labour and modern slavery issues in supply chains. It is important to recognize the multiple stakeholders and it is only by mapping them in the supply chain, relevant to the sector of work that the understanding of complexities can unfold.



In most countries, all such practices are illegal and there can be a potential legal and regulatory risk. Risks can be effectively addressed through planning and actions taken at company, industry, national, regional and international levels. Working with stakeholders, including civil society groups and public policy actors, can make business engagement more effective and sustainable. Business alone cannot solve the problem of human trafficking; however, there is a great deal that business actors can do within their own sphere of influence, including identifying trafficking victims and taking preventive and corrective action. Taking an active role in the fight against human trafficking can present companies with a significant opportunity to be identified and recognized as leaders amongst industry peers and in society.

## CHILD AND FORCED LABOUR IN THE SUPPLY CHAINS

### Did you know?

The United States Department of Labor estimates that children are a part of the workforce for production of some **136** goods from **74** countries



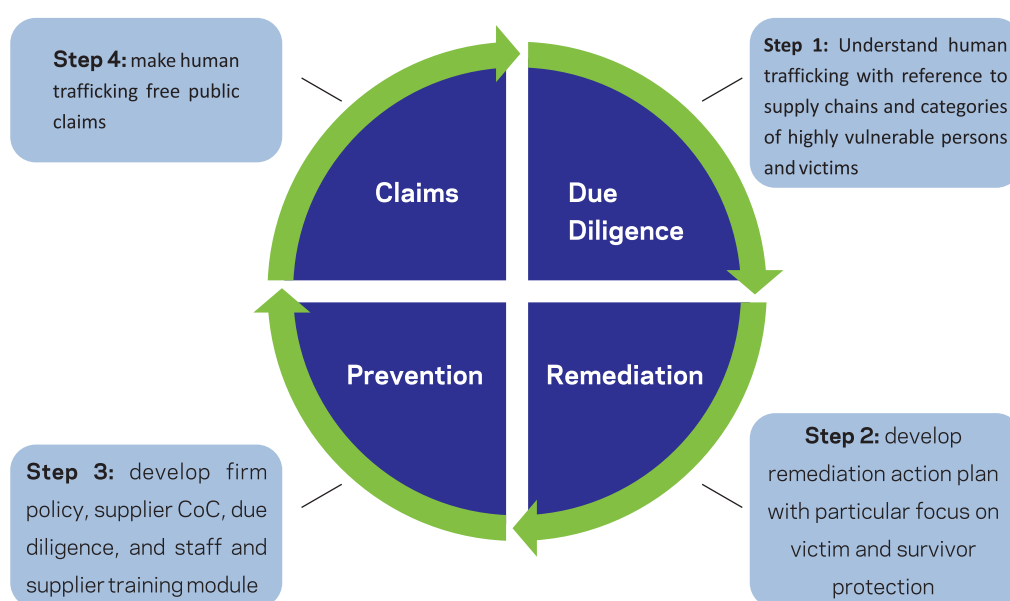
# Supply Chain Human Trafficking Prevention, Combatting and Mitigation Management Framework

## ***Managing Supply Chain Linked Human Trafficking Risks as a Business Process***

Companies with supply chains extending to emerging countries can play an active and key role in combating and mitigating human trafficking and labour abuse and exploitation in their supply chains, and in the process, reduce the harmful impacts of exploitation.

The UNGPs set a framework on what is expected of companies. For instance, by setting up policies and procedures, conducting due diligence, supply chain management, understanding stakeholder issues, understanding effective integration, reporting, and operational level grievance mechanisms.

The supply chain human trafficking mitigation management framework presented below offers the ways for companies to deal with such issues. The framework offers a cyclic and overlapping approach and steps. These steps involve both internally oriented aspects and actions within the company and externally oriented aspects and actions. Companies will need different but complementary approaches for both internal and external aspects and actions around supporting and following the gendered and rights based paradigms to combat and mitigate the situations, conditions and practices of human trafficking, child labour, forced labour and modern slavery in supply chains.



### **a. Step 1: Due Diligence**

The aim of Step 1 – Due Diligence - is to identify the nature of the problem. Due Diligence involves acquiring knowledge about the problem (of human trafficking child labour, forced labour and modern slavery) and relevant laws, policies, standards and international frameworks, understanding the dimensions of the problem, examination of the severity and symptoms as - related to your business and supply chains - through data gathering and analysis. So it is critical to know about, understand and grasp the gravity, complexities multi-dimensionality and multifaceted aspects of human trafficking, forced labour, child labour and modern slavery. While the awareness, knowledge, and understanding of the relevant laws and international frameworks on human trafficking is critical, it is also important to be conscious that this knowledge and understanding is incomplete without developing differentiated insights into the specific and particular needs of vulnerable and trafficked women, men, girls and boys, and how the practices of human trafficking affect and impact them differently, and in varied country/region contexts. The chances of finding trafficked persons is higher in supply chains in Asia.

To identify the practices, situations and conditions of human trafficking, forced labour, child labour and modern slavery within supply chains in India, Bangladesh and Philippines, it is necessary for companies to diagnose their supply chains thoroughly. The Due Diligence step include the sub-steps of mapping the entire supply chain and conducting trafficking focused due diligence. These steps will need active cooperation and participation of different supply chain actors, including in particular the tier 1 suppliers, for data collection further upstream in the chain. The suppliers should be encouraged and supported to undertake these steps as well in their supply chains.

This step will help you to see which part and region of your supply chain has the highest risk of having child labour, forced labour, bonded labour. By just focussing on some particular labour rights violations your search will be more specific.

Once you have narrowed down an area and part of your supply chain that has the highest incidences of those labour violations you need to do a **complete mapping** of that part of your supply chain. Who are the stakeholders, how is your company involved, what is your influence downwards the supply chain. If you feel you have little or no influence in this supply chain include in your mapping on how to increase your leverage. If this is not possible make sure you report your findings and move on to a region and supply chain in which you have more leverage and you would be able to move on to step 2.

### **b. Step 2: Remediation**

The aim of Step 2 – Remediation - is to correct or improve the situations, conditions or practices of human trafficking, forced labour, child labour and modern slavery within supply chains - if any identified during the first two step of Due Diligence. This is a key step to combatting and

mitigating human trafficking, child labour, forced labour and modern slavery in supply chains. Given the gravity of the issues involved, the process and actions in remediation can be complex, but are necessary to undertake. Remediation, much like, Due Diligence, involves close engagement and seeking cooperation of supplier and business partners in supply chain, in the first instance. Collaboration with suppliers and business partners can facilitate engagement with and support of other stakeholders (such as LEAs, CSOs, International and local industry associations). Other stakeholders can play a vital role in effectively addressing the differentiated and specific vulnerabilities of the victims of trafficked persons in specific geographic contexts.

Depending on the severity and gravity of the situations, conditions and practices of human trafficking, child labour, forced labour and modern slavery in supply chains identified, the remediation measures may also involve extending the initiatives to community and families of victims and survivors. The suppliers also should be encouraged and supported to undertake these steps in their supply chains.

### **c. Step 3: Prevention**

Aim: the aim of Step 4 – Prevention - is to prevent from arising, in the first instance, the situations, conditions and practices of human trafficking, forced labour, child labour and modern slavery within supply chains. This step involves creation of structures and development of processes and procedures within the company and beyond, extending to the entire supply chains mapped during the step 1 and 2 of Due Diligence. These processes should involve the development of a firm policy, supplier code of conduct (CoC), due diligence mechanism and responsibilities, and staff and supplier training modules. The suppliers should be encouraged and supported to undertake these prevention steps as well in their supply chains.

### **d. Step 4: Claims**

Aim: the aim of Step 5 – Claims - is to enhance transparency and disclosures, thereby secure legitimacy and support of stakeholders on the intent and actions of company on human trafficking, forced labour, child labour and modern slavery in supply chains. The claims and public announcement can be of four kinds: a) commitments, policies, and initiatives; b) actions, processes, and procedures developed and persons/positions responsible; c) success and learnings in initiatives undertaken; and c) goods and services free of human trafficking, forced labour, child labour and modern slavery within supply chains.

The step of claims offer and open the wide possibilities of collaborations with local, regional and international initiatives. Companies can contribute data and learning to such initiatives, thereby strengthening the effectiveness and efforts being made at different levels, and securing support for their own initiatives. As in other steps, suppliers also should be encouraged and supported to make public claims.

# Sectoral strategies to combat and mitigate human trafficking and related practices

This section provides sector specific strategies and steps to prevent, combat and mitigate human trafficking, forced labour, child labour and modern slavery issues and challenges in the fisheries/seafood sector supply chains in India, Bangladesh and Philippines. These strategies are explained by taking into account the international frameworks and standards as well as communal and local legal contexts around human trafficking of the three countries - India, Bangladesh and Philippines. It's important to appreciate here that the idea with these strategies is not: to threaten anyone's business, jobs and livelihoods, but to rectify unworthy situations and practices; to continue supporting the social and economic upgrading of suppliers and sourcing countries; for the companies to be a voice of child labourers and the victims of human trafficking; and to support and contribute to the international, national and local efforts towards preventing, combatting, mitigating and ultimately eradicating the situations of human trafficking and associated practices of forced labour, child labour and modern slavery in supply chains. The strategies suggested here include both company level internal actions and activities and company's engagement with external parties and stakeholders and supporting actions and activities - which is indeed a critical component of dealing with the challenges posed. A singular commercially oriented organisation cannot possibly resolve complex societal issues on its own.

### What Companies Need To Know, Do, and How

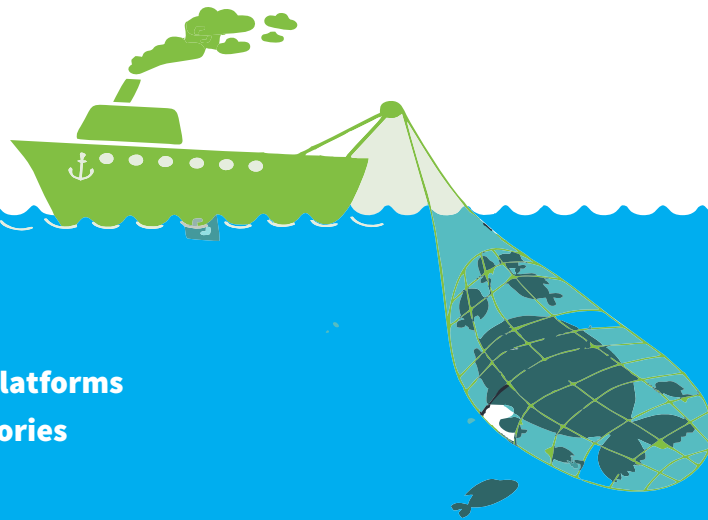
Companies with supply chains extending to developing countries can play a role in combatting, mitigating and preventing child labour, human trafficking and labour abuse and exploitation in their international supply chains, and in the process, reduce the harmful impacts of exploitation on working children and trafficked persons.

To identify the situation and practices of human trafficking, forced labour, child labour and modern slavery within supply chains in India, Bangladesh and Philippines, it is necessary for companies:

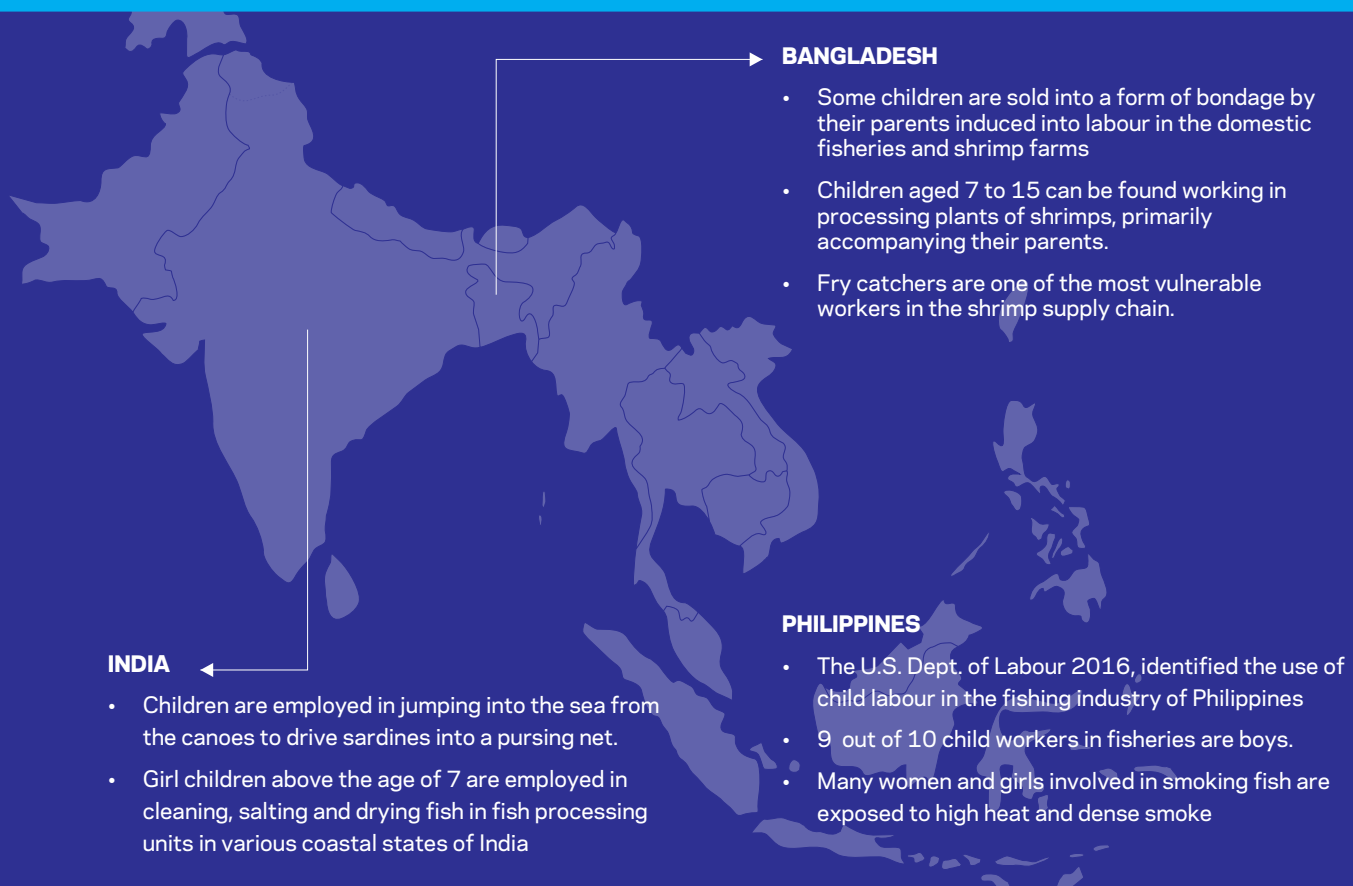
- To have a better understanding of the most salient human rights issues. Where they have the greatest risk of finding situation and practices of human trafficking, forced labour, child labour and slavery and vulnerable women, men, boys and girls within their supply chains;
- To know what measures could they take to reduce the risks of child labour, human trafficking, forced labour, modern slavery and vulnerable women, men, boys and girls within their supply chains;

- To know what measures could they taken to help and support the victims of child labour, human trafficking, forced labour, modern slavery and vulnerable women, men, boys and girls within their supply chains; and
- To know what measures could take to prevent and mitigate the risk of child labour, human trafficking, forced labour, modern slavery for women, men, boys and girls within their supply chains.

## CHILD AND FORCED LABOUR IN SHRIMP FARMING/ FISHERIES/ SEAFOOD



- **On Board**
- **On Shore**
- **Off Shore On Fishing Platforms**
- **In Fish Processing Factories**



### BANGLADESH

- Some children are sold into a form of bondage by their parents induced into labour in the domestic fisheries and shrimp farms
- Children aged 7 to 15 can be found working in processing plants of shrimps, primarily accompanying their parents.
- Fry catchers are one of the most vulnerable workers in the shrimp supply chain.

### PHILIPPINES

- The U.S. Dept. of Labour 2016, identified the use of child labour in the fishing industry of Philippines
- 9 out of 10 child workers in fisheries are boys.
- Many women and girls involved in smoking fish are exposed to high heat and dense smoke

### INDIA

- Children are employed in jumping into the sea from the canoes to drive sardines into a pursuing net.
- Girl children above the age of 7 are employed in cleaning, salting and drying fish in fish processing units in various coastal states of India

## Section 2

### Fisheries/Seafood Sector Strategies

This section helps you in applying the guidelines' framework and strategy for preventing, combating and mitigating child labour, human trafficking, forced labour and modern slavery situations and practices in your supply chains. This also supports in creating decent employment conditions for (young) workers, with the cooperation and support of Tier 1 suppliers and the involvement of local law enforcement and other relevant government agencies, trade unions and civil society organisations. This strategy is applicable to the Fisheries/seafood sector in the three target countries - India, Bangladesh and Philippines.

The Fisheries/Seafood sector, globally, includes multiple tiers of supply chain or multiple supply chains intersecting each other. This complexity makes it challenging to identify the practices of child labour, trafficking, forced labour and modern slavery. Even well intentioned companies with established CSR, sustainability initiatives and supply chain monitoring policies and protocols in place may find it hard to determine the scale of their supply chains and decisively certify the production practices of their suppliers.

#### **Aspects of human trafficking and associated abusive situation and practices in seafood sector**

The victims of human trafficking or forced labour on board fishing vessels are primarily men and boys ranging from 15-50 years. Performing preparatory work, such as mending nets, post harvest, processing and marketing is mostly done by women and girls. About 60 per cent of all children engaged in child labour globally, that is over 129 million children, are active in the agriculture sector, including fisheries and aquaculture, forestry and livestock. However, a breakdown by sub-sector is not available, though urgently needed, so policy makers can take informed decisions. Companies acting on these issues can support by generating data on trafficking and associated practices in their supply chains. In fisheries and aquaculture, children engage in all types of activities, from catching fish to repairing nets or processing fish, often in a way that is incompatible with school attendance and hazardous to their health. In line with common gender division of labour among adults, boys tend to be involved more in fishing and girls in post-harvest activities. Boys and girls help build fishing boats. Among other safety and health considerations women and girls are particularly vulnerable to sexual abuse. At fish landing and processing sites, where children and youth may spend a large part of both their work and leisure time, with lack of security risks, translating into early involvement in sex and violence.



Migration is a common livelihood strategy in many fishing communities. Child labour “hotspots” are often linked to situations with high levels of migration. Boys and girls of all ages are active participants in migration, already working or training to become fishers or fish workers, often leading to disruption in their education. In poorer fishing communities, deprived of education and alternative employment opportunities, sons follow their fathers into fishing – and girls their mothers into fish processing and marketing – may be perceived as the only viable options for professional training.

Children are sent to work in this sector for all the reasons that are applicable to child labour in general, but also sometimes due to cultural attitudes in remote fishing communities. In many communities, there is a low level of awareness of what constitutes forced and child labour as opposed to legally acceptable work. In some cases, the quality of education may not be seen as relevant and useful and in other cases there may be no schools or parents may not be able to afford the cost of schooling.

The companies can take the following steps to determine the scale of their seafood supply chains and to assess whether their supply chain, or intersecting and overlapping supply chains, involve the situations and practices of trafficking, forced labour, child labour and modern slavery.

### **Step 1: Due Diligence**

The first strategic stage is to conduct due diligence, i.e. to conduct a comprehensive and accurate mapping of the production process and tasks, production facilities, resource linkages, labour processes, and socio-economic, legal and cultural milieu in which supplier communities operate. The following are some sub-steps that you can take to carry out due diligence and assess human trafficking, forced labour, child labour and modern slavery situations and practices in fisheries/seafood supply chains in India, Bangladesh and Philippines. Please note, these are indicative steps and you may add more or reduce a step depending on your business model, volume and scale of your sourcing activities supply chain, and geographic regions and locations of sourcing. Conducting a detailed and accurate mapping of supply chain is a demanding task because it can be perceived as having implications for – and can impact significantly on – the commercial interests of connected supplier organisations, contractors, sub-contractors and livelihoods of workers and their families. It is therefore imperative to conduct the mapping in collaboration with suppliers, workers, relevant government agencies and international and/or local civil society organisations.

Companies can use the following steps to establish functioning stakeholder collaboration for conducting a mapping of their supply chain:

- Identify an international and/or local organisation (supplier, government agency or NGO) willing to lead and/or facilitate the supply chain mapping.

- Communicate to the suppliers, sub-contractors, local/national government agencies and LEAs, and workers about the intent, purpose and benefits of mapping activity. How the mapping exercise will help suppliers with strengthening their global market access and relations and how it will improve the social and economic lives of workers, their families and communities and the local economy.
- Set up a multi-stakeholder group/forum, representing suppliers, government agencies, NGOs and trade unions, which directs and oversees the mapping exercise.

**Further specific steps include the following:**

D1: Acquire knowledge and understanding on:

- a) issues of child labour, human trafficking, forced labour, and modern slavery in supply chains (pay particular attention to understanding the similarities and differences in the experiences of trafficked women, men, girls and boys, as the burden, work and sufferings are different for all – see Box 1 and 2);
- b) relevant Dutch policies and laws, international frameworks and related national and local laws and policies; and
- c) international and local initiatives; Identify the ‘dirty, dangerous and difficult’ production processes and tasks that often involve the practices of child labour, trafficking, forced labour, and modern slavery.

D2: Acquire official crimes data and case studies on issues of child labour, human trafficking, forced labour, and modern slavery in sourcing countries/locations (towns/cities/regions) – to determine and assess the severity of the issues and challenges there

D3: Acquire data on socio-economic situations (e.g. poverty level, employment, recent natural disasters) and cultural norms (e.g. gender discrimination practices) in sourcing countries/locations (towns/cities/regions) – *Mapping the socio-economic and cultural conditions in which the production facilities are embedded and to assess the determining factors on the issues and challenges*

D4: Acquire data/info from suppliers on their registration (e.g. formal or informal entity); workers source areas; workers/employees (on rolls and on third-party contracts); workers/employees employment terms and conditions; recruitment process and procedure; contractors/sub-contractors; Identify and classify the nature (registered, unregistered, formal, informal) and number of commercial organisations and individuals (companies, contractors, subcontractors, intermediaries) involved in each production process and task; Identify and list the nature of labour processes (contractual, informal, formal, formal, wage labourer, piece rates); Identify, describe and list the nature of production facilities for each production process and task; Trace the location of production facilities for each production process and task

D5: Acquire data/info from suppliers on their suppliers, vendors, contractors; their employees/workers; workers/employees employment terms and conditions; their recruitment practices and worker source areas
D6: seek/acquire info/details on the LEAs; NGOs; TUs working on child labour trafficking and related issues and in community in the sourcing locations
D7: analyse all the data/info/details acquired and produce a detailed report with an executive summary; Conduct poverty and cultural analysis of the communities in which the production facilities are located; Conduct the institutional analysis of the statist and non-statist welfare and community services (see Box 3)
D8: share the report with suppliers/NGOs/TUs/other stakeholder to seek their inputs/feedback; and if possible, hold consultations with them, and finalise the report post consultation
D9: encourage your suppliers also to undertake these steps, and win over them to do the same with their suppliers, vendors
D10: if all the above steps are not possible for you to do on your own, for any reason, or better still, try find and group up with like-minded companies, sourcing from the same countries/locations, to undertake all the steps. You can also seek help from initiatives such as Indo-Dutch Sustainability Forum (INDUS), Global March Against Child Labour, Centre for Responsible Business (CRB), or any other organisation that offers support and services to companies/industries/governments .

### **In other words Due Diligence can be carried out:**

- To build trust of suppliers, workers, consumers, labour advocates and investors.
- To gain better understanding of supply chains.
- To better understand reasons (social, cultural and legal) and rationales which 'justify' the violation of human and child rights. International and local NGOs compile reports regarding human rights abuses within regions where supply chains of companies are located. These reports employ the best sources and methods to understand the supply chains involved.
- To develop agreement among stakeholders around the business about the benefits of compliance, and risks of non-compliance.

Forced and child labour in seafood sector The Food and Agriculture Organization (FAO) and ILO estimated in a report in 2013 that Bangladesh and the Philippines indicate that child labour in fisheries represents some 2-5 per cent of the total number of child labourers in these two countries. Children (up to 91 per cent of whom were boys) constituted 9-12 per cent of the total fisheries labour force. Instances of work involving children include - sorting of shrimp and small fish species; shrimp processing (de-heading); and swimming and diving.

In Bangladesh instances of child labour and abuse is rampant in shrimp sorting and processing (deheading), swimming and diving in Dublar Char, and Sunderbans. Child labourers in shrimp processing depots tend to work hours that prevent them from attending school. They often work for nine hours without a break in extremely unsanitary conditions, and frequently cheated of their pay. More than 60 per cent of the shrimp workers in processing plants are women. There are reported cases of indentured children below the age of 15 years employed to unload fish from vessels operating fixed bagnets in Sunderbans, and in sorting, loading and drying them. Hundreds of children could be working on a protected World Heritage Site in Bangladesh, according to a researcher who discovered five previously unknown labour camps using satellite technology. Two fish processing plants located on the Sunderbans National Park in the south west of Bangladesh were already suspected of using forced labour, including, it is claimed, children as young as nine, working for up to 40 hours straight. Child slavery in the dry-fish industry on Dublar Char, a large, remote, silt island in the Sunderbans forest area was reported as early as 2001. According to a survey by ILO and the Bangladesh Bureau of Statistics (BBS) there are 54,980 people working in the dry fish industry in Bangladesh, of whom 7,719 are children; 6,228 boys and 1,491 girls. Twenty-six percent of the boys and 14.4% of the girls were reported as forced labour.

In Philippines, children are engaged as swimmers and divers in muroami (a type of net) fishing, targeting reef fish – an extremely hazardous form of work. Fishing traders employ children between 12 and 14 years of age, who spend 10 months a year out at sea. In India, girl, as young as seven years, are employed in cleaning, salting and drying fish in Ganjam District in Odisha. Cuts to hands and feet are common and can become badly infected, abscessed or swollen. Children have reported harsh conditions including sleeping in the open with little food, disease and, in some cases, sexual abuse. There are also reports of children working in the processing plants and a substantial amount of work is performed by children at shrimp processing, freezing, and packaging factories. Sometimes they work long hours, do not attend school, and are paid significantly less for their work.

*Source: Sekhon, G. (2017) Situational Analysis of Trafficking and Forced Labour in the Global Supply Chains of the Garment and Seafood Sector in Bangladesh, India and Philippines. Report prepared for Global March Against Child Labour. Pg:19-20.*

### Gender issues in seafood supply chains

In poorer fishing communities, deprived of education and alternative employment opportunities, sons following their fathers into fishing – and girls their mothers into fish processing and marketing – may be perceived as the only viable options for professional training. In Bangladesh, women now make up about 60% of fish farmers, and many are successful entrepreneurs. But much of women's contribution to fisheries is “invisible”. Gender discrimination stems from the low value attached to women's work, and is perpetuated in their being paid lower than male workers, in their limited access to credit, processing technology, storage facilities and training.

A girl child in the Philippines is discriminated upon early in life due to culture-based and family reinforced gender biases. The expectations that Filipino society has on women and children are compounded by problems of extreme poverty; massive labour export; porous borders; aggressive tourism campaigns; negative portrayal of women by mass media; pornography on-line and internet chat-rooms; the practice of mail-order brides; inter-country adoption; and joint military exercises in the country with visiting forces from abroad. These factors cause women to become easy victims of sex-trafficking and other forms of sexual exploitation either in the Philippines or in countries of destination. An NGO study claims that many girls aged between 12 and 16 are engaged as workers in fish processing units in various coastal states of India, where with poor working conditions, they live on premises, poor quality food is given by employer, there are serious health hazards, and no legal minimal wages are paid.

Source: Sekhon, G. (2017) *Situational Analysis of Trafficking and Forced Labour in the Global Supply Chains of the Garment and Seafood Sector in Bangladesh, India and Philippines*. Report prepared for Global March Against Child Labour. Pg:22-20.



### **Contents of the Due Diligence Report must include**

- Number/proportion of workers (women, girls, men, and boys) who may be trafficked or are victim of forced labour, child labour and modern slavery
- List of 'dirty, dangerous and difficult' tasks which are involved in the production process
- Nature and scale of hazards and risks which workers are exposed to
- Number and nature of organisations and individuals that constitute the supply chain, mapping stakeholders
- List and prevalence of various exploitative labour processes
- Causes (social, economic, cultural) of why women, men, girls and boys are involved in the supply chains: Why are they working and how do they enter the supply chains?
- Legality, willingness, and capacity of local institutions to address the problem of human trafficking, forced labour, child labour and modern slavery.

### **Step 2: Remediation:**

The second strategic stage is to remedy, if child labour, human trafficking, forced labour, and modern slavery situations and practices are detected in the analysis in the first stage of Due Diligence. Following are some sub-steps that you can take to engage in remediation of human trafficking, forced labour, child labour and modern slavery situations and practices in fisheries and seafood supply chains in India, Bangladesh and Philippines. Please note, these are indicative steps and you may add more or reduce steps depending upon your business model, volume and scale of your sourcing activities in supply chain, geographic regions and locations of your sourcing, and the situations and practices diagnosed.

Much like Due Diligence step, the remediation step involves extensive collaborations with suppliers, local law enforcement and concerned government agencies, local and international civil society organisations, trade unions, and community organisations.

### **Further specific steps in remediation include the following:**

1. Develop a corrective action plan (CAP) to remedy the situations and practices diagnosed in stage one
2. Group up and collaborate with like-minded buyer companies and suppliers to take collective actions and steps for CAP
3. Approach LEAs, NGOs (local and international), INDUS Forum to implement the CAP and also address community level issues
4. Address suppliers level issues such as recruitment practices, employment contract terms & conditions, working conditions, contractors/sub-contractors anxieties



5. Be transparent and post the progress on regular basis on company website and social media channels, expressing your sincerity in dealing with issues and challenges of trafficking and associated abusive labour practices
6. Keep in contact with NGOs and LEAs for progress updates on community level interventions
7. Encourage your suppliers also to undertake these steps, and win over them to do the same with their suppliers, vendors
8. If all the above steps are not possible for you to do on your own, for any reason, or better still, try find and group up with like-minded companies, sourcing from the same countries/locations, to undertake all the steps. You can also seek help from initiatives such as Indo-Dutch Sustainability Forum (INDUS), Global March Against Child Labour, Centre for Responsible Business (CRB), or any other organisation that offers support and services to companies/industries/governments

In order to build trust among the stakeholders, assess risks and increase transparency, it is necessary to extensively map out supply chains involved. This also serves the purpose of identification of victims who should be rescued from exploitative labour situations.

Companies operating in the seafood sector should take the following actions to provide remediation and mitigation:

- Develop a social mitigation programme in consultation with suppliers, LEAs, trade unions and NGOs, based on the mapping report.
- A social mitigation programme should be led by a local stakeholder in consultation with suppliers, government agencies, LEAs and Trade Unions.
- The programme should address the needs of all workers, and children who have been rescued from the exploitative labour situations.
- The programme should provide a safe institutionalized environment and financial assistance to the workers rescued.
- The programme should invest in education and training of the rescued workers to improve their prospects of earning livelihood.
- The programme should ideally be funded by the lead company.
- The lead company should mobilize resources and make institutionalized arrangements to ensure continuity and sustainability of the programme.

### Step 3: Prevention

The third strategic stage is aimed at prevention of human trafficking, forced labour, child labour and modern slavery situations and practices in supply chains.

1. Develop a policy and policy implementation standard operating procedures (SOPs), develop a supplier Code of Conduct (CoC), and due diligence SOPs
2. Conduct training for responsible staff of the company and also of suppliers, contractors and vendors
3. Initiate dialogues to facilitate a community intervention with NGOs and LEAs
4. Encourage suppliers to repeat the steps with their suppliers
5. Engagement of local government and LEA's

For the prevention, and reduction in risks, relating to human trafficking, child labour, forced labour and modern slavery, the following steps must be taken by the companies:

International level:

- Mobilize the governments to ratify relevant conventions and UN Protocols for enforcing labour and welfare laws and work with Bangladesh, Philippines and India to develop stronger regulations. Involve the Embassies.

#### Corporate level:

- Creation of Corporate Policy/ Code on Human Rights and implement this throughout your company.
- Creation of certificate standards oriented to human/ child rights, for importing seafood products from Bangladesh, India and Philippines. If your certification system doesn't include labour rights try to influence the certifier of the importance of including labour rights.
- Set up a social audit system.
- Regular update and disclosure of information pertaining to products and processes.
- Creation of living wage policy. At first make sure that minimum wage is being paid throughout your whole supply chain.
- Building long-term, stable buyer-supplier relationship.

#### Supplier level:

- Providing technical support to sub-suppliers in different countries.
- Training suppliers to alter their supply chains, to transform tasks into 'decent work'.



- Education and training of workers and employers to recognize and tackle human trafficking, child labour.
- Make sure that men and women get equal pay for the same work.
- Make sure that the workers have the right of association and trade unions are being recognized.

### **Community level:**

- Creation of awareness amongst workers and communities regarding human trafficking, modern slavery, child and forced labour.
- Conducting risk assessment, social audits and awareness raising, in collaboration with other organizations and agencies.
- Development and implementation of social mitigation interventions.
- Educate workers of the possibility of joining a trade union.

The starting point to ensure labour rights sensitive production process, preventing and reducing the risks of human trafficking, forced labour, child labour and modern slavery includes the following steps which the companies should take at different levels.

### **International Level**

- Mobilise the governments to work with the governments of Bangladesh, Philippines and India in developing stronger local regulatory regime by ratifying all relevant UN Protocols and ILO Conventions, enforcing labour and welfare laws and tackling corruption and complicity of officials.

### **Corporate Level**

- Create a Corporate Policy/Code of Conduct on Human Rights.
- Create a human/gender/ and child rights oriented certification standards for procuring and importing seafood products from Bangladesh, India and Philippines.
- Set up a social audit system.
- Regularly update and disclose information related to products, production facilities and labour processes.
- Create and implement a living wage policy.
- Build long-term, stable buyer-supplier relationship.

## Supplier Level

- Provide technical support to sub-suppliers in developing, monitoring and maintaining internal standards and procedures.
- Train suppliers in redesigning their supply chains, aiming to transform 'dirty, dangerous and difficult' tasks into 'decent work'.
- Educate and train workers and employers in tackling human trafficking, forced and child labour and modern slavery.

## Community Level

- Create awareness among workers and communities about the hazards and illegality of human trafficking, forced and child labour and modern slavery.
- Collaborate with NGOs, trade unions and government agencies in conducting risk assessment, social audits, and awareness raising.
- Collaborate with NGOs and government welfare agencies in developing and implementing social mitigation interventions.

## Step 4: Claims

The fourth strategic stage is about making claims on human trafficking, forced labour, child labour and modern slavery free supply chains. Some steps that the companies can take are the following:

- |  |
|--|
| 1. Develop a report with details on actions, progress updates and achievements in your company sustainability report; website and social media channels  |
| 2. Contribute information and details of your challenges, efforts and initiatives to international initiatives such as the UN Trafficking Protocol, UN SDG monitoring initiatives, OECD, local and national government agencies in sourcing destinations |
| 3. Encourage your suppliers also to make public claims and develop reports   |

# Annexures

## International Conventions, Frameworks and Policies

Convention	Ratification Status		
	India	Bangladesh	Philippines
UN Convention on the Rights of the Child	Ratified on 11 December, 1992	Ratified 3 <sup>rd</sup> Aug, 1990	Ratified 21 Aug, 1990
ILO Convention No. 138- Minimum age of employment	Not ratified	Not ratified	Ratified 4 <sup>th</sup> June, 1998
ILO Convention No. 182- Worst forms of child labour	To come into force on 13 <sup>th</sup> June, 2018	Ratified 12 Mar 2001	Ratified 28 Nov 2000
ILO Convention No.105 Abolition of Forced Labour, 1957	Ratified 18 May, 2000	Ratified 22 Jun 1972	Ratified 17 Nov 1960
Optional Protocol to CRC on Sale of Children, Child Prostitution, Child Pornography	Signed on 15 November, 2004	Ratified 6 <sup>th</sup> Sep 2000	Ratified 20 <sup>th</sup> May 2002
Optional Protocol to CRC on involvement of Children in Armed Conflict	Signed on 15 November, 2004	Ratified 6 <sup>th</sup> Sep 2000	Ratified 26 <sup>th</sup> Aug 2003
Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children	Ratified on 5 May, 2011	Not ratified	Not ratified
SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution 2002 and SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia	Signed on 5 January, 2002, at the Eleventh SAARC meeting	Not ratified	Not ratified
Article 4 of the Universal Declaration on Human Rights (Bonded Labour)	Ratified	Ratified	Ratified
Article 8.1 of the International Covenant on Civil and Political Rights (Bonded Labour)	Ratified	Ratified	Ratified
Article 4.1 of the European Convention on Human Rights and Fundamental Freedoms (Bonded Labour)	Not Ratified	Not Ratified	Not Ratified
Article 6.1 of the American Convention on Human Rights (Bonded Labour)	Not Ratified	Not Ratified	Not Ratified
Article 11.1 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Bonded Labour)	Not Ratified	Ratified 24 <sup>th</sup> Aug 2011	Ratified 5 <sup>th</sup> July 1995
1926 Slavery Convention (Bonded Labour)	Ratified 1954	Ratified 1985	Ratified 1955
Abolition of Forced Labour Convention, 1957 (No. 105)	Ratified 18 <sup>th</sup> May, 2000	Ratified 22 Jun 1972	Ratified 17 Nov 1960
White Slave Traffic Agreement, 1904	Signed, not ratified	Not ratified	Not ratified

<b>1921 International Convention for the Suppression of the Traffic in Women</b>	Not ratified	Not ratified	Not ratified
<b>International Convention for the Suppression of the Traffic in Women of Full Age, 1933</b>	Not ratified	Not ratified	Not ratified
<b>Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others, 1950</b>	Not ratified	Not ratified	Not ratified
<b>The Palermo Trafficking Protocol</b>	Not ratified	Not ratified	Not ratified
<b>Convention on Action against Trafficking in Human Beings (2005)</b>	Not ratified	Not ratified	Not ratified
<b>Convention on the Worst Forms of Child Labour Convention, 1999 (No. 182)</b>	The Convention will enter into force for India on 13 Jun 2018.	Ratified 12 Mar 2001	Ratified 28 Nov 2000
<b>Convention No. 87 - Freedom of Association and Protection of the Right to Organise Convention, 1948</b>	Not ratified	Ratified 22 Jun 1972	Ratified 29 Dec 1953
<b>Convention 95 concerning the Protection of Wages</b>	Not ratified	Not ratified	Ratified 29 Dec 1953
<b>C97 Migration for Employment Convention, 1949</b>	Not ratified	Not ratified	Ratified 21 Apr 2009
<b>Right to Organize and Collective Bargaining Convention, Convention (No. 98)</b>	Not ratified	Ratified 22 Jun 1972	Ratified 29 Dec 1953
<b>C111 Convention concerning Discrimination in Respect of Employment and Occupation</b>	Ratified 03 Jun 1960	Ratified 22 Jun 1972	Ratified 17 Nov 1960
<b>Minimum Age Convention, 1973</b>	To come into force on 13th June, 2018	Not ratified	Ratified 04 Jun 1998
<b>Social Policy (Basic Aims and Standards) Convention, 1962</b>	Not ratified	Not ratified	Not ratified
<b>C141 Rural Workers' Organizations Convention, 1975</b>	Ratified 18th Aug 1977	Not ratified	Ratified 18 Jun 1979
<b>C143 Migrant Workers (Supplementary Provisions) Convention, 1975</b>	Not ratified	Not ratified	Ratified 14 Sep 2006
<b>ILO Convention No. 154 - Collective Bargaining Convention, 1981</b>	Not ratified	Not ratified	Not ratified
<b>C156 Workers with Family Responsibilities Convention, 1981</b>	Not ratified	Not ratified	Not ratified
<b>International Convention on the Elimination of All Forms of Racial Discrimination , 1965</b>	Ratified	Ratified	Ratified
<b>International Covenant on Civil and Political Rights , 1976</b>	Ratified	Ratified	Ratified
<b>International Covenant on Economic, Social and Cultural Rights, 1966</b>	Ratified 10 <sup>th</sup> April 1979	Ratified 5 <sup>th</sup> Oct 1998	Ratified 7 <sup>th</sup> June 1974
<b>Convention on the Elimination of All Forms of Discrimination against Women , 1979</b>	Ratified 9 <sup>th</sup> July 1993	Ratified 6 <sup>th</sup> Nov 1984	Ratified 5 <sup>th</sup> Aug 1981
<b>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families , 1990</b>	Not ratified	Ratified 24 <sup>th</sup> Aug 2011	Ratified 5 <sup>th</sup> July 1995
<b>Convention on the Rights of Persons with Disabilities, 2006</b>	Ratified 1 <sup>st</sup> Oct 2007	Ratified 30 <sup>th</sup> Nov 2007	Ratified 15 <sup>th</sup> Apr 2008
<b>Vienna Declaration and Programme of Action Adopted by the World Conference on Human Rights, 1993</b>	Not ratified	Not ratified	Not ratified
<b>Declaration on the Elimination of Violence against Women, 1993</b>	Not ratified	Not ratified	Not ratified
<b>Beijing Declaration and Platform for Action, Fourth World Conference on Women, 1995</b>	Ratified	Ratified	Ratified
<b>United Nations Millennium Declaration, 2000</b>	Not ratified	Not ratified	Not ratified

<b>The Stockholm Declaration and Agenda for Action, 1996</b>	Not ratified	Not ratified	Not ratified
<b>Convention for the Protection of Human Rights and Fundamental Freedoms , 1998</b>	Not ratified	Not ratified	Not ratified
<b>Council of Europe, Convention on Action against Trafficking in Human Beings (2005)</b>	Not ratified	Not ratified	Not ratified
<b>African Charter on Human and Peoples' Rights, 1981</b>	Not ratified	Not ratified	Not ratified
<b>American Convention on Human Rights, 1978</b>	Not ratified	Not ratified	Not ratified
<b>Inter-American Convention on International Traffic in Minors, 1994</b>	Not ratified	Not ratified	Not ratified
<b>South Asian Association for Regional Cooperation, Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002.</b>	Ratified	Not Ratified	Not Ratified
<b>OECD Declaration on International Investment and Multinational Enterprises, 1976</b>	Ratified	Ratified	Ratified
<b>Limburg Principles on the Implementation of the International Covenant on Economic Social and Cultural Rights, 1986</b>	Ratified	Ratified	Not Ratified
<b>Convention to Suppress the Slave Trade and Slavery, 1926</b>	Ratified, 1954	Ratified 1985	Ratified 1955
<b>Migration for Employment Convention (Revised), 1949 (No. 97)</b>	Not ratified	Not ratified	Ratified 21 Apr 2009
<b>Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)</b>	Not ratified	Not ratified	Ratified 14 Sep 2006
<b>Maritime Labour Convention, 2006 (MLC, 2006)</b>	Ratified	Ratified	Ratified
<b>Home Work Convention, 1996 (No. 177)</b>	Not ratified	Not ratified	Not ratified
<b>Domestic Workers Convention, 2011 (No. 189)</b>	Not Ratified	Not Ratified	Ratified 05 Sep 2012
<b>United Nations Convention against Transnational Organized Crime, 2000</b>	Ratified 5th May, 2011	Ratified	Ratified
<b>Convention on the Elimination of All Forms of Discrimination against Women, 1979</b>	Not Ratified	Ratified	Not Ratified
<b>C029 - Forced Labour Convention, 1930 (No. 29)</b>	Ratified	Ratified 22 Jun 1972	Ratified 15 Jul 2005
<b>C100 - Equal Remuneration Convention, 1951 (No. 100)</b>	Ratified	Ratified 28 Jan 1998	Ratified 29 Dec 1953
<b>C081 - Labour Inspection Convention, 1947 (No. 81)</b>	Ratified	Ratified 22 Jun 1972	Not ratified
<b>C122 - Employment Policy Convention, 1964 (No. 122)</b>	Ratified on 17th Nov 1998	Not ratified	Ratified 13 Jan 1976
<b>C144 - Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)</b>	Ratified 27th Feb 1978	Ratified 17 Apr 1979	Ratified 10 Jun 1991
<b>C001 - Hours of Work (Industry) Convention, 1919 (No. 1)</b>	Ratified 14th July 1921	Ratified 22 Jun 1972	Not ratified
<b>C019 - Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)</b>	Ratified 30th Sep 1927	Ratified 22 Jun 1972	Ratified 26 Apr 1994
<b>C123 - Minimum Age (Underground Work) Convention, 1965 (No. 123)</b>	Ratified 20th Mar 1975	Not Ratified	Not Ratified

## National Laws, Frameworks and Policies in India, Bangladesh and Philippines

India	
Laws	Description
Bonded Labour System (Abolition) Act of 1976	
Contract Labour Act of 1970	
Inter-State Migrant Workmen Act	
Minimum Wages Act	
Section 370 of the Indian Penal Code	Section 370 provides the definition of human trafficking under Indian legislation. The definition largely replicates the UN Protocol's definition of trafficking but omits any reference to forced labour.
Article 23 of the 1949 Constitution of India	Prohibits Trafficking in Human Beings or Persons
Prevention of Atrocities Act, 1989	
Child Labour Act and the National Child Labour Policy in 1986	
The Immoral Traffic (Prevention) Act, 1956	Premier legislation for prevention of trafficking for commercial sexual exploitation.
Criminal Law (amendment) Act 2013	Provide for comprehensive measures to counter the menace of human trafficking including trafficking of children for exploitation in any form including physical exploitation or any form of sexual exploitation, slavery, servitude, or the forced removal of organs.
Protection of Children from Sexual offences (POCSO) Act, 2012	Special law to protect children from sexual abuse and exploitation. It provides precise definitions for different forms of sexual abuse, including penetrative and non-penetrative sexual assault, sexual harassment.
The Punjab Prevention of Human Smuggling Act, 2012	
Article 24	Prohibit employment of children below 14 yrs of age in factories, mines or other hazardous employment.
Article 39(f)	Imposes a duty on states to ensure that children are given opportunities and facilities to develop in a healthy manner and in a condition of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.
Juvenile Justice (Care and Protection of Children) Act 2000	Enacted with reference to Convention on the Right of Child which prohibits the employment of child for begging u/s 24 and employing a child in a hazardous work and keeping him in bondage u/s 26 of JJ Act 2000. According to this act a child means a person who has not completed eighteenth years of age. Child who is vulnerable and likely to be trafficked comes under Child in need of care and protection. JJ Act also deals with rehabilitation and sends the child victims to children homes which are under the control of Child Welfare Committee.
The Goa Children's Act 2003	To protect, promote and preserve the best interests of Children in Goa and to create a society that is proud to be child friendly.
Trafficking of Persons Bill 2016	Under Review



Bangladesh	
Laws	Description
National Tripartite Plan of Action on Fire Safety and Structural Integrity in the garment Sector (NTPA) in 2013	With support from the ILO, the government of Bangladesh adopted a National Tripartite Plan of Action on Fire Safety and Structural Integrity in the garment Sector (NTPA) in 2013. The Tripartite Plan of Action brought together government actors, workers and employers; and provided the main framework for improving working conditions in the garment industry in Bangladesh.
Human Trafficking Deterrence and Suppression Act 2012	Criminalises all forms of human trafficking and punishes trafficking with 5 years to life imprisonment. The Act explicitly criminalises forced labour and debt bondage, and prescribes a penalty ranging from 5 to 12 years' imprisonment and a fine.
Bangladeshi Criminal Code, 1860	The Bangladeshi Criminal Code is a comprehensive code intended to cover all substantive aspects of criminal law. The Code includes specific provisions regarding criminal liability for forced labour, kidnapping, and abduction for the purpose of slavery.
Overseas Employment and Migrants Act, 2013	It is the first law on migration and overseas employment passed by the Parliament of Bangladesh. This law replaces the Emigration Ordinance, issued by the president in 1982. It has a dedicated chapter on regulation of recruitment.
The Bangladesh Labour Act of 2006	Under the Act, a contractor who employs workers is treated as an employer and is liable for any violations of the provisions of the law. The Act provides a number of protections related to the minimum age of employment, minimum wages, working hours, compensation for work-related injuries, wage manipulation, health and safety, the welfare and working environment of employees, and other related issues.
Bangladesh Labour Code (30)	Minimum Age for Work; Minimum Age for Hazardous Work
Articles 370 and 374 of the Bangladesh Penal Code	Prohibition of Forced Labour
Policies	
Policies	Description
National Child Labour Eradication Policy (NCLEP) (2010)	Aims to eliminate the worst forms of child labour by 2015 by initiating interventions that will sustainably remove children from the worst forms of child labour and provide them with viable work alternatives
Child Labour National Plan of Action (NPA) (2012-2016)	Lays out NCLEP's implementation strategy and includes elimination of child labour in other sectoral plans and strategies
Sixth Five-Year Plan (2011-2015)	Includes the elimination of child labour as a government priority and identifies the NCLEP as the policy and NPA as the plan to eliminate it
National Plan of Action to Combat Human Trafficking (2012-2014)	Recognizes the Government's ratification of international conventions on child labour and the development of NCLEP as the means to address child labour
National Labour Policy	Includes provisions on the prohibition of child labour in both the informal and formal sector in urban and rural areas. Specifies that the Government will take necessary actions to ensure children do not engage in hazardous labour and creates opportunities for children to access primary education
National Education Policy (2010)	Specifies the Government's education policy, including pre-primary, primary, secondary, vocational and technical, higher, and non-formal education policies
National Plan of Action for Education for All (2003-2015)	Targets child labourers for non-formal basic education programs
National Skills Development Policy (2011)	Outlines skills development program for legally working-age children as a means of contributing to a workplace free from child labour
National Policy for Children (2011)	Acknowledges NCLEP's strategy to eliminate child labour

Philippines	
Laws	Description
<b>The Migrant Workers and Overseas Filipinos Act of 1995</b>	Was enacted primarily to address fraudulent recruitment practices. The Act establishes illegal recruitment as a criminal offence, determines the criminal liability of both natural and legal persons, and stipulates strict penalties of imprisonment and fines. It criminalises any recruitment activities carried out by brokers that are not properly licensed under the labour code, and specifies a number of acts that shall be considered unlawful recruitment, irrespective of whether the recruiter holds a license
<b>The Labour Code</b>	Institutionalizes and regulates the collection of fees by recruitment agencies, and enables the Secretary for Labour to set out the maximum allowable fees. The Labour Code prescribes a stringent system for licensing and regulating private recruitment agencies. The Code also confers the Minister of Labour the power to suspend or cancel the license of a private recruitment agency for the violation of any of the provisions in the Labour Code, as well as in any other applicable mechanisms and any rules or regulations issued by the Ministry of Labour.
<b>Philippines' Anti-Trafficking in Persons Act of 2003</b>	Provides the legal framework for the criminalization of human trafficking in the Philippines. The Anti-Trafficking Act provides the definition of human trafficking under Filipino law, which mirrors the UN Human Trafficking Protocol definition. The Act specifies and criminalizes a number of 'acts of trafficking in persons', as well as acts that 'promote trafficking in persons', knowingly benefitting from or making use of, the labour or services of a person held in involuntary servitude, forced labour, or slavery. The Act specifically prohibits human trafficking for the purposes of forced labour, slavery, debt bondage and involuntary servitude, and provides severe penalties, with sentences of up to life imprisonment and five million pesos fine for those convicted of trafficking.
<b>The Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act</b>	Prohibits the worst forms of child labour, including all forms of slavery and trafficking of children, debt bondage, serfdom and forced labour. The Act further establishes the joint liability of the principal for the employment of children in the worst forms of child labour or in hazardous work by a subcontractor and determines a penalty of 12 to 20 years of imprisonment or a fine ranging from 100,000 to 1 million pesos, or both.
<b>National Plan of Action to combat trafficking and commercial sexual exploitation of women and children ,1998</b>	Special attention for the rehabilitation of trafficked women and children.
<b>Article 139 of the Labour Code</b>	Minimum Age for Work; Minimum Age for Hazardous Work
<b>Expanded Anti-Trafficking in Persons Act</b>	Prohibition of Forced Labour
<b>Special Protection of Children Against Abuse, Exploitation, and Discrimination Act</b>	Prohibition of Child Trafficking
Policies	Description
<b>Philippine Program against Child Labour (2017-2022)</b>	Aims to remove one million children from child labour by the year 2025; Implementation led by the Bureau of Workers with Special Concerns



<b>National Strategic Action Plan Against Trafficking in Persons (2012-2016)</b>	Raises awareness and creates local programs to prevent children from being victimized by human traffickers
<b>Inter-Agency Council Against Child Pornography Three-Year Strategic Plan</b>	Aims to eradicate child pornography in the Philippines by focusing efforts in five strategic areas: (1) advocacy and prevention; (2) law enforcement and prosecution; (3) protection, recovery, and reintegration; (4) research, monitoring, and management of information systems; and (5) partnerships and networking
<b>Medium-Term Philippine Development Plan (2011-2016)</b>	Aims to strengthen monitoring mechanisms for child protection laws, develop strategies for responding to child trafficking and pornography concerns, and implement an enhanced program for preventing the engagement of children in armed conflict
<b>Philippine Labour and Employment Plan (2011-2016)</b>	Operates within the framework of the Medium-Term Philippine Development Plan and includes the goal of reducing exploitive child labour
<b>National Strategic Framework for Plan Development for Children (Child 21) (2000-2025)</b>	Sets out broad goals for national government agencies, local governments, and NGOs to achieve improved quality of life for Filipino children by 2025.(25, 74, 88) Addresses concerns related to the worst forms of child labour under the section on children in need of special protection
<b>National Plan of Action for Children (2011-2016)</b>	Serves as an agenda for implementation of Child 21.(74) Child labour elimination and prevention strategies are mainstreamed throughout the document, particularly in goal two on child protection, which specifies that children should be free from violence, abuse, neglect, and exploitation

## Resources

- Get the latest intelligence on global human trafficking hotspots and trends - <https://www.stopthetraffik.org/intelligence-led-prevention/intelligence/>
- Finance Against Trafficking - <https://www.stopthetraffik.org/category/finance-against-trafficking/>
- Bankrupt Slavery: Dismantling the business of human trafficking - <https://www.humanrightsfirst.org/campaigns/bankrupt-slavery>
- FAQs on Human Trafficking by Human Trafficking Foundation - <https://www.unodc.org/unodc/en/human-trafficking/faqs.html>
- UNODC on human trafficking and migrant smuggling - <https://www.unodc.org/unodc/en/human-trafficking/index.html>
- The Human Trafficking Knowledge Portal is an initiative to facilitate the dissemination of information regarding the implementation of the UN Convention against Transnational Organized Crime and specifically the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children - <https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html>
- The Human Trafficking Knowledge Portal hosts a Case Law Database on officially documented instances of trafficking in persons crime.
- By creating this portal, UNODC is working to increase the visibility of successful prosecutions and, at the same time, promote awareness of the realities of this devastating crime. Such a portal enables users to read about human trafficking issues, consult court decisions and practices from different countries and broaden their knowledge of human trafficking crimes - <https://www.unodc.org/cld/en/v3/htms/index.html>
- UN.GIFT Guide - Human Trafficking and Business: Good practices to prevent and combat human trafficking - [http://www.ilo.org/global/topics/forced-labour/WCMS\\_142722/lang--en/index.htm](http://www.ilo.org/global/topics/forced-labour/WCMS_142722/lang--en/index.htm)
- Emerging Good Practice by State Authorities, the Business Community and Civil Society in the Area of Reducing Demand for Human Trafficking for the Purpose of Labour Exploitation

- ILO report: Profits and Poverty: The Economics of Forced Labour -The study investigates the underlying factors that drive forced labour, of which a major one is illegal profits. Figures include a breakdown of profits by area of forced labour and by region.
- ILO Global Estimates on Forced Labour - In 2012, the ILO published new estimates on the extent of forced labour in the world. The organisation uses robust methodology to identify and assess prevalence of forced labour.
- ILO statistics and indicators on forced labour - Contains key data and information from the 2012 global estimate document.
- ILO Global recruitment in a supply chain context - Published by the ILO Fair Recruitment Initiative to address abusive and fraudulent recruitment practices.
- Global Slavery Index - An alternative global estimate of slavery prevalence in the world produced by private foundation, Walk Free.
- Forced labour in the UK – the business angle - Report published by the Joseph Rowntree Foundation examining the employment and business practices that can help reduce forced labour.
- UN Special Rapporteur Report in on the elimination of contemporary forms of slavery from supply chains - The report examines the role of the state and business in preventing and addressing modern slavery in supply chains.
- US Department of State Trafficking in Persons Report - The Department of State ranks annually all countries in the world into three tiers, based on their record in addressing trafficking (Tier 1 being the best category).
- US Department of Labor Child and Forced Labour Reports - The US Department of Labor publishes three reports documenting the current global situation of child labour, forced labour and forced child labour and includes lists of goods produced by child labour, forced labour and forced child labour.
- US Department of State and Verite report on strengthening protection in federal and corporate supply chains - The issuance of the US Presidential Executive Order “Strengthening Protections Against Trafficking in Persons in Federal Contracts” is an acknowledgement that as the largest purchaser of goods and services in the world, the US Government has a responsibility to combat human trafficking at home and abroad. This report sheds a light on where the risks exist in the federal supply chain and ways to mitigate them.

- OSCE Report: Ending Exploitation and Ensuring that Businesses do not Contribute to Trafficking in Human Beings - Report by the Office of OSCE Special Representative for Combatting Human Trafficking looks at measures that can be taken businesses to ensure that trafficking in human beings does not occur in their supply chains.
- FLEX: Combatting labour exploitation through labour inspection - The report by a UK NGO FLEX sets out how labour exploitation and modern slavery in the UK can be addressed by strengthening labour inspection.
- European companies liable for human rights violations by subsidiaries - European Centre for Constitutional and Human Rights examines the cases of KiK, Lahmeyer, Danzer and Nestlé.
- Slavery at Sea - Environmental Justice Foundation documentary about continued abuses in the Thai fishing industry
- Slave labour producing prawns for supermarkets in US/UK - 2014 Guardian investigation into forced labour in the Thai fishing industry, exposing links to major retailers.





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