

SPECPOL

The Question of Forced Labour in Prisons





Committee: SPECPOL

Topic: The Question of Forced Labour in Prisons

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Summary

Forced labour in prisons (also known as penal labour) is an umbrella phrase for various types of labour that prisoners are required to perform and typically is used to describe manual labour. There are two types of penal labour: punitive labour/hard labour and productive labour.

Punitive labour is used as an additional punishment besides the inmate's incarceration itself. It often relies upon pointless, physically-demanding tasks designed to cause suffering, discipline prisoners and provide 'retribution' for society. Historically, Victorian inmates worked the treadmill, sometimes for the purpose of grinding grain, but often for no reason at all. Other punishments were carrying cannonballs or tearing apart rope. In modern times, the USA employs a workfare-style of forced labour, subjecting inmates to agricultural labour, meat processing or crop harvesting; methods dating back to the Trans-Atlantic Slave Trade. Comparably, other systems use Foucault's idea of 'discipline through routine', by getting inmates to move objects back and forth for no reason, creating psychological exhaustion in the inmates. Productive labour is a more meaningful way for inmates to spend their time, getting a job for a small wage in order to help rehabilitate them and reduce the monotony of prison life, which also helps prevent prison violence.

181 of 187 members of the International Labour Organisation have ratified the main Forced Labour Convention, which outlaws forced labour broadly, but permits forced prison 'work', allowing for several members to exploit the loopholes in the clause. The Global Slavery Index estimates that 17 countries use forced labour in prisons to a level that breaches human rights, but this only shows the countries with evidence of abusive practise; there could be several more.

Advantages of Prison Labour

Prison labour is not always pointless and disciplining, productive prison labour can also help to re-integrate prisoners into society and provide a bridge into normal life. It teaches routine, discipline and time management, providing vocational skills that translate into real employment opportunities outside of prison. Productive labour also builds a non-criminal identity for the prisoner, with research suggesting that those who engage in labour whilst in prison are less likely to reoffend, relieving stress on the strained penal system.

Economically, penal labour can reduce prison operating costs, produce goods/services for public use and offset the expenses of running a prison. This presents itself through maintenance and cleaning, manufacturing of furniture/uniforms and agricultural work. This aligns with the utilitarian justifications for punishment; to maximise social benefit whilst minimising de-humanising behaviour.

Prison labour also comes with a host of psychological benefits; when the work is fairly paid and meaningful, it can improve the self-esteem and mental health of prisoners. However, these benefits collapse and go the other way when the behaviour becomes coercive or exploitative.

Disadvantages of Prison Labour

Despite its benefits, there are several disadvantages that have led to its outlawing or heavy restriction in most countries. One of the strongest criticisms is that prisoners are often exploited and paid far below minimum wage, with little/no ability to refuse work. This fosters a system where companies profit from captive labour, raising ethical concerns for prisoner rights.

There are also many human rights concerns with prison labour, as it sits in a grey-zone close to breaching Article 4 of the ECHR (which prohibits forced labour) and ILO conventions that allow prison labour as an exception. This enables state-sanctioned forced labour, where work is punitive rather than educational.

Furthermore, as prisons disproportionately hold greater numbers of the poor, ethnic minorities and the lesser educated, prison labour helps to entrench social inequality and reinforce social prejudices; with the US's system closely linked to post-slavery penal labour systems.

Definition of Key Terms

Penal Labour: Forced labour in prisons

Punitive labour: Hard labour for no pay used as psychological and physical punishment for prisoners

Productive labour: Labour that generates value/capital. Often allows for inmates to earn a wage for their work.

The International Labour Organisation (ILO): A tripartite United Nations Agency that brings together governments, employers and workers from 187 member states to promote social justice and set international labour standards

The European Convention on Human Rights (ECHR): A binding treaty adopted in 1950 to protect fundamental rights and freedoms. Established the European Court of Human Rights where individuals can sue parties for violations.

Major Countries / Organisations Involved

China: Operates large-scale penal labour systems working for state-run industries producing export products. Critics liken this to forced labour, with little information about this being optional or paid.

USA: One of the largest prison labour systems, paying inmates extremely low wages (<\$1 per hour). Argued that this is modern slavery due to limited pay and rights.

Democratic People's Republic of Korea: Forced labour is used as part of political incarceration systems with no legal protection or wages. Used to 'break' prisoners into conforming to the country's regime.

Sweden: Has rehabilitating work programs described as 'meaningful occupation' and training rather than forced labour. Their system encourages offering work or other structured activities with more labour rights than a traditional prison.

Japan: Inmates are legally required to work with paid wages, and Japan's legal framework ties work to rehabilitation (though pay is restricted).

Brunei: Offers some vocational work and skill training tied to reintegration. Conditions vary based on area.