

## EXPLANATORY MEMORANDUM ON THE PROTOCOL OF 2014 TO THE FORCED LABOUR CONVENTION, 1930

### TITLE OF TREATY

Protocol of 2014 to the Forced Labour Convention, 1930

Command Paper Number: 9008

### SUBJECT MATTER

1. The Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organization (ILO) was agreed in June 2014. The full text of the Protocol and accompanying Recommendation is set out in the Command Paper attached to this EM.
2. The Convention sets core international labour standards. Its aim was to suppress the use of forced labour within the shortest possible period, and to criminalise the use of forced labour.
3. The Protocol seeks to address gaps in implementation of the Convention and to make progress on preventing trafficking for labour exploitation and protecting and compensating victims of forced labour. It requires ILO Member States to develop a national policy and plan of action for the effective and sustained suppression of forced labour and to take measures to apply the Protocol's provisions. It sets out the measures that ILO Member States must take to prevent forced labour and provides that effective measures are to be taken for the identification, release, protection, recovery and rehabilitation and other forms of assistance and support for the victims of forced labour. The Protocol provides for international cooperation to prevent and eliminate forced labour and deletes the transitional provisions from the Convention.
4. The Protocol is a binding international agreement, subject to ratification, and is linked to the Convention. It creates legal obligations applicable to ratifying States and can only be ratified by States that have ratified the Convention. At the ILO, a Protocol is used to partially revise or add to a Convention, allowing it to adapt to changing conditions, and making it more relevant. Article 19(4) of the ILO Constitution, on the adoption and ratification of Conventions, also applies to a Protocol.
5. The Protocol is accompanied by a Recommendation, which provides supporting guidance. The Recommendation does not impose any legal obligations.

### MINISTERIAL RESPONSIBILITY

6. The Home Secretary has overall responsibility across England and Wales for policy relating to modern slavery and forced labour. Other Departments involved in cross-government activity to tackle forced labour are the Department for Work and Pensions, Ministry of Justice, the Attorney General's Office, Department of Health, Department for Education, Department for Business, Innovation and Skills, Foreign and Commonwealth Office and Department for International Development.
7. The Secretary of State for Foreign and Commonwealth Affairs has overall responsibility for the conclusion and implementation of treaty obligations and responsibility for their application in Overseas Territories

### INTERESTS OF THE DEVOLVED ADMINISTRATIONS

8. The Protocol would cover both devolved and reserved issues. In Northern Ireland the criminal law relating to forced labour and victim support is generally devolved and responsibility rests with the Northern Ireland Executive. In Scotland the criminal law relating to forced labour and victim support is generally devolved and responsibility rests with the Scottish Government. The Devolved Administrations have been consulted in the preparation of this EM.

### POLICY CONSIDERATIONS

#### (i) General

9. Modern slavery, including human trafficking, affects people from all over the world, including here in the United Kingdom. This Government is committed to stamping out this abhorrent crime, building on the UK's strong track record in supporting victims and fighting the perpetrators.
10. The 12 Articles within the Protocol stipulate the measures that should be taken by ILO Members to prevent and eliminate forced or compulsory labour, including specific action against trafficking in persons for the purposes of forced or compulsory labour.
11. The UK already meets the requirements of the Protocol in current laws and regulations, strengthened through the issuing of new legislation: Northern Ireland's Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 has recently received Royal Assent, the Modern Slavery Bill is being introduced in England, while Scotland has brought forward a Human Trafficking and Exploitation Bill. This legislation is being supported by a comprehensive strategy in each jurisdiction, providing a range of commitments and activities to tackle forced and compulsory labour. The UK is committed to working with international partners to prevent individuals from being exploited.
12. The Gangmasters Licensing Authority (GLA) which regulates the supply of labour to the agriculture and food industry does excellent work in preventing labour exploitation in its regulated sectors. By raising awareness of the signs of

exploited or trafficked labour, the GLA is working to reduce the occurrence as well as improving their enforcement capability.

13. The role of the UK-wide Independent Anti-Slavery Commissioner, provided for in the Modern Slavery Bill, includes encouraging good practice in the prevention, detection and prosecution of offences and the identification of victims of those offences. The Commissioner is able to consult and co-operate with or work jointly with other persons, in the United Kingdom or elsewhere, including, where appropriate, with the GLA.

**(ii) Financial implications**

14. This is a legislative proposal but as the UK is already implementing the requirements of the Protocol there are no financial implications.

**(iii) Reservations and declarations**

15. None.

**IMPLEMENTATION**

16. No new legislation or activity is required in the United Kingdom to implement the provisions of the 2014 Protocol. The UK is already signed up to the 1930 Convention and is bound by its provisions.

**CONSULTATION**

17. The Government departments, Devolved Administrations and Executive agencies that have interests were consulted in the negotiation of the text of this Protocol. These include the Department for Work and Pensions, Ministry of Justice, the Attorney General's Office, Department of Health, Department for Education, Department for Business, Innovation and Skills, Foreign and Commonwealth Office and Department for International Development.

**TIMETABLE**

18. The Protocol must be presented to Parliament within one year of its adoption by the ILO, which was in June 2014.



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