



International  
Labour  
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# ► Developing National Action Plans on Forced Labour

Guidance Manual



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#### NOTE

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Former bonded labourers working in a stone quarry in Bajura, Nepal, 2017. The ILO Bridge project is supporting livelihoods by providing vocational training to former bonded labourers. (ILO Bridge Project).

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### **Note:**

National practices are mentioned throughout the document to provide concrete examples and encourage action. Reference to a particular country does not imply any judgement on the national situation and practices regarding forced labour. Failure to mention a country is not to be understood as a sign of inaction in the country, since it was not possible to reflect all existing good practices.



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## ► Foreword

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“ Let’s not just be angry at slavery, let’s make change happen” - ILO Director-General Guy Ryder

In June 2014, governments, employers and workers at the International Labour Conference (ILC) voted overwhelmingly to adopt a Protocol and a Recommendation which supplement the Forced Labour Convention, 1930 (No. 29). The 2014 Protocol requires countries to take effective measures to prevent forced labour, protect victims and ensure their access to justice. As provided in Article 1(2), each country shall “develop a national policy and plan of action for the effective and sustained suppression of forced labour in consultation with employers’ and workers’ organizations”.

Whereas global commitment to addressing forced labour has increased, action must still be accelerated in order to achieve Target 8.7 of the Sustainable Development Goals (SDGs), to eradicate child labour, forced labour, modern slavery and human trafficking. The Buenos Aires Declaration, adopted at the IV Global Conference on the Sustained Eradication of Child Labour in 2017, called upon countries to “align, as a matter of urgency, policies, strategies and time-bound action plans at corresponding levels, relevant to the eradication of child labour and forced labour, in line with the 2030 Agenda for Sustainable Development.”

This requires a framework for governments and social partners to take action in an integrated and coordinated way for meaningful change. Designing and adopting National Action Plans (NAPs) on forced labour is instrumental in bringing key partners together to work towards these goals at country level. NAPs also provide a mechanism of governance by tracking progress and holding stakeholders accountable.

With this *Toolkit on Developing National Action Plans on Forced Labour*, the ILO aims to support governments, employers’ and workers’ organizations and other key stakeholders in their efforts to end forced labour. Whether they are involved in developing, implementing or monitoring NAPs, they will find practical information in the Guidance Manual and associated Tools. The toolkit can also be a useful guide for ILO Specialists and practitioners that are supporting them in this process. Furthermore, it will support national stakeholders in adopting more comprehensive strategies, which address the interactions between forced labour and the other fundamental principles and rights at work: freedom from child labour and discrimination as well as the right to freedom of association and collective bargaining. It also places in perspective the essential contribution of the fundamentals principles and rights at work to the 2030 Sustainable Development Agenda.

Vera Paquete-Perdigão

Director, ILO Governance Department







## ▶ Executive summary

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The International Labour Organization's Protocol of 2014 to the Forced Labour Convention 1930 (No. 29), calls on governments to take effective measures to prevent forced labour, protect victims and ensure their access to justice. In order to do so, the Protocol requires countries to formulate and implement National Action Plans (NAPs) on forced labour. NAPs can be powerful tools to ensure coordinated action against forced labour at the national level and to accelerate action towards the achievement of Target 8.7 of the Sustainable Development Goals (SDGs), in order "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".

The *Toolkit on Developing National Action Plans on Forced Labour* aims to support stakeholders in developing, implementing and monitoring NAPs. It draws upon models and good practices from numerous countries to present the overall NAP development process, from the preliminary assessment of forced labour, to the final evaluation of the NAP.

In order for the NAP to be relevant and have the desired impact, it is important to carefully plan the entire process and to understand the forced labour situation in the country. The NAP development process should therefore start with an understanding of the situation of forced labour and of the human rights and labour standards at stake. Social partners and all other key stakeholders must be involved from the very beginning of the process through regular consultations and coordination. This will promote the commitment of partners and strengthen their ownership of the NAP. It is also important to decide whether the NAP will be a stand-alone instrument on forced labour or one that integrates related issues, such as human trafficking or child labour.

Once the scope of the NAP is clear, the NAP strategy can be developed using the 4Ps approach, namely Prevention of forced labour; Protection of victims; Prosecution of perpetrators; and Partnerships. The effective implementation of the NAP requires robust governance. The roles must be clearly identified and divided among partners; however, they should not work in silos and emphasis should be placed on coordination. The implementation of the NAP should also be assessed in order to draw lessons. Hence, it is important to develop the monitoring and evaluation framework at an early stage and make sure it is applied throughout.

Eradicating forced labour may take longer than a NAP's lifespan. Often, countries will adopt subsequent plan(s) to continue and improve efforts. Formulating a second (or later) generation NAP is an opportunity to share knowledge among partners and to reflect on lessons learned from previous ones. Building upon this acquired experience will make subsequent NAPs more targeted and effective.

This toolkit describes the steps and the key elements to consider at the different stages of the NAP development process. It consists of a main Guidance Manual as well as a series of tools that provide further technical details.

The sections of the Guidance Manual cover the following areas:

### **Section 1: Introduction.**

The introductory section explains how to use this toolkit, how to navigate through its content and understand its purpose.

### **Section 2: Defining the scope of the NAP.**

This section helps clarify the definition of forced labour and how it relates to other types of abuse and exploitation, thus underlining the need for an integrated approach. It also introduces some of the main elements provided by the Forced Labour Protocol and Recommendation No. 203.

### **Section 3: Defining the NAP strategy.**

This section introduces the 4Ps framework, which is useful for designing NAP strategies that aim to eradicate forced labour, and how to integrate it in the NAP.

### **Section 4: Developing the NAP.**

This section provides information about the steps involved in formulating a NAP on forced labour, including mapping the landscape, engaging with relevant stakeholders and ensuring buy-in and ownership.

### **Section 5: NAP governance and implementation.**

This section presents the governance mechanisms to be put in place in order to ensure the effective implementation of the NAP. These include: oversight mechanisms; coordination; and regular communication and knowledge-sharing among partners.

### **Section 6: Monitoring and evaluation of the NAP.**

This section provides guidance on how to set up a solid monitoring and evaluation framework that can both support the implementation of the NAP as well as the development of follow-up phases.

### **Section 7: From one NAP to the next.**

Forced labour is a complex issue and efforts will need to continue beyond the lifespan of the first NAP. This section looks at lessons for transitioning from one NAP to the next.

Each section of the Guidance Manual is supplemented by a number of tools, which provide further technical details and suggestions on a particular topic. It is important that stakeholders use these tools as examples that need to be adapted to the national context.

- ▶ **Tool No. 1. The international labour standards on forced labour:** presents the main international standards on forced labour and related issues.
- ▶ **Tool No. 2. Forced labour and related concepts:** explains the differences and the similarities between important forced labour related concepts such as trafficking, slavery or worst forms of child labour.
- ▶ **Tool No. 3. Mainstreaming forced labour:** gives guidance on how to mainstream forced labour with other policy areas.

- ▶ **Tool No. 4. Developing the knowledge base on forced labour:** underlines the importance and the process of building the knowledge base for the NAP.
- ▶ **Tool No. 5. Strategies to address the 4Ps:** highlights elements to be taken into account when reflecting on the 4Ps strategies.
- ▶ **Tool No. 6. Forced labour and the Sustainable Development Goals (SDGs):** this slide presentation demonstrates the links between forced labour and the 17 SDGs.
- ▶ **Tool No. 7. Overview of the NAP development process:** summarizes the NAP development process.
- ▶ **Tool No. 8. Background studies:** provides guidance on gathering relevant information and designing accurate background studies.
- ▶ **Tool No. 9. Capacity assessment checklist:** helps identify capacity building needs of partners and how to address them.
- ▶ **Tool No. 10. Ownership and political commitment:** intends to stimulate thinking about what ownership means and how it can lay the foundation for an effective NAP.
- ▶ **Tool No. 11. Agenda for national consultation workshops:** offers suggestions on how to organize national consultations.
- ▶ **Tool No. 12. Cost estimate checklist:** supports partners in estimating the cost of the NAP implementation and in drawing up the budget.
- ▶ **Tool No. 13. NAP table of contents:** provides an example of how a NAP document could be structured and presented.
- ▶ **Tool No. 14. Implementation framework template:** aims 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.
- ▶ **Tool No. 15. Sharing information and knowledge:** can support the development of communication activities or a full knowledge sharing strategy for the NAP.
- ▶ **Tool No. 16. Monitoring & Evaluation framework template:** assists partners to monitor the implementation of the NAP, track progress and identify lessons learned.





# ▶ 1

Man storing raw cotton after the harvest, Uzbekistan, 2018 (© ILO/J. Astrup)

The ILO third-party monitoring of the Uzbekistan's cotton harvest showed that the government's reform process led to a significant decrease in the number of identified cases of forced labour.

## ▶ 1. Introduction

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Forced labour is a severe violation of human rights affecting 25 million men, women and children in all countries and all economic sectors (ILO, Walk Free Foundation, 2017). It is rooted in poverty, discrimination and lack of social protection, and it disrupts fair competition between businesses.

In 2014, governments, workers' and employers' organizations adopted the Protocol to the Forced Labour Convention No. 29, 1930 (hereafter "the Forced Labour Protocol") and the associated Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203) (hereafter "Recommendation No. 203").<sup>1</sup> The Protocol calls upon governments to take effective measures to prevent forced labour, protect victims and ensure their access to justice. In particular, the Protocol requires countries to formulate and implement National Action Plans (NAPs). This toolkit aims to support countries to develop NAPs that are tailored to their national context.

NAPs are useful and powerful policy tools that can bring together all relevant stakeholders and foster collective action around a common objective, such as the eradication of forced labour and achieving SDG Target 8.7.<sup>2</sup> A NAP will help a country turn forced labour policy into practice by:

- ▶ providing a framework for coherent joint action;
- ▶ building national commitment;
- ▶ setting clear, specific targets to guide action; and
- ▶ strengthening partnerships for increased synergies and positive outcomes.

The toolkit addresses the **process of NAP development, governance, implementation and evaluation**, and also **strategies to end forced labour**. It provides guidance to those involved in NAP development, implementation and monitoring, including representatives from governments, employers' and workers' organizations and other stakeholder groups. The toolkit may also be useful for organizations who support national partners in developing and implementing NAPs.

## Methodology

The toolkit builds on the ILO's expertise and national experiences.<sup>3</sup> A number of existing NAPs, either on forced labour or on related issues, such as child labour or human trafficking, were reviewed to produce this document. All the NAPs that appear in the text or that were analysed to develop this Toolkit can be found in Annex 2.

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1- The Forced Labour Protocol and the Recommendation No. 203 were both adopted in June 2014. While the Protocol is a binding treaty that requires ratification to enter into force, the Recommendation provides supplementary non-binding practical guidance to give effect to the measures requested by the Protocol.

2- Target 8.7 of the Sustainable Development Goals (SDGs) is "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".


3- See for example the Tool kit for development and implementation of National Action Plans (NAPs) on Child Labour (ILO, 2017b) or the Guide for the preparation of National Action Plans on Youth Employment (ILO, 2008).

## How to use the toolkit


The toolkit consists of:

- ▶ A Guidance Manual.
- ▶ A number of specific tools.

Users may choose to use any part of the toolkit that is relevant to their needs but it is recommended to start by reading this Guidance Manual. The Manual describes the overall NAP development process and provides useful background information, guidance and lessons to consider at the different stages of the process, from defining the scope and the strategy, to the implementation and evaluation of the NAP. The different sections of the Guidance Manual include references to relevant excerpts from the Forced Labour Protocol and Recommendation No. 203, but also to the accompanying tools.

The 16 specific tools are highlighted throughout the Manual with this logo: . The tools vary in purpose, from providing more in-depth details on a particular topic, to providing templates and checklists that can be adapted to support users in the NAP development and implementation process. **Tool No. 2** in particular can be used as a reference throughout all sections of this Guidance Manual as it presents the definition of forced labour and related concepts.



In addition to the tools, readers will find a glossary of key concepts related to the NAP development and implementation processes in Annex 1. The terms included in the glossary are highlighted in the text by this logo: . The full text of the Forced Labour Protocol and the Recommendation No. 203 are provided in Annexes 3 and 4.







# ▶ 2

Woman threshing millet, Tahoua region, Niger, 2003 (© ILO/ M. Crozet)

The ILO's BRIDGE Project is supporting Niger's efforts to tackle the remnants of illegal traditional forms of slavery in the country.



## 2. Defining the scope of the NAP



Before drafting a NAP, it is important for all stakeholders involved to understand what constitutes **forced labour** and how it relates to other concepts, such as **human trafficking**, **slavery** or **child labour**. Their similarities and differences should be considered, as well as the way these human rights abuses affect people differently based on gender, age, ethnicity and other relevant factors. It is also important to consider the relevant international and national frameworks and to what extent these frameworks encompass all situations of forced labour in the country. **Tool No. 1** presents an overview of the main international labour standards on forced labour, as well as key international labour standards (ILS) on related topics. These elements will help define the scope of the NAP and guide the decision on whether to develop a stand-alone NAP on forced labour or a NAP that integrates forced labour with other related issues.

### International legal framework

International labour standards (ILS) lay down the basic principles that countries must implement with the aim of promoting opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and dignity. Once ratified, ILS become binding when they enter into force; in general one year after the ratification. Therefore it is important for the NAP to refer to the ILS that have been ratified by the country as it shall contribute to their enforcement.

The international legal definition of forced labour is provided by the ILO Forced Labour Convention, 1930 (No. 29) (hereafter “Convention No. 29”), one of the most ratified standards of the ILO.<sup>4</sup>

As per Article 2(1), forced labour is defined 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”.

The adoption of the Forced Labour Protocol in 2014 did not modify the definition of forced labour:

#### Forced Labour Protocol

##### Article 1

3. The definition of forced or compulsory labour contained in the Convention is reaffirmed, and therefore the measures referred to in this Protocol shall include specific action against trafficking in persons for the purposes of forced or compulsory labour.

4- It has been ratified by 178 countries (as of 29 June 2020).

In addition to the definition of forced labour, it is also important to clarify the concepts that are related to forced labour, such as human trafficking, slavery, and **modern slavery**, but also to take into account the particular situation of children.

In order to fully understand these concepts, **Tool No. 2** provides a detailed explanation on their international legal definitions (from international standards) as well as the similarities, differences and overlap of certain concepts. This tool constitutes a useful reminder for partners and can be consulted at any stage of the development process.



## National legal framework

### Convention No. 29

#### Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period. (...)

#### Article 25

The illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced.

Convention No. 29 also requires countries to punish forced labour as a penal offence. States must adopt measures, in both law and practice, to ensure that no form of forced labour is tolerated in their territory. Even countries who have not ratified Convention No. 29 should respect, promote and realize the prohibition of forced labour, as it is one of the **fundamental principles and rights at work**.<sup>5</sup> Furthermore, they must ensure that the penalties stipulated in legislation for the penal offence of forced labour “are really adequate and are strictly enforced” (Convention No. 29, Articles 1(1) and 25). A general prohibition of forced labour may not be sufficient to allow successful prosecution and conviction of perpetrators. For it to be effectively enforced by courts, the legislation must define the punishable offence precisely, taking into account national circumstances.

Countries may choose to use other terms to capture situations of forced labour. For example, some countries have adopted legislation on “bonded labour”, “slave labour”, or “degrading working conditions”. What is important is that the government ensures that the definitions used encompass all forms of forced labour present in the country. This is necessary for the successful prosecution of perpetrators and access to justice and remedies for victims. It is not uncommon for national laws to have limited practical impact because they do not properly cover all forms of forced labour, or they make the gathering of evidence very difficult. For instance, some national laws on trafficking effectively protect women trafficked for sexual exploitation but do not allow legal prosecution in the case of men trafficked for labour exploitation. The NAP should include a thorough periodic review of national legislation in order to identify possible legal gaps and suggest amending existing legislation or adopting new legislation if necessary.



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5- The ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, was adopted by all ILO Member States in 1998. It defines the fundamental principles and rights at work that all Member States must respect, promote and realize, namely the prohibition of child labour, forced labour and discrimination in employment, as well as the freedom of association and collective bargaining, regardless of whether or not they have ratified the relevant Conventions.

### Identifying gaps

In the early 2010s, **Australia** undertook public consultations and worked with stakeholders to review its legislation. It identified gaps, as its legislation was focused mainly on human trafficking and was not covering all situations of modern slavery.

As a result, the country amended its laws and adopted new ones that now cover a broader range of situations, and include human trafficking, slavery, forced labour and forced marriage (among others).

The current NAP, adopted in 2014, now focuses on “Human Trafficking and Slavery” while the previous one only addressed human trafficking.

### To stand alone or to integrate with existing frameworks?



A country must consider whether the most appropriate strategy is to formulate a stand-alone NAP on forced labour or whether it would be more effective to embed the forced labour NAP into an existing NAP on human trafficking, **bonded labour** or child labour for instance. These issues share many social, economic and cultural root causes of forced labour, such as poverty, illiteracy or **discrimination** but the decision requires careful consideration.

Mainstreaming and integration tend to be more effective strategies in environments where forced labour is well-recognized and partners have a strong capacity to address it. However, if forced labour is still underestimated, and there is limited understanding of and commitment to tackle it, a stand-alone NAP may be a more effective tool to bring the issue onto the agenda, mobilize partners around it and build policy commitment.

If a country is already implementing a NAP (for example on human trafficking), where inclusion of activities to eradicate forced labour fit well, integration (mainstreaming) may be a more viable strategy. This may entail considering new specific interventions for forced labour that were inexistent so far (for example establishing a referral system for forced labour cases or creating coordination mechanisms between police and labour inspection). It is also important to include all relevant stakeholders who may not have been involved in the original NAP, such as labour inspectors or trade unions.

### Adopting an integrated approach

Depending on what is already in place, the integration of an issue within an existing framework may be a more effective strategy than a stand-alone NAP. In **Azerbaijan**, the Government intended to formulate a NAP on child labour. The country already had several other plans and programmes in place, such as a NAP on combating human trafficking. After careful consideration, it was decided that it would be more effective to focus on implementation by tying child labour components in with other plans and programmes instead of spending resources on formulating another NAP.



In other countries, the need may be to adopt a stand-alone NAP on forced labour. This may be necessary to build political commitment or to engage national stakeholders.

**Tool No. 3** provides more details on mainstreaming forced labour into other policy areas to help partners decide whether or not to adopt an integrated NAP. Shedding light on all of these issues will help partners reach a decision as to whether or not to develop a stand-alone NAP.



# ▶ 3

Small-scale fishing, Mauritania, 2018 (© ILO/ A. Cáliz)

Activities promoting decent work opportunities for youth and migrant workers contribute to prevent forced labour (ILO Promopêche project).

## ▶ 3. Defining the NAP strategy

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To start defining the NAP strategy, it is important that the government, the social partners and other key stakeholders discuss how the NAP will lead to lasting changes. In other words, they must agree on the **Theory of Change**.<sup>6</sup> What is their long-term goal? What conditions should be in place to reach that goal? Therefore, to design effective and relevant strategies for the NAP, it is important to:



▶ **Understand the current situation** – **Tool No. 4** provides further guidance on building the knowledge base on forced labour to ensure that strategies and action points are designed based on context-specific evidence. See also section 2 on defining the scope of the NAP.



▶ **Define the desired end result** – the more specific the end result is, the easier it will be to design specific steps to take, and to evaluate whether the result has been achieved. Rather than stating that the end result or long-term goal is “to eradicate forced labour” it may be helpful to specify that the end result is for example: “The complete eradication of all forms of **forced labour** by 2030 in all provinces in country X.” By specifying a time frame, the geographical focus and other relevant details, it will be easier to prioritize and focus interventions.

▶ **Identify the steps and resources needed** to get to the end result – once the end result is clear, the intermediate results and the specific outputs or activities needed to bring about the results can be identified. Section 6 will provide more details on how to **measure** whether the desired result has been achieved, explain how and, if it has not been achieved, why not. This is critical to learning and to be able to adjust strategies in future NAP phases or other interventions.

Once the end result is defined, national stakeholders should discuss the different intermediate objectives that will serve this purpose. The 4Ps constitute a good approach to encompass the various elements to be considered when tackling forced labour.

### The 4Ps – Prevention, Protection, Prosecution and Partnerships

#### Forced Labour Protocol

##### Article 1

1. In giving effect to its obligations under the Convention to suppress forced or compulsory labour, each Member shall take effective measures to prevent and eliminate its use, to provide to victims protection and access to appropriate and effective remedies, such as compensation, and to sanction the perpetrators of forced or compulsory labour.

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6- This short open-source presentation from the Results for Development Institute introduces the basic elements of theories of change. It focusses on organizations and projects but the elements are equally relevant to national action plans. See: <https://vimeo.com/106389971>.

The Forced Labour Protocol and Recommendation No. 203 list a number of specific measures that can be taken towards the eradication of forced labour. These fall within the overall approach of “the 4Ps”:<sup>7</sup>

- ▶ prevention (of forced labour);
- ▶ protection (of victims);
- ▶ prosecution (of perpetrators); and
- ▶ partnerships (between multiple partners in government, social partners, civil society, media, academia, among others).

When devising NAP strategies, the 4Ps can be a helpful categorization for structuring the different objectives. The goals and activities that are included under each of the 4Ps will depend entirely upon the context. It can be very useful to learn from other countries or sectors/issues, but the NAP must be specific to the country context to be relevant. The following section provides details on each “P” as a guidance to stakeholders involved in the design and implementation of the NAP, with reference to the relevant articles of the Forced Labour Protocol and further guidance provided by the Recommendation No. 203.

**Tool No. 5** provides a checklist of technical questions for each of the 4Ps to help partners reflect on which elements need to be taken into account for the NAP strategy. The specific elements and types of interventions contained in Recommendation No. 203 can also serve as guidance and it can be used as a “good practice guide” when designing specific action points.



## Preventing forced labour

### Forced Labour Protocol

#### Article 2

The measures to be taken for the prevention of forced or compulsory labour shall include:

- (a) educating and informing people, especially those considered to be particularly vulnerable, in order to prevent their becoming victims of forced or compulsory labour;
- (b) educating and informing employers, in order to prevent their becoming involved in forced or compulsory labour practices;
- (c) undertaking efforts to ensure that:
  - (i) the coverage and enforcement of legislation relevant to the prevention of forced or compulsory labour, including labour law as appropriate, apply to all workers and all sectors of the economy; and
  - (ii) labour inspection services and other services responsible for the implementation of this legislation are strengthened;
- (d) protecting persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process;
- (e) supporting due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour; and
- (f) addressing the root causes and factors that heighten the risks of forced or compulsory labour.

<sup>7</sup> The ILO policy report “Ending forced labour by 2030: A review of policies and programmes” (ILO, 2018b) provides in-depth information about the Protocol’s strategic framework to eradicate forced labour.



The first “P” refers to **prevention** of forced labour as a key strategic element. Not only is prevention often more effective than the cure, preventing forced labour from occurring in practice means saving individuals from abuse and exploitation and the related ramifications. Prevention strategies should address the root causes of forced labour in order to remove the drivers behind it; preventing it from occurring in the first place. This could include employment policies and migration management systems that promote decent working conditions, ensuring universal access to basic social services or ensuring access to quality education and skills training for all children and young people.

Prevention also encompasses raising awareness and educating at-risk groups and individuals to enable people to recognize signs of forced labour and promote attitudes that do not accept or turn a blind eye to forced labour. Sometimes, an important element of awareness raising, is raising awareness on the NAP itself.

### Comprehensive awareness raising strategy

Awareness-raising is instrumental in preventing forced labour. It is important for stakeholders to fully understand the issue and to break the stereotypes and prejudices about victims and perpetrators.

To that aim, the **Democratic Republic of the Congo**, in its NAP on the worst forms of child labour (2012-2020), adopted a comprehensive approach to awareness raising, by involving all interested parties, such as: affected communities, employers’ organizations, trade unions, NGOs and churches. The NAP includes measures to sensitize these actors about child labour and to mobilize them through concrete actions. For example, the NAP provides for awareness-raising programmes targeting directly affected communities, which will be followed by the creation of a community-based monitoring system.



Prevention strategies should aim to incentivize responsible business conduct and strengthen the capacity of employers and businesses to recognize signs of forced labour.<sup>8</sup> Cases of decent work deficits and human rights violations, including forced labour, have been identified along national and global supply chains. An important preventive measure is to support private and public employers in their efforts of **due diligence**,<sup>9</sup> as required by the Forced Labour Protocol. The Global Business Network on Forced Labour provides employers with a platform to discuss their concerns and share good practices.<sup>10</sup>



Preventive measures should also target the recruitment phase which is particularly critical. The **recruitment** stage can make a critical difference in a worker’s quest for safe and decent work. At best, recruitment opens pathways to safe and decent job opportunities; at worst, it can lead to entrapment in exploitative work or in forced labour. Thus, regulating recruitment practices helps to effectively prevent workers from falling into forced labour situations.

8- The ILO, the Organisation for Economic Co-operation and Development (OECD), the International Migration Organization (IOM) and UNICEF, under the auspices of the Alliance 8.7, have recently completed the first research by international organizations on child labour, forced labour and human trafficking in global supply chains. Findings and recommendations can be found in ILO, OECD, IOM, UNICEF, 2019.

9- Partners are invited to consult existing guidance on due diligence, such as the OECD Due Diligence Guidance for Responsible Business Conduct, 2018 (OECD, 2018), the UN Guiding Principles on Business and Human Rights (UN, 2011) and the ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy (ILO, 2017a).

10- See: <https://fbusiness.network>.

### Recruitment practices: Be fair!

The ILO defines recruitment as a process that “includes the advertising, information dissemination, selection, transport, placement into employment. For migrant workers, it includes return to the country of origin where applicable.” This definition applies both to job seekers and to those in an employment relationship.

Recruitment can take many forms and patterns and affect men and women differently. Labour recruitment is often characterized by a complex intermediation landscape, and involves a multitude of stakeholders in a worker’s community of origin and at destination. This complexity exposes workers, in particular vulnerable workers and migrant workers, to unfair recruitment practiced by unscrupulous recruiters and employers worldwide. These include the charging of illegal **recruitment fees**; deception about the nature of the job and living and working conditions; retention of personal identification documents; deposits and illegal wage deductions; threats if workers want to leave their employers, and in some instances physical and sexual violence.

According to ILO’s definition, “recruitment fees and related costs” refer to any fees or costs incurred in the recruitment process in order for workers to secure employment or placement, regardless of the manner, timing or location of their imposition or collection; these should not be collected from workers directly or indirectly.

\*For more information, please visit ILO’s topic page on fair recruitment: [www.ilo.org/fair](http://www.ilo.org/fair).



**Recommendation No. 203** provides further guidance to prevent forced labour:

4. Taking into account their national circumstances, Members should take the most effective preventive measures, such as:

- (a) addressing the root causes of workers’ vulnerability to forced or compulsory labour;
- (b) targeted awareness-raising campaigns, especially for those who are most at risk of becoming victims of forced or compulsory labour, to inform them, inter alia, about how to protect themselves against fraudulent or abusive recruitment and employment practices, their rights and responsibilities at work, and how to gain access to assistance in case of need;
- (c) targeted awareness-raising campaigns regarding sanctions for violating the prohibition on forced or compulsory labour;
- (d) skills training programmes for at-risk population groups to increase their employability and income-earning opportunities and capacity;
- (e) steps to ensure that national laws and regulations concerning the employment relationship cover all sectors of the economy and that they are effectively enforced. The relevant information on the terms and conditions of employment should be specified in an appropriate, verifiable and easily understandable manner, and preferably through written contracts in accordance with national laws, regulations or collective agreements;
- (f) basic social security guarantees forming part of the national social protection floor, as provided for in the Social Protection Floors Recommendation, 2012 (No. 202), in order to reduce vulnerability to forced or compulsory labour;

**Recommendation No. 203** provides further guidance to prevent forced labour:  
(continued)



- (g) orientation and information for migrants, before departure and upon arrival, in order for them to be better prepared to work and live abroad and to create awareness and better understanding about trafficking for forced labour situations;
- (h) coherent policies, such as employment and **labour migration** policies, which take into account the risks faced by specific groups of migrants, including those in an irregular situation, and address circumstances that could result in forced labour situations;
- (i) promotion of coordinated efforts by relevant government agencies with those of other States to facilitate regular and safe migration and to prevent trafficking in persons, including coordinated efforts to regulate, license and monitor labour recruiters and employment agencies and eliminate the charging of recruitment fees to workers to prevent debt bondage and other forms of economic coercion; and
- (j) in giving effect to their obligations under the Convention to suppress forced or compulsory labour, providing guidance and support to employers and businesses to take effective measures to identify, prevent, mitigate and account for how they address the risks of forced or compulsory labour in their operations or in products, services or operations to which they may be directly linked.

## Protecting victims

### Forced Labour Protocol

#### Article 3

Each Member shall take effective measures for the identification, release, protection, recovery and rehabilitation of all victims of forced or compulsory labour, as well as the provision of other forms of assistance and support.



The second “P” refers to the **protection for victims**, which has multiple dimensions. Victims not only need to be identified and removed from situations of forced labour but also have their rights upheld in legal proceedings against their exploiters and be provided with the means to recover from the exploitation they have been subjected to. Comprehensive protection measures should not only protect victims but also provide them with effective means to prevent re-victimization. Access to victim protection and rehabilitation systems should be made available for every victim, irrespective of their status (age, gender, ethnicity, migration status or any other ground for **discrimination**).

### Protecting all victims

In its National Plan against human trafficking for 2017-2022, Panama has adopted specific and inclusive protection measures to cover all victims. According to the NAP's goals, assistance should be provided to all victims, regardless of their nationality, to ensure their recovery and safe rehabilitation into society. Nationals of Panama that are victims of human trafficking abroad, should receive support in the foreign country and be offered the possibility of voluntary repatriation. Similar assistance should be provided to foreign victims who have been trafficked into Panama or who are in transit through the country.

The timely identification of victims of forced labour is the necessary starting point for protecting them. This can be extremely difficult since forced labour often happens behind closed doors or in remote areas, or can disguise itself within situations that seem legitimate. Victims can also be reluctant to come forward due to lack of awareness, cultural acceptance, shame, or from the fear of being punished or deported.

Protection should be provided without delay and should not be conditional on the willingness of victims to take part in judicial proceedings that may be lengthy. The participation and testimonies of victims are often instrumental in securing convictions of unscrupulous employers, however victims may fear potential retaliation from their former exploiters. They could also feel afraid or ashamed of being recognised as victims of forced labour by a court decision or in the media covering the lawsuit. All measures needed to ensure their safety should therefore be taken, including witness protection if needed.

In order to increase the number of identified victims of forced labour and to ensure their protection, countries can set up forced labour complaints mechanisms. Such mechanisms aim to make it easier for a victim to be identified and seek redress without any fear of retaliation, and for a partner or civilian to report a forced labour case. These mechanisms may take different forms: it can be operated by local government officials, acting at the village or district level; a dedicated unit within social services; or an independent administrative authority (Human Rights Commission, Ombudsman, etc.), in charge of receiving complaints and initiating prompt and transparent interventions. Some countries have opted for hotlines services, allowing victims to submit anonymous complaints.

### Forced labour complaint mechanisms

In Myanmar, the government and the ILO signed an agreement to allow citizens to lodge complaints alleging the use of forced labour with the assistance of the ILO Liaison Officer. This complaint mechanism is designed to allow genuine victims of forced labour an opportunity to seek redress and/or remedies from the government authorities in full confidence that no retaliatory action will be taken against them. The ILO Liaison Officer is entitled to verify that no such retaliatory action has been taken against the complainant and can also pursue the complaint on behalf of the citizen.

Partners can also support victims and law enforcement in this endeavour, in particular victims' organizations. They can help raise awareness of the existing mechanisms among victims, receive complaints themselves and report them to relevant public authorities.

\*To know more about the Myanmar forced labour complaint mechanism, please visit: [www.ilo.org/yanmar/complaints/lang--en/index.htm](http://www.ilo.org/yanmar/complaints/lang--en/index.htm).

Effective protection measures should include immediate protection, such as access to a safe house or medical care, as well as long-term rehabilitation. Rehabilitation aims to ensure reintegration and prevent re-victimization. It can take the form of specialized packages or leveraging existing public services and programmes, through vocational training, psychosocial support, microcredit, micro-enterprises development or financial assistance, for example.

**Recommendation No. 203** provides further guidance on protection measures:

9. Taking into account their national circumstances, Members should take the most **effective protective measures to meet the needs of all victims** for both immediate assistance and long-term recovery and rehabilitation, such as:

- (a) reasonable efforts to protect the safety of victims of forced or compulsory labour as well as of family members and witnesses, as appropriate, including protection from intimidation and retaliation for exercising their rights under relevant national laws or for cooperation with legal proceedings;
- (b) adequate and appropriate accommodation;
- (c) health care, including both medical and psychological assistance, as well as provision of special rehabilitative measures for victims of forced or compulsory labour, including those who have also been subjected to sexual violence;
- (d) material assistance;
- (e) protection of privacy and identity; and
- (f) social and economic assistance, including access to educational and training opportunities and access to decent work.

Frontline actors – social partners, victims associations, social services – should be consulted and involved early in the process in order to identify the current gaps in the different elements of the protection mechanisms.

It is also important to take into account the special needs of some vulnerable groups, such as women, children or migrants. Protective measures should be gender-responsive: for example, ensuring that women have the possibility to talk to a female law enforcement officer as they may be more comfortable talking to a woman. Furthermore, it is important to ensure that not all shelters are restricted to women so that safe accommodation can also be proposed to men and families.

**Recommendation No. 203** provides further guidance on protection measures for specific groups:



10. **Protective measures for children** subjected to forced or compulsory labour should take into account the special needs and **best interests of the child**, and, in addition to the protections provided for in the Worst Forms of Child Labour Convention, 1999 (No. 182), should include:

- (a) access to education for girls and boys;
- (b) the appointment of a guardian or other representative, where appropriate;
- (c) when the person's age is uncertain but there are reasons to believe him or her to be less than 18 years of age, a presumption of minor status, pending age verification; and
- (d) efforts to reunite children with their families, or, when it is in the best interests of the child, provide family-based care.

**Recommendation No. 203** provides further guidance on protection measures for specific groups: (continued)

11. Taking into account their national circumstances, Members should take the **most effective protective measures for migrants** subjected to forced or compulsory labour, irrespective of their legal status in the national territory, including:

- (a) provision of a reflection and recovery period in order to allow the person concerned to take an informed decision relating to protective measures and participation in legal proceedings, during which the person shall be authorized to remain in the territory of the member State concerned when there are reasonable grounds to believe that the person is a victim of forced or compulsory labour;
- (b) provision of temporary or permanent residence permits and access to the labour market; and
- (c) facilitation of safe and preferably voluntary repatriation.

## Prosecution - Enforcing legislation

### Forced Labour Protocol

#### Article 4

1. Each Member shall ensure that all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory, have access to appropriate and effective remedies, such as compensation.
2. Each Member shall, in accordance with the basic principles of its legal system, take the necessary measures to ensure that competent authorities are entitled not to prosecute or impose penalties on victims of forced or compulsory labour for their involvement in unlawful activities which they have been compelled to commit as a direct consequence of being subjected to forced or compulsory labour.

The third “P” refers to **prosecution**, and more generally to law enforcement. It encompasses the effective enforcement of forced labour legislation and regulation, such as inspection regimes, police investigations, victim identification or the prosecution of perpetrators. In many countries, forced labour victims are entitled to initiate a legal recourse. However, in practice, they commonly face significant obstacles to seek justice, including discrimination (for instance when the recourse is only open to nationals), or lack of financial or technical means (when do not have access to free legal advice). These obstacles should be identified and addressed in the NAP to ensure effective access to justice for victims.

Prosecution should also include remedies. Victims should be able to seek remedies before the courts, tribunal or resolution mechanisms, through both civil and criminal proceedings. The remedy of financial compensation, for instance, whether 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 provide critical support for victims’ recovery and act as a deterrent for would-be offenders.

### Specific training related to law enforcement

In **Denmark**, the successive NAPs on Trafficking in Human Beings (2015-2018 and 2019-2021) underline the need for judges and police forces to be specifically trained to address the complexity of trafficking cases, taking into account the particular vulnerabilities of victims.

In particular, the NAPs give the Director of Public Prosecutions the responsibility to develop – and continuously update – guidelines relating to the handling and recording of trafficking cases. The aim of these tools is to renew focus on trafficking and forced labour cases, and to “provide prosecutors with knowledge about developments in legal practice in this area”.

In order to protect the rights of victims and punish the perpetrators, a solid law enforcement system is needed. Enforcement of forced labour legislation is complex and may have links to other, equally complex, issues and crimes (e.g., financial crimes, smuggling of goods or illegal mining / logging / fishing). Thus, an important component of the NAP strategy may be not only to strengthen the capacity of policy-makers in order to formulate strong and comprehensive legislation but also to strengthen the capacity of law enforcement officials, including labour inspectors, in order to identify victims and collect and secure evidence; and of judges, to accurately prosecute perpetrators. Recommendation No. 203 provides guidance on steps that can be taken to ensure the effective enforcement of forced labour legislation.

Law enforcement is essentially the responsibility of public authorities. In some countries, the mandate to deal with forced labour is mainly in the hands of the police force, overlooking the important role of the labour administration. Indeed, due to their mandate, labour inspectors are well equipped to detect forced labour cases and to access workplaces. Thus, the labour administration should be provided with the legal mandate and means to be actively involved in combating forced labour. Moreover, other actors such as social partners or civil society organizations can support the enforcement efforts. For example, workers' organizations can bring cases to the attention of relevant authorities or victims associations can provide the injured party with free legal advice. These issues of coordination and collaboration amongst the different actors involved in law enforcement should be addressed in the NAP.

It is also important to incorporate the financial aspect in the prosecution and law enforcement strategies developed in the NAP. The use of forced labour by unscrupulous employers is estimated to generate USD 150 billion of illegal profits per year (ILO, 2014). In addition to penal sanctions, financial penalties represent an efficient deterrent to discourage the use of forced labour as a means to maximize profit. Recommendation No. 203 highlights the importance of the imposition of penalties such as the confiscation of profits and assets, in accordance with national laws.



Moreover, the principle of **non-criminalization of victims** should be reaffirmed in the NAP. It means that forced labour victims should not be punished or prosecuted for the illegal activities they have been compelled to commit as a direct consequence of being subjected to forced or compulsory labour, in accordance with the basic principles of their national legal systems (Forced Labour Protocol, Article 4). This could include, for instance, the violation of migration or labour legislation.

### Financial penalties to fund rehabilitation projects

In Brazil, offenders that are prosecuted in front of a criminal court, can also be prosecuted by the Labour Prosecution Office, a specialized prosecution branch that pursues financial damages on behalf of the community. In addition to individual compensation to victims, offenders can be requested to pay “collective compensations” due to the harm that serious violation of fundamental principles and rights at work does to the community as a whole. Depending on the elements in each case (number of victims, length of the exploitation, profits generated, aggravating circumstances, etc.), these can amount to a very significant sum of money. In some cases, perpetrators have had to pay more than USD 1,000,000.

The money collected has been used to support the rehabilitation of former victims and to promote decent work. One example is the “Integrated Action” project, implemented with the support of the ILO. The project has provided access to education, professional training and other services to forced labour victims using the funds collected by the Labour Prosecution Office from collective compensations.

\*For more information on the Brazil Integrated Action project, please visit: [www.acaointegrada.org](http://www.acaointegrada.org) (in Portuguese). To discover the story of a worker that received support from the Integrated Action project, please visit:

<http://50forfreedom.org/blog/stories/from-slave-to-university-student/>.

**Recommendation No. 203** provides further guidance on access to justice:

12. Members should take measures to ensure that all victims of forced or compulsory labour have access to justice and other appropriate and effective remedies, such as compensation for personal and material damages, including by:

- (a) ensuring, in accordance with national laws, regulations and practice, that all victims, either by themselves or through representatives, have effective access to courts, tribunals and other resolution mechanisms, to pursue remedies, such as compensation and damages;
- (b) providing that victims can pursue compensation and damages from perpetrators, including unpaid wages and statutory contributions for social security benefits;
- (c) ensuring access to appropriate existing compensation schemes;
- (d) providing information and advice regarding victims’ legal rights and the services available, in a language that they can understand, as well as access to legal assistance, preferably free of charge; and
- (e) providing that all victims of forced or compulsory labour that occurred in the member State, both nationals and non-nationals, can pursue appropriate administrative, civil and criminal remedies in that State, irrespective of their presence or legal status in the State, under simplified procedural requirements, when appropriate.



**Recommendation No. 203** provides further guidance on access to justice: (continued)

**Paragraph 13**, includes specific steps that should be taken to ensure effective law enforcement:

13. Members should take action to strengthen the enforcement of national laws and regulations and other measures, including by:

- (a) giving to the relevant authorities, such as labour inspection services, the necessary mandate, resources and training to allow them to effectively enforce the law and cooperate with other organizations concerned for the prevention and protection of victims of forced or compulsory labour;
- (b) providing for the imposition of penalties, in addition to penal sanctions, such as the confiscation of profits of forced or compulsory labour and of other assets in accordance with national laws and regulations;
- (c) ensuring that legal persons can be held liable for the violation of the prohibition to use forced or compulsory labour in applying Article 25 of the Convention and clause (b) above; and
- (d) strengthening efforts to identify victims, including by developing indicators of forced or compulsory labour for use by labour inspectors, law enforcement services, social workers, immigration officers, public prosecutors, employers, employers' and workers' organizations, non-governmental organizations and other relevant actors.

## Partnerships - Mobilizing and involving partners

### Forced Labour Protocol

#### Article 5

Members shall cooperate with each other to ensure the prevention and elimination of all forms of forced or compulsory labour.

#### Article 6

The measures taken to apply the provisions of this Protocol and of the Convention shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned.

The fourth "P" refers to **partnerships**. Partnerships between multiple stakeholders with different mandates, skills and specializations is essential to tackle multi-causal, complex issues like forced labour. This is why the Forced Labour Protocol calls upon governments to formulate and implement NAPs on forced labour **in consultation with employers' and workers' organizations**, but also with other interested parties, such as civil society organizations or victim associations. Only such a transparent, participatory process can generate the national ownership that is necessary for effective implementation.

### Involving all stakeholders

In Ireland, the NAP on trafficking (2016) seeks the support from “all those involved with victims of human trafficking including An Garda Síochána [the police], the health professionals, the educators, civil society and international organisations” but also “law enforcement agencies in other jurisdictions” as well as religious leaders.

In Lebanon, many partners are identified in the National Action Plan to Eliminate the Worst Forms of Child Labour in Lebanon by 2016, including government ministries; employers’ and workers’ organizations; civil society; United Nations agencies (including the ILO); judicial authorities; health and social services; teachers and education services; community and religious leaders; and even volunteers!

Partnerships can be local, national, or international – they are all valuable. Creating and strengthening partnerships and ensuring good communication and coordination is essential in developing and implementing NAPs. The role of partnerships and having a coordination framework is often given its own chapter in NAPs (see also sections 4 and 5).

### Recommendation No. 203:

1. Members should establish or strengthen, as necessary, in consultation with employers’ and workers’ organizations as well as other groups concerned:
  - (a) national policies and plans of action with time-bound measures using a gender- and child-sensitive approach to achieve the effective and sustained suppression of forced or compulsory labour in all its forms; and
  - (b) competent authorities such as the labour inspectorates, the judiciary and national bodies or other institutional mechanisms that are concerned with forced or compulsory labour, to ensure the development, coordination, implementation, monitoring and evaluation of the national policies and plans of action.

**Recommendation No. 203, paragraph 14**, includes priorities for international cooperation in partnership:

14. International cooperation should be strengthened between and among Members and with relevant international and regional organizations, which should assist each other in achieving the effective and sustained suppression of forced or compulsory labour, including by:
  - (a) strengthening international cooperation between labour law enforcement institutions in addition to criminal law enforcement;
  - (b) mobilizing resources for national action programmes and international technical cooperation and assistance;
  - (c) mutual legal assistance;
  - (d) cooperation to address and prevent the use of forced or compulsory labour by diplomatic personnel; and
  - (e) mutual technical assistance, including the exchange of information and the sharing of good practice and lessons learned in combating forced or compulsory labour.

### Global partnership: Alliance 8.7



The UN 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs) are an important framework for devising national strategies to eradicate forced labour. **Tool No. 6** is a slide presentation on forced labour, which can be used, for example, in workshops and meetings with stakeholders to explain the broader international context, especially in **pathfinder countries**.

Alliance 8.7 is an inclusive global partnership created to support countries in the achievement of SDG Target 8.7 on eradicating forced labour, modern slavery, human trafficking and child labour. The Alliance is open to all partners willing to contribute to achieving the target: governments, international and regional organizations, workers' organizations, employer and business membership organizations, civil society organizations, academic institutions and other relevant stakeholders and networks.

The Alliance brings together more than 250 global and regional partners and focuses on three strategic objectives: accelerating action; conducting research and sharing knowledge; driving innovation and leveraging resources.

The Alliance serves partners as a platform for exchange, access to data, information, innovation and good practice, support for political commitment, and assists in leveraging resources, in particular through the Delta 8.7 Knowledge Platform and the Pathfinder Country Strategy.

\*For more information, see the Alliance website ([www.alliance87.org](http://www.alliance87.org)) and the Delta 8.7's website (<https://delta87.org>).

### Guiding principles

The right to be free from forced labour applies to all human beings – adults and children, nationals and non-nationals, including migrants in irregular situations. All actions undertaken in the framework of the NAP should follow a human rights-based approach, following the Universal Declaration of Human Rights: equal rights apply to everyone, regardless of status (i.e., social, economic or cultural). Besides, human rights are indivisible – meaning one cannot respect one but violate another.<sup>11</sup>



As a backbone to the strategy, it may be worth spelling out in the NAP what are the core values and principles that will guide its implementation. The NAP should make reference to the other three **fundamental principles and rights at work**, namely: **freedom of association and the right to collective bargaining**, the **effective abolition of child labour**, and the **elimination of discrimination in respect of employment and occupation**. As far as children are concerned, it is important to refer to the **best interest of the child**, originating from the UN Convention on the Rights of the Child, 1989.

11- Read the Declaration here: [www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf).

### Defining guiding principles

In Peru, the National Action Plan for the Fight against Forced Labour (2013-2017) clearly identifies the following as fundamental, guiding principles underlying the NAP:

- ▶ Equality of opportunity for all.
- ▶ Human development and individual human rights, i.e. the possibility for every individual to fulfil his/her rights and develop his/her potential. This includes a special focus on the rights of victims of forced labour.
- ▶ Elimination of discrimination in respect of employment and occupation.
- ▶ Respect and protection of freedom of labour and human dignity as ultimate goals.

By providing explicit and up-front definitions of these fundamental principles, it reminds partners (and others who read the NAP) of how important these principles are to the mission, vision and objectives of the NAP.

Once agreed upon with partners, the guiding principles will constitute the overarching principles that shall support the development and implementation of the entire NAP. They should therefore be reflected in the different objectives and targets. For instance, if gender equality and non-discrimination are chosen as guiding principles, partners should make sure to adopt a gender-responsive strategy and specific targets aimed at addressing the needs and vulnerabilities of women.

### Agreeing on core values

The United States NAP on human trafficking (2013-2017) highlights core values that federal partners agreed upon and that inform the objectives and action steps outlined in the Plan, in particular:

- ▶ “(...) Meaningful engagement with survivors in all aspects of program development, implementation, and evaluation is critical in order to develop effective service networks.
- ▶ Services should be accessible for all trafficking victims, regardless of race, color, national origin, disability, religion, age, gender, sexual orientation, gender identity, immigration status, or type of trafficking (sex or labor).
- ▶ Victim services should promote safety, healing, justice, and rights for victims, and should empower them to participate in efforts to bring traffickers to justice.
- ▶ Public awareness and an understanding of human trafficking at federal, state, territorial, tribal, and local levels are needed to improve victim identification and access to services.
- ▶ Anti-human trafficking efforts should be **victim-centered** and culturally relevant, holistic, comprehensive, evidence-based, gender-responsive, and trauma-informed.
- ▶ All those who engage with survivors must acknowledge and respect an individual’s experience of victimization and capacity to move beyond victimization.
- ▶ Services for long-term needs, in addition to services that address immediate and emergency needs, are critical. Survivors should be provided with tools and opportunities for financial stability that will support their long-term independence.”







# ▶ 4

Bonded worker in a brick kiln, India, 2013 (© ILO)

Picture taken during a joint ILO-Ministry of Employment field visit to identify priority sectors for a pilot project on the elimination of bonded labour.

## ▶ 4. Developing the NAP

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Once national stakeholders have agreed on the scope of the NAP and have discussed the strategy to adopt, they will need to delve into the details and develop the content of the NAP. This process can vary from country to country depending on multiple factors, such as the number of partners involved, the extent to which **forced labour** is a policy priority; and the time and resources available. Despite these differences, there are several common critical issues that should be considered in order to produce a relevant and effective NAP. These include:

- ▶ Deciding who will lead the process.
- ▶ Mapping the national “landscape”, in terms of scale, policies, resources and other considerations to decide on what is needed and feasible.
- ▶ Assessing the knowledge, capacities and training needs of implementing partners.
- ▶ Mobilizing key stakeholders and ensuring a meaningful consultation process to generate ownership.
- ▶ Assigning clear roles and responsibilities.
- ▶ Defining a clear timeframe and budget for the NAP implementation.
- ▶ Drafting the NAP document.



**Tool No. 7** provides a visual representation of the various steps involved in the NAP development process.

### Leading the development process

Forced labour is both a labour issue and a criminal offence. It can therefore be subject to different laws and may also fall under the mandate of different ministries. Usually one of these government ministries will assume the responsibility for coordinating the NAP development, and should work in close collaboration with various stakeholders, including social partners.

In countries where there is a national commission on forced labour or a national counter-trafficking council, they can also be entrusted with leading the development process. Alternatively, if no such body exists, a related body could have its mandate expanded, for example a national child labour committee, to oversee the development process. The involvement of such a commission would ensure transparency, credibility and commitment to the process.

It is important to note that coordinating the development of a NAP does not mean assuming the sole responsibility for its implementation. Thus the choice of who leads the NAP development process should not depend on their role in implementing the NAP but rather be based on operational issues, such as resource availability to carry out the day-to-day planning.

It is also a good idea for partners to look into the different options for oversight at this stage. The oversight mechanism should be agreed during the NAP development process and not as an afterthought (see section 5 for more details on oversight and governance).

### Who does what?

In Niger, the development process and the implementation of the National Action Plan on the Fight against Trafficking in Persons (2014-2019) are under the responsibility of two different bodies: the development is led by the National coordination commission to combat forced labour (*Commission nationale de coordination de lutte contre la traite des personnes* - CNCLTP), a special commission placed under the authority of the Ministry of Justice and composed of relevant stakeholders (representatives from several ministries, from CSOs and the bar association); while the implementation of the NAP is led by the National agency to combat trafficking in persons (*Agence Nationale de Lutte contre la Traite des Personnes* - ANLTP), an independent administrative agency, staffed by public servants, working in close collaboration with implementing partners.

### Mapping the landscape

NAPs should be evidence-based. It is important to start by undertaking a background study to generate a clear, concise and up-to-date picture of the situation, including the magnitude and types of forced labour that exist in the country. The format and content of the background study will depend on factors such as the amount of information and the resources already available for the study. It is important that key stakeholders are involved in deciding the scope of the study and in validating the results and conclusions. Their involvement and understanding of the findings will help make the NAP relevant and the process transparent.

### Building on research

In Burundi, the National Action Plan for the Elimination of the Worst Forms of Child Labour (2010-2015) was based on the results of the national survey on living conditions of children and women. Findings from this survey provided data on the incidence of child labour in the country, allowing for targeted NAP actions.

However, there was no available data on the worst forms of child labour at the time of the NAP development. Hence, partners decided to include research on this specific theme as one of the activities to be undertaken under the NAP.

Among the issues typically included in a background study are:

- ▶ Surveys and studies on the various forms and extent of forced labour in the country, including sectors and groups affected, as well as the root causes and effects.
- ▶ A review of legal instruments already in place and under development in the country. As law enforcement is a central component of the 4Ps strategy, this is a key element of any background study. Partners need a clear and comprehensive understanding of the legal instruments available to law enforcement agencies (national laws and international instruments ratified – see section 2 for more information on the international legal framework on forced labour) and of any gaps in the existing legislation that will need to be addressed under the NAP. If time and resources allow, it can include the assessment of the awareness of the laws among specific target groups (e.g., employers or vulnerable workers, such as migrant workers, front-line service providers) or among the general public.



- ▶ A mapping or review of existing policies and programmes that may directly or indirectly impact the forced labour situation, e.g., poverty reduction strategies, migration policies, child protection policies, disaster preparedness plans, land reforms, as relevant. NAPs do not exist in a vacuum and therefore partners also need a clear picture of the other development frameworks in place. This is especially important when activities under the NAP will depend on existing initiatives, for instance those that address the underlying root causes of forced labour, such as development or poverty reduction plans.
- ▶ A mapping of the stakeholders who may play a part in both the development and implementation of the NAP. This mapping is often combined with the policy review and is important to identify potential implementing partners, organizations that may support the NAP agenda or organizations that will have influential power over NAP implementation, though they will not implement the NAP itself (e.g. Ministries of Finance that may control the government budget). Hence the mapping can be utilized to identify potential implementers, change agents, target groups for advocacy and others.



A checklist for the background study is included in [Tool No. 8](#).

### Assessing the knowledge and capacity of implementing partners

Once the potential implementing partners have been identified, it is instrumental to assess their skills, knowledge and capacity to effectively implement the NAP and to identify gaps that may hinder the implementation of the NAP. This capacity assessment can be undertaken either at the very first stage, as part of the background study, or as one of the first activities implemented under the NAP. The timing will largely depend on when the NAP activities have been defined and the implementing partners identified.

The results of the assessment may demonstrate the need for capacity development for key partners. This could entail trainings on forced labour for government agencies, employers' and workers' organizations and other key partners, in particular law enforcement agencies.

Capacity should be viewed broadly and can encompass a variety of issues, for example:

- ▶ employers capacity to identify and mitigate forced labour risks in their operations and supply chains;
- ▶ workers' organizations capacity to recognize forced labour situations and risks, provide assistance to victims, and reach out to at-risk workers;
- ▶ systems in place to register information (e.g. victim databases or registries of support organizations);
- ▶ knowledge and skills among front line actors (e.g. police officers, labour inspectors, judges, lawyers, social workers); decision makers (e.g. parliamentarians, local authorities); and those who can drive change (e.g. journalists, teachers, activists, NGOs).



Developing capacity to tackle forced labour should be an integral part of the strategy to eradicate the scourge of forced labour and should be considered an investment in future action and prevention. In some countries, a training on forced labour and **child labour** was provided to all participants, before starting the NAP drafting process, to ensure that all partners had the same understanding of the issue at hand. [Tool No. 9](#) presents a capacity assessment checklist.

## Consultation, ownership and commitment

### Forced Labour Protocol

#### Article 1

2. Each Member shall develop a national policy and plan of action for the effective and sustained suppression of forced or compulsory labour in consultation with employers' and workers' organizations, which shall involve systematic action by the competent authorities and, as appropriate, in coordination with employers' and workers' organizations, as well as with other groups concerned.

An inclusive and transparent consultation throughout the development process, involving representatives of governments, employers' and workers' organizations and other key partners such as representatives of victims and affected groups, is essential to ensure that the NAP is relevant and accepted by all. Consultations should be conducted in such a way that all feel welcome at the table, have the opportunity to voice their concerns and take ownership of the process as well as the final product. If stakeholders do not see the NAP as "their NAP", it is highly unlikely that it will ever be implemented. **Tool No. 10** provides additional information on how to build national ownership and political commitment.



The consultation process should be tailored to each country. It could be at the national level, regional or local levels, and could require a large national conference, a series of small group consultations or written consultations. The format will depend on what is most effective and what stakeholders feel most comfortable with. **Tool No. 11** contains suggestions of the issues that could be addressed in such meetings, regardless of the chosen format.



It is very important that the consultations foster **tripartite social dialogue** to ensure that the government, employers' and workers' organizations are committed to join forces towards the eradication of forced labour. If not, they are unlikely to rally behind the NAP. Government can demonstrate its commitment in multiple ways including by consistently sending high level representation to meetings; by publicly announcing its intention to formulate and implement the NAP; and by allocating resources to the NAP development and implementation process.



Equally important is the inclusion of victims as well as people affected by or at risk of forced labour. They may not wish to share their personal stories in public, as this may be difficult or traumatizing, but they will have important contributions to make. They should be considered as key stakeholders and should be given access to contribute their views, ideas and opinions to the process. It is recommended to engage with victims through organizations that support them and who can ensure that they remain safe and comfortable throughout the process. The same considerations may be needed in order to bring in the views of other groups who are vulnerable to forced labour, for example migrant workers or socially marginalized groups experiencing **discrimination**.



The involvement of child victims and/or at-risk children requires additional considerations and protection to keep the children safe. Bringing children into meetings and workshops designed for adults may be inappropriate and children may feel very uncomfortable. If needed, parallel meetings for children should be organized instead. Child protection organizations and adults trusted by the children should be involved in the process.

Regardless of how the consultation process is undertaken, it is crucial that stakeholders' inputs have been taken into account and that their contributions are acknowledged in the

NAP in order to further build ownership and engagement. Ideally, those who will be drafting the NAP should be identified early in the process so that they can take part in the consultations to understand and adequately reflect the outcomes in the NAP. It is also a good practice to include in the NAP a section acknowledging the contribution of the different organizations involved in the consultation process (see more below about the drafting process).

### Assigning clear roles and responsibilities

NAPs entail multiple activities, implemented by several partners. Therefore, it is strongly recommended to assign clear roles and responsibilities to each implementing partner and make this division clear in the NAP's implementation framework. (See section 5 for more information on the implementation stage).

The distribution of roles and responsibilities should be based on each partner's skills, experience and respective mandate. If the capacity assessment is completed during the development process, the results will help identify which partners are best equipped to implement the various activities under the NAP. The distribution of roles should be a commonly agreed decision, discussed during the consultation process.



#### Identifying the role of each partner

Ghana has adopted "Standards Operating Procedures to Combat Human Trafficking" (SOPs) in 2017 where the role of each partner is clearly assigned, according to their strengths. For example, when dealing with the identification of victims, the SOPs stipulate that it is the responsibility of law enforcement and social workers, but they also emphasize the determining role that former victims must play in the matter.

The roles and responsibilities should not be set in stone and should be reviewed during implementation, in particular if a detailed implementation plan is developed after the adoption of the NAP (see section 5).

### Defining a clear timeframe

Setting up a clear timeframe and targets for the NAP is important for implementation. Monitoring progress and results is easier when time-bound objectives have been developed that partners commit to achieve within an agreed period (see section 6 on NAP monitoring and evaluation). Most NAPs are designed with a limited timeframe (usually between two to five years).

Some objectives may be dependent on the achievement of others, for example in order to rehabilitate former victims of forced labour, the victims must first be identified. It is important to therefore consider the logical sequence when developing the different timeframes for each of the NAP's objectives. Partners should agree on the timeframes through consultations and based on their own capacity for delivery and implementation. In addition, when deciding on the NAP's timeframe, partners should also take into consideration other relevant frameworks – such as related policies, programmes or projects, or the government planning and parliamentary cycles.

#### Recommendation No. 203:

1. Members should establish or strengthen, as necessary, in consultation with employers' and workers' organizations as well as other groups concerned:
  - (a) national policies and plans of action with time-bound measures (...)

## Estimating the cost

NAPs are usually multi-year plans that are implemented by multiple partners and as a result may be lengthy documents. NAPs with many objectives carry an inherent risk of under-resourcing which, in turn, may lead to poor implementation.

The different partners involved will have various resources available, several budget formats, and funding cycles. All of this can complicate NAP budgeting. Therefore, it may be impossible to draw up a detailed budget for the NAP at the time it is being developed. However, a general analysis of the resources available and the resources required to implement the NAP, including financial, human and logistical resources, can be carried out up-front. If significant resource gaps are identified, partners should decide whether they want to drop some activities or opt for alternative, less costly, activities, or they may instead want to develop a strategy to raise additional resources for the implementation of the NAP. The cost estimate may also help partners decide on prioritizing what should be done first and what should be put on hold until further resources become available.

**Tool No. 12** provides a checklist of steps that partners can take to put together a realistic cost estimate.



Based on the cost estimate and gap analysis, partners can develop their individual work plans and budgets, usually on a yearly basis, that will allow them to carry out the activities they are responsible for under the NAP. Hence, the cost estimate is an important operational link between the NAP document and partners' operational set-up that will turn the NAP into reality. As far as possible, the NAP budget should be aligned with national budgeting cycles and the timeframes of other programmes with which the NAP becomes integrated.

### Estimating cost for each partner

When developing its NAP on combating the worst forms of child labour (2019-2021) the Government of **Côte d'Ivoire** carried out extensive consultations with social partners as well as civil society to ensure their ownership of the NAP. All relevant actors were also involved when deciding on the budget, making it precise and comprehensive. As a result, the NAP presents a cost breakdown by goal, activity and year, and expressly identifies the financing source for each. Having been involved since the development stage, the partners were able to assess their investment capacities and the NAP was adjusted accordingly. Thanks to this process, the delivery rate of the NAP was 74 per cent.

\* Source: <https://cocoainitiative.org/fr/news-media-post/lutte-contre-le-travail-des-enfants-en-cote-divoire-de-nouveaux-defis-integres-dans-le-plan-daction-national-2019-2021/>.

## Drafting the NAP

The NAP document can be drafted in multiple ways, using any format with which the national partners are comfortable. In a country where forced labour is a relatively new issue on the political agenda, the NAP will be a vehicle for mobilizing partners and for building commitment to eradicate forced labour, and thus the process of consultation and cooperation may be more challenging and lengthy.

In many countries, the lead ministry (or a support agency like the ILO) hire a consultant to draft the NAP. This has a number of advantages, for example the consultant is likely to have experience drafting policy documents and plans and will therefore be able to produce a high-quality document in a short period of time. However, hiring a consultant may lead to partners not owning the NAP to the same extent as a NAP they themselves have produced from start to finish.

Other countries opt for a drafting group, consisting of representatives from key stakeholders, such as relevant ministries and employers' and workers' organizations, equipped with the adequate technical and policy drafting skills. This option will help foster the ownership of the NAP by the partners who will also implement it. It can be challenging however, for the partners to dedicate the sufficient time and staff needed to draft the NAP. Multiple authors may also mean that the document appears more fragmented or that considerable efforts go into editing the document. It is also essential that the drafting group members have good knowledge of forced labour and related issues before starting the actual drafting process. If they do not, they would need prior training on these issues.

Some countries prefer a combination of the two modalities described above, i.e., an external consultant, with prior NAP drafting experience, working with a group of partner representatives to draft the NAP. This modality, if managed well, can provide a high-quality document which is owned by the partner agencies.



Once the NAP is drafted, it may be worth writing a summary to make it more accessible, in the form of a leaflet or a FAQ sheet. Partners can refer to **Tool No. 13**, which provides suggestions of how a NAP could be structured.

### Translating the NAP

The question of multiple languages is relevant for many countries. All interested parties and, in particular, those in charge of implementing the NAP must be able to clearly understand its content. Some countries opt to include versions of the NAP in different languages within the same document. For example, **Bangladesh** produced its NAP on Combatting Human Trafficking 2015-2017 in both Bengali and English.

### Adopting the NAP

Once drafted, the NAP usually needs approval from a higher-level policy making body, such as the head of the government, the parliament, or ministers, before it can be implemented.

This step can create a bottleneck, especially if the NAP comes as a surprise to policy makers or if forced labour is a politically sensitive issue or is poorly understood. Hence, leveraging political commitment from the beginning of the development process can be helpful to support the adoption. In particular, it is important to identify political change agents early on and engage them directly in the consultation process. For example, organizing parliamentary hearings to discuss the NAP strategy may help trigger more political support.<sup>12</sup>

All partners can play a role in mobilizing policy makers, using their existing leverage, networks and communication channels. For example, employers' and workers' organizations may bring up the forced labour NAP in situations such as **tripartite consultations** on **collective bargaining** agreements and national employment and export promotions.



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12- For more information about what parliamentarians can do to help fight forced labour, see: ILO, IPU, 2019.

### **Mobilizing policy makers**

While developing its NAP on forced labour and child labour, **Malaysia** adopted an innovative participatory approach. Relevant stakeholders were identified and invited to participate in the NAP drafting workshop, but before starting the drafting process, a training on forced labour and child labour was provided to all participants. By so doing, it ensured that all partners had the necessary knowledge on the situation and were able to fully participate.

In other countries, partners organized a specific event for policy makers, briefing them on the NAP purpose, the progress in the development process and the emerging contents. This can be done in writing, in small individual meetings or as a special event.





# ▶ 5

Woman working in the Qualified Industrial Zone Al Hassan, Jordan, 2017 (© ILO/A. Ancion)

The Workers' Centre in this QIZ provides support to migrant workers from the apparel industry, including to prevent forced labour.



## ▶ 5. NAP governance and implementation

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Once a relevant and comprehensive NAP has been adopted, three elements are critical for successful implementation: effective oversight, good coordination, and regular communication and knowledge-sharing among partners.

### Oversight mechanisms

Oversight aims at keeping a watchful eye on the implementation of the NAP. It should be led by the government, in collaboration with other partners, starting with employers' and workers' organizations. The purpose of oversight is to:

- ▶ Ensure that the NAP is implemented effectively and according to plan: Are the objectives and targets established under the NAP achieved by the government and responsible partners?
- ▶ Hold implementing partners accountable for what they committed to do.
- ▶ Ensure that the NAP strategy is in line with other, broader, national priorities and policies (e.g., national development plan, SDGs).
- ▶ Monitor the allocation and use of resources.
- ▶ Ensure that progress and achievements are recorded and reported.
- ▶ Evaluate the NAP and adjust strategies when needed.
- ▶ Identify possible implementation challenges and risks, and develop mitigation plans.
- ▶ Share the NAP results and priorities among policy makers, partners and the public.

Oversight of the NAP is usually the responsibility of a committee, consisting of representatives of key national institutions and led by the government. Committee members are often high level representatives who can provide a bird's eye perspective of the NAP and give guidance to those engaged in its direct implementation. The oversight body should include representatives of the most relevant entities: different ministries of the government (in particular Labour, Justice, Interior, but also Gender, Education, Economy, as appropriate), workers' and employers' organizations (national as well as sectoral), and law enforcement agencies (police, labour inspection, immigration services). It should also ensure representation of victims and affected or vulnerable communities, such as indigenous groups, as well as equal representation of men and women. Depending on the national context, the national human rights institution, the national rapporteur (on trafficking, forced labour or related issues), research institutes and media representatives can take part as well. International organizations such as the ILO, UNODC, IOM, or regional organizations such as the OSCE, the ASEAN, the African Union, can be invited to join as observers and be consulted as needed. Oversight should be discussed with all stakeholders involved: it will be more effective if it is welcomed by everyone, and seen as a way to improve the implementation of the NAP.<sup>13</sup> It works best when the oversight process is participatory and comprehensive.

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13- For more information about oversight mechanisms, visit the Community Tool Box, Chapter 40, Section 4 "Establishing Oversight Mechanisms", from the Center for Community Health and Development at the University of Kansas. Available at: <https://ctb.ku.edu/en/table-of-contents/maintain/maintain-quality-performance/establishing-oversight-mechanisms/main>.

In order to ensure the participation of all relevant stakeholders, it is important to assess potential obstacles that could prevent some from participating and take the necessary measures to overcome these. For instance, interpretation may be needed to allow representatives of different groups to participate.

The decision on whether the oversight body should be a stand-alone committee or nested within an existing governance structure depends on national systems in place and the context. For example, it may be more effective to nest NAP oversight within an existing body in a country that has an elaborate governance structure, such as committees on human rights, labour and employment, **human trafficking** or other relevant mandates. Alternatively, partners may decide to establish a new oversight mechanism specifically for the NAP on **forced labour**. Partners then have to decide on a range of organizational issues, such as those listed below:



- ▶ At which level should the oversight committee operate? (i.e., should members be politically elected? Should they be high-level representatives?).
- ▶ Which partner agencies and other organizations should be represented in the committee?
- ▶ Should the committee be a permanent statutory body or an ad-hoc committee in place only for the duration of the NAP in question?
- ▶ How can the composition and mandate of the committee be changed when needed?
- ▶ How often should the committee meet?

Regardless of which structure is chosen, the oversight body must have a clear mandate and description of its role and duties. For the sake of transparency, its terms of reference can be published, for example on a government website, which in turn, is likely to increase understanding and buy-in among stakeholders.

## Coordinating the NAP's implementation

It is important for the NAP to have a clear and detailed implementation plan. In some countries, the overall implementation plan can be included in the NAP (see section 4 on assigning clear roles and responsibilities). However, if partners have limited experience in NAP development and implementation, it may be easier and more effective to break down the process, adopting first the NAP and then developing the implementation plan at a later stage.

The implementation plan should provide details for the implementation of each activity under the NAP. It should provide timelines and identify the roles of each partner, including the lead partner if several partners are involved in one activity.

The implementation plan should also specify who is responsible for coordination. Most countries will set up a coordination group or committee that provides a forum for partners to meet and exchange information on a regular basis, plan joint activities, monitor implementation and report. The coordination group(s) can be set up at various levels (national, local). They may include sub-groups that focus on particular outcomes or activities that are either sizeable, critical to the successful implementation of the NAP, particularly complex or especially relevant in the country context. Sub-groups can also be set up, for a limited period of time, to see through particularly intense activities, such as advocacy campaigns.

### Implementation guidelines

In the Philippines, partners have combined all of the oversight and coordination documentation for the NAP on child labour (2017-2022) into a full implementation guideline. This guideline contains the Terms of Reference for oversight and coordination bodies, detailed descriptions of the strategies employed under the NAP, of the overall goals and vision for the NAP and of other key issues that may have an impact on implementation (such as learning strategies for implementing partners). This includes information at both national and local levels, linking together the different implementation levels.

The implementation plan can be updated at regular intervals (e.g. yearly), which allows for more flexibility (see section 4 for more information on defining the NAP timeframe).

### Yearly implementation plan

Maldives' NAP on trafficking (2015-2019) has a five year lifespan but a yearly implementation plan, divided into quarters. All activities have been attributed a "time target": either one specific quarter or for periodic activities, the same quarter each year to ensure regularity.



The implementation plan can be adapted from the template provided in **Tool No. 14**.



NAP implementation should also seek to foster **tripartite social dialogue** on forced labour. Social partners constitute strong allies in implementing the NAP and the different elements of the NAP strategies should be rolled out in close coordination with them. Support can also be found in national and international workers' and employers' organizations who overwhelmingly supported the adoption of the Forced Labour Protocol in 2014. The strong support and commitment from social partners was a demonstration of the strength of **tripartism** when motivated by social justice and human rights.<sup>14</sup>

## Communication and knowledge sharing

Knowledge and information sharing among partners is key to make informed choices for the NAP, to support a coordinated implementation of the NAP and a continuous learning process throughout the life of the NAP. However, these are often overlooked during the NAP development and implementation phases.

Moreover, organizations face loss of knowledge and lessons due to staff turn-over. This is a fact of organizational life and it is therefore important to think of ways to make sure that the acquired knowledge is maintained in the institutional memory. This can be achieved through proper recording and filing systems, hand-overs between leaving and in-coming staff members, and sharing information as widely as possible. Effective monitoring and evaluation is also important to ensure regular reporting against indicators, to track progress, and identify challenges and lessons learned.

While most of the NAPs reviewed for this toolkit included information on coordination (timeframes, assigned roles for each partner, coordination groups in place or to be established), few of them appear to detail the use of knowledge-sharing and communication tools, such as electronic file-share systems, web-based communication platforms, or newsletters. Though they may indeed be used without being mentioned in

14- See <https://50forfreedom.org/blog/news/the-strength-of-tripartism-ratifying-the-forced-labour-protocol/>.

the NAP, partners should consider including information on how knowledge will be shared and managed in the implementation plan or guidelines for the NAP. If written and planned, it is more likely that partners contribute to it and integrate it in their own work plans.

Furthermore, sharing lessons and experiences on an ongoing basis as part of regular communication, represents an important learning opportunity for implementing partners, governments, social partners and other key stakeholders. Moreover, it can play an important role in ensuring the effectiveness of measures, in particular by reaching out to affected groups and promoting fair business practices. Therefore, partners may consider including specific mechanisms, such as annual reviews or self-assessments, in their oversight and coordination structure for the NAP.

External communication is also important to drive change, especially behavioural change, and to ensure buy-in to support the NAP implementation. A checklist can be found in **Tool No. 15**, for both external and internal communication.



However, when communicating, both internally and externally, it is important to consider that information related to victims of forced labour and human trafficking may consist of sensitive personal data, whose disclosure could compromise individuals' safety and right to protection. In a number of countries, there are clear legislative boundaries as regards to the sharing of personal information, but in the absence of such limits, partners that collect and share personal information (for example as part of a referral system) should be bound by confidentiality and only share anonymized and specific information with an assigned group.





# ▶ 6

Men working at illegal logging camp in Ucayali, Peru, 2015 (© ILO)

Peru's NAP on forced labour includes measures to address forced labour in illegal logging in the Amazon region.

## ▶ 6. Monitoring and evaluation of the NAP

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Monitoring and Evaluation (M&E) is critical to the successful implementation of a NAP, from monitoring progress to learning from actions and experiences, which could contribute to the revision of the NAP or the development of the subsequent NAPs. Concrete efforts need to go into developing a comprehensive M&E framework, and it is recommended to dedicate a section of the NAP for this purpose. Partners can refer to **Tool No. 16** that presents each component of the M&E framework with more details.

### A learning process

**Monitoring** is a permanent ongoing activity undertaken throughout the life of the NAP, providing implementing partners with a continuous flow of data about performance. It generally refers to the collection of data that measures progress (based on performance indicators or other metrics). Progress is tracked based on expectations (targets) set before activities are implemented (USDOS, 2016).

Monitoring is essential to:

- ▶ Track progress and whether the NAP achieves its objectives;
- ▶ Improve policies and programmes based on data collected, challenges and learnings;
- ▶ Provide accountability to the population and those providing the resources; and
- ▶ Strengthen action and commitment – as what is measured is more likely to be prioritized.

**Evaluation** is “the process of determining the worth or significance of a development activity, policy or program to determine the relevance of objectives, the efficacy of design and implementation, the efficiency of resource use, and the sustainability of results” (OECD, 2002, p. 22). It is recommended to plan and budget the final evaluation in the NAP itself so as to inform the following NAP with the learnings related to the relevance and fulfilment of the objectives, the efficiency, effectiveness, impact and sustainability of the actions.

### Learning from previous NAPs

When its first NAP on child labour (2001-2005) came to an end, **Honduras** conducted a thorough evaluation of its implementation. The results permitted to draw lessons learned, to recognize practices and actions that were fruitful, to measure improvements, but also to identify the remaining gaps.

Honduras built on these findings to draft its second NAP on child labour (2008-2015). This NAP expressly refers to the conclusions and recommendations of the M&E report of the first NAP. For example, the evaluation showed a lack of communication between the national commission and the regional sub-councils, hence proposing to create a reporting system between all. This reporting obligation was integrated into the second NAP.

Before developing an M&E framework, stakeholders need to identify the forced labour challenges and the desired impact they expect from the NAP. This requires a good understanding of the forced labour situation in the country as well as its root causes. Once the overall goal is clear, a results framework<sup>15</sup> can be developed, showing the activities, outputs and outcomes that will lead to the desired longer-term goal.

When developing an M&E framework, it is also important to identify the critical assumptions and risks, which may affect the interventions and outcomes. These can include for instance, the assumption that there is a stable security and health context in the country. A civil war or health pandemic could inhibit implementing partners from achieving the NAP's planned results. In addition, risks can also include a financial crisis, or an insecure political environment. These risks should be identified and mitigation strategies should be considered wherever possible. The assumptions and risks are often outlined alongside the theory of change and the results framework (see more about the theory of change in section 3).

In order to monitor progress towards achieving the NAP's goal, the next step is the development of appropriate indicators for the objectives, outcomes and outputs as well as the setting of targets. The M&E framework should also include the means of verification for the indicators, frequency of data collection, the responsible agency for data collection, the data sources as well as baseline values. As data will be collected regularly, it is also important to outline the responsibilities for data analysis and reporting timeframes in the narrative of the M&E section of the NAP to ensure that the data is used to support implementation.

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. It should include clear indicators and targets. These indicators should also have the relevant disaggregation where necessary (for instance by gender, region, district and age). It is recommended to involve all stakeholders in the development of the M&E framework, including social partners. It may be useful, especially for Alliance 8.7 **pathfinder countries**, to also engage with the key partners dealing with the SDG Targets so that the indicators developed can also serve for the monitoring of SDG Target 8.7 (see **Tool No. 6** to better grasp the links between SDGs and forced labour).



### Setting up a monitoring and evaluation framework

Like most NAPs, the NAP on child labour (2015) from Papua New Guinea has a dedicated chapter on monitoring and evaluation. The NAP sets up a comprehensive framework by identifying the partners responsible for monitoring and evaluating its implementation; by presenting the preferred means and methodology to conduct these tasks; and by attributing monitoring indicators for every activity planned.

However, the implementation of the NAP can differ from what was expected when drafting it. Thus, the framework of the Papua New Guinea NAP charges the relevant stakeholders with determining more concrete and timely monitoring actions, throughout the implementation period.

15- For more information on developing a results framework, see for example: World Bank, 2012.



## A continuous process

Regular reviews should be carried out during the implementation of the NAP. It is important to monitor performance in reaching targets established in the NAP in order for partners to take stock and assess progress. Regular M&E will enable one to determine whether or not targets for delivery have been fulfilled, if they are behind schedule or ahead, if there is a need to adjust strategies or change activities and timeframes. This is an essential element in ensuring that the NAP is on track to produce its results and to generate important learnings that may be used in the future. If an M&E framework is formulated and then left “on the shelf” for years, until the end of the NAP, it may no longer be useful. Chances are that many lessons will be forgotten, that data collection systems have changed and some indicators can no longer be verified, or that activities may have been changed but no one remembers why. This would make evaluating the results of a NAP more difficult and less likely to result in lessons that can inform the current NAP or subsequent NAPs.

Hence, partners are encouraged to include activities in the NAP that will facilitate ongoing M&E as well as the recording and sharing of lessons learned. Such activities can also be viewed as an important input to capacity development through peer learning and support among partners. Activities that stimulate ongoing learning could include, for example, annual reviews or self-assessments against the indicators and targets in the NAP M&E framework; peer review of organizational work plans and proposals, such as budget proposals; joint monitoring visits; holding regular seminars and/or webinars on a key issue, new trends, experiences generated from implementation or new insights from research. These need not be extensive, multi-day events, but could simply be a short informal meeting. The use of webinars has the obvious advantage of allowing people in different locations (in decentralized government offices or social partner and NGO field offices) to participate.

### Drawing on evaluation results

Monitoring and evaluating NAPs can support the development of subsequent improved NAPs. In **Argentina**, the third NAP on child labour (2018-2022) has been designed to integrate the lessons learned and recommendations from the independent evaluation of the two previous NAPs – undertaken with the support of the ILO.

Before drafting its second NAP on combating forced labour, **Brazil** monitored how the targets of the first NAP had (or had not) been met. The result was that 68.4 per cent of the 76 actions had been achieved. Building on this, the country was able to tailor the second NAP by setting up more realistic and priority goals, which were more likely to be reached. Brazil is moving forward with the M&E of its second NAP: the national commission responsible for its implementation created an online platform, in collaboration with the ILO and the NGO Reportér Brasil, to ensure the regular monitoring of the NAP.\*

\*[www.monitoramentopnete.org.br](http://www.monitoramentopnete.org.br).

If partners intend to formulate and implement a subsequent NAP, it is important that the final evaluation of the current NAP is designed to derive as many lessons learned as possible. Evaluations are, essentially, meant to facilitate learning (as opposed to “fault finding”) and it is important that the Terms of Reference for the evaluation stresses the need to gather and analyse both positive lessons/good practices and lessons learned from challenges. This will allow partners to replicate and scale up good practices and address challenges explicitly in the next NAP. Often challenges are unforeseen at the time of development and will only materialize during implementation. By analysing past challenges, partners may be able to pre-empt future challenges for subsequent NAPs. (See section 7 for more information on sharing lessons learned).



▶ 7

Young self-employed boat repairer, Madagascar, 2017 (© ILO/Crozet, M.)

He benefitted from ILO-supported vocational training to escape gang violence and find decent work (ILO-CO Antananarivo).

## ▶ 7. From one NAP to the next

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Most NAPs on **forced labour** run for a determined number of years, often between two to five years. This timeframe is usually not long enough to fully address the complex issue of forced labour. Moreover, even when forced labour incidence rates decline, substantial prevention measures may need to be kept in place and monitored. Therefore, countries often have to adopt successive plans if they wish to fully eradicate forced labour.

### Why multiple NAPs?



It may be useful to already think of the long term goals that will require several consecutive NAPs from the beginning of the first NAP. For example, a NAP may be designed with a three-year time frame and with a specific objective to eradicate all forms of child slavery or **debt bondage** in a particular area or a particular sector, within those three years. This specific objective can be represented as a step towards the complete eradication and prevention of all forms of forced labour by 2030 (in line with SDG target 8.7). If a longer-term goal and timeframe is included, partners also need to acknowledge and plan for subsequent NAPs to be formulated and implemented.

### Moving to the next NAP

Second or later generation NAPs have the advantage of building on previous initiatives and lessons derived from these. It is important to evaluate the previous NAP to understand what worked and what did not in order to shape forthcoming activities accordingly. New policies, legislative changes or new information on the forced labour situation should also be considered when developing a new NAP.

When developing the next NAP, important questions to ask include:

- ▶ How has the forced labour situation changed over the years since the beginning of the previous NAP?
- ▶ How much of this change was a result of the strategies of the NAP and which of these were effective and could be scaled up?
- ▶ What has changed as a result of external factors (outside the control of the NAP)?
- ▶ Who will implement the NAP?
- ▶ What resources are available?

### Incorporating lessons learned

The development of a new NAP represents an opportunity not only to apply lessons learned from the previous NAP, take into account new developments, but also to renew dialogue and commitment through consultations and increased media attention. An inclusive consultation process of all partners will be instrumental.

## Incorporating learning from previous NAPs

Poland is currently implementing its eighth NAP on human trafficking since 2003 (previously called “Strategy”). Their implementation is overseen by a specialised committee, composed of relevant stakeholders, that regularly shares their experience and expertise and that also serves as the drafting committee. Throughout the years, the knowledge acquired was used to draft the successive NAPs so as to better adapt them to the national context.

This knowledge is made available on a public “one-stop-shop” website that gathers information on the NAP itself and its implementation, along with data on trafficking and information for victims and stakeholders.\*

\*Visit the website here: [www.handelludzmi.eu](http://www.handelludzmi.eu).

Developing a new NAP is also an opportunity to present previous NAP achievements and results to a wider audience. This communication can target the public but also be specifically addressed to potential new partners in order to spark interest and bring onboard new actors. **Tool No. 15** provides guidance on knowledge and information sharing.



## How to maintain commitment?

Sharing information and lessons learned requires implementing partners to engage with each other in a true spirit of partnership, mutual trust and openness. This often takes time and requires active ongoing collaboration. The development of a NAP can contribute to building this trust and openness if the process is inclusive, transparent and appropriately staffed.

A challenge of longer-term strategies and multiple NAPs is to maintain the commitment and momentum year in year out, especially as new issues may appear and political and funding priorities may change. Continuous awareness raising and advocacy can be an important strategy, not only to change attitudes and practices, but also to keep up the momentum. Strong leadership is also important, with the involvement of government leaders, former victims or activists who will maintain the commitment to the cause. Nurturing these committed individuals, for example by recognizing their leadership through honorary awards and learning opportunities may be an important element in maintaining momentum and not abandoning the NAP. In addition, it is important to make room for new actors to join the NAP partners in order to expand or to replace those who leave. Keeping institutional memory, as discussed above, is critical in this regard.

Another effective way to ensure continued commitment and momentum is to integrate the NAP into existing national frameworks such as a national human resources plans or Decent Work Country Programmes.<sup>16</sup> Integrating NAPs into these frameworks would ensure that they are sustained, monitored and updated, especially if they are linked to the performance indicators of key ministries.

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16- For more information about ILO's Decent Work Country Programmes, please visit: [www.ilo.org/global/about-the-ilo/how-the-ilo-works/departments-and-offices/program/dwcp/lang--en/index.htm](http://www.ilo.org/global/about-the-ilo/how-the-ilo-works/departments-and-offices/program/dwcp/lang--en/index.htm).





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Domestic worker, Costa Rica, 2010 (© ILO/G. Bolanos and F. Vindas).

With ILO support, Costa Rica adopted a Roadmap to free the country from child labour and its worst forms (including forced labour).

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## Useful links

50forfreedom: <http://50forfreedom.org/>

The 50 for Freedom campaign is led by the International Labour Organization (ILO) and its partners, the International Trade Union Confederation (ITUC) and the International Organization of Employers (IOE), and is supported by more than 35 organizations, artists and human rights activists. Its aim is to reach 50 ratifications of the 2014 ILO Forced Labour Protocol and promote its implementation. It also aims to raise awareness, share innovative practices and enhance action to combat all forms of forced labour.

Alliance 8.7: [www.alliance87.org/](http://www.alliance87.org/)

Launched in 2016, the Alliance 8.7 is a global partnership that is bringing together all interested parties to join forces in achieving SDG Target 8.7 aiming at a world without forced labour, modern slavery, human trafficking and child labour. In 2020, the Alliance has so far gathered 17 pathfinder countries and 225 partner organizations.

Global Business Network on Forced Labour: <https://flbusiness.network/>

The ILO's Global Business Network on Forced Labour brings together businesses of all sizes and sectors, and their networks, from around the globe to eradicate forced labour. Its members and partners work to engage smaller enterprises, develop resources and tools, and devise local solutions that help shape national frameworks to create lasting change.





# ▶ Annexes

Freed forced labourers gather outside the local agricultural union, Brazil, 2003 (© ILO/K. Cassidy)

With the union's help, these workers are bringing a case against a landowner for non payment of wages (Combating Forced Labour in Brasil, ILO Project).

## ▶ Annex 1: Glossary

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### Best interest of the child

The “best interest of the child” is a principle highlighted in the United Nations Convention on the Rights of the Child, 1989, which means that every time a decision is made about a child’s situation, the ultimate goal must be to ensure and protect his/her security, well-being and development. This Convention defines a child as anyone below the age of 18 years and recognizes their fundamental rights to grow up in a protecting and caring environment. See Article 3 of the Convention:<sup>17</sup>

**“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”**

The ILO estimates that globally almost 4.3 million children are in forced labour (ILO, Walk Free Foundation, 2017), on their own or alongside their parents, in cases where the whole family is trapped in forced labour. NAPs must take into consideration the special need of children for care and assistance. In practice, this means that partners need to consider the best interests of the child in all aspects of the NAP, for example, by establishing referral mechanisms to child protection services or education systems. Support services provided to children must be tailored to their individual needs and will – not based on what a given organization has to offer or on inappropriate expectations. If, for example, a girl has an interest in, and the ability to go through skills training to become a mechanic, she should not be placed in tailoring class, just because the expectation is that girls do not repair cars.

### 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 schooling. It is important to note however that not all child labour is forced labour.

Two of the ILO’s fundamental Conventions lay down clear requirements regarding work that is prohibited for children, but countries keep some flexibility to accommodate their development status:

- ▶ The ILO Minimum Age Convention, 1973 (No. 138) requires member States to set a minimum age for employment or work in the country, that needs to be aligned with the age of completion of compulsory schooling. If a child under this threshold is working, this constitutes a situation of child labour. This minimum age cannot be below 15 years, but the threshold can be 14 years in countries “whose economy and educational facilities are insufficiently developed” (Article 2);

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17- For more information, please refer to the General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1) of the UN Committee on the Rights of the Child. Available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f14&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f14&Lang=en).

- ▶ The minimum age for hazardous work cannot be below 18 years (Article 3): The definition of hazardous work is a national prerogative framed by the Convention No. 182 (see below).
- ▶ The only tolerated exception is “light work”, which may be permitted for children aged 13 to 15 years (Article 7).
- ▶ The ILO Worst Forms of Child Labour Convention, 1999 (No. 182) defines situations of child labour that are prohibited for all children, including those above the minimum working age, namely (Article 3):

**“(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 the 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”.**

## Collective bargaining

The ILO Collective Bargaining Convention, 1981 (No. 154) defines collective bargaining as (Article 2):

**“all negotiations which take place between an employer, a group of employers or one or more employers’ organisations, on the one hand, and one or more workers’ organisations, on the other, for:**

**(a) determining working conditions and terms of employment; and/or**

**(b) regulating relations between employers and workers; and/or**

**(c) regulating relations between employers or their organisations and a workers’ organisation or workers’ organisations”.**

Collective bargaining is an essential mean for workers to speak with one voice, to protect themselves from exploitation (including forced labour) and to improve their working conditions. It is also an instrument by which employers can ensure a level playing field, where all businesses are bound by the same rules, while not undercutting each other through exploitative practices in order to gain unfair advantages. It also fosters the organization of work, allowing for the security and predictability of a written agreement.<sup>18</sup>

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18- Based on ILO, IOE, 2014. See also: ITUC, 2009.

## Debt bondage or bonded labour

Debt bondage is defined in the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1956) as (Article 1 (a)):

**“the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined”.**

Debt bondage is the most common form of forced labour: half of those held in forced labour in the private sector find themselves in debt bondage.<sup>19</sup> The debt can arise from wage advances or loans to cover recruitment or transport costs or from daily living or emergency expenses, such as medical costs. Unscrupulous employers or recruiters make it difficult for workers to escape from the debt, by undervaluing the work performed or inflating interest rates or by unfairly charging for food and housing.<sup>20</sup>

## Discrimination

The ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) defines discrimination as (Article 1):

**“any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation”.**

The definition contains three elements:

- 1.** a factual element – the existence of a distinction, exclusion or preference which constitutes any different treatment;
- 2.** a criterion on which this difference is based – it is a ground of discrimination; the Convention lists seven, but this minimum can be expanded nationally;
- 3.** an objective result of this difference in treatment – negative effect, which nullifies or impairs equality of opportunity and treatment in employment and occupation.

This list is non-exhaustive and some other grounds might be added in other instruments (national or international), such as age, disability or migration status, after consultation with representative workers’ and employers’ organizations, and relevant bodies.

Discrimination can be direct, for instance when a particular group is explicitly excluded from a recruitment process or given less favourable treatment at work; or indirect, when apparently neutral situations, regulations or practices result in unequal treatment of certain persons. Reasonable accommodation seeks to remove or reduce the barriers faced by workers to access, advance or remain in employment.

Discrimination is one of the root causes of forced labour. Individuals and groups that experience discrimination are more vulnerable to forced labour. For example, some

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19- ILO, Walk Free Foundation, 2017.

20- Adapted from ILO, 2012d.

traditional forms of slavery are based on a caste system, where one particular ethnic group is considered as belonging to a lower category and thus is more likely to be held in slavery. Addressing discrimination is essential to the eradication of forced labour, and non-discrimination should underpin NAPs on forced labour.

## Due diligence

The UN Guiding Principles on Business and Human Rights define due diligence as a process that shall include: (a) Identifying and assessing actual or potential adverse human rights impacts that the enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships; (b) Integrating and acting upon the findings; (c) Tracking the effectiveness of measures taken in response; (d) Communicating on how impacts are being addressed.<sup>21</sup>

## Forced labour

Forced labour is defined by the ILO Forced Labour Convention, 1930 (No. 29) 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”.**

*Please refer to section 2 of the Guidance Manual and Tool No. 2 for further details.*

## Freedom of association and right to organize

These rights are established by two ILO fundamental Conventions, namely 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 is the right of workers and employers to form and join organizations of their own choosing, in order to represent their interests. These organizations must be independent and should be formed without any previous authorization being required. According to ILO standards on freedom of association, workers' and employers' organizations shall organize freely and not be liable to be dissolved or suspended by administrative authority, and they shall have the right to establish and join federations and confederations, which may in turn affiliate with international organizations of workers and employers.<sup>22</sup>

Freedom of association is the prerequisite for collective bargaining and social dialogue. Ensuring workers can form and join organization is instrumental to prevent forced labour.

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21- See UN, 2011.

22- From the ILO webpage on International Labour Standards on Freedom of association, available at: [www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/freedom-of-association/lang--en/index.htm](http://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/freedom-of-association/lang--en/index.htm)



## Fundamental principles and rights at work

The Fundamental Principles and Rights at Work (FPRW) are enshrined in the ILO 1998 Declaration on Fundamental Principles and Rights at Work which refer to:

- “(a) freedom of association and the effective recognition of the right to collective bargaining;**
- (b) the elimination of all forms of forced or compulsory labour;**
- (c) the effective abolition of child labour; and**
- (d) the elimination of discrimination in respect of employment and occupation”.**

They are the foundation on which equitable and just societies are built. All ILO member States have the obligation “to respect, to promote and to realize” them, whether they have or not ratified the related ILO Conventions (ILO 1998 Declaration, paragraph 2).

Fundamental principles and rights at work are inseparable, interrelated and of a mutually reinforcing character, which requires an integrated approach in order to realize them. Therefore, partners should take all FPRW into account when designing a NAP and seek to adopt integrated strategies as relevant.<sup>23</sup>

## Human trafficking / Trafficking in persons / Trafficking in human beings

The terms “human trafficking”, “trafficking in human beings” and “trafficking in persons” refer to the same concept. This Toolkit uses “human trafficking”, *as per the SDG Target 8.7*, unless reference is made to an official text that uses the term “trafficking in persons”.

Trafficking in persons is defined 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, as:

**“the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use 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, for the purpose of exploitation”.**

According to Article 3 (c) of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation is considered “trafficking in persons” even if this does not involve coercion, threat, abuse of power, or other types of pressure. The consent of a child victim to the intended exploitation is irrelevant.

*Please refer to section 2 of the Guidance Manual and Tool No. 2 for further details.*

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23- See ILO, 2019.

## Labour migration

Labour migration is defined as the movement of persons from one geographical location to another in order to find gainful employment. It can be internal (within the same country) or international (involving the crossing of an international border).<sup>24</sup> Migrant workers are more vulnerable to forced labour, especially when they cross an international border irregularly or when they do not speak the language of the place or country of destination, as they can be more easily deceived or coerced. This also means that it will be more difficult for them to seek help in case of abuse.

The ILO Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203), in its Paragraph 12, provides further guidance on how to protect migrant workers:

**“Taking into account their national circumstances, Members should take the most effective protective measures for migrants subjected to forced or compulsory labour, irrespective of their legal status in the national territory, including:**

- (a) provision of a reflection and recovery period in order to allow the person concerned to take an informed decision relating to protective measures and participation in legal proceedings, during which the person shall be authorized to remain in the territory of the member State concerned when there are reasonable grounds to believe that the person is a victim of forced or compulsory labour;**
- (b) provision of temporary or permanent residence permits and access to the labour market; and**
- (c) facilitation of safe and preferably voluntary repatriation”.**

## Modern slavery

Modern slavery is not defined as such in international law. It generally refers to a wider range of situations of extreme exploitation where a person is heavily dependent on another and cannot refuse or leave because of mechanisms of control and coercion, violence, deception or abuse of power.

Many countries have adopted the term to refer to different forms of slavery-like conditions and have established respective legislation, policies and funding.

The mandate of the UN Special Rapporteur on contemporary forms of slavery encompasses “forced labour, debt bondage, serfdom, children working in slavery or slavery-like conditions, domestic servitude, sexual slavery, and servile forms of marriage”.

*Please refer to section 2 of the Guidance Manual and Tool No. 2 for further details.*

## Non-criminalization of victims

The principle of “non-criminalization of victims” means that victims should not be prosecuted or imposed penalties for unlawful activities that they have been compelled to commit as a direct consequence of being subjected to forced labour, in accordance with the basic principles of their national legal systems (as provided by Article 4 (2) of the ILO Protocol on Forced Labour). Such unlawful activities could include, for instance,

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24- Source: ILO, UNAOC, 2017.

immigration-related, prostitution or drug offences that are linked to the victims' forced labour situation. To avoid penalization of victims some countries have adopted a list of offences committed by trafficked persons that are exempt from prosecution and punishment.

Furthermore, countries should ensure that all victims of forced labour, irrespective of their presence or legal status in the national territory, have access to appropriate and effective remedies, such as compensation (Article 4 (1)).

## Pathfinder countries

Pathfinder countries are members of the Alliance 8.7. They accelerate efforts, try new approaches and collaborate with others in order to achieve Target 8.7 of the Sustainable Development Goals. Any country can become a pathfinder country, regardless of development level, if they commit to:

- ▶ Adopt, implement or enhance national action plans or policies, including strengthened legal frameworks and enforcement mechanisms on child labour, forced labour, modern slavery and/or human trafficking;
- ▶ Translate public commitments into concrete actions;
- ▶ Promote the ratification or implementation of recognized international human rights standards, including applicable international labour standards.

The Alliance 8.7 Global Coordinating Group, which acts as the Alliance's steering committee, reviews and decides on pathfinder countries' requests on a periodical basis.<sup>25</sup>

## Recruitment

The ILO defines recruitment as a process that "includes the advertising, information dissemination, selection, transport, placement into employment. For migrant workers, it includes return to the country of origin where applicable." This definition applies both to job seekers and to those in an employment relationship.<sup>26</sup>

The recruitment stage can make a critical difference in a worker's quest for safe and decent work. At best, recruitment opens pathways to safe and decent job opportunities; at worst, it can lead to entrapment in exploitative work or in forced labour.

*Please refer to section 3 of the Guidance Note for further details.*

## Recruitment fees and related costs

The ILO defines "recruitment fees and related costs" as to any fees or costs incurred in the recruitment process in order for workers to secure employment or placement, regardless of the manner, timing or location of their imposition of collection; these should not be collected from workers directly or indirectly.

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25- Adapted from Alliance 8.7 website: [www.alliance87.org/pathfinder-countries](http://www.alliance87.org/pathfinder-countries).

26- Based on ILO, 2016a.

## Slavery

Slavery is defined by the League of Nations Convention to Suppress the Slave Trade and Slavery, 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”.**

*Please refer to section 2 of the Guidance Manual and Tool No. 2 for further details.*

## Social dialogue and tripartism

Social dialogue includes “all types of negotiation, consultation or simply exchange of information between, or among, representatives of governments, employers and workers, on issues of common interest relating to economic and social policy”.<sup>27</sup>

When the three parties (governments, workers and employers) are involved, this is considered a tripartite process.

Freedom of association, collective bargaining and social dialogue are essential in order to create an environment in which workers are protected, including from forced labour. The absence of or weak social dialogue is one of the root causes of forced labour. When workers are unable to exert a collective voice, to defend their interests, or to positively influence the conditions of their working lives, they are more vulnerable to abuse, including forced labour. Workers’ and employers’ organizations, along with public authorities, play a critical role in the development and implementation of comprehensive laws and policies to prevent and prosecute forced labour.<sup>28</sup>

## Victim-centred support

The guiding principle of “victim-centred support” means that support services are defined and offered based on the needs of the individual in question, but also on its wishes. There is no one-size-fits-all solution for the rehabilitation of forced labour victims, and, in each case, partners must dialogue with the victim to adapt the support provided to its profile. This is also why support should not be conditional, because no condition can be fair to everyone. Such approach allows for the respect of the victims’ dignity.

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27- From ILO’s Social Dialogue Branch webpage: [www.ilo.org/ifpdial/areas-of-work/social-dialogue/lang--en/index.htm](http://www.ilo.org/ifpdial/areas-of-work/social-dialogue/lang--en/index.htm).

28- Based on: ILO, IPU, 2019.

## ► Annex 2: List of National Action Plans consulted for the development of this Guidance Manual

### 1. Table of National Action Plans quoted in the Guidance Manual

Country	NAP denomination	Link
Australia	National Action Plan to Combat Human Trafficking and Slavery 2015-19	<a href="http://www.homeaffairs.gov.au/criminal-justice/files/trafficking-national-action-plan-combat-human-trafficking-slavery-2015-19.pdf">www.homeaffairs.gov.au/criminal-justice/files/trafficking-national-action-plan-combat-human-trafficking-slavery-2015-19.pdf</a>
Argentina	Plan Nacional para la prevención y erradicación del trabajo infantil protección del trabajo adolescente, 2018-2022	<a href="http://www.trabajo.gov.ar/downloads/trabajoinfantilno/trabajoInf_PlanNacional.pdf">www.trabajo.gov.ar/downloads/trabajoinfantilno/trabajoInf_PlanNacional.pdf</a>
Azerbaijan	National Action Plan for the years 2014-2018 on combating trafficking in human beings in the Republic of Azerbaijan	<a href="http://www.e-qanun.az/framework/28165">www.e-qanun.az/framework/28165</a>
Bangladesh	National Plan of Action for Combatting Human Trafficking 2015-2017	<i>Not available online.</i>
Burundi	Plan d'Action National pour l'Élimination des Pires Formes de Travail des Enfants, 2010-2015	<a href="http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/94536/110964/F-1314446211/BDI-94536.pdf">www.ilo.org/dyn/natlex/docs/ELECTRONIC/94536/110964/F-1314446211/BDI-94536.pdf</a>
Brazil	II Plano Nacional para a Erradicação do Trabalho Escravo	<a href="https://reporterbrasil.org.br/documentos/novoplanonacional.pdf">https://reporterbrasil.org.br/documentos/novoplanonacional.pdf</a>
Congo (Democratic Republic of)	Plan d'action national (PAN) de lutte contre les pires formes de travail des enfants en République démocratique du Congo (2012- 2020)	<a href="https://www.ilo.org/dyn/natlex/docs/MONOGRAPH/94977/111643/F-2051372699/COD-94977.pdf">https://www.ilo.org/dyn/natlex/docs/MONOGRAPH/94977/111643/F-2051372699/COD-94977.pdf</a>
Côte d'Ivoire	Plan d'Action National 2012-2014 de lutte contre la traite, l'exploitation et le travail des enfants	<a href="http://www.travaildesenfants.org/sites/default/files/pdf/PAN%202012-2014%20ORIGINAL.pdf">www.travaildesenfants.org/sites/default/files/pdf/PAN%202012-2014%20ORIGINAL.pdf</a>
	Plan d'Action National 2015-2017 de lutte contre les pires formes de travail des enfants	<a href="https://cocoainitiative.org/wp-content/uploads/2016/06/Plan-dAction-National-2015-2017.pdf">https://cocoainitiative.org/wp-content/uploads/2016/06/Plan-dAction-National-2015-2017.pdf</a>
	Plan d'Action National 2019-2021 de lutte contre la traite, l'exploitation et le travail des enfants	<a href="http://www.travaildesenfants.org/sites/default/files/pdf_documents/PLAN%20D%27ACTION%20NATIONAL%20%28PAN%29%20%202019-2021%20PDF.pdf">http://www.travaildesenfants.org/sites/default/files/pdf_documents/PLAN%20D%27ACTION%20NATIONAL%20%28PAN%29%20%202019-2021%20PDF.pdf</a>
Denmark	Action Plan to Combat Trafficking in Human beings 2015-2018	<a href="https://um.dk/~media/UM/Danish-site/Documents/Ligestilling/Menneskehandel/160314%20Action%20Plan%20to%20Combat%20Trafficking%20in%20Human%20beings%202015%202018.pdf?la=da">https://um.dk/~media/UM/Danish-site/Documents/Ligestilling/Menneskehandel/160314%20Action%20Plan%20to%20Combat%20Trafficking%20in%20Human%20beings%202015%202018.pdf?la=da</a>
	Action Plan to Combat Trafficking in Human Beings 2019-2021	<a href="https://bsr-trm.com/wp-content/uploads/2019/10/Action-Plan-to-Combat-Trafficking-in-Human-Beings-2019-2021.pdf">https://bsr-trm.com/wp-content/uploads/2019/10/Action-Plan-to-Combat-Trafficking-in-Human-Beings-2019-2021.pdf</a>

Country	NAP denomination	Link
Ghana	Standard Operating Procedures to Combat Human Trafficking in Ghana, with an Emphasis on Child Trafficking (2017)	<a href="https://publications.iom.int/system/files/pdf/sop_ghana.pdf">https://publications.iom.int/system/files/pdf/sop_ghana.pdf</a>
Honduras	I Plan de Acción Nacional para la Erradicación Gradual y Progresiva del Trabajo Infantil 2001-2005	<a href="http://www.ilo.org/ipecc/Informationresources/WCMS_IPEC_PUB_7113/lang-es/index.htm">www.ilo.org/ipecc/Informationresources/WCMS_IPEC_PUB_7113/lang-es/index.htm</a>
	II Plan de Acción Nacional para la Prevención y Erradicación del Trabajo Infantil en Honduras 2008-2015	<a href="http://www.ilo.org/ipeccinfo/product/download.do?type=document&amp;id=10911">www.ilo.org/ipeccinfo/product/download.do?type=document&amp;id=10911</a>
Ireland	Second National Action Plan to Prevent and Combat Human Trafficking in Ireland (October 2016)	<a href="http://www.justice.ie/en/JELR/2nd_National_Action_Plan_to_Prevent_and_Combat_Human_Trafficking_in_Ireland.pdf/Files/2nd_National_Action_Plan_to_Prevent_and_Combat_Human_Trafficking_in_Ireland.pdf">www.justice.ie/en/JELR/2nd_National_Action_Plan_to_Prevent_and_Combat_Human_Trafficking_in_Ireland.pdf/Files/2nd_National_Action_Plan_to_Prevent_and_Combat_Human_Trafficking_in_Ireland.pdf</a>
Lebanon	National Action Plan to Eliminate the Worst Forms of Child Labour in Lebanon by 2016	<a href="http://www.ilo.org/wcmsp5/groups/public/-arabstates/-ro-beirut/documents/publication/wcms_229103.pdf">www.ilo.org/wcmsp5/groups/public/-arabstates/-ro-beirut/documents/publication/wcms_229103.pdf</a>
Malaysia	National Action Plan on Forced Labour and Child Labour ( <i>draft</i> )	<i>Not adopted yet.</i>
Maldives	Maldives Anti-Human Trafficking National Action Plan 2015-2019	<a href="http://www.baliprocess-rso-roadmap.net/wp-content/uploads/2017/02/Maldives_Anti-Human-Trafficking-National-Action-Plan-2015-2019.pdf">www.baliprocess-rso-roadmap.net/wp-content/uploads/2017/02/Maldives_Anti-Human-Trafficking-National-Action-Plan-2015-2019.pdf</a>
Niger	Plan d'action national de lutte contre la traite des personnes, 2014-2019	<i>Not available online.</i>
Panama	National Plan against human trafficking in the Republic of Panama, 2017-2022	<a href="http://www.gacetaoficial.gob.pa/pdfTemp/28525_A/GacetaNo_28525a_20180515.pdf">www.gacetaoficial.gob.pa/pdfTemp/28525_A/GacetaNo_28525a_20180515.pdf</a>
Papua New Guinea	National Action Plan to eliminate Child Labour in Papua New Guinea (2015)	<a href="http://www.ilo.org/wcmsp5/groups/public/-asia/-ro-bangkok/-ilo-suva/documents/publication/wcms_360536.pdf">www.ilo.org/wcmsp5/groups/public/-asia/-ro-bangkok/-ilo-suva/documents/publication/wcms_360536.pdf</a>
Peru	II Plan Nacional para la lucha contra el trabajo forzoso 2013-2017	<a href="http://www.ilo.org/wcmsp5/groups/public/-americas/-ro-lima/-sro-lima/documents/genericdocument/wcms_240910.pdf">www.ilo.org/wcmsp5/groups/public/-americas/-ro-lima/-sro-lima/documents/genericdocument/wcms_240910.pdf</a>
	III Plan Nacional para la lucha contra el trabajo forzoso 2019-2022	<a href="https://cdn.www.gob.pe/uploads/document/file/362693/Decreto_Supremo_que_aprueba_el_III_Plan_Nacional_para_la_Lucha_contra_el_Trabajo_Forzoso_2019_-_2022.pdf">https://cdn.www.gob.pe/uploads/document/file/362693/Decreto_Supremo_que_aprueba_el_III_Plan_Nacional_para_la_Lucha_contra_el_Trabajo_Forzoso_2019_-_2022.pdf</a>
Philippines	Philippine Program Against Child Labor Strategic Framework, 2017-2022	<a href="https://bwsc.dole.gov.ph/programs-and-projects-submenu1/clpep/philippine-program-against-child-labor.html">https://bwsc.dole.gov.ph/programs-and-projects-submenu1/clpep/philippine-program-against-child-labor.html</a>
Poland	National Action Plan against Trafficking in Human Beings for 2013-2015	<a href="http://www.handelludzmi.eu/hle/database/national-action-plan/6366,The-National-Action-Plan-against-Trafficking-in-Human-Beings-for-2013-2015.html">www.handelludzmi.eu/hle/database/national-action-plan/6366,The-National-Action-Plan-against-Trafficking-in-Human-Beings-for-2013-2015.html</a>
United States of America	Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States 2013-2017	<a href="http://www.ovc.gov/pubs/FederalHumanTraffickingStrategicPlan.pdf">www.ovc.gov/pubs/FederalHumanTraffickingStrategicPlan.pdf</a>

## 2. Table of other National Action Plans consulted during preliminary research

Country	NAP denomination	Link
Benin	Plan d'Action National de Lutte contre la traite des enfants à des fins d'exploitation de leur travail (2008)	<a href="http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/94844/111459/F-732519422/BEN-94844.pdf">www.ilo.org/dyn/natlex/docs/ELECTRONIC/94844/111459/F-732519422/BEN-94844.pdf</a>
Canada	National Action Plan to Combat Human Trafficking (2012)	<a href="http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ntnl-ctn-pln-cmbt/ntnl-ctn-pln-cmbt-eng.pdf">www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ntnl-ctn-pln-cmbt/ntnl-ctn-pln-cmbt-eng.pdf</a>
Jordan	National Strategy and Action Plan to Prevent Human Trafficking (2019-2022)	<i>Not available online.</i>
Liberia	National Action Plan on Child Labour 2017	<i>Not available online.</i>
Mauritania	Feuille de route pour la lutte contre les séquelles de l'esclavage (2014-2016)	<i>Not available online.</i>
Myanmar	National Action Plan on child labour	<i>Not adopted yet</i>
United Kingdom	Human Trafficking: The Government's Strategy (2011)	<a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/97845/human-trafficking-strategy.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/97845/human-trafficking-strategy.pdf</a>
Viet Nam	Programme on the Prevention and Reduction of Child Labour for the 2016-20	<a href="https://thuvienphapluat.vn/van-ban/Lao-dong-Tien-luong/Quy-dinh-1023-QD-TTg-chuong-trinh-phong-ngua-giam-thieu-lao-dong-tre-em-2016-2020-313868.aspx">https://thuvienphapluat.vn/van-ban/Lao-dong-Tien-luong/Quy-dinh-1023-QD-TTg-chuong-trinh-phong-ngua-giam-thieu-lao-dong-tre-em-2016-2020-313868.aspx</a>

## 3. Table of regional action plans consulted during preliminary research

Regional organization	NAP denomination	Link
ECOWAS	ECOWAS Regional Action Plan on Illicit Drug Trafficking related organised Crime and drug abuse in West Africa.	<i>Not available online.</i>
EU	The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016	<a href="https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_strategy_towards_the_eradication_of_trafficking_in_human_beings_2012-2016_1.pdf">https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_strategy_towards_the_eradication_of_trafficking_in_human_beings_2012-2016_1.pdf</a>

## ► Annex 3: Forced Labour Protocol

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### Protocol of 2014 to the Forced Labour Convention, 1930 – P029

#### Preamble

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 103rd Session on 28 May 2014, and

Recognizing that the prohibition of forced or compulsory labour forms part of the body of fundamental rights, and that forced or compulsory labour violates the human rights and dignity of millions of women and men, girls and boys, contributes to the perpetuation of poverty and stands in the way of the achievement of decent work for all, and

Recognizing the vital role played by the Forced Labour Convention, 1930 (No. 29), hereinafter referred to as “the Convention”, and the Abolition of Forced Labour Convention, 1957 (No. 105), in combating all forms of forced or compulsory labour, but that gaps in their implementation call for additional measures, and

Recalling that the definition of forced or compulsory labour under Article 2 of the Convention covers forced or compulsory labour in all its forms and manifestations and is applicable to all human beings without distinction, and

Emphasizing the urgency of eliminating forced and compulsory labour in all its forms and manifestations, and

Recalling the obligation of Members that have ratified the Convention to make forced or compulsory labour punishable as a penal offence, and to ensure that the penalties imposed by law are really adequate and are strictly enforced, and

Noting that the transitional period provided for in the Convention has expired, and the provisions of Article 1, paragraphs 2 and 3, and Articles 3 to 24 are no longer applicable, and

Recognizing that the context and forms of forced or compulsory labour have changed and trafficking in persons for the purposes of forced or compulsory labour, which may involve sexual exploitation, is the subject of growing international concern and requires urgent action for its effective elimination, and

Noting that there is an increased number of workers who are in forced or compulsory labour in the private economy, that certain sectors of the economy are particularly vulnerable, and that certain groups of workers have a higher risk of becoming victims of forced or compulsory labour, especially migrants, and

Noting that the effective and sustained suppression of forced or compulsory labour contributes to ensuring fair competition among employers as well as protection for workers, and

Recalling the relevant international labour standards, including, in particular, the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Equal Remuneration



Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Minimum Age Convention, 1973 (No. 138), the Worst Forms of Child Labour Convention, 1999 (No. 182), the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Domestic Workers Convention, 2011 (No. 189), the Private Employment Agencies Convention, 1997 (No. 181), the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), as well as the ILO Declaration on Fundamental Principles and Rights at Work (1998), and the ILO Declaration on Social Justice for a Fair Globalization (2008), and

Noting other relevant international instruments, in particular the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the Slavery Convention (1926), the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956), the United Nations Convention against Transnational Organized Crime (2000), the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000), the Protocol against the Smuggling of Migrants by Land, Sea and Air (2000), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), the Convention on the Elimination of All Forms of Discrimination against Women (1979), and the Convention on the Rights of Persons with Disabilities (2006), and

Having decided upon the adoption of certain proposals to address gaps in implementation of the Convention, and reaffirmed that measures of prevention, protection, and remedies, such as compensation and rehabilitation, are necessary to achieve the effective and sustained suppression of forced or compulsory labour, pursuant to the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Protocol to the Convention; adopts this eleventh day of June two thousand and fourteen the following Protocol, which may be cited as the Protocol of 2014 to the Forced Labour Convention, 1930.

## Article 1

1. In giving effect to its obligations under the Convention to suppress forced or compulsory labour, each Member shall take effective measures to prevent and eliminate its use, to provide to victims protection and access to appropriate and effective remedies, such as compensation, and to sanction the perpetrators of forced or compulsory labour.
2. Each Member shall develop a national policy and plan of action for the effective and sustained suppression of forced or compulsory labour in consultation with employers' and workers' organizations, which shall involve systematic action by the competent authorities and, as appropriate, in coordination with employers' and workers' organizations, as well as with other groups concerned.
3. The definition of forced or compulsory labour contained in the Convention is reaffirmed, and therefore the measures referred to in this Protocol shall include specific action against trafficking in persons for the purposes of forced or compulsory labour.

## Article 2

The measures to be taken for the prevention of forced or compulsory labour shall include:

- a. educating and informing people, especially those considered to be particularly vulnerable, in order to prevent their becoming victims of forced or compulsory labour;
- b. educating and informing employers, in order to prevent their becoming involved in forced or compulsory labour practices;
- c. undertaking efforts to ensure that:
- d. the coverage and enforcement of legislation relevant to the prevention of forced or compulsory labour, including labour law as appropriate, apply to all workers and all sectors of the economy; and
- e. (ii) labour inspection services and other services responsible for the implementation of this legislation are strengthened;
- f. protecting persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process;
- g. supporting due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour; and
- h. addressing the root causes and factors that heighten the risks of forced or compulsory labour.

## Article 3

Each Member shall take effective measures for the identification, release, protection, recovery and rehabilitation of all victims of forced or compulsory labour, as well as the provision of other forms of assistance and support.

## Article 4

1. Each Member shall ensure that all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory, have access to appropriate and effective remedies, such as compensation.

2. Each Member shall, in accordance with the basic principles of its legal system, take the necessary measures to ensure that competent authorities are entitled not to prosecute or impose penalties on victims of forced or compulsory labour for their involvement in unlawful activities which they have been compelled to commit as a direct consequence of being subjected to forced or compulsory labour.

## Article 5

Members shall cooperate with each other to ensure the prevention and elimination of all forms of forced or compulsory labour.

## Article 6

The measures taken to apply the provisions of this Protocol and of the Convention shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned.

### **Article 7**

The transitional provisions of Article 1, paragraphs 2 and 3, and Articles 3 to 24 of the Convention shall be deleted.

### **Article 8**

1. A Member may ratify this Protocol at the same time as or at any time after its ratification of the Convention, by communicating its formal ratification to the Director-General of the International Labour Office for registration.

2. The Protocol shall come into force twelve months after the date on which ratifications of two Members have been registered by the Director-General. Thereafter, this Protocol shall come into force for a Member twelve months after the date on which its ratification is registered and the Convention shall be binding on the Member concerned with the addition of Articles 1 to 7 of this Protocol.

### **Article 9**

1. A Member which has ratified this Protocol may denounce it whenever the Convention is open to denunciation in accordance with its Article 30, by an act communicated to the Director-General of the International Labour Office for registration.

2. Denunciation of the Convention in accordance with its Articles 30 or 32 shall ipso jure involve the denunciation of this Protocol.

3. Any denunciation in accordance with paragraphs 1 or 2 of this Article shall not take effect until one year after the date on which it is registered.

### **Article 10**

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications, declarations and denunciations communicated by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Protocol shall come into force.

### **Article 11**

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications, declarations and denunciations registered by the Director-General.

### **Article 12**

The English and French versions of the text of this Protocol are equally authoritative.

## ► Annex 4: Recommendation No. 203

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### Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203) – R2013

#### Preamble

The General Conference of the International Labour Organization,  
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 103rd Session on 28 May 2014, and

Having adopted the Protocol of 2014 to the Forced Labour Convention, 1930, hereinafter referred to as “the Protocol”, and

Having decided upon the adoption of certain proposals to address gaps in implementation of the Forced Labour Convention, 1930 (No. 29), hereinafter referred to as “the Convention”, and reaffirmed that measures of prevention, protection, and remedies, such as compensation and rehabilitation, are necessary to achieve the effective and sustained suppression of forced or compulsory labour, pursuant to the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Convention and the Protocol;

adopts this eleventh day of June of the year two thousand and fourteen the following Recommendation, which may be cited as the Forced Labour (Supplementary Measures) Recommendation, 2014.

1. Members should establish or strengthen, as necessary, in consultation with employers’ and workers’ organizations as well as other groups concerned:
  - a. national policies and plans of action with time-bound measures using a gender- and child-sensitive approach to achieve the effective and sustained suppression of forced or compulsory labour in all its forms through prevention, protection and access to remedies, such as compensation of victims, and the sanctioning of perpetrators; and
  - b. competent authorities such as the labour inspectorates, the judiciary and national bodies or other institutional mechanisms that are concerned with forced or compulsory labour, to ensure the development, coordination, implementation, monitoring and evaluation of the national policies and plans of action.
2.
  1. Members should regularly collect, analyse and make available reliable, unbiased and detailed information and statistical data, disaggregated by relevant characteristics such as sex, age and nationality, on the nature and extent of forced or compulsory labour which would allow an assessment of progress made.
  2. The right to privacy with regard to personal data should be respected.

## PREVENTION

3. Members should take preventive measures that include:

- a. respecting, promoting and realizing fundamental principles and rights at work;
- b. the promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations;
- c. programmes to combat the discrimination that heightens vulnerability to forced or compulsory labour;
- d. initiatives to address child labour and promote educational opportunities for children, both boys and girls, as a safeguard against children becoming victims of forced or compulsory labour; and
- e. taking steps to realize the objectives of the Protocol and the Convention.

4. Taking into account their national circumstances, Members should take the most effective preventive measures, such as:

- a. addressing the root causes of workers' vulnerability to forced or compulsory labour;
- b. targeted awareness-raising campaigns, especially for those who are most at risk of becoming victims of forced or compulsory labour, to inform them, *inter alia*, about how to protect themselves against fraudulent or abusive recruitment and employment practices, their rights and responsibilities at work, and how to gain access to assistance in case of need;
- c. targeted awareness-raising campaigns regarding sanctions for violating the prohibition on forced or compulsory labour;
- d. skills training programmes for at-risk population groups to increase their employability and income-earning opportunities and capacity;
- e. steps to ensure that national laws and regulations concerning the employment relationship cover all sectors of the economy and that they are effectively enforced. The relevant information on the terms and conditions of employment should be specified in an appropriate, verifiable and easily understandable manner, and preferably through written contracts in accordance with national laws, regulations or collective agreements;
- f. basic social security guarantees forming part of the national social protection floor, as provided for in the Social Protection Floors Recommendation, 2012 (No. 202), in order to reduce vulnerability to forced or compulsory labour;
- g. orientation and information for migrants, before departure and upon arrival, in order for them to be better prepared to work and live abroad and to create awareness and better understanding about trafficking for forced labour situations;
- h. coherent policies, such as employment and labour migration policies, which take into account the risks faced by specific groups of migrants, including those in an irregular situation, and address circumstances that could result in forced labour situations;

- i. promotion of coordinated efforts by relevant government agencies with those of other States to facilitate regular and safe migration and to prevent trafficking in persons, including coordinated efforts to regulate, license and monitor labour recruiters and employment agencies and eliminate the charging of recruitment fees to workers to prevent debt bondage and other forms of economic coercion; and
- j. in giving effect to their obligations under the Convention to suppress forced or compulsory labour, providing guidance and support to employers and businesses to take effective measures to identify, prevent, mitigate and account for how they address the risks of forced or compulsory labour in their operations or in products, services or operations to which they may be directly linked.

## PROTECTION

5.

- 1. Targeted efforts should be made to identify and release victims of forced or compulsory labour.
- 2. Protective measures should be provided to victims of forced or compulsory labour. These measures should not be made conditional on the victim's willingness to cooperate in criminal or other proceedings.
- 3. Steps may be taken to encourage the cooperation of victims for the identification and punishment of perpetrators.

6. Members should recognize the role and capacities of workers' organizations and other organizations concerned to support and assist victims of forced or compulsory labour.

7. Members should, in accordance with the basic principles of their legal systems, take the necessary measures to ensure that competent authorities are entitled not to prosecute or impose penalties on victims of forced or compulsory labour for their involvement in unlawful activities which they have been compelled to commit as a direct consequence of being subjected to forced or compulsory labour.

8. Members should take measures to eliminate abuses and fraudulent practices by labour recruiters and employment agencies, such as:

- a. eliminating the charging of recruitment fees to workers;
- b. requiring transparent contracts that clearly explain terms of employment and conditions of work;
- c. establishing adequate and accessible complaint mechanisms;
- d. imposing adequate penalties; and
- e. regulating or licensing these services.

9. Taking into account their national circumstances, Members should take the most effective protective measures to meet the needs of all victims for both immediate assistance and long-term recovery and rehabilitation, such as:

- a. reasonable efforts to protect the safety of victims of forced or compulsory labour as well as of family members and witnesses, as appropriate, including protection from intimidation and retaliation for exercising their rights under relevant national laws or for cooperation with legal proceedings;

- b.** adequate and appropriate accommodation;
- c.** health care, including both medical and psychological assistance, as well as provision of special rehabilitative measures for victims of forced or compulsory labour, including those who have also been subjected to sexual violence;
- d.** material assistance;
- e.** protection of privacy and identity; and
- f.** social and economic assistance, including access to educational and training opportunities and access to decent work.

10. Protective measures for children subjected to forced or compulsory labour should take into account the special needs and best interests of the child, and, in addition to the protections provided for in the Worst Forms of Child Labour Convention, 1999 (No. 182), should include:

- g.** (a) access to education for girls and boys;
- h.** (b) the appointment of a guardian or other representative, where appropriate;
- i.** (c) when the person's age is uncertain but there are reasons to believe him or her to be less than 18 years of age, a presumption of minor status, pending age verification; and
- j.** (d) efforts to reunite children with their families, or, when it is in the best interests of the child, provide family-based care.

11. Taking into account their national circumstances, Members should take the most effective protective measures for migrants subjected to forced or compulsory labour, irrespective of their legal status in the national territory, including:

- a.** provision of a reflection and recovery period in order to allow the person concerned to take an informed decision relating to protective measures and participation in legal proceedings, during which the person shall be authorized to remain in the territory of the member State concerned when there are reasonable grounds to believe that the person is a victim of forced or compulsory labour;
- b.** provision of temporary or permanent residence permits and access to the labour market; and
- c.** facilitation of safe and preferably voluntary repatriation.

#### **REMEDIES, SUCH AS COMPENSATION AND ACCESS TO JUSTICE**

12. Members should take measures to ensure that all victims of forced or compulsory labour have access to justice and other appropriate and effective remedies, such as compensation for personal and material damages, including by:

- a.** ensuring, in accordance with national laws, regulations and practice, that all victims, either by themselves or through representatives, have effective access to courts, tribunals and other resolution mechanisms, to pursue remedies, such as compensation and damages;
- b.** providing that victims can pursue compensation and damages from perpetrators, including unpaid wages and statutory contributions for social security benefits;

- c. ensuring access to appropriate existing compensation schemes;
- d. providing information and advice regarding victims' legal rights and the services available, in a language that they can understand, as well as access to legal assistance, preferably free of charge; and
- e. providing that all victims of forced or compulsory labour that occurred in the member State, both nationals and non-nationals, can pursue appropriate administrative, civil and criminal remedies in that State, irrespective of their presence or legal status in the State, under simplified procedural requirements, when appropriate.

## ENFORCEMENT

13. Members should take action to strengthen the enforcement of national laws and regulations and other measures, including by:

- a. giving to the relevant authorities, such as labour inspection services, the necessary mandate, resources and training to allow them to effectively enforce the law and cooperate with other organizations concerned for the prevention and protection of victims of forced or compulsory labour;
- b. providing for the imposition of penalties, in addition to penal sanctions, such as the confiscation of profits of forced or compulsory labour and of other assets in accordance with national laws and regulations;
- c. ensuring that legal persons can be held liable for the violation of the prohibition to use forced or compulsory labour in applying Article 25 of the Convention and clause (b) above; and
- d. strengthening efforts to identify victims, including by developing indicators of forced or compulsory labour for use by labour inspectors, law enforcement services, social workers, immigration officers, public prosecutors, employers, employers' and workers' organizations, non-governmental organizations and other relevant actors.

## INTERNATIONAL COOPERATION

14. International cooperation should be strengthened between and among Members and with relevant international and regional organizations, which should assist each other in achieving the effective and sustained suppression of forced or compulsory labour, including by:

- a. strengthening international cooperation between labour law enforcement institutions in addition to criminal law enforcement;
- b. mobilizing resources for national action programmes and international technical cooperation and assistance;
- c. mutual legal assistance;
- d. cooperation to address and prevent the use of forced or compulsory labour by diplomatic personnel; and
- e. mutual technical assistance, including the exchange of information and the sharing of good practice and lessons learned in combating forced or compulsory labour.



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