

Topic 2: Ethics of Prison Labour and Modern Forced Labour Practices

United Nations Human Rights Council

I. Introduction

Prison labour raises ethical questions at the intersection of criminal justice, human rights and economic exploitation. Under international law, work performed by incarcerated individuals is not per se illegal; the International Labour Organization's Forced Labour Convention (No. 29, 1930) exempts work exacted from a person as a consequence of a conviction by a court of law. However, this exemption has been interpreted by many states as a licence to compel labour under conditions that would be considered forced labour outside prisons. Globally, forced labour affects an estimated 25 million out of the 40 million victims of modern slavery. Women and girls comprise about 71% of victims, and one quarter of the victims are children. State-imposed forced labour, which includes abuse of prison labour, conscription and mobilised labour for economic development, affects around 4 million people in 17 countries and occurs in both democratic and authoritarian states.

II. Key Terms

Prison Labour – Work performed by incarcerated individuals, either within prison facilities or for external employers.

Forced Labour – Any work or service extracted from a person under threat of penalty and without their voluntary consent, as defined by the ILO.

Convict Leasing – Historical system (notably in post-Civil War United States) where prisoners were leased to private companies for unpaid and often brutal labour.

Involuntary Servitude – A condition where individuals are compelled to work against their will under threat of punishment, closely related to slavery-like practices.

Modern Slavery – An umbrella term covering forced labour, debt bondage, human trafficking, forced marriage and other slavery-like practices in contemporary contexts.

III. Past International Actions

Early prison labour and convict leasing — The Thirteenth Amendment to the U.S. Constitution abolished slavery and involuntary servitude “except as punishment for crime,” leaving a loophole that allowed states to compel labour from convicted individuals. Southern states exploited this loophole through convict leasing (1865-1930s), whereby prisoners—disproportionately Black men and women—were leased to private railways, mines and plantations without pay. This system led to widespread abuse, disease and death.

ILO Conventions — The ILO adopted the Forced Labour Convention (No. 29) in 1930 and the Abolition of Forced Labour Convention (No. 105) in 1957.

Human Rights Council Special Rapporteur reports – The 2024 report “Contemporary forms of slavery as affecting currently and formerly incarcerated people” (A/HRC/57/46) calls on states to ensure that prison labour is truly voluntary, recognise incarcerated individuals as workers, pay at least national minimum wages, and reduce excessive wage deductions. It also recommends extending social security benefits and strengthening labour inspections to prevent exploitation.

Nelson Mandela Rules — Several countries have implemented reforms: Armenia, Colombia, Romania and Mexico City pay minimum wages to inmates; Italy pays two-thirds of the free-market wage;

Brazil pays three-quarters. Some states extend occupational health and safety protections and social security to incarcerated workers.

Regional initiatives — Regional bodies such as the European Committee for the Prevention of Torture (CPT) and the European Prison Rules provide guidelines on prison labour. Advocacy groups in North America and other regions lobby for constitutional amendments and minimum-wage laws for prison work.

Corporate due diligence laws – Laws like the US Uyghur Forced Labor Prevention Act (2021) and the proposed EU Forced Labour Regulation aim to exclude products made with forced labour from supply chains, placing pressure on governments implicated in state-imposed forced labour.

IV. Timeline of Key Events

- 1865 – U.S. 13th Amendment abolishes slavery with prison labour exception.
- 1930 – ILO Forced Labour Convention (No. 29).
- 1957 – ILO Abolition of Forced Labour Convention (No. 105).
- 1966 – ICCPR prohibits forced labour (with prison exemption).
- 2015 – UN Nelson Mandela Rules adopted.
- 2021 – U.S. Uyghur Forced Labor Prevention Act.
- 2024 – UN report highlights exploitation in prison labour.

V. Current Situation

Modern estimates indicate that tens of millions of people are in forced labour, with state-imposed forms affecting several million. State-imposed forced labour can be grouped into abuse of compulsory prison labour, abuse of conscription and forced labour for economic development. Abuse of compulsory prison labour constitutes more than half of all state-imposed forced labour. Reports document abuses in countries such as Brazil, China, and the United States. In North Korea, Eritrea and Myanmar, conscription and mobilisation for military or economic projects often amount to slavery. In Turkmenistan, tens of thousands of public-sector workers, including teachers and doctors, are compelled to pick cotton under threat of punishment.

The Special Rapporteur on contemporary forms of slavery highlighted the disparities in remuneration for incarcerated workers. In the Netherlands, the average prison wage is less than one euro per hour, while in Germany it ranges between roughly one and three euros. By contrast, Armenia, Colombia, Romania and Mexico City pay legal minimum wages to prisoners; Italy requires wages equivalent to two-thirds of the free-market rate and Brazil pays three-quarters of the minimum wage. Prison labour often intersects with discrimination. For example, in the United States, black men are much more likely to be imprisoned than white men, and so are disproportionately affected.

VI. Major Parties Involved

United States: The United States has the world's largest prison population and a long history of exploiting prison labour. The 13th Amendment's exception clause enables states to compel labour without violating constitutional prohibitions on slavery. Reports indicate that incarcerated workers often earn only cents per hour for non-industry jobs, with some states paying nothing. Up to 80 % of their wages can be deducted for costs such as housing and restitution. Meanwhile, prisoners produce billions of dollars in goods and services each year for prison maintenance.

Reform efforts are underway in some states, including proposals to pay prisoners higher wages and to amend the 13th Amendment, but implementation remains limited and wage deductions persist.

Turkmenistan: Turkmenistan's government organises annual cotton harvests where thousands of public and private sector workers—teachers, doctors, nurses and students—are forced to pick cotton under threat of losing their jobs or facing harassment. The quotas are demanding, working conditions are harsh, and failure to meet targets results in punishment. This state-imposed forced labour supplies cotton that enters global textile supply chains. Civil society groups such as the Cotton Campaign and Anti-Slavery International pressure governments and corporations to adopt import bans and due diligence measures to prevent goods made with Turkmen cotton from entering global markets. Despite some reform promises, Turkmen authorities continue to deny the existence of forced labour.

Germany and Scandinavia: Germany pays prisoners modest wages; in 2023, the Federal Constitutional Court ruled that these wages were too low and must provide tangible benefits over not working. In Romania, prisoners employed by external companies receive the national minimum wage and are exempt from social security contributions. Norway and Sweden offer market-rate wages and emphasise vocational training. These examples demonstrate alternative models where prison labour is genuinely rehabilitative rather than exploitative.

VII. Key Topics to Debate

- Should incarcerated workers be allowed to unionise? How can prisons ensure health and safety standards comparable to those outside?
- Should prison labour be mandatory, and how can states guarantee free and informed consent for incarcerated workers?
- What constitutes a fair wage for prison work? Should prisoners be paid at least the national minimum wage, and should wage deductions be capped?

- Should international conventions or national constitutions (such as the US 13th Amendment) be amended to close loopholes permitting forced labour?
- How can prison labour programmes be designed to provide meaningful vocational training and reduce recidivism?
- What responsibilities do governments and companies have to prevent goods produced through forced prison labour or state-imposed labour from entering global markets?
- How can prison labour policies address systemic racial, gender and ethnic disparities in incarceration?
- What role should the UN and regional bodies play in monitoring and enforcing standards for prison labour and modern forced labour?

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