

Tool No. 1:

The international labour standards on forced labour



The ILO has developed a body of legal instruments, known as international labour standards (ILS), which aim to promote opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and dignity. These instruments are drawn up by the ILO constituents – governments, employers and workers – and include conventions and protocols, which are legally binding international treaties that ILO member States are encouraged to ratify; and Recommendations, which serve as non-binding guidelines.

ILO constituents can also adopt declarations, which are resolutions emanating from the International Labour Conference. Declarations are used to make a formal and authoritative statement while reaffirming certain principles and values. Although declarations are not subject to ratification, they are intended to have a wide application and contain symbolic and political undertakings to be carried out by the member States.

The following box presents the main international labour standards and ILO declarations that address forced labour. These provide all actors with a comprehensive strategy and set of tools with which to address the challenge of the elimination of all forms of forced labour.

The Forced Labour Convention, 1930 (No. 29)

requires ratifying States to suppress all forms of forced or compulsory labour (Article 1(1)). It provides the legal definition of "forced labour" (see section 2 of the Guidance Manual) and lists five exceptions. It also requires ratifying States to ensure that the use of forced labour is punishable as a criminal offence and that penalties are "really adequate and strictly enforced" (Article 25). Convention No. 29 has been ratified by 178 member States (as of March 2020).

The Abolition of Forced Labour Convention, 1957 (No. 105)

primarily concerns forced labour imposed by state authorities and specifically prohibits the use of any form of forced or compulsory labour:

- as a means of political coercion or education or as a punishment for the expression of political views,
- for the purposes of economic development,
- or as a means of labour discipline
- as a punishment for having participated in strikes,
- as a means of racial, social, national or religious discrimination.

Convention No. 105 has been ratified by 178 member States (as of March 2020).



The 2014 Protocol to the Forced Labour Convention, 1930 (No. 29)

is a legally-binding instrument that requires States to take measures to prevent forced labour, protect victims and provide them with access to justice and remedies, including specific measures against trafficking in persons. It requires States to develop a national policy and plan of action on forced labour, in consultation with social partners. The Forced Labour Protocol has been ratified by 45 member States (as of March 2020).

The Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203)

is a non-binding instrument which provides further practical guidance concerning measures to strengthen national law and policy on forced labour in the areas of prevention, protection of victims and ensuring their access to justice and remedies, enforcement and international cooperation. It builds on the provisions of the Protocol and should be read in conjunction with it.

The 1998 Declaration on Fundamental Principles and Rights at Work

is a key ILO text which defines the core labour standards that must be respected by all countries. By adopting the Declaration on Fundamental Principles and Rights at Work (FPRW), ILO member States recognized that they have an obligation to respect, promote and realize these rights, namely: the freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation. This obligation exists even if a member State has not yet been able to ratify the eight fundamental Conventions, which embody these principles. As a consequence, countries which have not ratified these Conventions (including the associated Protocol of 2014 to the Forced Labour Convention) must report to the ILO on the measures they have taken towards realizing the Fundamental Principles and Rights at Work.1

National stakeholders should also consider other ILS² that do not deal directly with forced labour but can be relevant in an integrated approach, taking into account all fundamental principles and rights at work and addressing forced labour root causes, including:

- ▶ 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): Freedom of association and the right to collective bargaining are one of the four fundamentals principles and right at work (FPRW). Strong, independent and representative employers' and workers' organizations are crucial stakeholders to ensure the sustainable eradication of forced labour.
- ► The Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182): The elimination of child labour is also one of the FPRW. Both adults and children can be in forced labour. Forced labour of children is one of the worst forms of child labour (see Tool No. 2 for more information on the links between forced labour and child labour).
- ► The Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111): The elimination of discrimination in respect of employment and occupation is the fourth FPRW. Discrimination is one of the root causes of forced labour and discriminated groups are more vulnerable to forced labour.



¹⁻ See ILO: Rules of the Game: An introduction to the standards-related work of the International Labour Organization, Centenary edition (Geneva, 2019). Available at: www.ilo.org/global/standards/information-resources-and-publications/publications/WCMS_672549/lang--en/index.htm.

²⁻ All ILO's instruments can be consulted from here: www.ilo.org/dyn/normlex/en/f?p=1000:12000:644891923435::::P12000_INSTRUMENT_SORT:4.

- ▶ The **Domestic Workers Convention**, **2011 (No. 189)**: Domestic work is one of the sectors most affected by forced labour, with some very severe forms of violence and abuse. Ensuring the rights of domestic workers are respected is key to prevent forced labour.
- ► The Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143): Migrant workers are more vulnerable to forced labour; as they travel to unfamiliar lands, they can be trapped in forced labour by unscrupulous recruiters.
- ► The Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96) and the Private Employment Agencies Convention, 1997 (No. 181): Workers can be deceived by unscrupulous employment agencies, informal labour intermediaries and other operators acting outside the legal and regulatory framework.
- ► The Labour Inspection Convention, 1947 (No. 81) and its related Protocol of 1995 to the Labour Inspection Convention, 1947, as well as the Labour Administration Convention, 1978 (No. 150): Labour inspectors have a key role in detecting and preventing forced labour.
- ▶ The Violence and Harassment Convention, 2019 (No. 190): The use of physical and psychological violence is often observed in forced labour cases.³ For instance, violence and harassment can be used to force a worker to undertake tasks that were not part of the initial agreement, in addition to their "normal" tasks, thus turning a regular work situation into a forced labour one.

In addition to ILO instruments, other international standards are important in addressing forced labour and related issues. These instruments include:

- ▶ the Slavery Convention of 1926 which banned slavery and the slave trade and created concrete measures States parties agree to undertake to eliminate these practices. The Convention, which was created under the auspices of the League of Nations, requires signatories to eliminate slavery and the slave trade in their territories;
- the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 is a United Nations treaty that builds upon the 1926 Slavery Convention and the ILO Forced Labour Convention of 1930. It expanded the definition of slavery from one of "chattel slavery" to a definition including a ban of debt bondage, serfdom, servile marriage and child servitude; and
- ▶ the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children of 2000, which criminalizes trafficking in persons "for the purpose of exploitation" including, "at a minimum, the exploitation of the prostitution of others, or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs".

³⁻ See ILO: *ILO Indicators of Forced Labour* (Geneva, 2012). Available at: www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf.



Tool No. 2: Forced labour and related concepts



This tool explains the similarities and differences between important forced labour related concepts such as trafficking, slavery or worst forms of child labour.

Legal definition of forced labour

Article 2(1) of the ILO Forced Labour Convention, 1930 (No. 29) defines forced labour as:

"all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself [or herself] voluntarily".

According to this definition, there are four legal elements to forced labour:

(i) Work or service

"All work or service" refers to any type of work, service and employment, occurring in any activity, industry or sector, including in the informal economy. It also encompasses activities that may be illegal or not considered as "work" in certain countries, such as begging or prostitution. Forced labour can occur in both the public and private sectors.

(ii) Any person

"Any person" refers to all human beings, adults and children, nationals and non-nationals, including migrants in irregular situations.

(iii) Menace of any penalty

The "menace of any penalty" should be understood in a very broad sense. It covers penal sanctions as well as a wide range of means of coercion used to compel someone to perform work or a service against their will. These include various forms of direct or indirect coercion, such as the actual or credible threat of:

- physical, psychological or sexual violence against a worker or family or close associate;
- retaliation;
- imprisonment or other restriction of movement;
- financial penalties;
- withholding wages or other promised benefits;
- withholding valuable documents, such as identity documents or residence permits;
- debt bondage or manipulation of debt;
- denunciation to authorities (such as police or immigration) and deportation;
- dismissal from current employment;
- exclusion from future employment;
- exclusion from community and social life;

- removal of rights or privileges (such as promotion, transfer, access to new employment, social benefits);
- deprivation of food, shelter or other necessities;
- shift to even worse working conditions; and
- loss of social status.

The threat must be understood from the point of view of those affected. A child, for example, will be more easily deceived into believing a threat is credible. Migrant workers not speaking the language of the country may be more easily led to believe that they will be deported if they complain to the police. Some threats also use the victim's religious or cultural beliefs, as observed in some cases of voodoo threats used against Nigerian women trafficked for sexual exploitation.

(iv) Lack of voluntary offer

In the definition, the term "not offered himself/herself voluntarily" refers to workers not having given their free and informed consent to enter into an employment relationship and/or their inability to withdraw their consent at any time; that is to say to freely leave the employment. The free and informed consent to work must exist throughout the labour relationship. Certain practices may have an impact on the nature of the labour relation and vitiate the consent that was initially given. An employer or recruiter, for example, could interfere with this freedom by making false promises to induce a worker to take a job that they would not otherwise have accepted. Another example would be a worker who did accept to work freely but was prevented from revoking the initial consensual agreement. Circumstances that potentially give rise to involuntary work include, among others:

- birth or descent into "slave" or bonded status;
- physical abduction or kidnapping;
- > sale of person into the ownership of another;
- physical confinement in the work location, in prison or in private detention;
- psychological compulsion, such as an order to work backed up by a credible threat of a penalty for non-compliance;
- induced indebtedness (for example by falsification of accounts, inflated prices, reduced value of goods or services produced, or excessive interest charges);
- deception or false promises about types of work, terms of work, activities or employers;
- withholding and non-payment of wages;
- retention of identity documents or other valuable personal possessions; and
- no or limited freedom to terminate the work contract.

The Forced Labour Protocol reaffirms the validity of the broad definition of forced labour under Convention No. 29 outlined above and specifies that action to combat forced labour must also include specific action against trafficking in persons (Article 1, Paragraph 3).

Exceptions:

Convention No. 29, in Article 2(2), also provides for exceptions to the definition of forced labour by specifically referring to five situations in which compulsory labour may be imposed:

- work of a purely military character exacted in virtue of compulsory military service;
- normal civic obligations;
- work or service exacted from any person as a consequence of a conviction in a court of law, carried out under the supervision of a public authority;
- work exacted in cases of emergency, such as wars or natural calamities; and
- ▶ minor communal services in the direct interest of the community involved.

Each of these exceptions is subject to the observance of certain conditions that define their limits. If these limits are not respected, this can amount to a situation of compulsory labour imposed by the State.

State-imposed forced labour

The ILO Abolition of Forced Labour Convention, 1957 (No. 105) complements Convention No. 29 and prohibits Member States from having recourse to any form of compulsory labour, including compulsory prison labour, in five specific circumstances:

- > as a means of political coercion or as a punishment for expressing political views;
- as a sanction for participating in strikes;
- as a means of labour discipline;
- > as a means of racial, social, national or religious discrimination; and
- > as a method of mobilizing labour for economic development purposes.

Forced labour, trafficking and slavery

"Forced labour", "human trafficking" (also called "trafficking in persons") and "slavery" are terms that are often used interchangeably. However, while these concepts do have significant overlap, they are conceptually distinct and each has a clear definition in international law.¹

What is trafficking in persons?

The definition of trafficking in persons, provided by the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000 (UN Protocol), in Article 3(a), encompasses three elements:

- Acts: Recruitment, transportation, transfer, harbouring or receipt of persons.
- ▶ Means: The means that are used to accomplish one of the prohibited acts; namely, the use of threat or of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person.

¹⁻ The terms "human trafficking", "trafficking in human beings" and "trafficking in persons" refer to the same realities. This Toolkit uses "human trafficking", unless reference is made to an official text that uses the term "trafficking in persons".

▶ **Purpose:** Whether this act, using the above means, was conducted for the purpose of exploitation. The UN Protocol provides that "exploitation" includes "at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs".

What is slavery?

"Slavery" is defined under Article 1(1) of the League of Nations Convention to Suppress the Slave Trade and Slavery (the Slavery Convention), 1926, as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised". Slavery is an institution of complete ownership, in which an individual is subjected to the full control of the slave owner who can make decisions for this individual on education (attending school or not), work (type and conditions) or even private life (who to marry). The prohibition of slavery in international law has achieved "jus cogens" status, meaning that all states accept it as a principle that cannot be derogated from.

Nevertheless, and although slavery is prohibited by law in most countries, the practice or its vestiges remain in certain countries. In most cases, people subjected to slavery will find themselves in a situation of psychological, economic and social dependence. They have no option than work for their "master" and will fall under the definition of forced labour provided by the Convention No. 29.

What are the relations between the different concepts?

Based on the definitions provided by the related international treaties, there is a significant overlap between forced labour, human trafficking and slavery. It is important for stakeholders involved in developing and implementing NAPs to understand these concepts and their precise scope.

The diagram below illustrates the links between these concepts:



Note: The relative size of each area in this figure does not reflect the number of persons impacted by the issue, nor the degree of overlap.

Forced labour and trafficking

Based on the definitions provided by the international treaties, there is a significant overlap between forced labour and trafficking in persons. In particular, trafficking in persons for labour or sexual exploitation are forms of forced labour. However, some forms of trafficking are not forced labour (such as trafficking for the removal of organs), and, conversely, some forms of forced labour are not trafficking (such as inherited debt bondage, forced labour as means of political coercion, etc.). Taken together, the Trafficking in Persons Protocol and the ILO forced labour instruments seek to prohibit the most severe forms of exploitation.²

The Forced Labour Protocol and Recommendation No. 203 offer a comprehensive framework to address all forms of forced labour and require countries to take effective measures to prevent forced labour, protect victims, and ensure their access to justice, including remedies. These measures should include specific measures to target trafficking in persons.

What is modern slavery / contemporary forms of slavery?

Unlike forced labour, trafficking in persons and slavery, "modern slavery" is not defined in international law. It generally refers to a wider range of situations of severe exploitation where a person is heavily dependent on another and cannot escape because of mechanisms of control and coercion, violence, deception or abuse of power. In such situations where there is a threat and absence of freedom to leave work, modern slavery can constitute forced labour as defined in Convention No. 29.

In 2007, the UN Human Rights Council considered that "the mandates of existing Special Rapporteurs [did] not adequately cover all slavery practices, and that the issue of contemporary forms of slavery [needed] to be given greater prominence and priority within the United Nations system if these practices were to be eradicated once and for all". As a consequence, the Council decided to appoint a Special Rapporteur on contemporary forms of slavery, including its causes and its consequences.³

The Rapporteur's mandate encompasses "forced labour, debt bondage, serfdom, children working in slavery or slavery-like conditions, domestic servitude, sexual slavery, and servile forms of marriage".4 Likewise, the UN Voluntary Trust Fund on Contemporary Forms of Slavery considers that "modern forms of slavery include serfdom, forced labour, debt bondage, the worst forms of child labour, the sale of children, forced and early marriage, the sale of wives and inherited widows, trafficking in persons for exploitation and sexual slavery".⁵

Adopting legislation on modern slavery

Some countries have adopted, at national level, legislation on "modern slavery". In the **United Kingdom**, the Modern Slavery Act 2015 does not define modern slavery but lists the offences covered by the Act, namely "slavery, servitude, forced or compulsory labour" and "human trafficking".

*See: www.legislation.gov.uk/ukpga/2015/30/part/1/crossheading/offences/enacted.

²⁻ For more details on the links between the legal concepts of forced labour and trafficking in persons, see paragraphs 297 to 299, ILO, *Giving globalization a human face, General Survey on the fundamental Conventions concerning rights at work in light of the ILO Declaration on Social Justice for a Fair Globalization*, (Geneva, 2008). Available at: www.ilo.org/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_174846.pdf.

³⁻ UN, Special Rapporteur on contemporary forms of slavery, Resolution 6/14, Human Rights Council, 21st meeting, September 28 (Geneva, 2017). Available at: https://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_6_14.pdf

⁴⁻ OHCHR, Mandate of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, leaflet (Geneva). Available at: www.ohchr.org/Documents/Issues/Slavery/SR/Leaflet_SR_Slavery_en.pdf.

⁵⁻ OHCHR, *The human faces of modern slavery*, United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (Geneva). Available at: www.ohchr.org/Documents/Issues/Slavery/UNVTCFS/UNSlaveryFund.pdf.

The 2030 Agenda for Sustainable Development uses the term under target 8.7, which aims to "take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms."

In the 2017 Global Estimates,⁶ "modern slavery" is used as an umbrella term to focus on two main issues: forced labour in its various forms (including debt bondage and the relevant forms of slavery, slavery-like practices and human trafficking) and forced marriage.

Forced labour and child labour

Forced labour affects adults and children alike. Forced labour of children is one of the worst forms of child labour. However, children can be in child labour without being in forced labour.

What is child labour?

Child labour is work performed by children that is mentally, physically, socially or morally dangerous and harmful to children, affecting their health and personal development, or that interferes with their compulsory schooling. It is important to note however that not all child labour is forced labour.

What are the worst forms of child labour?

The ILO Worst Forms of Child Labour Convention, 1999, (No. 182) identifies the worst forms of child labour in its Article 3 as:

- a. "all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- **b.** the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- c. the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in relevant international treaties;
- d. work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children."

What is forced labour of children?

Forced labour of children corresponds to:

- i. work performed for a third party (other than his or her own parents), under threat or menace of any penalty either on the child directly or the child's parents; or
- ii. work performed with or for his or her parents, under threat or menace of any penalty applied by a third party either on the child directly or the child's parents; or
- **iii.** work performed with or for his or her parents where one or both parents are themselves in a situation of forced labour.

⁶⁻ ILO, Walk Free Foundation, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*, in partnership with the International Organization for Migration (IOM) (ILO, Geneva, 2017). Available at: www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575479.pdf.

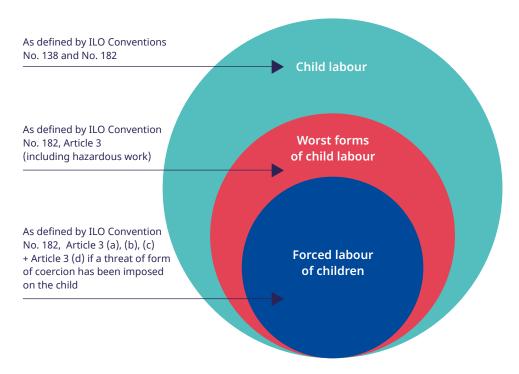
The threat or coercion may take place during the child's recruitment to force the child or his or her parents to accept the job. It may also occur once the child is working, to force him or her to do tasks that were not part of what was agreed to at the time of recruitment, or to prevent him or her from leaving the work.⁷

It is important to keep in mind that children are more vulnerable because of their age and their dependency on adults, which means they can be more easily coerced or deceived than adults. Consequently, further investigation is required to check whether their consent to work is indeed free and informed.

What are the relations between the different concepts?

Any situations envisaged by the Convention No. 182, in Article 3 (a), (b) and (c) are, per se, forced labour of children, as the consent of a child is deemed irrelevant in this situation. Hazardous work of children, defined in Article 3 (d) might not be forced labour per se. However, it can constitute forced labour if a threat or a form of coercion has been imposed on the child.

The diagram below further illustrates the links between child labour, the worst forms of child labour and forced labour of children, according to Convention No. 182 definitions:

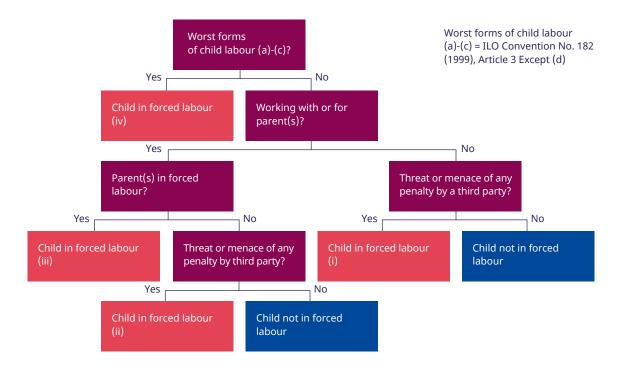


Note: The relative size of each area in this figure does not reflect the number of persons impacted by the issue.

⁷⁻ From: ILO, Ending Child Labour by 2025: A review of policies and programmes, Second edition (Geneva, 2018), p. 19. Available at: www.ilo.org/wcmsp5/groups/public/--ed_norm/---ipec/documents/publication/wcms_653987.pdf.

⁸⁻ Hazardous work is a conditional worst form of child labour and its danger depends on the circumstances/ sectors in which it is carried out, unlike the other three worst forms of child labour that are unconditional worst forms, no matter what the age of the child or what the circumstances are in which they are carried out.

The following diagram can help identify situations of forced labour of children, and constitute a useful tool for frontline responders, law enforcement authorities or social services, as well as for statistical purposes:





Tool No. 3: Mainstreaming forced labour



Many factors will influence the decision to opt for a stand-alone NAP on forced labour or to mainstream forced labour into other policy areas. This tool provides some elements to guide your decision.





Forced labour is a complex issue with multiple root causes such as discrimination, poverty, weak social dialogue or weak law enforcement. Therefore strategies addressing forced labour should as far as possible be integrated and mainstreamed within other policy areas, such as child labour and child rights, decent work and fair recruitment, labour migration, social dialogue and freedom of association, equality and non-discrimination, social protection, poverty reduction, environment protection, and crisis management (see also Tool #6 on the SDGs and forced labour). Such initiatives may range from merely an exchange of information to joint activities or integrated programmes. The level of integration will depend on a number of factors including organizational cultures; conducive environments for working together; the relative maturity of programmes; the extent to which forced labour is considered relevant to many or a more particular issue relevant only to a handful of actors.

Policy integration often requires compromise and the degree to which forced labour can be subsumed under other headings will vary. In some countries, forced labour is barely recognized as an issue and it may be necessary to start by shining a spotlight on it in order to spark national debate, reflection and commitment. In other countries, the agenda is well established and it becomes more important to effectively address the issues, regardless of the label attached to the intervention. It is extremely important that the NAP on Forced Labour clearly identifies what already exists and includes measures to avoid unproductive overlaps while finding positive synergies.

The mapping of existing policies, programmes, and development frameworks such as national development plans, ILO's Decent Work Country Programmes or UN Development Assistance Framework (UNDAF), can help to identify entry-points for integration and mainstreaming. This can be undertaken as part of the preparations for the NAP but it could also be an activity under the NAP where mapping of actors and potential integration areas is carried out in a given field; for example, mapping training providers in a province to integrate them into a victim support and referral system, or mapping safe migration advocates to pursue joint advocacy for improved policies.



The Merriam-Webster Dictionary defines mainstreaming as: "a prevailing current or direction of activity or influence". The process of mainstreaming is essentially to infuse a subject into a more commonly prevailing agenda – for example, mainstreaming forced labour into national poverty eradication agendas and initiatives.

Another advantage of mainstreaming is to allow a sensitive topic to be tackled indirectly. In countries where forced labour is still a highly sensitive issue, it can be worth exploring other entry points, when it is not possible to tackle the issue upfront. For instance, it could be integrated in a NAP on child labour, as this topic may be less controversial. Conversely, a NAP on forced labour can also constitute an entry point for stakeholders to tackle other sensitive issues such as discrimination or freedom of association.

The following checklist provides a non-exhaustive list of questions that partners can ask to assess the most effective solution between adopting a stand-alone NAP or embedding forced labour into an already existing framework.

The existence of pre-existing frameworks	► Are there already substantial, well-established and effective frameworks in place to address related issues (e.g. trafficking in persons, child labour)?
	► Are these frameworks open to integration of the forced labour agenda? For example, will it be possible for the oversight mechanism in place to easily and quickly adjust its mandate to cover forced labour?
	▶ Do implementing partners see forced labour as an issue they should feel concerned about or do they think "it's not their business"?
	▶ Do they have the right mandate?
The nature and extent of forced labour	► Is forced labour a very specific situation found in a very specific geographical area or industry?
	▶ Or is forced labour a widespread problem, likely to occur across sectors, industries and locations and closely connected with other forms of exploitation?
The drivers behind forced labour	▶ Is forced labour driven by specific characteristics (e.g. discrimination) and linked to very specific groups (e.g. ethnic minorities who suffer a number of infringements on their rights?
	▶ Do implementing partners have experience and skills on how to address discrimination?
	Or is it a widespread practice in a country or an industry, underpinning certain economic structures and business models?
	► Is it linked with poor governance and lack of law enforcement on a wide scale, is it a localized, traditional practice, or a combination of both?
Awareness and knowledge	► Is forced labour widely recognized as a problem that needs urgent attention by multiple agencies?
	▶ Or is it a new (and sensitive) issue that needs to be put on the national agenda before substantial action can be expected?
Partner capacity	▶ Do implementing partners have the experience, skills and knowledge to address the problem?
Purpose of the NAP	▶ Is the NAP meant to mobilize partners and secure resources?
	► To improve coordination between partners? To introduce new strategies to deal with complex issues?



Tool No. 4: Developing the knowledge base on forced labour



Before developing a NAP with robust strategies to eradicate forced labour, it is imperative to understand the current situation in the country through quantitative and qualitative data collection.

Statistical data is needed to understand the magnitude of forced labour, the affected populations and sectors. In order to ensure that the collection and analysis of data is comprehensive and accurate, the International Conference of Labour Statisticians adopted Guidelines concerning the measurement of forced labour so that all countries use the same definitions and indicators. Countries are increasingly integrating modules on forced labour (often in combination with a component on child labour) into their Labour Force Surveys or other regular household surveys. This approach is often cheaper and more sustainable than undertaking stand-alone surveys and allows data comparison, which can be useful to assess the impact of the NAP over time.

Supplementing statistical evidence with qualitative studies involving, for example in-depth interviews with victims and perpetrators, systematic collection of lessons from organizations who support victims, analysis of (anonymized) data from victim referrals and enforcement records, can add valuable insights that will make strategies aimed at tackling forced labour more relevant and effective. The qualitative study should aim at explaining the different types of forced labour existing in the country, the means of recruitment and coercion used, as well the specific vulnerabilities observed. The following questions are examples that can guide the research: Are there cultural biases or discrimination patterns that could shed light on the exploitation of one group by the other? Are victims more vulnerable due to their gender, age, race or ethnicity? Are they particularly poor or vulnerable to income-shocks? Do they benefit from social protection? Who are the perpetrators and why do they resort to forced labour? Are they trying to cut costs in a low-profit industry? Are they perpetuating traditional practices? Who has agency – i.e. who can take action to change things?

When collecting evidence, one needs to bear in mind that the Forced Labour Protocol and Recommendation No. 203 call for specific attention to gender and age characteristics and both the UN Protocol and ILO Convention No. 182 bind States to provide additional protection for children.



Information technology and forced labour

The use of information technology to generate evidence in order to protect victims and vulnerable people and share lessons on combatting forced labour holds immense potential and is under rapid development. This may include different activities, such as using satellite imagery to detect forced labour in remote locations; monitoring and analysing media reports; using satellite and GPS data to identify perpetrators; reaching out to potential victims with information, as well as support groups through social media; and many more strategies.

The analysis of how information technology and the use of social media may fit into the NAP strategies is most likely a very worthwhile undertaking. Seeking advice from specialists in data management and information technology is to be encouraged. This also means that organizations working on data collection and analysis can be important partners in developing and implementing the NAP.

Therefore, the analysis of gender dynamics, as well as the circumstances surrounding children and their vulnerabilities will be necessary to develop strategies that are in line with the Forced Labour Protocol and Recommendation No. 203. It may even be useful to conduct a life-cycle analysis in relation to forced labour to find out if people are more vulnerable at certain stages of their life (e.g. when leaving school or starting a family).

To build a solid knowledge base, years of collecting evidence and lessons learned, analysing data and sharing information may be necessary. It is more common than not to develop a NAP from an incomplete knowledge base, in order to take immediate action as called for in the Forced Labour Protocol. Building and continuously updating the knowledge base is therefore an important part of the NAP's strategies, which will be part of consecutive NAPs. In many countries, one of the key priorities of a NAP is indeed to undertake research, collect evidence from relevant action, and analyse and share the information.



Tool No. 5:Strategies to address the 4Ps



1

The following checklist can help assess whether the NAP strategy effectively encompasses the different elements related to Prevention, Protection, Prosecution and Partnerships, that are relevant to the national context. This list is based on the ILO Forced Labour Protocol and Recommendation as well as the ILO review of policies and programmes.¹

Prevention

- ▶ Have the different vulnerable / at-risk groups been identified?
- ▶ What are the most adequate means to reach them?
- ► Are there education and information programs targeting vulnerable groups (taking into account language barriers, illiteracy, etc.)?
- Are skills training programmes provided for at-risk population groups to increase their employability and capacity to increase their income?
- ▶ Do employers receive information and training so as to be able to recognize forced labour, identify risks and adopt mitigation strategies?
- ▶ Does relevant legislation (forced labour, human trafficking, bonded labour, labour migration, etc.) protect all workers in all sectors with no restriction?
- ▶ Is recruitment appropriately regulated so as to prevent exploitation?
- ▶ Is it prohibited to charge recruitment fees to workers?
- ► Are migrant workers provided with pre-departure information?
- ▶ How is due diligence by public and private sectors supported?
- ▶ What are the measures taken to address root causes such as social protection floors and promotion of safe and regular migration?

Protection

- ▶ Do all victims have access to victim protection and rehabilitation's systems, irrespective of their status (age, gender, nationality, etc.)?
- ► Are protection measures provided to victims whether they agree or not to take part in judicial proceedings?
- ▶ Are emergency protection measures in place (access to shelters, medical assistance, etc.) as well as long-term rehabilitation (vocational training, access to unemployment benefits, etc.)?
- ▶ Is there a national referral system?
- ▶ What are the different complaint mechanisms?
- ▶ What are the measures in place to protect victims and their relative from retaliation?
- ▶ Do all victims have access to safe and adequate accommodation?
- ► Can victims receive health care, material assistance, and judicial assistance?
- ▶ Are there measures in place to protect victims' privacy and identity?
- ▶ Do victims have access to educational and training opportunities?
- ▶ Are there partnerships in place with employers to provide victims with decent work opportunities?
- Which measures are in place to take into account the special needs of women, children or migrant workers?
- ▶ Are victims provided with a reflection and recovery period?
- ▶ Are victims provided with temporary or permanent residence and / or work permits?
- ► How is safe repatriation ensured? Is it voluntary?

¹⁻ ILO: Ending Forced Labour by 2030: A review of policies and programmes (Geneva, 2018). Available at: www.ilo.org/global/topics/forced-labour/publications/WCMS_653986/lang--en/index.htm.



Prosecution

- ▶ What are the measures in place to support victim identification? Is there a list of forced labour indicators that has been discussed and validated with social partners and other key stakeholders?
- ▶ Are victims able to seek remedies before the courts, tribunal or resolution mechanisms, through both civil and criminal proceedings without conditions / discrimination?
- ▶ Do victims have access to financial compensation for material damages (such as medical costs, unpaid wages, legal fees, and loss of earnings and earning potential) or for moral damages (such as pain and emotional distress)?
- ► Can they benefit from free legal advice?
- ► Can migrant workers receive legal support in a language they understand?
- ► Can victims be prosecuted or imposed penalties for their involvement in unlawful activities that they were compelled to commit, including violating migration or labour legislation?
- ▶ Do labour inspectors, police officers, prosecutors, judges and other law enforcement officers have the sufficient skills, training, resources and mandate to enforce the law?
- ▶ Do law enforcement officers receive appropriate training related to evidence gathering, recording, interviewing techniques, etc.?
- ▶ Are there coordination and collaboration mechanisms in place between the different law enforcement agencies?
- ▶ Do law enforcement officers collaborate with trade unions and NGOs?
- ▶ Does national legislation allow for financial penalties, including confiscation of profits and assets?
- ▶ Are victims entitled to access collective compensation funds?
- ► Can victims pursue compensation and damages from perpetrators, including unpaid wages and statutory contributions for social security benefits?
- ► Can victims pursue appropriate administrative, civil and criminal remedies, irrespective of their presence or legal status?
- ► Can legal entities be held liable for the violation of the prohibition to use forced or compulsory labour?

Partnerships

- ▶ Have the different partners involved in designing, drafting, implementing and monitoring the NAP been identified?
- $\blacktriangleright \ \ \text{Have organizations of employers and workers been systematically involved in the process?}$
- ► Have victims been included developing the NAP strategy?
- ▶ What are the bilateral cooperation mechanisms in place between criminal and labour law enforcement agencies?
- ▶ Do sending and receiving countries cooperate to prevent forced labour and protect victims?
- ▶ Are there mutual technical assistance procedures in place, including the exchange of information and the sharing of good practices and lessons learned?
- ▶ How does your country cooperate with others to achieve SDGs Target 8.7?
- ▶ Is your country an Alliance 8.7 pathfinder country or planning to become one?



Tool No. 6: Forced Labour and the Sustainable Development Goals (SDGs)



This tool is a slide presentation that demonstrates the links between forced labour and the 17 SDGs.

The complete presentation, with annotations, can be found online by scanning the QR code opposite, or visiting:

https://www.ilo.org/global/topics/forcedlabour/publications/WCMS 762154/lang--en/index.htm



The SDGs basis

People, Planet, Prosperity, Peace & Partnership

- ▶ These 5 elements underpin the 17 Sustainable Development Goals, adopted by the UN General Assembly in September 2015
- ▶ The eradication of forced labour is a specific target under the SDG 8. However, the achievement of Target 8.7 is closely related to the achievement of other SDGs.





Poverty is one of the root causes of forced labour that in turn perpetuates inter-generational poverty.

Target 1.1 (eradication of extreme poverty) and 1.2 (reduce by half poverty in all its dimensions) can only be achieved if forced labour is eradicated.

Target 1.3 (social protection) and target 1.4 (access to economic resources) are direct contributions to preventing forced labour.



Target 2.1: By 2030, end hunger and ensure the access by all people, in particular the poor and people in vulnerable situations, including infants, to safe, nutritious and sufficient food all year round.

Food insecurity makes people vulnerable to exploitative practices like forced labour.



Target 3.8: Achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable medicines and vaccines for all.

The inability to access health care makes people more vulnerable to income shock, especially for vulnerable groups like irregular migrant workers and workers in the informal economy.

Forced labourers often work in unsafe and degrading working conditions.



Ensuring **education** and **training** opportunities for young people and adults is an effective measure to prevent forced labour.

Vocational training is also instrumental in ensuring rehabilitation of victims of forced labour.



Target 5.1: End all forms of discrimination against all women and girls everywhere.

Target 5.2: Eliminate all forms of violence against all women and girls, including trafficking and sexual and other types of exploitation.

Target 5.4: Recognize and value unpaid care and domestic work.

Forced labour has a gender dimension: women represent over 62 per cent of the victims. Women and men tend to be affected within stereotypical gender roles (i.e. female in domestic work and male in manual sectors, such as fishing or construction).



Target 8.7: Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.

Target 8.7 is $\underline{\text{the target}}$ for NAPs but other targets under Goal 8 must be kept in mind too.

Other relevant under SDG 8:

- **8.3:** Promote policies that support productive activities, decent job creation and entrepreneurship.
- **8.4:** Endeavour to decouple economic growth from environmental degradation.
- **8.5:** By 2030, achieve full and productive employment and decent work for all women and men.
- **8.6:** By 2020, substantially reduce the proportion of youth not in employment, education or training.
- **8.8:** Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment.
- **8.10:** Strengthen the capacity of domestic financial institutions to encourage and expand access to banking, insurance and financial services for all.



Low productivity, scarce resources, limited innovation, may lead unscrupulous employers to use forced labour to increase profits. This, in turn, leads to unfair competition and can induce a "race to the bottom".

The reputational risks associated with forced labour and child labour may also threaten the very existence of an industry or enterprise.



Children and adults from ethnic minorities, socially marginalised communities and discriminated groups such as migrants, are at higher risk of forced labour.

In turn, forced labour and child labour reinforce patterns of extreme inequality.



Target 11.1 By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums.

Safe, affordable housing and community services is an element of ensuring the family resilience that prevents forced labour.



The ILO Forced Labour Protocol calls for countries to take measures to support due diligence by both the public and private sectors, in Article 2(e).

Unscrupulous businesses that use forced labour face an increasing risk of reputational damage, trade sanctions and, ultimately, economic losses.

It is important people question the way in which what they consume is produced, from both global and domestic supply chains, not only as related to environment protection but also whether workers were treated fairly.

See also <u>Global Business Network on</u> Forced Labour.



Climate change, natural disasters, food insecurity and the depletion of household resources make people more vulnerable to exploitation and forced labour.

Besides, forced labour may also be directly linked to environmental crimes: forced labour is widely used in deforestation, as well as in illegal fishing.



Deforestation, soil erosion and other (human-induced) depletions of natural resources threaten people's livelihoods, making them vulnerable to forced labour.

The global fishing industry is illustrative of the links between preservation of natural resources and labour rights: overfishing has led to depletion of the stock and coastal fishermen can no longer sustain themselves. They become vulnerable to human trafficking and forced labour aboard large, industrial vessels in the global fishing industry.



Target 16.1: Significantly reduce all forms of violence.

Target 16.2: End abuse, exploitation, trafficking and all forms of violence against and torture of children.

Target 16.3: Promote the rule of law at the national and international levels and ensure equal access to justice for all.

Target 16.4: By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime.

Target 16.5: Substantially reduce corruption and bribery in all their forms.

- People who flee conflict and violence are at extreme risk of falling prey to criminal networks behind human trafficking and forced labour. This has been documented extensively among refugee and migrants reaching Europe for example. Children are at increased risk of suffering violence and exploitation.
- Corruption may facilitate perpetuation of illegal practices like human trafficking and forced labour (paying law enforcement to turn a blind eye, for example).



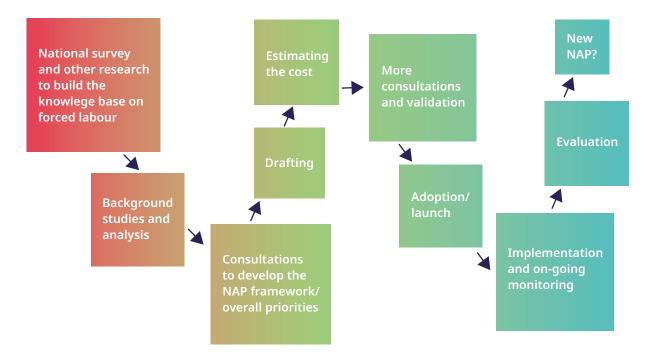
- In a globalized world the persistence of forced labour and child labour anywhere is a problem everywhere!
- It is particularly important in the case of migrant workers that countries of origin, transit and destination work together to prevent trafficking and promote fair recruitment.
- Signing up to the SDGs requires commitment in action and allocation of resources by all countries.
- Alliance 8.7 is the key global partnership on eliminating forced labour, human trafficking and modern slavery.



Tool No. 7: Overview of the NAP formulation process



Below is a diagram summarizing the different steps of the NAP formulation process. The steps are shown as a sequence in the diagram but it may be different in practice. For instance, it is possible that the national survey does not take place before the NAP implementation.



All the different steps in the NAP formulation process should be implemented in a way to build ownership and **ensure effective implementation of the NAP strategy**. Inclusiveness, openness, clear guidance and leadership constitute essential ingredients in the process. See section 4 of the Guidance Manual for more details on each step.

Background studies will help assess the situation in the country and allow partners to make decisions on the strategy, scope, timeframe, format and contents of the NAP to be put in place. The more knowledge regarding the situation is collected, the more likely partners are able to easily design a realistic, implementable and effective NAP on forced labour. A background study will also provide useful information in order to define the NAP's coordination and implementation set-up and its oversight mechanism, to build the cost estimate and to monitor progress and measure impact.

The following checklist provides potential elements to include in the Terms of Reference (ToRs) for background studies:

Know the situation

What information is already available regarding:

- the scope and nature of forced labour in the country;
- its causes and consequences;
- the needs and wishes of those affected by forced labour;
- knowledge about and attitudes to forced labour in the general public and among key stakeholders;
- > structural issues and discriminatory practices (e.g. caste systems or ethnically based stratifications) that may underpin the perpetuation of forced labour;
- b the relevant national policies and plans that may contribute to eradicating forced labour;
- the legal framework on forced labour (and related issues);
- ▶ the potential implementing partners, including those who may already be implementing interventions that contribute to eradicating forced labour;
- ▶ the types of interventions that these partners implement;
- the resources available.

The scale of the studies will vary, depending on, amongst other factors, available resources, timeframes, prior knowledge and experience.

The mapping should seek to help partners assess:

- Where there are significant gaps in knowledge, capacity, resources, legal and policy framework;
- Which of these gaps may need to be addressed before the NAP is formulated and which need to be addressed within the framework of the NAP, once formulated;
- ▶ How to best plan, coordinate and oversee the formulation of the NAP to ensure an inclusive process.

Learn from previous NAPs

The background study will be slightly different when it is not the first generation NAP on forced labour. When it builds on previous NAP(s), the studies can include some of the following elements:

- **Previous initiatives and lessons** derived from these. If these lessons are systematically collected, analysed and shared, they can become a key element of the knowledge base in the country.
- ▶ Reports and findings from M&E for example, field visits, annual reviews and self-assessment. It is important to consider what worked and what did not from the previous phase and shape activities accordingly (hence the need for evaluation).¹
- ▶ Change analysis When developing a second or third generation NAP, important questions to ask include: What has changed since the beginning of the previous NAP? How much of this was a result of the NAP's strategies and which of these strategies are therefore effective and could be scaled up? What has changed as a result of external factors (outside the control of the NAP)? How much of this can be addressed in the NAP? How are these new strategies going to be implemented? By whom? Using which resources?

¹⁻ Examples of how lessons from a previous NAP shaped current interventions can be found in Government of the United Kingdom: *Human Trafficking: The Government's Strategy*, Home Office (London, 2011). Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/97845/human-trafficking-strategy.pdf.



Tool No. 9: Capacity assessment checklist



In developing and implementing a NAP on forced labour, it is important to assess the capacity of the partners involved. This will help guide the selection of implementing partners or help identify some capacity-building needs to be addressed for effective implementation. This checklist can be used as a starting point to stimulate thinking and generate discussion; some points may not be relevant in all countries, while some countries may face further capacity issues that are not included.

Capacity assessme	nt checklist
1. Who does what?	 Find out who will implement which activities. Not all types of activities require the same types and levels of capacity. Does the organization(s) in question have a leadership role (for example, in the NAP steering committee or oversight body)?
2. Define "capacity"	 What do you actually mean when you use the term capacity? Knowledge? Skills among staff? What are the criteria to consider? Available human resources (for example, the number of staff, external experts that can be drawn upon)? Available logistics (such as buildings, transport equipment, IT equipment, communication tools)? Financial resources? Are partners more concerned about one of these aspects than the others? Does it make sense to focus the capacity assessment on a particular issue or do you need to assess capacity more broadly?
3. At what level?	 Do partners just need to look at specific skills and knowledge related to the NAP activities they will implement; or Do they need to know more about the overall capacity of an organization, e.g. its financial status, its governance structures, its partnership network? The greater the leadership role an organization takes on, the higher the likelihood that the capacity assessment needs to be an in-depth exercise.
4. Who will assess capacity?	 Is self-assessment and/or peer review possible? Find out how key representatives view the capacity of the organization themselves (self-assessment). This can be done in many ways, for example, through questionnaires or through interviews conducted by an independent expert or by peers. Sometimes this will be sufficient to identify the critical area for capacity assessment. Involving organizations in peer reviews of each other can be very useful also in terms of strengthening partnerships. In this process, mutual trust between organizations is important, as is the respect of confidentiality. External experts can also be tasked to assess capacity. They will have experience from similar exercises with other partners and will carry out in-depth assessments to identify trends, patterns and needs that partners may not have identified through the self-assessment. They can also provide recommendations on how to prioritize resources for capacity development. The external assessment can be undertaken as part of the overall background study for the NAP or at the beginning of implementation.

Capacity assessn	nent checklist (continued)
5. Agree on the priorities	 Partners need to discuss the findings and agree on priorities, based on available resources. Capacity development initiatives should be included in the NAP so as to contribute to the achievement of the NAP objectives. Some recommended (e.g. training activities) amy need to be planned specifically and as stand alone activities. Other activities, e.g. revision of job-descriptions in partner agencies, require management commitment (e.g. allocation of staff time to implement NAP activities). Priorities should be set in an open and realistic manner, considering competing demands on organizational resources.
6. Check the impact	► Monitor and evaluate the impact of capacity development initiatives.



Tool No. 10: Ownership and political commitment

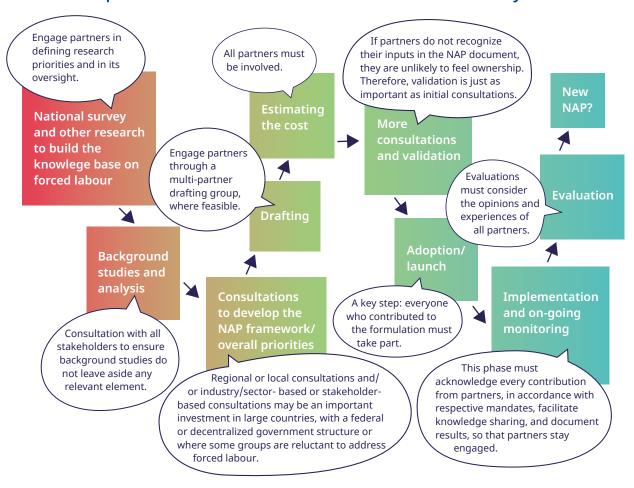


This note is intended to stimulate thinking about what ownership means and how it can lay the foundations for an effective NAP.¹

"Ownership" is generally agreed to be of vital importance to the NAP – without real national ownership, a NAP is unlikely to be implemented to any significant degree and unlikely to bring about meaningful change. If there is real ownership of the NAP, it means that partners acknowledge that the eradication of forced labour is "their business" and will prioritise this in their respective agendas. This applies to government, social partners and other civil society partners. As the government and the Parliament are the ones driving change in many aspects, for example, by adopting and enforcing laws and policies on forced labour, political commitment is also essential.

Below, you will find concrete suggestions of what can be done at each stage of the NAP formulation process to create ownership of the NAP and what partners may do to stimulate political commitment. It should be borne in mind that a truly inclusive consultation and formulation process is the most important step towards national ownership of the NAP. Inclusive processes tend to be lengthier, but skipping partners or steps in the consultation process may be costly in terms of ownership and (non) implementation in the long run. Hence, striving to make the NAP formulation process as inclusive as possible should be the aim of lead agencies at all times.

Ownership considerations at the different NAP formulation stages



¹⁻ See also ILO: *Tool kit for development and implementation of National Action Plans (NAPs) on Child Labour* (Geneva, 2017). Available at: www.ilo.org/ipec/Informationresources/WCMS_568877/lang--en/index.htm.

Generating political commitment

Political commitment from policy makers will help keep the eradication of forced labour high on the political agenda. This may however be difficult in an environment where multiple priorities compete. Arguments that could convince policy makers to commit to the eradication of forced labour, in words as well as in deeds and in the allocation of resources, include:

- ► Forced labour is a severe violation of human rights. It should therefore be eliminated as a matter of priority, in line with the ILO instruments on Forced Labour, in particular the Forced Labour Protocol of 2014, which calls for the implementation of a NAP on forced labour; and with Target 8.7 of the SDGs, which call for its eradication by 2030.
- ► The persistence of forced labour in the country is likely to lead to substantial reputational damage. This may scare away foreign investors and trading partners who do not wish to be associated with forced labour.
- Moreover, forced labour generates a loss of resources for the country (unpaid taxes and social contributions) and generates costs in terms of assistance to victims and prosecution. For these reasons, it is important to dedicate resources to prevent forced labour and address root causes as well.
- Eradicating forced labour is thus both a moral obligation and an important investment in the country.

Delivering this message is easier if it is supported by national evidence. If no proof of forced labour can be put forward, it is easier to disregard the problem – even in the face of large numbers of victims of forced labour globally or indications that forced labour may exist in the country. The collection of quantitative and qualitative data is therefore instrumental. Once such evidence is collected, it needs to be shared with policy makers. This may happen through multiple vehicles, such as:

- media reports, which also raise general awareness and increase public pressure on policy makers to address the problem;²
- specific information sessions for parliamentary committees/parliamentarians, government officials;³
- making use of international days and events (e.g. the International Day for Abolition of Slavery on 2 December, the World Day against Trafficking on 30 July 30, or the World Day Against Child Labour on 12 June) to raise awareness and increase public pressure, and to engage policy makers;
- inviting policy makers and all other relevant stakeholders to participate actively in the NAP consultations:
- bringing forced labour issues to the attention of the ILO supervisory mechanism especially in cases where the government is reluctant to commit to its eradication.

Fostering political commitment to the eradication of forced labour may be both a question of dialogue and information on one side and exerting political pressure on the other. It should be kept in mind that employers' and workers' organizations have a crucial role to play, for example, through bringing up issues of forced labour in tripartite labour councils nationally and through reporting to the ILO Committee of Experts on the Application of Conventions and Recommendations,⁴ when needed.

²⁻ See ILO: Reporting on forced labour and fair recruitment: An ILO toolkit for journalists, online resource (Geneva, 2019). Available at: https://readymag.com/ITCILO/1292461/.

³⁻ See ILO, IPU: *Eliminating Forced Labour, Handbook for Parliamentarians* N°30 (Geneva, 2019). Available at: www.ilo.org/global/topics/forced-labour/publications/WCMS_723507/lang--en/index.htm.

⁴⁻ For more information, please visit the CEACR webpage: www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/committee-of-experts-on-the-application-of-conventions-and-recommendations/lang--en/index.htm.



Tool No. 11: Agenda for national consultation workshops



This tool provides suggestions on how to organize national consultation workshops. By the end of the consultations, partners will have discussed and developed a NAP framework that can be expanded into a full draft NAP document by the lead drafters.

It is recommended to spend at least two full days on the consultations to allow stakeholders to express their views and discuss matters in detail. The amount of time required will depend on the extent to which participants are familiar with the subject, as well as the number of participants, the amount of knowledge, evidence and lessons learned to be presented. If the participants are not familiar with the subject, a prior training on the key concepts will be needed.

These workshops involve intensive learning and working sessions. It is therefore important to provide for sufficient breaks not only so that participants maintain focus, but also to provide them with an opportunity to network. It is also important to allow for adequate time in the programme for recaps and sharing of experiences.

Depending on the context, it may be more effective to have a series of consultation workshops rather than a national one, or online meetings as alternative to face-to-face meetings. In all cases, the consultation process should aim to cover the items below.

Agenda	Method/facilitation	Purpose
Presentation of the purpose of the consultation workshop. Presentation of the purpose of the NAP and any activities undertaken to date to develop the NAP.	Responsible government agency, social partners.	To underline the importance of the consultations, clarify the purpose of the NAP and make sure participants feel welcome and are encouraged to contribute.
	Plenary presentation by researchers/ evaluators and/or responsible agencies; NGOs representing victims and vulnerable groups.	
Discussion on findings and what they indicate in terms of gaps, needs and priorities.	Discussion facilitated by lead agency.	
	Depending on the number of participants, this can be a plenary session or an initial discussion in smaller groups, followed by a plenary discussion.	To develop the overall goal for the NAP as well as the immediate objectives for the current phase. To identify the overall strategies of the NAP.
	Should be facilitated by an experienced facilitator with a clear vision of the NAP. Should involve at a minimum relevant representatives from government, social partners and key stakeholders representing vulnerable groups such as NGOs providing assistance to victims, indigenous groups, migrant workers' centres, etc.	It is important that all participants agree on the overall objective and the immediate objectives before proceeding as this is where all other NAP components derive from.

Agenda	Method/facilitation	Purpose
	Small working groups. Each group works towards defining an immediate objective, key activities and intermediate results. Then each group reports back to the plenary session.	
	Group facilitators and rapporteurs are selected among participants. It is important to have experienced facilitator for the plenary discussion. The most relevant stakeholders should be identified for each topic (law enforcement, data collection, etc.).	
M&E framework/indicators and targets.	Participants continue working in the same groups, now defining indicators, targets and means of verification for the objective for which they are responsible. Then each group reports back to the plenary session.	
	Group facilitators and rapporteurs selected from among the participants. Facilitator must be experienced in M&E for the plenary discussions.	
Identifying implementing partners.	Group work and plenary discussion. Continuing in the same groups with the same objective, participants identify implementing partners and coordinating partners for each activity.	partners and discuss coordination and
	During the reporting back process, an oversight mechanism can be identified if it is not already in place. Groups can also be asked to propose oversight and reporting structures.	
	Group facilitators and rapporteurs selected from among the participants. Experienced facilitator needed for the plenary discussion.	
Costing and resource mobilization.	Group work and plenary discussion. Participants should first estimate the costs of each activity. They can then identify possible sources of funding and other resources, as well as any gaps that need to be filled to allow the activity to be implemented.	To agree on strategies/possibilities for resource mobilization and to identify areas where activities can be
	Group facilitators and rapporteurs selected from among the participants. Experienced facilitator needed for the plenary discussion.	
Presentation to high-level government officials, final discussions and closing.	Responsible government agency.	To promote buy-in from high-level government officials allowing for a swift adoption of the NAP.



Tool No. 12: Cost estimate checklist



Estimating the costs of the NAP will help partners define the most effective strategies, prioritize activities and identify resource gaps that need to be filled in order for the NAP to be implemented. It will also be a useful tool which will allow existing resources to be optimized, in relation with the work plans and budgets of the individual partners. As long as the NAP contains robust cost estimates and a proper division of responsibilities, it will be easier for partners to estimate exactly how many resources they will each need to implement the activities for which they are responsible. An accurate costing of the NAP also serves as a basis to negociate increased resources as well as for the inclusion of new budget lines in the government budget.

The following checklist is meant to help partners think about what a cost estimate for the NAP should include and how to go about developing one.

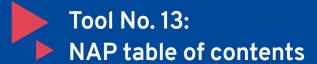
Basic principles for **NAP** cost estimation

- ▶ Cost estimates should be based on the estimated cost for each activity under an intermediate objective.
- ▶ Ensure that costs related to human resources are included: staff costs, consultancy costs, capacity development needs, as well as travel costs.
- Sources of funding including what is already provided for in the government budget - should be identified in the NAP costing.

- **Use existing resources** Map existing programmes and budget lines from government and partners that can be used for the NAP.
 - ▶ It is important to consider how to best advocate for budget integration in each specific context focal points in key ministries / departments are often helpful in getting access to (limited) ressources, for which there may be internal
 - ▶ Integration of NAP budget lines into the government budget requires alignment with existing budget cycles and procedures. It is an advantage if the line ministry staff involved in the formulation of the NAP also have budgeting and negotiation skills.

Mobilize additional resources

- ▶ Seeking the support of external sources, such as development partners, may be necessary. These partners may also provide valuable resources besides funding such as in-kind support and technical advice.
- ▶ Think outside the box! Public-Private Partnerships, advocacy for budget allocation change, private sector donations, mobilizing community resources, and establishing foundations are all strategies that can be used for mobilizing resources.
- ▶ Partners may require support in developing project proposals. The more specific and coherent the NAP, the easier it is to develop specific proposals for obtaining support and resources.
- ▶ Multiple partners can apply jointly for larger projects / funds and are often looked upon more favourably if they can document that they are willing and able to cooperate.





The table of contents below serves as an example of how a NAP document could be organized and presented.

1. Introduction

- Background: social, economic and cultural context (any useful information to understand the NAP strategy);
- Problem statement: why eradicating forced labour is a priority for the country (reference can be made to the ILO 1998 Declaration, Convention No. 29 and the Forced Labour Protocol);



- Definition of key concepts (for reference to international definitions, see Tool No. 2);
- Analysis of the different forms of forced labour identified in the country, based on available data (with references to existing studies), including root causes, gender dynamics, vulnerable groups (gender, age, disability, race/ethnicity and other grounds);
- ▶ History of interventions against forced labour (what has happened to date).

2. The NAP development process

A short description of the process that led to this NAP document (including who was involved, who is in the lead, how and where consultations were organized with social partners and other key stakeholders, who was responsible for drafting the NAP document).

3. The legal and policy framework

- Overview of key legislation and summary of the remaining gaps, including ratification status of relevant conventions and protocols, as well as an analysis of enforcement capacity.
- Description of the National Development Framework in place or under development.
- Description of key government policies and programmes on topics relevant to the eradication of forced labour, such as migration, poverty reduction, discrimination, social protection, child protection.

This section could also include description of relevant development cooperation frameworks and partnerships, such as the UN Development Assistance Framework (UNDAF), the ILO Decent Work Country Programme, Alliance 8.7; as well as frameworks under regional bodies such as the African Union, the Association of Southeast Asian States (ASEAN), the Commonwealth, the Council of Europe, the Organization of American States.

4. Strategy description

This chapter presents the NAP rationale and provides a justification of its priorities.

- Introduction to the overall goal of the NAP and the immediate objectives.
- Priority areas:
 - Sectors.
 - ► Geographical areas.
 - ► Groups (broken down by age, gender, disability and other key grounds).
 - ▶ Timeframes and links to national development frameworks and the SDGs.

- ▶ Description of the different strategies related to prevention, protection, access to justice and remedies, as well as partnerships and consultation with social partners and other main stakeholders.
- ▶ Description of the strategies for each of the objectives i.e. what is the rationale behind the objectives, what are the activities planned and how will they lead to achieving these objectives.



This chapter can also include the implementation framework as a matrix. You will find an example of a matrix in Tool No. 14. Before filling it, the long-term goal (or development objective) of the NAP must be clear – see also section 3 in the Guidance Manual.

5. Coordination framework

This chapter should provide a clear description of the institutional framework for the implementation of the NAP, including coordination, oversight, governance and reporting. This is key and requires a mapping of the various partners, their mandates and capacity. It should include:

- An overall description of the implementing partners;
- ► How activities will be mainstreamed into existing programmes: description of the overall principle and of specific programmes where forced labour eradication will be integrated/mainstreamed, what the entry points will be, how mainstreamed activities will be implemented;
- ► A description of the coordination mechanism(s);
- Oversight and reporting lines: description of the oversight body/bodies and the way in which implementing partners report to it/them and receive guidance and feedback.



6. Monitoring and Evaluation (M&E) framework

The simplest way to develop and present the M&E framework is often in a table format. Tool No. 16 includes a template that can be adapted to build the M&E framework for a NAP. This should include:

- ▶ The strategic objective, and the expected outcomes, outputs and key activities.
- ▶ **Indicators** (and their definitions) to measure the achievement of activities, outputs, outcomes and objectives.
- ► **Targets** identified for each indicator. If the results are of a general nature and/or have long timeframes, it can be helpful to establish several **milestones** towards their achievement.
- Means of verification/data source: Explain how information/data will be collected to verify the indicators
- ▶ Reporting frequency: How often will this be done?
- ▶ **Responsible agency:** Who will be responsible for verifying the indicators and targets and for reporting on progress to the oversight body?

7. Cost estimate

This should include:



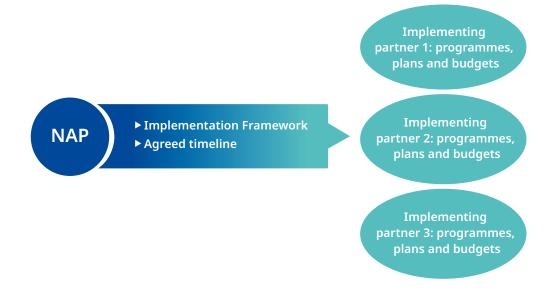
- ▶ Short introduction explaining that this is a cost estimate, as the full budget may be finalized at a later stage. See also section 3 in the Guidance Manual and Tool No. 12 on the cost estimate.
- List of existing and potential sources of funds.
- Identifiable resource gaps.
- Plans for resource mobilization strategy.



Tool No. 14: Implementation framework template



This template can be turned into a matrix to be attached or integrated into the NAP document or developed into a stand-alone implementation manual. The important point is that an implementation framework functions as a link between the overall NAP objectives and outcomes and the detailed activities undertaken by each partner agency within the framework of their own organizational work plans and budgets, as illustrated in the figure below:



The matrix on the next page serves to remind partners of the type of information needed to form the bridge between the overall provisions of the NAP and the organizational work plans and budgets. A similar matrix can be included in the NAP or it can be produced after the adoption of a more general NAP which outlines strategic priorities and objectives only. Both are equally valid and the decision on whether to integrate detailed information about the implementation framework into the NAP document itself should be discussed among partners.

¹⁻ Adapted from ILO: Roadmap to make Central America, Panama and the Dominican Republic a child labour free zone. Programming, implementation, monitoring and evaluation guide, International Programme on the Elimination of Child Labour (IPEC) (Geneva, 2010). Available at: www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_13376/lang--en/index.htm; and ILO: Tool kit for development and implementation of National Action Plans (NAPs) on Child Labour (Geneva, 2017). Available at: www.ilo.org/ipec/Informationresources/WCMS_568877/lang--en/index.htm.

Goal: By 20XX force	Goal: By 20XX forced labour and trafficking in persons are eradicated in	king in persons are	eradicated in country X.	ry X.				
Outcome	Output	Activity	Targets	Timeframe	Cost estimate for each activity	Funding sources	Responsible / coordinating partner	Implementing partners
Each objective; expecte transcribed from the N/	Each objective; expected outcome, and all key activities must be transcribed from the NAP to ensure consistency.	ctivities must be	Specify what should be achieved (for example how many awareness events).	Indicate the deadline by which to complete the activities.	Even though activity-based budgeting is time demanding, it is recommended.	If additional funding is required, it should be clearly indicated.	Several partners may be involved in implementing activities under one objective. It is important to identify one lead partner that can coordinate efforts.	For each activity, implementing partners must be identified to ensure that all activities are in fact implemented.
Outcome 1:Improved protection of forced labour victims	Output 1.1: Institutional capacity of the State to detect forced labour cases develop	Activity 1.1.1: Training of labour inspectors to detect forced labour cases						
		Activity 1.1.2:						
		Activity 1.1.3:						
	Output 1.2:	Activity 1.2.1:						
Outcome 2:	Output 2.1:	Activity 1.2.1:						
	Output 2.2:	Activity 2.2.1:						



Tool No. 15: Sharing information and knowledge



This tool can be used when developing a communication or a knowledge sharing strategy for the NAP. It includes:

- A checklist for internal communication amongst partners, aimed at sharing knowledge, improving institutional memory and coordination.
- A checklist for external communication to raise awareness among the general public and key target groups on the NAP and its goal of eradicating forced labour in the country.

The development of a communications strategy should be based on an assessment of the needs of your target groups, its media habits and perceptions. This can be an extensive undertaking and may be included as an activity under the NAP.

	External communications issues to consider	Internal communication within the partner group
What are your communication objectives?	Depending on whether your priority is to raise awareness on the issue of forced labour or on the NAP itself, your key messages and target audience will change. What are you trying to achieve? Do you need to raise awareness on forced labour in general? On the fact that your country is formulating, about to adopt, or now has a NAP on forced labour? Or both?	Depending on the purpose, internal communication may be more intense and time demanding. What is the purpose? ▶ To support coordination, i.e activity-based? ▶ To enhance institutional memory? To implement specific activities? ▶ To create a baseline for a future NAP?
Who are your target audiences?	 Each specific group must be defined (size, characteristics, means of receiving information). Who are your primary and secondary target audiences (i.e., policy makers, victims and at-risk groups, law enforcement officers)? How are they affected by the issue? What is their level of knowledge on forced labour? What could be an obstacle / barrier for them to hear / believe your message? 	partners. Some partners need to communicate closely, others only to be informed, and the

	External communications issues to consider	Internal communication within the partner group
What are your communication assets?	List all assets including research, cases studies, communication material (leaflets, etc.), press releases, blog entries, multimedia products.	List existing assets from the different implementing partners that could be used to support internal communication.
	 What communication material is ready or near-ready? What needs further development? What should be developed from scratch? What are the existing opportunities (probono work, public-private partnerships, etc.)? Who are the available spokespersons / experts? 	 Are there already some existing assets (reports, etc.)? Are there any contact groups / periodic meetings already in place? Should you consider sending periodic newsletters?
What are your key messages?	To be tailored for each target audience. What do you want the audience to know? What do you want them to feel? What perception do you want to create? What do you want them to do?	What do partners need to be informed on: ➤ New developments (policy, legislation)? ➤ Statistics (reported cases, assisted victims)? ➤ Progress in the NAP implementation? ➤ Budget monitoring? ➤ Oversight report?
Are there specific concerns to be addressed?	Adjust your messages to the language that makes sense to your target audience. You should also use a different style to reach out to young people or to parliamentarians. Use language or visuals that promote a representation of diversity and inclusiveness. Be mindful not to perpetuate stereotypes. In the will you formulate your key messages? To they face language barriers (migrant workers or indigenous groups) or disabilities?	You must pay attention to potential sensitivities and respect partners' respective mandates. Note: Who is the communication focal point in each partner organization? Note: Who should be your focal point in each partner organization for more confidential information?
Which communication channels do you want to use?	 Who is the lead partner responsible for external communication? How will you disseminate your message? Where do your target audiences get their information from? Whom do they trust? Who and what influences their action? About the NAP dissemination: Will you print and publish the NAP? If so, how many copies do you need? How will you make the NAP available online? (Government websites, social media, public service announcements on TV and radio, other means?) Will you organize events, such as press conference or expert panels? 	It is important to identify who is ultimately responsible for the internal communication and knowledge sharing. Different platforms may have to be set up: their scope will depend on the purpose and intensity of communication and the number of partners involved. What will require holding physical meetings? What can be done through emails, messages and virtual meetings? Will a cloud system or a shared database be necessary to ensure knowledge sharing and institutional memory? Which measures can be taken to protect against the loss of records related to staff turnover? Have the sufficient IT security measures (data protection, back up, IT support) been taken?

	External communications issues to consider	Internal communication within the partner group
What is the available budget?	 What is the available budget now? What is the available budget likely to be in the future? What budget is needed to implement the communication strategy (identify resource gap)? 	technology, may be a necessary investment in ensuring coordinated and coherent NAP implementation. It will also support monitoring
What is the desired timeline?	 What are the key dates and events with related communication products needed? What could be potential opportunities to communicate (such as regional conference on a related topic, political forum, legislation processes)? 	to NAP implementation?
How will you measure impact?	List specific communication products (news items, social media messages, multimedia products, leaflets). These should be planned in the communication strategy. The impact can be measured comparing for instance the knowledge on forced labour after your interventions with the baseline. Does the NAP M&E encompass external communication? Have SMART¹ targets and indicators (number of persons reached out, number of flyers distributed, etc.) been identified?	 and their aim is to demonstrate the impact of the NAP, comparing the situation after your interventions with the baseline. Does the NAP M&E encompass internal communication? Have SMART targets and indicators (number of persons reached out, number of flyers

¹⁻ SMART: Specific, Measurable, Achievable, Realistic and Timely.



Tool No. 16: Monitoring and evaluation framework template



The Monitoring and Evaluation of the NAP is instrumental to monitor implementation, track progress and identify learnings. One of the first steps to developing a monitoring and evaluation framework, is to clearly identify the result to be achieved and the accompanying activities, outputs and outcomes. This is sometimes referred to as the results framework.

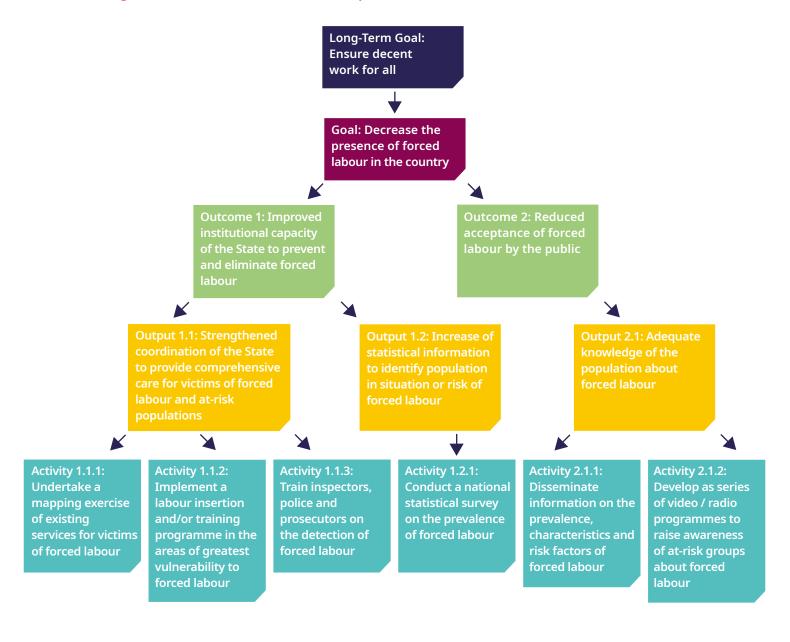
Developing a results framework

The diagram below presents the anticipated cause and effect relationship between the inputs, activities, outputs, outcomes and impact of a results framework.

Impact	The overall effect of the NAP: Positive and negative, primary and secondary long-term effects produced by the NAP interventions, directly or indirectly, intended or unintended.
1	
Outcomes	The direct change resulting from the NAP implementation: The likely or achieved short-term and medium-term effects of the intervention's outputs of the NAP.
Outputs	The products, goods and/or services which result from NAP activites/interventions.
Activities	Actions/interventions implemented using the inputs in the aim of producing specific outputs.
Inputs	The financial, human and material resources used for the NAP activities/interventions

The logic is that once the activities are implemented, the outputs will be achieved (sometimes in the form of products, goods or services). The outputs then in turn, start to bring about change (outcomes) in the form of intermediate results, eventually leading to impact. The figure below presents an example of a results framework, including the outcome and impact components and their associated indicators, in addition to the assumptions underlying this results framework.

Figure 1: NAP Results Framework - Template



Developing indicators

Once, the components of the results framework are established, it is easier to then develop appropriate indicators to measure the outputs, outcomes and impact. This is a very important step and should involve all key stakeholders to get their different perspectives. The indicators should be SMART and verifiable. If information to verify an indicator cannot be found, the indicator will not be useful. Hence, it is highly recommended that NAP M&E frameworks include a data source and a means of verification to check the selected indicators.

Please, also refer to section 6 in the Guidance Manual.

A **SMART INDICATOR** is an indicator that is:

- **▶** Specific
- Measurable
- ► Achievable (in a cost-effective way)
- ▶ Relevant to the NAP
- ► Time-bound

Data source/Means of Verification (MOVs) is the way in which one collects the right information to measure progress or impact according to an indicator. That is, from where will we get information to verify an indicator? How will we get it? How often? And, how will we store this information?

Readily available information (such as data from Labour Management Information Systems or school records) is cheaper and easier to work with than information that must be collected specifically for the purpose of the NAP. If information cannot be collected for an indicator at all, then it is of no use and should be replaced by another indicator.

Indicators can be quantitative or qualitative. Quantitative indicators are "countable" and measure quantities or percentages (e.g. the number of judges trained on forced labour), whereas qualitative indicators capture people's opinions, perspectives and attitudes. For each indicator, it is also important to describe the unit of analysis (e.g. number of forced labour victims provided with livelihood services), disaggregation (e.g. age, sex), data source and targets.

Framework template

The table below provides an example of a template for a Monitoring and Evaluation (M&E) framework which includes the activities, outputs, outcomes and indicators. This is to be adapted to the actual NAP and should be accompanied by a short description of the M&E framework.

ב ס	של איי איי איי	מססמו מוומ רו מוווכעו	doal: by zonn loiced laboul alla traffiching in persons are eradicated in country n.	מורמופת זוו כסת	IIII y ^.							
Objec Outp	Objective/Outcome/ Output/Activities	Indicator	Definition	Disagregated by	Means of verification/ Source of data	Unit	Baseline value	Targets Year +1	Year +2	Reporting frequency	Lead / partners involved	
Objective	tive											
	Forced labour reduced in the country	% decrease of forced labour prevalence	Change in % of the prevalence of forced labour in the country	Gender, Age, Region	Monitoring report	%				yearly	National Commission on Forced Labour / Ministry of Labour	
Outcome	me											
0	Improved protection of forced labour victims	Number of victims assisted by the State	Total number of victims who received assistance (psychological, medical, legal) by the State	Gender, Age, Region	Monitoring report	person				yearly	National Commission on Forced Labour / Ministry of Labour	
Output	Ŧ											
0	Institutional capacity of the State to detect forced labour cases developed	Number of forced labour cases detected	Total number of victims / cases of forced labour detected by law enforcement agencies (police, labour inspection)	Gender, Age, Region, Sector	Monitoring report	person				yearly	National Commission on Forced Labour / Ministry of Labour: Ministry of Interior	
Activities	ties											
A 1.1.1	Training of labour inspectors to detect forced labour cases	Number of labour inspectors trained to detect forced labour victims	Total number of labour inspectors who received a specific training on how to detect forced labour cases, interview victims, etc.	Gender, Age, Region	Training report; registry list; photos	person		08	150	yearly	Ministry of Labour / National training institute for labour inspectors	
A 1.1.2	Joint operations to rescue victims	Number of joint operations carried out to rescue victims and identify perpetrators	Total number of rescue operations carried out jointly with Labour inspection and police forces with the objective to rescue victims	Region, Secteur	Monitoring report	operation		-	2	yearly	Ministry of Interior / Ministry of Labour	

M&E Framework Checklist

It is recommended to write a dedicated Monitoring and Evaluation (M&E) section in the NAP. Below is a generic comprehensive checklist of elements to include in the M&E section. The checklist is not a blueprint and should be adjusted to fit national needs, styles and national preferences for the Monitoring Framework.

SECTION	POSSIBLE CONTENT
SECTION I: Introduction (background; mandate of the plan; authority of the M&E framework; objectives of the M&E framework)	 Objectives of the M&E plan and long-term vision Structure of the M&E plan Reference to relevant policy frameworks that spell out M&E responsibilities
SECTION II: The M&E framework (basic information on how to measure, collect, and analyze data within the M&E system)	 NAP Results Framework Data Sources Indicators, definition, type Baseline and targets Data sources, collection method, frequency, and responsible party Reporting responsibilities, frequency, and dissemination strategy Costed M&E work plan and budget – description of the link between M&E planning and government budgeting