

# Combatting State-Imposed Forced Labour: A Path Towards More Effective Action

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Tackling all forms of forced labour in supply chains represents a crucial part of achieving amfori’s mission to enable all our members to enhance human prosperity. Refining our tools on the specific practice of State Imposed Forced Labour enhances our ability to advance on this mission.

## Summary

amfori is committed to the Sustainable Development Goals (SDGs), including Target 8.7, which calls for effective measures to end forced labour, modern slavery, and human trafficking, as well as child labour in all its forms. amfori considers forced labour, bonded labour, or compulsory labour in the supply chain of its members as ‘zero tolerance’ behaviours that require collective action from amfori and its members.

This paper aims to articulate amfori’s approach specifically to State Imposed Force Labour and provide recommendations that supports amfori and its Members to address this exploitative malpractice.

## What is state-imposed forced labour?

Forced labour is defined by the ILO in its [Convention No. C029](#) as, “All work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily.” State Imposed Forced Labour (SIFL) refers to work exacted by the public authorities, military, or paramilitary, compulsory participation in public works, and

forced prison labour (under certain conditions). Some observers also include in this category forced labour imposed by rebel groups.<sup>1</sup>

The ILO specifically addresses SIFL in the [Abolition of Forced Labour Convention No. 105](#) adopted in 1957. It explicitly prohibits the use of forced labour imposed by ILO Member States’ authorities:

- as punishment for the expression of political views
- for the purposes of economic development
- as a means of labour discipline
- as a punishment for participation in strikes
- as a means of racial, religious or other discrimination

Since the adoption of both ILO Conventions 29 and 105, SIFL has dropped considerably, and the focus of attention has been on the forced labour imposed by private actors.

[ILO Statistics in 2017](#) shows that approximately 24.9 million workers are trapped in forced labour globally. SIFL accounts for approximately four million of these victims (17% of all forced labour).<sup>2</sup>

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1. [Mini Action Guide Forced Labour](#), International Union Confederation, May 2008

2. [International Labour Standards on Forced labour](#), ILO

However, SIFL remains a major and even growing concern for governments and stakeholders. It often goes undetected by businesses as it appears to be less visible and evident. In addition, SIFL poses a particular challenge as traditional measures taken to tackle forced labour have often relied on, amongst others, actions and regulations applied by the state where the malpractice was detected.

### What is at stake for business?

It is imperative that businesses fully understand and effectively tackle SIFL for several reasons. First, any form of forced labour, in most states, is a criminal offence and a company tainted with this practice anywhere in its business activities and extended supply chain can be subject to litigation as well as severe reputational risk.

Secondly SIFL has political overtones that may make some governments more motivated to punish its perpetrators than other forms of forced labour. But these political overtones have sometimes led to confusion amongst businesses when some governments only impose penalties on imported goods produced allegedly via SIFL, while ignoring allegations of SIFL on their own exports.

Tackling SIFL could open up new sourcing markets for businesses in the long term. Regions and states accused of SIFL are often subjected to embargoes and sanctions, preventing businesses from tapping into markets that are otherwise more efficient than those they may be currently sourcing from. To this end, the lifting of sanctions and embargoes as a result of reductions in SIFL could provide businesses with new fruitful opportunities.

### What is amfori doing to tackle the problem?

amfori has consistently tackled forced labour in the global supply chains of its members with a set of comprehensive due diligence tools, capacity building and a stakeholder engagement programme since 2003 when the amfori Business Social Compliance Initiative (BSCI) was established

In the light of the growing profile and concern on SIFL, amfori set up an SIFL taskforce in March 2020 to enhance its ability to better address this particular form of forced labour.

The taskforce, amongst others, carried out a review of all cases of flagrant violations in the areas of child and forced labour, inhuman treatment, occupational health and safety, and unethical business behaviour uncovered by audits in amfori BSCI members' supply chains. This review revealed that just a small minority of these so called 'zero tolerance' cases can be attributed to SIFL. Furthermore, surveys conducted by the taskforce with amfori's auditing partners, as well as dialogue

with key members revealed no involvement of amfori members in any SIFL cases.

Nevertheless, in recognition of the difficulty of tracing and identifying SIFL, the taskforce committed to develop a set of new actions for amfori and its business members aimed at enhancing our ability to detect and address SIFL. The recommended actions from the taskforce are listed below.

### Recommended new actions on tackling SIFL

#### 1. [Enhancing amfori's tools on social compliance to address SIFL](#)

**amfori BSCI** offers professional support with auditing tools, an audit integrity programme and training to support member companies to drive social compliance and improvements within the factories and farms in their global supply chains. The specific actions aimed at tackling forced labour are guided by the amfori BSCI's System Manual.

While the Manual today takes a strong stance on forced labour it does not single out SIFL and as such does not address its particularities.

- The 2020-21 revision of the Manual offers an opportunity for amfori to explicitly recognize the specific practice of SIFL and endeavour to provide guidance on addressing this for all users of BSCI.

**Social Audits** organised by amfori are designed to help businesses assess the social performance of their supply chains and encourage continuous improvement. However, SIFL has proven to be difficult to detect through Social Audits.

- amfori will therefore be discussing with its auditing partners, how to jointly develop guidance on how audits can better investigate and report sensitive cases in countries experiencing SIFL.

**amfori's Country Due Diligence tool** is a resource that supports amfori members to determine the level of risk related to a country's governance by classifying countries according to their risk level based on a mix of governance indicators.

- amfori will now endeavour to enhance this tool's ability to advice on SIFL by introducing new indicators specifically relating to SIFL including the [Global Slavery Index](#).

#### 2. [Develop Trainings on SIFL](#)

Since the beginning of 2017, amfori has conducted over 59 training courses for a large number of member businesses, their producers, and third party auditors focusing specifically on the issue of modern slavery.

- To better leverage these trainings for SIFL, amfori, in collaboration with partners, will explore the development of specific courses/training on SIFL. amfori will also endeavour to better target participants from affected countries with these trainings.

It is worth noting that very often even when SIFL has subsided in a country, producers there may still have little understanding and experience of responsible labour practices and require substantial training.<sup>3</sup>

### 3. Improved Supply Chain Mapping

- Noting the difficulty in detecting SIFL, amfori will recommend that, in countries at risk of SIFL, its members and other businesses ensure that their suppliers provide lists of their second and third-tier suppliers and cascade due diligence down the supply chain.
- The development of a new information platform for amfori's social and environment compliance and performance initiatives will also provide the opportunity for amfori to develop new innovative methods of supply chain verification including the use of new technologies that can trace products to their source.

### 4. Better Leveraging Stakeholder Engagement, Partnerships and Advocacy

Due to its systematic and political nature, individual companies have found it hard to address SIFL by themselves. Joint actions and partnerships amongst businesses and with other stakeholders have proven to be more effective. There is evidence to show that high profile joint actions like the Uzbekistan Cotton Pledge and collective actions by businesses in Myanmar have been key to reducing SIFL.

- amfori is well placed with its large membership but also its established engagement with partners with expertise on forced labour such as IOM, ILO, the Mekong Club and the Alliance 8.7 to better leverage these engagements for joint advocacy, trainings, guidance, research and capacity building on SIFL.
- amfori will work with civil society if they are better placed and credible to identify and investigate so called 'red flags' or tell-tale signs of SIFL. amfori has already committed to develop a model for collaborative investigative actions with civil society on

mutual concerns in supply chains which could serve this purpose.

Furthermore, our strong relations with large governmental bodies like the EU provide opportunities to forge joint actions and pledges to raise awareness and advocate on SIFL.

- In discussions with the EU on EU bilateral trade/cooperation arrangements amfori will, where appropriate and relevant, call on the EU and the partner country in question for the tackling and eradication of SIFL to be made an important part of these arrangements.

### 5. Developing a Gender Responsive Approach

The ILO has called for gender specific strategies to tackle forced labour and trafficking, noting that about 60% of its victims are women<sup>4</sup>. There is less specific advice on SIFL in particular. However, country specific SIFL cases such as the Uzbekistan Cotton Harvest show that women are disproportionately affected<sup>5</sup>. In its latest report on monitoring forced labour in the cotton harvest in Uzbekistan, the ILO called for programmes to prevent gender-based violence and gender responsive data collection to tackle SIFL.

- amfori should endeavour to develop a gender responsive approach that aims, by working with partners, to understand the gender breakdown of victims of SIFL, the particular challenges that each gender faces and design its response accordingly.

### 6. Adapting Responsible Purchasing Practices

Finally, Responsible Purchasing Practices could play an important role in tackling SIFL.

- amfori's guidance on Responsible Purchasing Practices will be designed to encourage businesses to move sourcing activities away from countries where there have been suspicions or detections of SIFL. Businesses will be encouraged to act collectively as amfori members, if possible, to fully leverage the weight of collective actions and amfori's strong connections with governments and stakeholders.

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<sup>3</sup> In order to tackle this problem in Uzbekistan amfori is in dialogue with partners - the ILO and GIZ - to explore how it can support producers with trainings on responsible business conduct

<sup>4</sup> [Forced Labour - ILO](#)

<sup>5</sup> [3<sup>rd</sup> Party Monitoring of child and forced labour during the 2019 cotton harvest in Uzbekistan - ILO](#)