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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Contemporary forms of slavery, including its causes and consequences

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, in accordance with Human Rights Council resolution [51/15](#).

* [A/79/150](#).



Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata

Summary

In the present report to the General Assembly, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, considers the role of workers' organizations in preventing workers from being subjected to contemporary forms of slavery. A variety of encouraging practices on the part of workers' organizations all over the world, as well as challenges experienced by these organizations and workers to effectively exercise trade union rights and prevent contemporary forms of slavery are also highlighted. The Special Rapporteur draws conclusions and formulates practical recommendations by utilizing the power of workers' organizations.

I. Introduction

1. Workers' organizations, including trade unions, are commonly established and run by workers in order to protect and advance their labour rights. Globally, they aim to secure access to decent work and advocate for gender equality, non-discrimination and the well-being of workers and their families. The International Labour Organization (ILO) engages with workers' organizations as one of its three core constituencies under the tripartite structure. This report is aimed at complementing the important work undertaken by ILO, the International Trade Union Confederation (ITUC) and workers' organizations at the local and national levels in addressing contemporary forms of slavery directly or indirectly.

2. To inform his research, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, issued a call for input to a wide range of stakeholders, including Member States, workers' organizations, national human rights institutions, civil society organizations, United Nations entities and regional human rights bodies. He wishes to thank all entities and individuals who responded and welcomes the engagement demonstrated in the process.¹ The Special Rapporteur also drew on information gathered from desk research and consultations with multiple stakeholders.

II. International and regional human rights and labour standards on workers' organizations

3. International human rights law recognizes workers' organizations as entities that play a vital role in promoting and protecting workers' rights. In that regard, their rights to function freely, establish national federations or confederations, and form or join international workers' organizations are clearly spelled out in article 8 of the International Covenant on Economic, Social and Cultural Rights. The right of everyone to form and join workers' organizations and to strike is also affirmed in the same article. That means, among others, that workers must be able to freely join organizations of their choice, including those that are independent from the Government² and not face criminal prosecution and punishment for taking part in lawful activities.³ Regionally, these rights are recognized in article 11 (1) of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), article 8 of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, article 27 (2) of the Association of Southeast Asian Nations Human Rights Declaration, and article 35 (1) of the Arab Charter on Human Rights recognize these rights.⁴

4. Article 8 should be read in conjunction with articles 6 and 7 of the International Covenant. In this regard, the Committee on Economic, Social and Cultural Rights has clearly acknowledged the fundamental role of workers' organizations in defending the right to work at local and national levels, particularly for disadvantaged and

¹ All submissions received are available at <https://www.ohchr.org/en/calls-for-input/2024/call-input-role-workers-organisations-preventing-and-addressing-contemporary>.

² E/C.12/CHN/CO/3, para. 56; and E/C.12/BLR/CO/7, para. 28.

³ E/C.12/KAZ/CO/2, para. 33.

⁴ The African Charter on Human and Peoples' Rights does not explicitly codify the right to form and join trade unions; however, according to the Guidelines for National Periodic Reports, States should report on the right to form and join trade unions, the right of trade unions to function freely and the right to strike in the periodic reports required under art. 62 of the African Charter on Human and Peoples' Rights. See Guidelines for National Periodic Reports, available at <https://achpr.au.int/en/documents/1989-04-14/guidelines-national-periodic-reports>.

marginalized groups,⁵ and in introducing and maintaining just and favourable conditions of work⁶ for all workers. Their work therefore must be respected and protected rigorously. This means, inter alia, that States should ensure an environment free from arbitrary or undue interference, intimidation and harassment, discrimination and/or retaliatory actions,⁷ including from employers and their associations.⁸ They must also investigate breaches of relevant rights, punish perpetrators⁹ and provide remedies for victims.¹⁰ The wider roles of workers' organizations, for instance, in developing and implementing a national employment strategy,¹¹ setting wages,¹² and addressing employment discrimination¹³ should also be recognized.

5. These rights are interlinked with other human rights stipulated in the International Covenant on Civil and Political Rights. The freedom of association is a case in point as the right to form or join workers' organizations is clearly recognized in article 22. The freedom of opinion and expression and the right of peaceful assembly are an integral part of trade union rights,¹⁴ and the right to liberty and security of person is also pertinent in order to prevent instances of arbitrary arrest and detention, as well as enforced disappearances of workers and their representatives.¹⁵ All of these underscore indivisibility and interdependence of human rights with regard to trade union rights, and relevant obligations emphasised by the Committee on Economic, Social and Cultural Rights above are indeed echoed by the Human Rights Committee.¹⁶ Further, the principle of non-discrimination enshrined in both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights means that all relevant rights must be guaranteed for all workers in all sectors, including those in the informal economy¹⁷ and the public sector,¹⁸ as well as foreign or migrant workers.¹⁹ The Special Rapporteur on the rights to freedom of peaceful assembly and of association has also stressed the importance of non-discrimination on grounds such as "gender, immigration or residency status, language, social opinion, race, religion or sexual orientation".²⁰

6. However, trade union rights may be restricted in accordance with the law, when such restrictions are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others.²¹ Similarly, the freedom of association under article 22 of the International Covenant on Civil and Political Rights can be limited on those grounds as well as the protection

⁵ Committee on Economic, Social and Cultural Rights, general comment No. 18 (2005), paras. 48, 51 and 54.

⁶ Committee on Economic, Social and Cultural Rights, general comment No. 23 (2016), para. 1.

⁷ [E/C.12/IRQ/CO/5](#), para. 31; [E/C.12/MRT/CO/2](#), para. 29; [E/C.12/PSE/CO/1](#), para. 36; [E/C.12/TJK/CO/4](#), para. 41; and [E/C.12/UKR/CO/7](#), para. 28.

⁸ [E/C.12/YEM/CO/3](#), para. 39; and [A/71/385](#), para. 73.

⁹ [E/C.12/BRA/CO/3](#), para. 38; [E/C.12/FRA/CO/5](#), para. 29; [E/C.12/MNG/CO/5](#), para. 27; and [E/C.12/MUS/CO/5](#), para. 35.

¹⁰ [E/C.12/CHE/CO/4](#), para. 37; and [A/71/385](#), para. 73.

¹¹ Committee on Economic, Social and Cultural Rights, general comment No. 18 (2005), para. 42.

¹² [E/C.12/IDN/CO/2](#), para. 33; and [E/C.12/ECU/CO/4](#), para. 34.

¹³ [E/C.12/SWE/CO/7](#), para. 23.

¹⁴ [E/C.12/66/5-CCPR/C127/4](#), para. 2.

¹⁵ Human Rights Committee, general comment No. 35 (2014), para. 17.

¹⁶ For instance, [CCPR/C/IRN/CO/4](#), para. 54; [CCPR/C/KOR/CO/5](#), para. 58; [CCPR/C/BRA/CO/3](#), para. 60; [CCPR/C/LSO/CO/2](#), para. 28; [CCPR/C/LKA/CO/6](#), para. 29; and [CCPR/C/QAT/CO/1](#), para. 41.

¹⁷ [E/C.12/BRA/CO/3](#), para. 30.

¹⁸ [E/C.12/IDN/CO/2](#), para. 39; [E/C.12/SLV/CO/6](#), para. 37; [E/C.12/CZE/CO/3](#), para. 27; and [E/C.12/COD/CO/6](#), para. 40.

¹⁹ [E/C.12/IRL/CO/4](#), para. 33; [E/C.12/QAT/CO/1](#), para. 43; and [E/C.12/KWT/CO/3](#), para. 25.

²⁰ [A/71/385](#), para. 63.

²¹ International Covenant on Economic, Social and Cultural Rights, art. 8 (1) (a).

of public health and morals. Article 8 (2) of the International Covenant on Economic, Social and Cultural Rights further allows for certain lawful restrictions to be imposed by members of the armed forces or of the police or of the administration of the State, which may be extended to those providing other essential services such as fire, prison, public health or transport services.²² While recognizing the need for some limitations, the Committee on Economic, Social and Cultural Rights has expressed its view that the scope of “essential work” should be narrow,²³ and that absolute prohibition or excessive limitations are to be avoided.²⁴ The exceptional nature of restrictions has also been stressed by the Special Rapporteur on freedom of peaceful assembly and of association.²⁵

7. Other human rights instruments complement the International Convention on Economic, Social and Cultural Rights and the International Convention on Civil and Political Rights. Articles 5 (e) (ii) of the International Convention on the Elimination of All Forms of Racial Discrimination, article 26 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and article 27(1)(c) of the Convention on the Rights of Persons with Disabilities set out clear obligations on States to recognize and respect trade union rights for minorities, documented and undocumented migrant workers and persons with disabilities. Similarly, while the Convention on the Elimination of All Forms of Discrimination against Women does not clearly recognize those rights, the Committee on the Elimination of Discrimination against Women has clarified in the past that those rights are interlinked to women’s right to take part in political and public life.²⁶

8. These international human rights treaties strengthen the existing international labour standards. Of particular importance are the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98) which are regarded as fundamental instruments, whereby all States members of ILO are expected to ratify and implement them in accordance with the 1998 ILO Declaration on Fundamental Principles and Rights at Work.²⁷ ILO has recognized trade union rights prior to the adoption of the International Covenants on Human Rights and touches upon additional obligations such as recognition of workers’ organizations without previous authorization, protection from arbitrary suspension or dissolution of workers’ organizations, prohibition on anti-union discrimination, and protection from dismissal by reason of union membership. The Committee of Experts on the Application of Conventions and Recommendations (CEACR), which monitors the implementation of international labour standards developed by ILO, has expressly stated that Conventions Nos. 87 and 98 cover all workers and employers unless

²² The Committee on Economic, Social and Cultural Rights defined “essential services” to mean “services where interruption would endanger the life, personal safety or health of the whole or part of the population”. *E/C.12/VNM/CO/2-4*, para. 20; and *E/C.12/LKA/CO/2-4*, para. 22. This is the same definition adopted by the International Labour Organization Committee of Experts on the Application of Conventions and Recommendations (CEACR) much earlier (see below).

²³ *Ibid.*

²⁴ *E/C.12/CZE/CO/3*, para. 26; *E/C.12/BOL/CO/3*, paras. 34–35; *E/C.12/AZE/CO/4*, para. 31; and *E/C.12/BEN/CO/3*, para. 30.

²⁵ *A/71/385*, para. 68.

²⁶ Committee on the Elimination of Discrimination against Women general recommendation No. 23 (1997), para. 5.

²⁷ There are additional instruments, including ILO Workers’ Representatives Convention, 1971 (No. 135) and the ILO Collective Bargaining Convention, 1981 (No. 154) as well as others covering pertinent issues such as agriculture (ILO Right of Association (Agriculture) Convention, 1921 (No. 11), non-metropolitan territories (ILO Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84), rural workers’ organizations (Rural Workers’ Organisations Convention, 1975 (No. 141) and public employment (Labour Relations (Public Service) Convention, 1978 (No. 151).

otherwise specified in the Conventions, including workers in the private and public sectors, non-standard forms of employment,²⁸ informal economy workers and those who are self-employed.²⁹

9. Notably, the two Conventions do not explicitly recognize the right to strike, unlike the International Covenant on Economic, Social and Cultural Rights. However, the CEACR has maintained a position that this right derives from ILO Convention No. 87, although it may be limited in exceptional circumstances, such as during a national or local crisis.³⁰ The right to strike is to be enjoyed by all workers, but a similar exception as in the International Covenant on Economic, Social and Cultural Rights is explicitly recognized for the police and the armed forces.³¹ CEACR has also recognized an exception for workers providing “essential services” whose “interruption would endanger the life, personal safety or health of the whole or part of the population”.³² These may include workers in air traffic control, telecommunication, fire, health and ambulance services, prison services, the security forces and water and electricity services.³³ However, sufficient protection should be given to these workers to compensate for these limitations, including access to adequate, impartial and speedy conciliation and arbitration processes.³⁴

10. Finally, in the context of business and human rights, while there is no direct reference to workers’ organizations and relevant rights, the United Nations Guiding Principles on Business and Human Rights underscore the importance of stakeholder engagement.³⁵ They are considered as one of the main stakeholders for businesses when they carry out human rights due diligence³⁶ as well as development and operation of grievance mechanisms.³⁷ It is therefore clear that businesses and employers should establish good working relationships with workers’ organizations. Another important initiative is the development of an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises, which is ongoing. In article 6 of the most recent draft,³⁸ there is reference to an obligation of States to promote the active and meaningful participation of relevant stakeholders, including workers’ organizations. Further, the Working Group on Business and Human Rights in the past recognized trade unionists as human rights defenders and has urged States to uphold their rights.³⁹

²⁸ According to ILO, “non-standard forms of employment” include temporary employment; part-time and on-call work; temporary agency work and other multiparty employment relationships; as well as disguised employment and dependent self-employment, see <https://www.ilo.org/topics/non-standard-forms-employment#:~:text=They%20include%20temporary%20employment%3B%20part,employment%20and%20dependent%20self%20employment>.

²⁹ CEACR, *General Survey on the fundamental Conventions concerning rights at work in light of the ILO Declaration on Social Justice for a Fair Globalization*, 2008 (2012), paras. 53 and 209.

³⁰ *Ibid.*, paras. 117–122 and 127; and CEACR, *General Survey of the Reports on the Freedom of Association and the Right to Organise Convention (No. 87), 1948 and the Right to Organise and Collective Bargaining Convention (No. 98) 1949* (1994), para. 151.

³¹ Arts. 9 and 5, respectively.

³² CEACR (1994), *supra*, para. 159; and CEACR (2012), *supra*, para. 131.

³³ CEACR (2012), *ibid.*, para. 135.

³⁴ ILO, *Freedom of Association: Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO*, 5th (revised) ed. (Geneva, 2006), paras. 595 and 596.

³⁵ [A/HRC/17/31](#), annex, principles 18, 20, 21, 28, 29 and 31 and the commentaries.

³⁶ [A/73/163](#), para. 45.

³⁷ Office of the United Nations High Commissioner for Human Rights, *Access to Remedy in Cases of Business-related Human Rights Abuse: An Interpretive Guide* (New York and Geneva, 2024), question 53; and commentaries on principles 29 and 30 of the Guiding Principles on Business and Human Rights (see [A/HRC/17/31](#), annex).

³⁸ Available from <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/igwg-transcorp/session9/igwg-9th-updated-draft-lbi-clean.pdf>.

³⁹ [A/HRC/47/39/Add.2](#), para. 34.

III. Role of workers' organizations in addressing contemporary forms of slavery

11. The following section outlines the vital role of workers' organizations in addressing contemporary forms of slavery directly or indirectly. It showcases diverse strategies and interventions employed by them globally in order to empower workers and promote decent work, all of which undoubtedly contribute to the prevention of exploitation and abuse.

A. Promotion of international and regional labour standards

12. Workers' organizations in all geographical regions undertake significant efforts in promoting international and regional labour standards.⁴⁰ This is an important first step in preventing contemporary forms of slavery. At the national level, workers' organizations in countries such as Guinea-Bissau, the Republic of Korea and the Sudan achieved the ratification of ILO Conventions Nos. 87 and 98.⁴¹ Others promote regional standards. In North America, workers' organizations have advocated for the inclusion of labour rights in trade agreements such as chapter 23 of the United States-Mexico-Canada Agreement⁴² and those in Europe have made a number of important interventions during the developments of proposals for the European Union regulation on prohibiting products made with forced labour and on the directive on corporate sustainability due diligence.⁴³

13. At the international level, workers' organizations play a key role in developing international labour standards. Under the unique tripartite structure of ILO, which ensures equal voices from States, workers and employers, workers' representatives are part of the ILO Governing Body which makes strategic decisions on ILO policy and activities.⁴⁴ They also take part in the annual International Labour Conference where delegates adopt ILO conventions and recommendations.⁴⁵

B. Advancement of domestic legislative or policy changes

14. Workers' organizations are at the forefront of driving legislative changes with a view to promoting the rights of workers and preventing labour exploitation. In Colombia, workers' organizations lobbied for the inclusion of the right to collective bargaining in Labour Reform Bill 166/C of 2024,⁴⁶ and the Confederation of Independent Trade Unions of Bulgaria has long advocated for the protection of the constitutional right of association, one prominent result being the addition of article 174b to the Bulgarian Criminal Code which now prescribes "crimes against the right of employees to associate with trade unions and unions".⁴⁷ The Trade Union Congress of Maldives played an important role in the enactment of an Industrial Relations and Occupational Safety and Health Bill which established a legal mechanism for

⁴⁰ Submissions by the International Trade Union Confederation (ITUC), International Transport Workers' Federation, Federation of Korean Trade Unions, Trades Union Congress Ghana and Hari Welfare Association.

⁴¹ Submission by ITUC.

⁴² Submission by Canadian Labour Congress.

⁴³ Submission by York Centre for Applied Human Rights.

⁴⁴ ILO Constitution, art. 7.

⁴⁵ ILO Constitution, art. 19.

⁴⁶ Submission by Colombia.

⁴⁷ Submission by Confederation of Independent Trade Unions in Bulgaria; and <https://rm.coe.int/penal-code-bulgaria-appendix-1-to-eu-survey/1680ad2b38>.

collective bargaining in line with core ILO conventions.⁴⁸ Furthermore, workers' organizations in Spain have taken legal action in order to improve the working conditions of platform workers, which eventually led to the adoption of a new "riders' law"⁴⁹ designed to promote and protect their rights.

15. A number of policy changes have also been achieved as a result of advocacy by workers' organizations. In Palestine, campaigns by the Palestinian General Federation of Trade Unions have contributed to an increase in the national minimum wage⁵⁰ and the International Transport Workers' Federation achieved the elimination of the transit visa for migrant crews on United Kingdom flagged fishing vessels.⁵¹ Several workers' organizations in the United States, including the American Federation of Labor and Congress of Industrial Organizations, lobbied for the issuance of a Withhold Release Order for goods suspected of being produced as a result of forced labour from the Dominican Republic⁵² and in Italy, the Federazione Lavoratori Agro Industria was involved in the drafting of the "National Guidelines on the Identification, Protection, and Assistance to Victims of Labor Exploitation in Agriculture", aiming to establish minimum common standards and general principles for a public-driven mechanism to intervene in labour exploitation.⁵³

C. Empowerment of workers particularly vulnerable to contemporary forms of slavery

16. Workers' organizations are instrumental in empowering workers, particularly those who are at a heightened risk of exploitation in contemporary forms of slavery.⁵⁴ For instance, migrant workers who face challenges in organizing due to legal, language and other barriers are assisted by workers' organizations globally, including in regions and countries with very limited civic space. One such initiative is Shramik Sanjal, an association led by Nepali migrants, which aims to empower migrant workers in construction, hospitality, retail, domestic work, and facility management throughout the countries of the Cooperation Council for the Arab States of the Gulf and Malaysia.⁵⁵ In North Africa, the Tunisian General Labour Union grants migrant workers membership, allowing them to stand up against labour rights violations,⁵⁶ and the Solidarity Network with Migrants Japan (Ijuren) established a network of workers' organizations and other non-governmental organizations to support

⁴⁸ <https://www.ituc-ap.org/news-and-updates/historic-victory-for-workers-rights-as-maldives-passes-industrial-relations-and-occupational-safety-and-health-bills>.

⁴⁹ Royal Law Decree N. 9/2021, 11 May 2021; and <https://www.boe.es/boe/dias/2021/05/12/pdfs/BOE-A-2021-7840.pdf>.

⁵⁰ Submission by York Centre for Applied Human Rights.

⁵¹ Submission by International Transport Workers' Federation.

⁵² Submission by Corporate Accountability Lab; and a statement submitted to the Government of the United States of America by several workers' organizations and civil society, available at <https://static1.squarespace.com/static/5810dda3e3df28ce37b58357/t/636a9b9f459fe04fe6a21810/1667931039708/CSO+Sign+on+Letter+re+DR+Sugar.pdf>.

⁵³ Submission by Confederazione Generale Italiana del Lavoro.

⁵⁴ Submissions by Swiss Trade Union Confederation, Federation of Korean Trade Unions, Japanese Trade Union Confederation (Rengo), Gifu General Labor Union, Japanese Federation of Textile, Chemical, Food, Commercial, Service, and General Worker's Unions (UA zensen), Confederación Sindical de Comisiones Obreras, Norwegian Confederation of Trade Unions (LO Norway), Swiss Trade Union Confederation, Women's Initiatives and Global Alliance Against Traffic in Women, Trades Union Congress Ghana, Confederación General del Trabajo de la República Argentina, Sex Workers and Survivors, Nigeria Labour Congress, and the International Domestic Workers Federation.

⁵⁵ Submission by Migrant-Rights.org.

⁵⁶ Business and Human Rights Resource Center, "Tunisia: General Trade Union grants migrant workers union membership, standing against racial discrimination" available at <https://www.business-humanrights.org/en/latest-news/tunisia-general-trade-union-grants-migrant-workers-union-membershi-re-iterating-the-organisations-positon-against-racial-discrimination/>.

documented and undocumented migrant workers, as well as asylum-seekers in organizing themselves.⁵⁷ In Europe, the Worker Support Centre in Scotland provides support and information to seasonal workers through outreach led by former temporary workers⁵⁸ and Unia of Switzerland established a code of conduct for trade unionists in order to respect and protect the rights of workers with an irregular residency status.⁵⁹ Further, multiple organizations in Canada have been advocating the replacement of the temporary, employer-tied work permits for migrants with open work permits without sectoral or regional ties.⁶⁰

17. Tackling fraudulent recruitment of migrant workers is another important area of work. In order to combat illegal fees and extortion by Mexico-based recruiters of agricultural workers intending to work in the United States with H-2A visas, the Fair Food Standards Council intervened, resulting in the designation of the National Employment Service of Mexico as the sole recruitment channel for Fair Food Program-affiliated farms as of January 2017.⁶¹ With support from the ILO Fair Recruitment Initiative, ITUC developed the Recruitment Advisor website and Chatbot,⁶² a global recruitment and employment review platform offering workers easy access to information about recruitment agencies and workers' rights when looking for a job abroad. The Recruitment Advisor has coordination teams attached to workers' organizations in different countries such as Bahrain, Bangladesh, Ethiopia, Ghana, Indonesia, Jordan, Kenya, Nepal, Nigeria, the Philippines, Sri Lanka and Uganda, as well as in Hong Kong, China.⁶³

18. Displaced persons are also vulnerable to contemporary forms of slavery,⁶⁴ and there are encouraging examples of workers' organizations providing different types of support. The Worker Justice Centre of New York conducts outreach to refugees resettled in the State in order to help them find employment.⁶⁵ In Jordan, workers' organizations partner with the Ministry of Labour to issue flexible work permits for displaced persons and promote their rights to organize and bargain collectively, in closer collaboration with other stakeholders such as ILO and the Arab Trade Union Confederation.⁶⁶ In addition, these rights for displaced persons are recognized in Mexico and the Republic of Korea, and Sweden introduced a fast-track initiative whereby refugees with qualifications and experience are integrated into the labour market in professions such as medicine, health and social care and teaching, in closer cooperation with national workers' organizations.⁶⁷

19. In addition, others promote the social and labour inclusion of persons with disabilities and indigenous peoples.⁶⁸ For instance, the Zimbabwe Congress of Trade Unions has established a structure for workers with disabilities with representatives from 35 affiliates, and a disability policy was recently adopted.⁶⁹ The Central Unitaria de Trabajadores Auténtica of Paraguay exclusively supports indigenous peoples

⁵⁷ Submission by Solidarity Network with Migrants Japan.

⁵⁸ Submission by Worker Support Centre.

⁵⁹ Submission by Swiss Trade Union Confederation.

⁶⁰ Submissions by Contre la Traite Humaine Interne et Internationale, Association for the Rights of Household and Farm Workers, and Canadian Labour Congress.

⁶¹ Submissions by Coalition of Immokalee Workers and the Fair Food Standards Council, and Worker-driven Social Responsibility Network.

⁶² Recruitment Advisor is available at <https://www.recruitmentadvisor.org/about-us>.

⁶³ Submission by ITUC; and <https://www.ilo.org/publications/general-principles-and-operational-guidelines-fair-recruitment-and>.

⁶⁴ A/HRC/48/52.

⁶⁵ Submission by Freedom Network USA.

⁶⁶ Equal Time, Impact of Forced Displacement, 2023; and submission by ITUC.

⁶⁷ A/HRC/48/52, para. 56.

⁶⁸ Submission by Ecuador.

⁶⁹ Submission by Zimbabwe Congress of Trade Unions.

through tailored training and awareness-raising,⁷⁰ and similar support for indigenous peoples is provided by Guatemala's Unsitragua Historica.⁷¹

20. The eradication of child labour is another area where there is strong involvement of workers' organizations. The General Agricultural Workers' Union of Ghana promotes the elimination of child labour in agriculture and fishing through advocacy, protection and rehabilitation of exploited children, and facilitation of access to education.⁷² The Unión Obrera Ladrillera in Argentina offers a safe space where children subjected to child labour are able to access school support and other alternatives to work,⁷³ and similarly in Costa Rica, the "Casas de la Alegría" (Houses of Joy) exist for indigenous children where they receive tailored and culturally appropriate support.⁷⁴ Moreover, national employers' and workers' organizations in Malawi have coordinated programmes to raise awareness about child labour in tobacco supply chains.⁷⁵

21. Various workers' organizations also support those affected by structural discrimination, including discrimination based on work and descent. In this regard, the International Dalit Solidarity Network advocates the elimination of caste discrimination and for decent working conditions for oppressed workers in South Asia.⁷⁶ An exemplary case on collective bargaining took place in India recently when the Global Labor Justice – International Labor Rights Forum and the Tamil Nadu Textile and Common Labour Union, a Dalit and women-led union, negotiated and introduced a programme addressing gender-based violence and harassment at work, which was made enforceable through commitments made by both the suppliers and brands.⁷⁷ In the United States, workers of African descent and Hispanic workers reportedly earn 20 to 35 percent more when they are unionized with the support of workers' organizations, compared to those who are not, amply demonstrating the benefits of unionization among those belonging to minority groups.⁷⁸

22. Further, workers in the informal economy experience a heightened risk of labour exploitation,⁷⁹ and workers' organizations are proactive in safeguarding their rights at work.⁸⁰ The Just Economy and Labour Institute, for instance, helps workers in the tourism and home-based sectors (for example, cleaners and caregivers) in Thailand to effectively organize by providing information, amplifying their voices and building solidarity across sectors,⁸¹ and the Federation of Korean Trade Unions provides specialized legal consulting services to freelance workers.⁸² For domestic work, which is not properly regulated in various parts of the world, the Union des Femmes Domestiques du Congo and community leaders set up support groups and legal clinics for workers in Goma.⁸³ Other encouraging initiatives on the empowerment and

⁷⁰ Submission by Central Unitaria de Trabajadores Auténtica.

⁷¹ Submission by Unsitragua Historica.

⁷² Submission by Trades Union Congress Ghana.

⁷³ Confederación General Del Trabajo De La República Argentina.

⁷⁴ [A/HRC/54/30/Add.1](#), para. 23.

⁷⁵ ILO, *Report of the Committee of Experts on the Application of Conventions and Recommendations* (ILC.111/III(A)) (2023) 521; and submission by ITUC.

⁷⁶ The International Dalit Solidarity Network "what we do" available at <https://idsn.org/about-us/what-we-do>.

⁷⁷ Submissions by Asia Floor Wage Alliance, Tamil Nadu Textile and Common Labour Union, and Global Labor Justice – International Labor Rights Forum.

⁷⁸ Submission by Freedom Network USA.

⁷⁹ [A/77/163](#).

⁸⁰ Submissions by British Institute of International and Comparative Law, Nigeria Labour Congress, and Confederation of Independent Trade Unions in Bulgaria.

⁸¹ Submission by British Institute of International and Comparative Law.

⁸² Submission by Federation of Korean Trade Unions.

⁸³ Submission by International Domestic Workers Federation.

protection of informal workers have been identified in Brazil, Burundi, Nigeria, Togo and Uganda,⁸⁴ amongst other countries.

D. Sector-specific initiatives to prevent contemporary forms of slavery

23. Workers' organizations prevent or address contemporary forms of slavery in various sectors of the economy. With regard to fishery, the Indonesian Seafarers Gathering Forum (FOSPI) prevents forced labour in distant water fishing and assists survivors by organizing social activities, providing shelter, and connecting fishers with authorities and other service providers to promote access to justice and remedies.⁸⁵ Similarly, in Ireland, the International Transport Workers' Union has been instrumental in identifying and referring migrant fishers who have been trafficked to law enforcement authorities and also successfully lobbied for the abolition of a visa system for fishers from outside the European Economic Area that was widely regarded as highly exploitative.⁸⁶

24. Important efforts are also being made in the agro-industry. In Brazil, Articulação dos Empregados Rurais do Estado de Minas Gerais visits coffee plantations, reports human rights abuses, initiates legal actions where appropriate, and offers training to workers.⁸⁷ In Mexico, the Border Committee of Workers advocates for improved working and living conditions of maquila workers in the North of the country and for genuine union representation for workers in this sector,⁸⁸ and Thai Binh Province Women's Union provides skills training and financial assistance to female farmers so that they can maintain their agricultural businesses.⁸⁹ In Zambia, the National Union of Plantation and Agricultural Workers has played an important role in addressing sexual harassment and violence against female horticulture workers by directly intervening with employers and raising awareness in cooperation with the women's movement in the country.⁹⁰

25. In relation to other sectors, in the garment industry of Egypt, textile and clothing workers organized a peaceful strike, which was supported by the General Federation of Egyptian Trade Unions, in order to demand better wage and working conditions, ultimately securing a salary bonus and performance-based increases of up to 30 per cent.⁹¹ In the construction sector, migrant workers in Türkiye, employed by a construction company on a Tanzanian railway project, went on strike after seven months without pay. With assistance from the Confederation of Progressive Trade Unions of Türkiye, ITUC and Tanzanian unions, these workers were able to receive overdue wages.⁹² For domestic work, an example of good practice can be seen in Malaysia where the International Domestic Workers Federation has used social media

⁸⁴ Submissions by Nigeria Labour Congress and ITUC; ILO "The Role of Social Dialogue and the Social Partners in Addressing the Consequences of COVID-19 in the Informal Economy" (2020) 3; and ILO, *Interactions between Workers' Organizations and Workers in the Informal Economy: A Compendium of Practice* (2020) 29–31, 45–46, 80–82.

⁸⁵ Submission by Global Labor Justice – International Labor Rights Forum.

⁸⁶ Submission by International Transport Workers' Federation.

⁸⁷ Submission by Conectas Direitos Humanos, and Adere-MG and Reporter Brasil.

⁸⁸ <https://en.archive.maquilasolidarity.org/node/1028>.

⁸⁹ ASEAN, Third Report on the Advancement of Women in ASEAN (2021), 111.

⁹⁰ International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations "Safe Farms, Safe Workers, Safe Communities: Improving Occupational Health, Safety and Environmental Standards on Plantations and Farms in Africa" (2015), 25.

⁹¹ Submission Maat for Peace. Sponsored by Gibran and Qalyubia Workers Union, success of negotiations to end the sit-in of T&C workers, official page of Egyptian Trade Union Federation, 31 January 2024, see: <https://fbook.cc/5DR8>.

⁹² Submission by ITUC.

platforms to reach out and organize domestic workers, allowing them to exchange important information and report cases of exploitation and abuse.⁹³

E. Inspection of working and living conditions and facilitation of access to justice and remedies

26. Inspection of workplace and housing is essential in identifying instances of contemporary forms of slavery, and workers' organizations make an important contribution in this regard.⁹⁴ Some, like those in Switzerland, take part in awareness-raising and other activities in order to train labour inspectors,⁹⁵ and others go out to workplaces and inspect working conditions in collaboration with Governments and other stakeholders. In Sweden, organizations affiliated with the Swedish Trade Union Confederation collaborate with the Government to inspect work sites and employers suspected of exploitation.⁹⁶ Similarly in Pakistan and India, some workers' organizations conduct regular visits to work sites in order to monitor working and living conditions, which have produced positive results in sectors such as agriculture.⁹⁷ In addition, the Canadian Labour Congress actively facilitates the enforcement of Government requirements for housing provided to migrant workers,⁹⁸ while another encouraging global initiative emanates from the International Transport Workers' Federation which employs full-time inspectors as union officials who inspect ships in over 120 ports in 57 countries.⁹⁹

27. Once labour and wider rights violations are discovered, workers' organizations help workers to access justice and remedies. They often represent or assist workers in litigation, promote dialogue with employers, and report human rights abuses through the ILO supervisory system, the national contact points of the Organisation for Economic Cooperation and Development or the United Nations human rights mechanisms.¹⁰⁰ As an example, organizations such as the Hari Welfare Association in Pakistan promote access to justice for workers at risk of bonded labour in agriculture and fisheries, through collaboration with the judiciary, ombudsperson offices and independent commissions at the district and provincial levels.¹⁰¹ In Hong Kong, China, the Federation of Asian Domestic Workers Unions manages cases involving migrant domestic workers of various nationalities in order to recover and retain excessive agency fees.¹⁰² Similarly, the Association of Nationalist Overseas Filipino Workers in Malaysia (AMMPO) and the Indonesian Migrant Domestic Workers Association (PERIMIG) address grievances from domestic workers through a 24-hour hotline, social media and other channels in close collaboration with local organizations, trade unions, embassies and authorities to provide a variety of services.¹⁰³ In the United Kingdom, UNISON has a welfare fund, which provides emergency financial support for its members and for workers to access free legal support.¹⁰⁴

⁹³ ILO, *Organising women migrant workers: Manual for trade unionists in ASEAN* (2021), 141.

⁹⁴ Submission by Central Única Dos Trabalhadores.

⁹⁵ Submission by Switzerland.

⁹⁶ Submission by Swedish Trade Union Confederation.

⁹⁷ Submission by Hari Welfare Association.

⁹⁸ Submission by Canadian Labour Congress.

⁹⁹ Submission by International Transport Workers' Federation; and "About the Inspectorate", available at <https://www.itfseafarers.org/en/focs/about-the-inspectorate>.

¹⁰⁰ Submissions by Zimbabwe Congress of Trade Unions; International Transport Workers' Federation; Nigeria Labour Congress; and labour organization Force ouvrière.

¹⁰¹ Submission by Hari Welfare Association.

¹⁰² Submission by International Domestic Workers Federation.

¹⁰³ Ibid.

¹⁰⁴ Submission by York Centre for Applied Human Rights; and <https://www.unison.org.uk/get-help/services-support/there-for-you/financial-assistance/>.

F. International cooperation among workers' organizations

28. There are encouraging examples of international cooperation among workers' organizations beyond national borders. For instance, the Decent Work for All programme of the Norwegian Confederation of Trade Unions (LO Norway), which is designed to empower and train local workers' organizations, operates in 16 countries across Africa, Latin America, Asia and the Middle East.¹⁰⁵ The Japanese Federation of Textile, Chemical, Food, Commercial, Service and General Workers' Unions (Uazensen) provides support for capacity-building for trade unions in Myanmar and Indonesia.¹⁰⁶ Further, the Coalition of Immokalee Workers in the United States created the Fair Food Program, a worker-driven social responsibility partnership and network which aims to strengthen human rights due diligence in supply chains.¹⁰⁷ In addition to the United States, the Fair Food Program currently operates in Chile and South Africa, with operations in various industries, including aquaculture and horticulture.¹⁰⁸

29. Many also work with a range of other stakeholders. In Middle Eastern countries, Shramik Sanjal, a movement representing the voices of migrant workers from Nepal, engages with the Nepalese Embassies, migrant rights defenders, and civil society organizations across the countries of the Gulf Cooperation Council to support vulnerable workers. Although local authorities, companies and employers may not openly welcome worker-organizing initiatives, these partnerships have helped address human rights issues and created a more supportive environment for migrant workers in the region.¹⁰⁹ The All Indonesia Trade Union Confederation also collaborates with States, civil society organizations and international organizations across the globe in order to encourage the implementation of labour protection laws for Indonesian migrant workers abroad.¹¹⁰

IV. Challenges experienced by workers' organizations in preventing and addressing contemporary forms of slavery

30. It is clear that workers' organizations play a key role in empowering workers and preventing contemporary forms of slavery directly or indirectly. However, they simultaneously face a myriad of challenges that undermine their work in this regard. In the following, an overview of the main hurdles encountered will be provided, underlined with specific examples.

A. Limitations on trade union rights

31. The Special Rapporteur is concerned that in many countries there are limitations imposed on the right to form or join workers' organizations in law and in practice. According to ITUC, 73 per cent of countries impeded the registration or recognition of workers' organizations in 2023.¹¹¹ In the United Arab Emirates, trade unions are prohibited and in Oman and Saudi Arabia, domestic legislative frameworks regarding the right to form or join workers' organizations for migrant workers fall short of

¹⁰⁵ <https://www.lo.no/hva-vi-mener/decent-work-for-all/>.

¹⁰⁶ Submission by Japanese Federation of Textile, Chemical, Food, Commercial, Service, and General Workers' Unions.

¹⁰⁷ <https://wsr-network.org/what-is-wsr/>.

¹⁰⁸ Submissions by Coalition of Immokalee Workers, Fair Food Standards Council and Worker-Driven Social Responsibility Network.

¹⁰⁹ Submission by Migrant-Rights.org.

¹¹⁰ Submission by ITUC.

¹¹¹ Submission by ITUC; and <https://www.ituc-csi.org/2023-global-rights-index-en>.

international standards.¹¹² In Ukraine, trade unions have reportedly been banned in all territories occupied by the Russian Federation, including the Autonomous Republic of Crimea, and workers have faced an increased risk of exploitation,¹¹³ and the Government of Myanmar made a declaration of non-recognition of 16 trade unions and civil society organizations after the coup d'état of 2021.¹¹⁴ Obstacles with regard to registration have also been reported in countries such as Algeria, Belarus, El Salvador and Pakistan.¹¹⁵

32. Even when workers' organizations are able to register, many face various obstacles in practice. In the People's Republic of China, the Labour Union Act of 2022 grants trade union rights to all workers, including migrants. However, those employed in the distant water fishing industry encounter disproportionate challenges in exercising their freedom of association. In this regard, the Indonesian Seafarers' Gathering Forum, the main union for migrant fishers in the distant water fishing sector of the People's Republic of China, reportedly experienced arbitrary interference by a vessel owner of the People's Republic of China and a lack of timely Government response thereafter.¹¹⁶ In Bahrain, although the General Domestic Workers Trade Union was established in June 2023, there were long delays in finalizing the registration.¹¹⁷ Further, in Senegal and Uzbekistan, authorization or approval must be obtained from the Government for workers' organizations to be formed and conduct their activities,¹¹⁸ and sanctions are imposed for organizing or joining an organization that is not officially recognized in accordance with the Trade Union Act in Trinidad and Tobago.¹¹⁹

33. A related issue is that workers in some parts of the world can only join bodies established by the State, which significantly undermines the independence of these organizations. In Central Asia, although Turkmenistan ratified both ILO Conventions Nos. 87 and 98, there is reportedly no right to establish independent organizations in the country,¹²⁰ which limits the ability to address State-imposed forced labour.¹²¹ In Yemen, the Law on Trade Unions specifically refers to the General Federation of Trade Unions, making it impossible for others to be established.¹²² Similarly, the All-China Federation of Trade Unions is the only authorized workers' organization in China,¹²³ and the Government of Cuba reportedly prohibits the establishment of independent entities, and workers are obliged to join the country's official union, the Workers' Central Union of Cuba.¹²⁴

¹¹² Submissions by Maat for Peace, Migrant-Rights.org and Coalition on Labor Justice for Migrants in the Gulf; and Country briefs of United Arab Emirates, Oman and Saudi Arabia available from www.ilo.org/publications/country-briefs-regulatory-frameworks-governing-migrant-workers-arab-states.

¹¹³ Submission by Association of Reintegration of Crimea.

¹¹⁴ CEACR Observation on Myanmar (Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)) adopted 2023, published 112th ILC session (2024), available from Normlex Database; and ILO "Towards Freedom and Dignity in Myanmar"(2023), 16.

¹¹⁵ Submission by Confédération Syndicale des Forces Productives, and Hari Welfare Association; CEACR Observations on Algeria and El Salvador (Convention No. 87) adopted 2023, published 112th ILC session (2024), available from Normlex Database; and [E/C.12/BLR/CO/7](http://www.ilo.org/publications/country-briefs-regulatory-frameworks-governing-migrant-workers-arab-states), para. 27.

¹¹⁶ Submission by Global Labour Justice.

¹¹⁷ Submission by Coalition on Labor Justice for Migrants in the Gulf.

¹¹⁸ [E/C.12/SEN/CO/3](http://www.ilo.org/publications/country-briefs-regulatory-frameworks-governing-migrant-workers-arab-states), paras. 22 and 23; and [E/C.12/UZB/CO/3](http://www.ilo.org/publications/country-briefs-regulatory-frameworks-governing-migrant-workers-arab-states), para. 34.

¹¹⁹ Submission by Trinidad and Tobago.

¹²⁰ Submission by Cotton Campaign; and CEACR Observation on Turkmenistan (Convention No. 87) adopted 2022, published 111th ILC session (2023) available from Normlex Database.

¹²¹ [CCPR/C/TKM/CO/3](http://www.ilo.org/publications/country-briefs-regulatory-frameworks-governing-migrant-workers-arab-states), para. 32; [CEDAW/C/TKM/CO/6](http://www.ilo.org/publications/country-briefs-regulatory-frameworks-governing-migrant-workers-arab-states), para. 41; and AL TKM 2/2021.

¹²² Arts. 2, 20 and 21; and [E/C.12/YEM/CO/3](http://www.ilo.org/publications/country-briefs-regulatory-frameworks-governing-migrant-workers-arab-states), para. 39.

¹²³ [E/C.12/CHN/CO/3](http://www.ilo.org/publications/country-briefs-regulatory-frameworks-governing-migrant-workers-arab-states), para. 55.

¹²⁴ CEACR Observation on Cuba (Convention No. 87) adopted 2023, published 112th ILC session (2024), available from Normlex Database.

34. Workers and workers' organizations also face obstacles in exercising collective bargaining and the right to strike. In Tajikistan, section 323 (2) of the Labour Code requires a two-thirds majority to call a strike, which may preclude workers from striking as the quorum may be difficult to achieve.¹²⁵ A similar law exists in the United Kingdom where at least fifty percent of union members must vote in favour of industrial action,¹²⁶ and Zimbabwe imposes a cumbersome procedure to declare a strike with a threat of sanctions for non-compliance.¹²⁷ Limitations on collective bargaining and the right to strike were also observed in Cambodia, Ireland and the Republic of Korea, as well as in Hong Kong, China.¹²⁸ Further, excessively broad prohibitions on certain categories of workers whose services may not necessarily be deemed essential have been reported in Angola, Albania, Azerbaijan, Benin, Burkina Faso, Costa Rica, Czechia, Ethiopia and El Salvador.¹²⁹

B. Other human rights abuses suffered by workers and their representatives

35. Workers and their representatives often face threats, harassment, and violence, both from State authorities and private actors such as employers. According to ITUC, trade unionists were killed in eight countries in 2023, workers experienced arbitrary arrests and detentions in 46 per cent of countries, and 65 per cent of countries denied or restricted workers' access to justice.¹³⁰ In the Islamic Republic of Iran, workers' organizations have been prevented from meeting and their members have been arbitrarily arrested.¹³¹ Harassment, violence, criminal prosecutions and convictions on such charges as "criminal association", "hate speech" and "terrorism", as well as other suppressive practices against trade union leaders and members have also been reported in Burundi, Chad, Japan, Guatemala and Togo,¹³² and allegations of extrajudicial killings have been raised in the Philippines and Venezuela (Bolivarian Republic of).¹³³ In Sri Lanka, union members have experienced regular surveillance, union-busting and dismissal from employment,¹³⁴ and the use of force against workers and workers' organizations engaging in strikes or peaceful demonstrations have been observed in Cameroon, Indonesia and France.¹³⁵

¹²⁵ E/C.12/TJK/CO/4, para. 40.

¹²⁶ Trade Union Act 2016.

¹²⁷ <https://survey.ituc-csi.org/Zimbabwe.html#tabs-2>; and submission by Zimbabwe Congress of Trade Unions.

¹²⁸ Submission by International Domestic Workers Federation; E/C.12/KHM/CO/2, para. 30; CCPR/C/CHN-HKG/CO/4, para. 49; CCPR/C/KOR/CO/5, para. 57; and E/C.12/IRL/CO/4, para. 32.

¹²⁹ CEACR, Direct Request on Angola and Costa Rica (Convention No. 87) adopted 2023, published 112th ILC session (2024), Observation on Albania, Benin, Burkina Faso, Ethiopia, and El Salvador (Convention No. 87) adopted 2023, published 112th ILC session (2024), available from Normlex Database; E/C.12/AZE/CO/4, paras. 30–31; E/C.12/SLV/CO/6, paras. 36–37; and E/C.12/CZE/CO/3, paras. 26–27.

¹³⁰ Submission by ITUC; and <https://www.ituc-csi.org/2023-global-rights-index-en>.

¹³¹ CCPR/C/IRN/CO/4, para. 53.

¹³² Submission by Confédération Syndicale des Forces Productives; and E/C.12/TCD/CO/4, para. 29; CCPR/C/BDI/CO/3, para. 39; and E/C.12/GTM/CO/4, para. 28; E/C.12/TGO/CO/5, para. 43; and A/HRC/56/55/Add.1, para. 64.

¹³³ CCPR/C/PHL/CO/5, para. 47; and CCPR/C/VEN/CO/5, para. 13.

¹³⁴ A/HRC/51/26/Add.1 para. 74.

¹³⁵ Observations on Indonesia (Convention No. 87) adopted 2022, published 111th ILC session (2023), and on Cameroon (Convention No. 87) adopted 2021, published 110th ILC session (2022) available from Normlex Database; E/C.12/IDN/CO/2, para. 38; E/C.12/FRA/CO/5, para. 28; and submission by Force ouvrière.

36. In addition to these human rights abuses committed by State actors, workers and workers' organizations may face obstruction and interference by businesses and employers. For instance, many factory owners in Bangladesh reportedly stop workers from organizing and rely on external agents to threaten union members.¹³⁶ When workers at Amazon in the United States established the Amazon Labor Union, there were alleged instances of retaliation, threats, and racialized comments from the employer.¹³⁷ The Ministry of Labour of Colombia registered over 390 instances of alleged refusals to negotiate with trade union organizations among businesses,¹³⁸ and despite ongoing reforms of the kafala system, migrant workers in Gulf Cooperation Council countries continue to face the risk of termination or suspension of employment and subsequent deportation if they are involved in union activities.¹³⁹ Moreover, domestic legal frameworks lack provisions prohibiting anti-union discrimination or providing sufficiently dissuasive sanctions against such discrimination, as has been observed in Central African Republic, Eritrea, Gabon, Jersey and Sao Tome and Principe.¹⁴⁰

37. A related issue is the limited engagement between employers and workers' organizations. According to a study published in 2023 by KnowTheChain, a resource for companies and investors to understand and address forced labour risks in their global supply chains, only 22 per cent of apparel and footwear companies reviewed engage with local or global trade unions to improve the freedom of association in their supply chains.¹⁴¹ Social auditing, which is increasingly utilized by businesses and employers, is said to be inadequate in identifying and addressing labour rights violations as workers' organizations are in many cases excluded.¹⁴² In some cases, company-led grievance mechanisms are also wrongly used in a way that substitutes or undermines the legitimacy of trade unions in labour-related disputes.¹⁴³ It has been noted that a lack of adequate legislation or policy on human rights due diligence is one of the factors promoting non-engagement on the part of businesses and employers,¹⁴⁴ and there is an urgent need to rectify this globally.

38. It is important to highlight that these and other human rights violations and abuses suffered by workers and their organizations are not always addressed satisfactorily due to limited access to justice and remedies, thereby promoting the culture of impunity. In South Africa, for instance, concerns have been expressed over a lack of proper investigations into allegations of anti-union dismissals, arrests and killing of union members.¹⁴⁵ Similarly, in Brazil, despite reports of violence and discrimination against trade union leaders and striking workers,¹⁴⁶ the measures taken by the Government have been regarded as ineffective,¹⁴⁷ and in Iraq, workers who

¹³⁶ <https://survey.ituc-csi.org/Bangladesh.html?lang=en#tabs-3>.

¹³⁷ Submission by Freedom Network USA.

¹³⁸ Submission by Colombia.

¹³⁹ Submissions by Maat for Peace, and Coalition on Labor Justice for Migrants in the Gulf.

¹⁴⁰ CEACR, Direct Request on Gabon (Right to Organise and Collective Bargaining Convention, 1949 (No. 98)) adopted 2023, published 112th ILC session (2024); and CEACR, Observation on Central African Republic, Eritrea, Jersey and Sao Tome and Principe (Convention No. 98) adopted 2023, published 112th ILC session (2024), available from Normlex Database.

¹⁴¹ KnowTheChain, Apparel & Footwear Benchmark Findings Report (2023).

¹⁴² Submissions by UGT-Brasil and Oxfam Brazil; and Business and Human Rights Resource Centre, "Social Audit Liability" (2021).

¹⁴³ Submission by Anti-Slavery International; and commentary on principle 29 of the Guiding Principles on Business and Human Rights (see [A/HRC/17/31](#), annex).

¹⁴⁴ Ibid.

¹⁴⁵ CEACR, Observation on South Africa (Convention No. 87) adopted 2023, published 112th ILC session (2024) available from Normlex Database.

¹⁴⁶ [E/C.12/BRA/CO/3](#) (CESCR 2023), para. 37; and submission by Central Única Dos Trabalhadores.

¹⁴⁷ CEACR, Observation on Brazil (Convention No. 98) adopted 2023, published 112th ILC session (2024) available from Normlex Database.

were dismissed for taking part in union activities do not have access to legal remedies.¹⁴⁸ Obstacles in accessing justice and remedies by workers and workers' organizations have been reported in multiple countries, including, Eswatini, Fiji, Tunisia and Türkiye.¹⁴⁹

C. Intersecting forms of discrimination and marginalization

39. Certain groups of workers continue to experience obstacles in exercising trade union rights due to structural discrimination and marginalization, which in turn increases their victimization in contemporary forms of slavery. The limited enjoyment of these rights by female workers is a case in point. They carry a disproportionate share of unpaid care and domestic work and their time and opportunities to engage with workers organizations, including assuming a leadership position, are reduced as a result.¹⁵⁰ Domestic labour laws may also exempt certain sectors where female workers constitute large proportions of the workforce, such as agriculture and domestic work, from labour protection, including trade union rights.¹⁵¹

40. The experience of workers belonging to minority groups should also be highlighted. In Asian countries such as Bangladesh, India, Nepal, Pakistan and Sri Lanka, freedom of association and the right to collective bargaining are persisting challenges for most workers from oppressed castes such as Dalits. Even when workers are legally permitted to join unions, workers' organizations themselves may be divided along caste lines, with those from the most disadvantaged castes having the least bargaining power.¹⁵² Gender dimensions must also be emphasized, as Dalit women experience additional obstacles as they are less likely to be able to exercise trade union rights for various reasons.¹⁵³ Migrant workers are also disadvantaged when it comes to exercising trade union rights as noted above. Even in States where they can exercise these rights, migrant workers are less likely to engage with workers' organizations due to concerns about potential blacklisting by recruiters or dismissal by employers.¹⁵⁴ Language barriers, a limited social network and a lack of access to information about their rights constitute additional challenges for them.¹⁵⁵

41. In addition, workers in remote or rural areas and in special economic zones also face challenges. With regard to remote or rural areas, particularly affected sectors include agriculture, construction, fishing and natural resource extraction, where workers are not able to unionize and are cut off from channels to report human rights abuses due to their locations.¹⁵⁶ Indigenous peoples constitute a pertinent example as they often work in these areas in various parts of the world.¹⁵⁷ In special economic zones, including those of Bangladesh, Ethiopia, Haiti, Jamaica and Kenya, workers are reportedly unable to exercise fully their right to collective bargaining and freedom

¹⁴⁸ E/C.12/IRQ/CO/5, para. 30.

¹⁴⁹ CEACR, Observations on Eswatini, Fiji, Myanmar, Türkiye and Tunisia, (Convention No. 87) adopted 2023, published 112th ILC session (2024) available from Normlex Database.

¹⁵⁰ A/75/184, paras. 42 and 66; and A/HRC/44/51, para. 53.

¹⁵¹ A/HRC/44/51, para. 52.

¹⁵² Submission by International Dalit Solidarity Network.

¹⁵³ Ibid.; and submission by Anti-Slavery International.

¹⁵⁴ Submissions by ITUC, Freedom Network USA, and Netherlands Trade Union Confederation. ITUC also indicated that similar challenges were encountered by the operational aspects of the peer-to-peer website Recruitment Advisor platform (www.recruitmentadvisor.org) aimed at migrant workers as main user.

¹⁵⁵ Submission by Migrants-Rights.org.

¹⁵⁶ Submission by Freedom Network USA.

¹⁵⁷ Ibid.

of association, as labour protections are either lowered or simply do not apply at all in order to attract foreign investment.¹⁵⁸

42. Workers in non-standard forms of employment and in the informal economy, as well as those who are self-employed, face legal and practical challenges when unionizing. In Armenia, for instance, workers in the informal economy and self-employed workers constitute a large portion of the workforce, and yet they are not authorized to form or join trade unions.¹⁵⁹ Domestic workers also fall outside the scope of labour legislation¹⁶⁰ and often cannot enjoy the rights to organize or collective bargaining as a result.¹⁶¹ Sex work is another example of informal work in various parts of the world where workers often face disproportionate challenges in unionizing, as their work is not recognized as such in many countries and there is no centralized workforce to unionize.¹⁶² In addition, many domestic legal frameworks continue to show a gap in the protection of platform workers' rights, including their trade union rights, because most platforms characterize their businesses as technological intermediaries and consider workers as being freelance or self-employed,¹⁶³ as has been observed in Canada, Republic of Korea and Thailand.¹⁶⁴

43. These and other challenges must be addressed thoroughly for trade union rights to be fully realized and for workers' organizations to be able to continue their important work in empowering workers and preventing contemporary forms of slavery. States bear the primary responsibility in this regard under international human rights and labour laws. However, it is clear that a joined-up approach with the involvement of all relevant local, national and international actors is essential in order to create an enabling environment for the exercise of trade union and other labour rights. The voices of workers and workers' organizations, as well as victims and survivors of contemporary forms of slavery, must be heard clearly and reflected in the process sufficiently for this to work and the Special Rapporteur urges all stakeholders to work together collaboratively.

V. Conclusions

44. Workers' organizations play a crucial role in preventing contemporary forms of slavery through various mechanisms and actions. They engage in advocacy, awareness-raising and capacity-building to promote the rights of workers; through collective bargaining, workers' organizations negotiate with employers to improve working conditions, wages and benefits. Workers'

¹⁵⁸ ITUC "Global labour Index" (2024), 47; Lorenzo Cotula and Liliane Mouan, "Labour Rights in Special Economic Zones: Between Unilateralism and Transnational Law Diffusion" *Journal of International Economic Law* 24 (2021) p. 341; CEACR, Observation on Jamaica (Convention 87) adopted 2022, published 111th ILC session (2023); and submission by ITUC.

¹⁵⁹ E/C.12/ARM/CO/4, para. 33; and submission by Confederation of Trade Unions of Armenia.

¹⁶⁰ According to ILO, 61.5 per cent of domestic workers are wholly excluded from labour laws in Asia and the Pacific and 94 per cent in the Arab States and are instead covered only by subordinate regulations. See ILO "The road to decent work for domestic workers" (2023), 12.

¹⁶¹ CEACR, Observation on Jordan (Convention No. 98) adopted 2023, published 112th ILC session (2024), available from Normlex Database; submission by International Domestic Workers Federation (Asia); and <https://www.ituc-csi.org/2023-global-rights-index-en>.

¹⁶² Submissions by Freedom Network USA and Sex Workers and Survivors United.

¹⁶³ ILO "Realizing decent work in the platform economy" (2024), para. 116; and submissions by ITUC and British Institute of International and Comparative Law.

¹⁶⁴ CCPR/C/KOR/CO/5, para. 57; CEACR, Direct Requests on Korea (ILO Convention Nos. 87 and 98) adopted 2023, published 112th ILC session (2024), Direct Request on Canada (ILO Convention No. 98) adopted 2023, published 112th ILC session (2024), available from Normlex Database; and submissions by Just Economy and Labour Institute, Global Alliance Against Traffic in Women and Federation of Korean Trade Unions.

organizations also monitor workplaces and report any identified human rights abuses; they support victims and contribute to their protection; they influence policy and legislation; they engage in partnerships with Governments, civil society organizations, businesses and employers and international organizations to promote workers' rights; and they support workers' access to justice and a remedy through domestic courts as well as international bodies including the ILO supervisory system and the United Nations system.

45. Yet workers' organizations and their members face a number of challenges in fulfilling their mandates, ranging from harassment and anti-union discrimination to threats and the use of violence. It is also clear that certain categories of workers face significant barriers in exercising trade union rights due to intersectional forms of discrimination and marginalization. They include female workers; seasonal and other migrant workers; indigenous workers; workers belonging to minority groups; workers in the informal economy, non-standard forms of employment and digital labour markets; domestic workers; sex workers; and workers in rural or remote areas. Particular consideration needs to be given to encourage collective agency from these workers, and workers' organizations would also benefit from increased diversity among their membership and leadership. Contemporary forms of slavery can only be prevented when all workers have the right to speak with a collective voice without discrimination, and when their rights to form and join workers' organizations and engage in collective bargaining under ILO standards are realized fully in law and in practice. It is essential that States, businesses and employers, civil society organizations and the international community recognize the role of workers' organizations and build and maintain a constructive working relationship with them.

VI. Recommendations

46. The Special Rapporteur on contemporary forms of slavery, including its causes and consequences, makes the following recommendations to Governments:

- (a) Ratify and fully implement all relevant ILO Conventions, particularly the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98);
- (b) Recognize and protect trade union rights for all workers in law and practice without discrimination of any kind;
- (c) Ensure that any restriction on trade union rights is narrowly defined and applied in law and practice;
- (d) Recognize the existence of workers' organizations without any restrictions or hurdles and respect their independence;
- (e) Refrain from arbitrarily interfering with workers' organizations and workers exercising their trade union rights;
- (f) Prohibit anti-union discrimination and strengthen accountability for public authorities, businesses and others who arbitrarily or unlawfully interfere with the activities of workers' organizations and prevent workers from exercising trade union rights;

(g) Ensure that barriers for access to justice and a remedy are removed for all workers without discrimination and secure the involvement of workers' organizations in the process;

(h) Formalize the informal economy to the extent possible in order to enhance labour rights protection, and in doing so, secure the full realization of trade union rights;

(i) Involve workers' organizations in labour inspection in order to identify contemporary forms of slavery, hold perpetrators accountable and facilitate access to justice and remedies for victims more effectively;

(j) Strengthen human rights due diligence among businesses and employers with meaningful engagement with workers' organizations;

(k) Promote active participation of workers' organizations in the development of labour laws and policies, as well as national action plans and legislation on contemporary forms of slavery;

(l) Foster partnerships between workers' organizations, relevant public authorities, businesses and civil society organizations in order to share information and coordinate joint efforts in combating contemporary forms of slavery;

(m) Address intersecting forms of discrimination with regard to the exercise of trade union rights more effectively. Adopt temporary special measures for marginalized groups where appropriate.

47. The Special Rapporteur makes the following recommendations to businesses and employers:

(a) Respect and protect trade union rights for all workers, as well as the activities of workers' organizations without discrimination and refrain from arbitrary or unlawful interference;

(b) Ensure that workers' organizations are involved in labour dispute resolution and decision-making processes with regard to working conditions;

(c) Allow workers' organizations to inspect workplaces and housing provided by employers freely and independently;

(d) Establish independent and accessible grievance mechanisms, and provide effective remedies in case of labour and human rights violations;

(e) Implement the United Nations Guiding Principles on Business and Human Rights with meaningful engagement with workers' organizations;

(f) Promote collective bargaining and global framework agreements between brands, retailers and global unions;

(g) Engage with States, national and international civil society organizations, and other relevant stakeholders such as ILO to create an enabling environment for the exercise of trade union rights;

(h) Address intersecting forms of discrimination which prevent workers from exercising trade union rights effectively.

48. The Special Rapporteur makes the following recommendations to workers' organizations:

(a) Continue their important efforts in empowering workers and promoting their rights locally, nationally and internationally;

(b) **Prioritise combatting contemporary forms of slavery at the sectoral, community, national and international levels by:**

- (i) **Developing and implementing specific guidance and policy;**
- (ii) **Communicating and sharing pertinent information proactively with relevant governmental and non-governmental stakeholders working in the field;**
- (iii) **Enhancing workers' ability to recognize situations of exploitation and to secure access to justice and remedies;**
- (iv) **Implementing joint advocacy and programmes aimed at preventing contemporary forms of slavery and protecting victims;**

(c) **Encourage collective agency for workers who are excluded from traditional forms of organizing by:**

- (i) **Advancing and protecting the labour rights of workers who are particularly vulnerable to contemporary forms of slavery, such as women, indigenous people, people belonging to minority groups, migrant workers, sex workers, workers in the informal economy and in non-standard or new forms of employment, and rural and remote workers;**
- (ii) **Including them in all decision-making processes and in leadership positions;**
- (iii) **Working closely with other stakeholders such as local authorities, community leaders and civil society organizations for this purpose;**

(d) **Strengthen national and international alliances for the promotion and protection of trade union rights;**

(e) **Work with businesses and employers collaboratively to implement the United Nations Guiding Principles on Business and Human Rights.**

49. **The Special Rapporteur makes the following recommendations to anti-slavery actors:**

(a) **Work with workers' organizations more proactively and promote worker-driven anti-slavery initiatives and programmes;**

(b) **Support and promote fundamental labour rights in the workplace, including collective bargaining and freedom of association for all workers.**