

# **Consolidating and Disseminating Efforts to Combat Forced Labor in Brazil and Peru**

## **Midterm Evaluation**

Special Action Program – Forced Labor SAP-FL

Implemented by the International Labor Organization – Financed by the US Dept. of Labor

**July 2015**

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# ACRONYMS

<b>ABC</b>	Brazilian Technical Cooperation Agency
<b>CATP</b>	Autonomous Workers Central Union of Peru ( <i>Central Autónoma de Trabajadores del Perú</i> )
<b>CFL</b>	Combat Against Forced Labor
<b>CGTP</b>	General Confederation of Peruvian Workers ( <i>Confederación General de Trabajadores del Perú</i> )
<b>CMEP</b>	Comprehensive Monitoring and Evaluation Plan
<b>CNA</b>	Employer's National Confederation of Agriculture in Brazil
<b>CNLCTF</b>	National Commission for the Fight Against Forced Labor in Peru ( <i>Comisión Nacional para la Lucha Contra el Trabajo Forzoso</i> )
<b>CRAS</b>	Social Assistance Reference Center in Brazil
<b>CREAS</b>	Social Assistance Specialized Reference Center in Brazil
<b>CONATRAE</b>	National Commission to Eradicate Forced Labor in Brazil
<b>CONFIEP</b>	National Confederation of Private Enterprises in Peru ( <i>Confederación Nacional de Instituciones Empresariales Privadas</i> )
<b>COETRAE</b>	State Commission for the Eradication of Forced Labor in Brazil
<b>CONTAG</b>	National Confederation of Workers in Agriculture in Brazil
<b>CPT</b>	Pastoral Land Commission (NGO) in Brazil
<b>CSR</b>	Corporate Social Responsibility
<b>CTE</b>	Fight (Combat) against Slave Labor ( <i>Combate ao Trabalho Escravo</i> )
<b>CUT</b>	Unified Workers' Central in Brazil
<b>FL</b>	Forced Labor
<b>GEFM</b>	Special Mobile Inspection Units in Brazil
<b>GEIT</b>	Special Group for Labor Inspections in Peru ( <i>Grupo Especial de Inspección de Trabajo contra el Trabajo Forzoso y el Trabajo Infantil</i> )
<b>IAP</b>	Integrated Action Program
<b>ILO</b>	International Labor Organization
<b>INCRA</b>	National Institute for Agrarian Reform in Brazil
<b>MAA</b>	Ministry of Agriculture and Supply in Brazil
<b>MAI</b>	Movement for Integrated Action ( <i>Movimento de Ação Integrada</i> )
<b>MDA</b>	Ministry of Agrarian Development in Brazil
<b>MDS</b>	Ministry of Social Development in Brazil

<b>MDIC</b>	Ministry of Development, Industry and External Commerce in Brazil
<b>MININTER</b>	Ministry of Interior in Peru ( <i>Ministerio del Interior</i> )
<b>MINJUS</b>	Justice and Human Rights Ministry in Peru ( <i>Ministerio de Justicia y Derechos Humanos</i> )
<b>MIU</b>	Mobile Labor Inspection Unit in Brazil
<b>MJ</b>	Ministry of Justice in Brazil
<b>MMA</b>	Ministry of Environment in Brazil
<b>MPF</b>	Federal Prosecutions Office in Brazil
<b>MPT</b>	Labor Prosecutions Office in Brazil
<b>MRE</b>	Foreign Relations Ministry in Brazil
<b>MTE</b>	Ministry of Labor and Employment in Brazil
<b>MTPE</b>	Ministry of Labor and Employment Promotion in Peru ( <i>Ministerio de Trabajo y Promoción del Empleo</i> )
<b>NGO</b>	Non-Governmental Organization
<b>OIT</b>	International Labor Organization ( <i>Organización Internacional de Trabajo</i> )
<b>PMP</b>	Performance Monitoring Plan
<b>PNP</b>	Peruvian National Police ( <i>Policía Nacional de Perú</i> )
<b>PPA</b>	Pluri-Annual Investment Plan in Brazil
<b>PRODOC</b>	Project Document
<b>RENAJU</b>	National Judicial Registry ( <i>Registro Nacional Judicial</i> , admin. by Judicial Branch in Peru)
<b>RETA</b>	Registry System for Human Trafficking and related Crimes ( <i>Sistema de Registro y Estadística del Delito de Trata de Personas y Afines</i> , administered by Ministry of Interior and Peruvian National Police)
<b>SAP-FL</b>	Special Action Program to Combat Forced Labor (ILO Global Program)
<b>SEAS</b>	Social Assistance National Secretariat in Brazil
<b>SEBRAE</b>	Small and Medium Enterprises Support Service in Brazil
<b>SEDH</b>	Special Human Rights Bureau in Brazil
<b>SINAIT</b>	National Trade Union of Labor Inspectors in Brazil
<b>SISTRA</b>	System of Strategic Information on Human Trafficking ( <i>Sistema de Información Estratégica sobre Trata de Personas</i> , administered by the <i>Ministerio Público</i> , the Public Prosecution Ministry in Peru)
<b>SIT</b>	Labor Inspection Secretariat in Brazil
<b>SNI</b>	National Society of Industries in Peru ( <i>Sociedad Nacional de Industrias</i> )
<b>SNMPE</b>	National Society for Mining, Petroleum and Energy Firms in Peru ( <i>Sociedad Nacional de Minería, Petróleo y Energía</i> )
<b>SRTE</b>	Regional Labor Bureau in Brazil

<b>STF</b>	Federal Supreme Court in Brazil
<b>STJ</b>	High Court of Justice in Brazil
<b>SUNAFIL</b>	National Labor Inspection Bureau in Peru ( <i>Superintendencia Nacional de Fiscalización Laboral</i> )
<b>TE</b>	Slave Labor ( <i>Trabalho Escravo</i> )
<b>TOT</b>	Training of Trainers
<b>TST</b>	Labor Supreme Court in Brazil
<b>UN</b>	United Nations
<b>USDOL</b>	United States Department of Labor

# EXECUTIVE SUMMARY

The project “Consolidating and Disseminating Efforts to Combat Forced Labor in Brazil and Peru” (in this document, “the Project”) is a trilateral technical cooperation initiative funded by the U.S. Department of Labor (USDOL), and implemented by the International Labor Organization (ILO), with the support and cooperation of national counterparts in Brazil and Peru. The Special Action Program to Combat Forced Labor (SAP-FL) is a global ILO program, of which the Brazil/Peru Project is one instance. This Project is planned to be implemented in Brazil over 48 months, beginning in December 2012 and ending in December 2016; and in Peru over 28 months, beginning in July 2013 and ending in November 2015. The overall Project budget is \$6 million with approximately 10 percent dedicated to Peru activities or to South-South cooperation.

The Project’s overall developmental objective is to **consolidate efforts to combat forced labor (CFL) in Brazil and Peru.**

The Project envisions the implementation of five intermediate objectives: (1) improve knowledge of forced labor in Brazil, (2) increase dialogue and institutional capacity concerning forced labor in Brazil, (3) increase Brazilian private sector engagement to combat forced labor, (4) reduce the vulnerability of groups susceptible to forced labor in Brazil and (5) improve policy against forced labor in Peru.

The main purposes of this mid-term evaluation are to:

1. review the ongoing progress and performance of the Project (extent to which supporting objectives have been achieved and outputs delivered),
2. examine the likelihood of the Project achieving its objectives and targets,
3. provide recommendations for the remaining period of the Project that will improve delivery of outputs and sustainability of intended objectives and
4. identify emerging potential good practices.

The evaluation approach was participatory in nature and primarily qualitative. During single and group field interviews, stakeholders, direct beneficiaries, assisted workers and others knowledgeable about forced labor shared information on the topic. The reviewers supplemented direct contacts with informants through an anonymous Web-based survey. To the extent that they were available, the evaluation benefitted from quantitative data drawn from technical progress reports (TPRs), the Comprehensive Monitoring and Evaluation Plan (CMEP) and other project reports made available to the reviewers. ILO project staff were helpful in identifying key informants, setting up interviews and providing introductions to stakeholders and beneficiaries. The reviewers met with ILO staff in Brazil and Peru to complement information obtained during the fieldwork and to clarify questions relating to project implementation.

The evaluation terms of reference (TOR) included specific questions that addressed the effectiveness and appropriateness of the project approach, given the countries’ priorities, satisfaction of participants and stakeholders, their participation in implementation and monitoring, soundness of strategy for replication of the Integrated Action Program (IAP) as well as South-South exchanges, and priority future actions. A complete list of these questions is in Annex 2. These formed the base for the evaluation’s findings, conclusions and recommendations.

The reviewers also gained a perspective on the value of ILO involvement in questions of forced or slave labor in Brazil and Peru and, for USDOL, on the overall benefits accruing from its funding. The evaluation found that stakeholders in both countries view the role and actions of the ILO as both desirable and necessary (even crucial) to success in combatting forced labor (CFL) in any reasonable timeframe. They view the ILO as a skilled and competent broker, catalyst, convoker, door opener and facilitator. While many stakeholders are not aware that USDOL is the funding source, those who are

apprised credit USDOL for helping the countries advance further and faster. The first year of the Project was dedicated to planning, consultation, design and assuring buy-in. This mid-term evaluation took place two years into the grant, but at less than two years into implementation of most of the planned on-the-ground activities.

Virtually all parties agree on the need for more capable public institutions collaborating closely at federal, state and regional levels. They also concur on the need for government, private sector employers, workers, civil society organizations, religious groups and media to collaborate on solving a problem that all acknowledge exists and should be eliminated. Stakeholders call for more and better information about forced labor (FL) and for the Project to be active in producing it.

The Integrated Action Program (IAP) is the Brazilian program that (1) educates vulnerable populations regarding their rights as citizens and workers to help them avoid FL entrapment, (2) trains rescued and other vulnerable workers for dignified legal employment and (3) connects them with cooperating private sector entities providing livelihood support. The evaluators found nearly universal agreement that IAP, in concept, is applicable to other Brazilian states and situations, both urban and rural, and can and should be extended to the rest of Brazil, with adaptations appropriate to the realities in other states. Knowledgeable Peruvians would like to see an IAP program in Peru and are appreciative of the South-South exchanges with Brazil in terms of information gained and the added impetus the Project gives to its own FL efforts in Peru.

The most important **findings** of this evaluation include:

The Project concept and design are appropriate and have every chance of being effective.

The human and financial resources are allocated appropriately for the Project.

The interest groups and stakeholders on all sides express satisfaction with the overall design and objectives of the Project, although many indicated that they lack knowledge of the status of specific activities.

The Project's South-South strategy of information and exchange visits is sound, providing direct benefit to Peru and offering future opportunities for Brazil for learning and self-examination.

With respect to the IAP, the Project has been a very effective collaborator in supporting Brazilian institutions with advice, financing, and knowledge sharing, without assuming an executive role.

Many stakeholders believe that IAP can be replicated, and they support its extension with necessary adjustments to more Brazilian states and potentially to Peru.

The M&E function embodied in the Project's Comprehensive Monitoring and Evaluation Plan (CMEP) provides several benefits, despite the lengthy process required for its elaboration. Certain details could be revised to maximize its utility.

The great majority of stakeholders across the spectrum in Brazil identified two closely related



**Photo 1. Brazilian farmer.**

A former vulnerable worker who received training from IAP in repair of cotton harvesters was interviewed on the farm where he is now employed.

*“What do you think of the IAP?” he was asked.*

*“Very good,” he said. “It gives you a profession.”*



subjects that are not necessarily within the Project's purview as top priorities. These were: the need for clarity in the operational definition of slave labor (*trabalho escravo*, or TE) and the need for a common understanding of this operational definition. Stakeholders in Peru identified similar concerns, though with less urgency.

The vast majority of Brazilian stakeholders affirmed that they feel strong ownership of this project. Peruvians expressed similar sentiments; however, as the programs differ, the question was asked less explicitly.

**Key recommendations** include:

Extend Peru to the same end date as Brazil to consolidate some of the gains achieved in terms of institutional capability and consensus-building among stakeholders. (Note that, since the time of field work, plans for Peru have been clarified — more information follows in the body of the report.)

Continue and increase on-the-job and field work experiences, specifically for Peruvian officials in Brazil with focused priorities.

Increase the information flow within the larger CFL community in both Brazil and Peru, particularly with respect to Project actions, through a stronger program of communications.

Consider revisions to the CMEP/M&E system, specifically modifying certain indicators so they are more appropriate for the second stage of the Project's implementation.

Provide a neutral space, in which elements of Brazilian civil society interests on all sides could work toward generalized support and understanding of the most objective, workable and Brazil-appropriate definition of slave labor.

# PROJECT DESCRIPTION

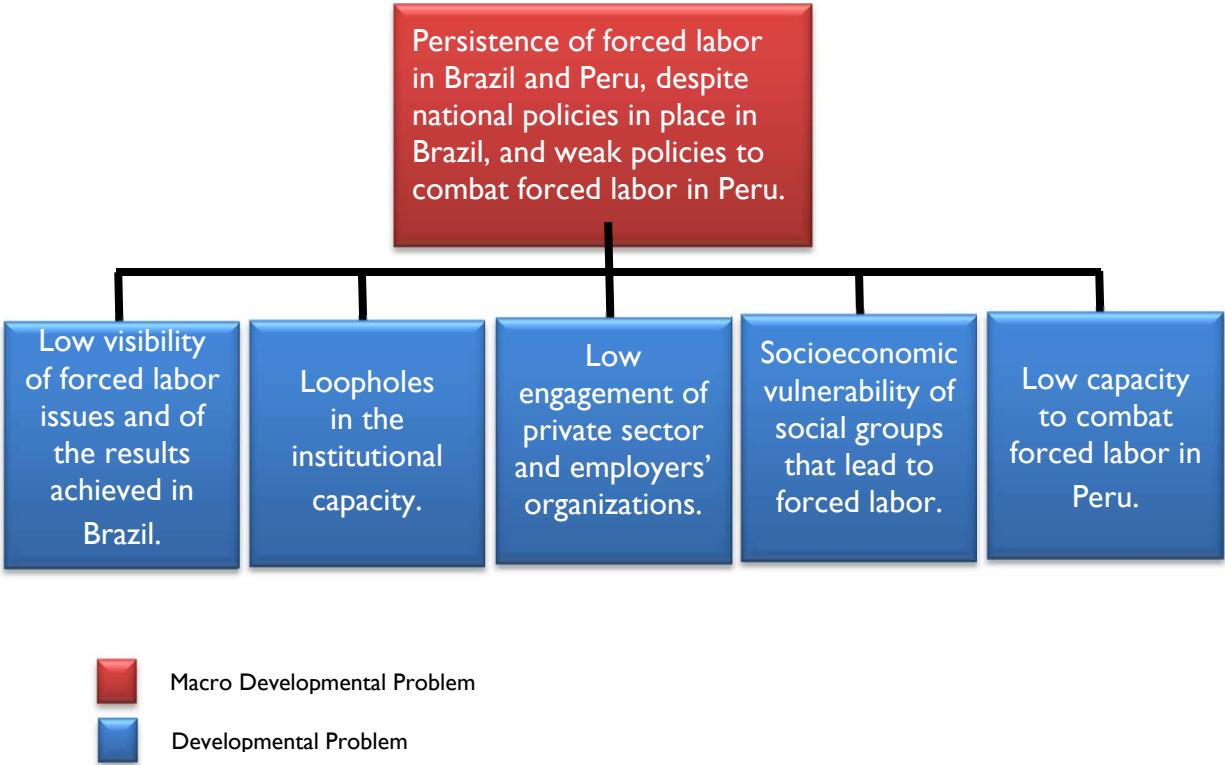
The basic purpose of the Project is to help Brazil and Peru improve the fight against slave labor (*Combate ao Trabalho Escravo* — CTE — in Brazil) and the combat against forced labor (CFL) in Peru. Although Brazil has a definition of “slave labor” in its penal code and targets “slave labor and situations analogous to slave labor,” this report will use the generic terms forced labor (FL) and combat against forced labor (CFL) for both Brazil and Peru.

At the institutional level, the Project seeks to achieve this goal through five intermediate objectives (IOs), which are listed on the next page. Principally, it seeks to support increased information about and knowledge of FL in Brazil and Peru through studies internal to the Project (IO1), promote dialogue among stakeholders and increasing the capabilities of entities officially responsible for CFL at national (or federal, in Brazil) and state levels (IO2) and more deeply involve the private sector and its representatives in the fight (IO3). The Project, as a multi-country effort, also seeks to transfer knowledge and experience between Brazil and Peru in IO5, as well as with other countries through ILO experience. The chosen path in Peru involves increasing knowledge of the Brazilian experience and ascertaining how to adapt and incorporate some of its most successful aspects.

IAP can be conceived as a holistic set of policies and institutions to prevent FL, discover its occurrence, sanction its perpetrators, rescue or liberate its victims, promote their citizenship and self-esteem, train them in useful job skills, and integrate them into formal employment with cooperating private sector employers. The principal way to reduce the vulnerability of groups susceptible to forced labor in Brazil (IO4) is by supporting the extension, replication, and adaptation of the Integrated Action Plan (IAP) model. The project strategy in Brazil is first to improve and deepen the IAP experience in Mato Grosso — the most fully developed example — and then extend it to the rest of Brazil.

The specific evaluation questions (see Annex 2) center around whether the chosen methods of intervention (policies, information generation and dissemination, dialogue, institutional strengthening,

**Figure I. Structural Problem Tree**



support to pilot operations, exchange visits) are appropriate and effective to achieve project objectives in these countries and, by extension, others with similar situations.

In the Project Comprehensive Monitoring and Evaluation Plan (CMEP), the Structural Problem Tree (Figure 1) illustrates the main problem to be solved and the primary underlying causes of this problem.

The CMEP Results Framework (Figure 2) shows graphically what results the Project intends to achieve to contribute to solving this problem. As stated in the CMEP, “the project’s overall developmental objective is to **consolidate efforts to combat forced labor in Brazil and Peru,**” through the effective implementation of the five intermediate objectives (IOs):

- IO1: Knowledge base and awareness on forced labor improved among Brazilian key stakeholders and target groups;
- IO2: Increased social dialogue and institutional capacity for public policy implementation at the national and state levels in Brazil;
- IO3: Increased engagement of the private sector and employers’ organizations to combat forced labor in Brazil;
- IO4: IAP livelihood intervention strengthened and better positioned to reduce socioeconomic vulnerability of groups susceptible to forced labor in the Project’s intervention area.
- IO5: Improved policies to combat forced labor in Peru.

IO1 through IO3 promote institutional strengthening, social dialogue, knowledge generation and capacity development in Brazil. Under IO4, the Project in Brazil aims to support 650 individuals and 500 households, including workers rescued from forced labor situations by the mobile inspection units, and adults vulnerable to being recruited into forced labor mainly in the state of Mato Grosso, where the project is developing its livelihood component linked with intermediate objective number IO4. Concerning IO5, the evaluation meetings in Peru generated considerable background information on the general issue of forced labor in Peru, summarized at the end of this report and in Annex I.

The Project targets key government and non-governmental institutions as beneficiaries of institutional strengthening, knowledge generation and capacity development in Brazil and Peru.

In Brazil, the Project targets the following institutions:

- National Commission for the Eradication of Forced Labor (CONATRAE);
- State Commissions for the Eradication of Forced Labor (COETRAEs);
- National Pact for the Eradication of Forced Labor in Brazil (InPACTO);
- State governments developing local strategies to eradicate forced labor.

In Peru, the key target group consists of the following institutions:

- National Commission for the Fight Against Forced Labor (CNLCTF);
- Ministry of Labor and Employment Promotion (MTPE);
- National Labor Inspection Superintendence (SUNAFIL).

Figure 2. CMEP Results Framework

# Project Objective: Contribute to the reduction of forced labor in Brazil and Peru.

- Indicators**
- **PO1.** Develop guidelines and strategies to assist victims of forced labor and prevent re-incidence of forced (CI).
  - **PO2.** Roadmap for the implementation of the inter-agency protocol on forced labor endorsed by the government of Peru (CI).



# EVALUATION OBJECTIVES

USDOL, the Project funder, contracted Management Systems International (MSI) to carry out a mid-term evaluation of the ILO Special Action Program to Combat Forced Labor SAP-FL Project in Brazil and Peru (“the Project”). This project runs from December 2012 to December 2016 in Brazil and from July 2013 to November 2015 in Peru.

The main purposes of this mid-term evaluation were to:

- Review the ongoing progress and performance of the Project (extent to which supporting objectives have been achieved and outputs delivered),
- Examine the likelihood of the program achieving its objectives and targets,
- Provide recommendations for the remaining period of the Project that will improve delivery of outputs and sustainability of intended objectives and
- Identify emerging potential good practices.

## Evaluation Scope

This evaluation of the Project focused on its overall strategy and organization, outputs to date and its prospective contribution to the overall national efforts to combat forced labor (CFL) in the two countries. The evaluation covered activities that have been implemented since the start of the Project to the moment of the field visits and, as possible, makes observations about scaling up, replicability and sustainability. The evaluation team included two international evaluators, fully conversant in both Portuguese and Spanish; one concentrated on Brazil and the other on Peru. A recording/reporting assistant helped the evaluators in Brazil with transcripts and summaries of interviews and meetings.

## Intended Users

The evaluation will provide USDOL, ILO, project stakeholders and other stakeholders generally working to combat forced labor an assessment of the Project’s experience in implementation and its effects on project beneficiaries. The evaluation findings, conclusions and recommendations will serve to inform project adjustments that may be needed, and to inform stakeholders in the design and implementation of subsequent phases or future projects as appropriate.

## Evaluation Questions

The evaluation terms of reference (TOR) contained specific questions (see Annex 2) on design, implementation and monitoring, and future directions. These focused on effectiveness and appropriateness of the project approach given the countries’ priorities, satisfaction of participants and stakeholders, participation of these in implementation and monitoring, soundness of strategy for replication of the IAP as well as South-South exchanges, and priority future actions. These questions formed the base for the evaluation findings, conclusions and recommendations.

# FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

Findings are presented according to the specific evaluation questions in Annex 2; of these, four address design, five address implementation and two address future directions.

## FINDINGS

### GENERAL FINDINGS OVERVIEW

Stakeholders in both countries expressed widespread agreement about the value of the Project. The role and actions of the ILO are seen as not only desired, but necessary and even crucial to CFL's success in any reasonable timeframe. There is strong acknowledgement of the excellent role and value of ILO's contribution as a skilled and competent broker, catalyst, convoker, door opener and facilitator to CFL. A broad base of generalized support exists for the Project in its conception and execution.

#### Illustrative Interview Responses on ILO Implementation:

**Respondent:** The ILO approached the project with an open mind. They respected all the nuances involved in creating strategies, as well as the ownership of those creating them. They sought to respect what happened here.

— State Government Official

**Respondent:** We have a very open relationship with the ILO that always enriches the training process. When we have the support of the ILO, other actors are involved. Cooperation with the ILO manages to give support to the actions. It allows for articulation with other social actors.

— Worker Organization Official

**Respondent:** The ILO actions are on the cutting edge and very appropriate to what we need. ILO manages to bring players together in social dialogue as a protagonist. ...The essential thing is the capacity to manage and to understand what the region needs. That is the expertise of ILO.

— State Government Official

**Respondent:** We participated in the elaboration of the program since the beginning of the ILO project. ... I was part of the discussion roundtables and conversation with other partners of the project. This project does not create a network, but rather strengthens the existing network; the ILO functions as a hub. The ILO has turned into a very strong player since 1995. They helped to build the fight against slave labor as it exists today. We depend on them greatly but we should depend less. ... The National Pact (InPacto) was only born because the ILO helped to finance it. The government needs to meet this need. The ILO should not have to take responsibility for all these policies.

— Watchdog Group Official

In Peru, the ILO/DOL Project has provided valuable support to the Peruvian government in a variety of areas. It has helped Peru increase its knowledge of FL with case studies and technical support for FL databases; reinforced public institutions through technical advice, manuals and training; and provided lessons on good practices, in cooperation with Brazil. The Project has advised on the draft FL law and outlined a strategic communications plan submitted to CNLCTF to raise public awareness and support. The activities of the Peru National Officer have stimulated continuous attention to forced labor among government agencies and stakeholders. The ILO has brought in outside experts, mobilized ILO professional expertise, exposed Peruvians to foreign models and lent prestige to the nation's forced labor initiative. The Project has helped Peru advance much further and more rapidly in establishing

conditions to combat forced labor. The Peruvian government has made a determined commitment to combat forced labor, as evidenced by the following:

1. With support from the Project, Peru has strengthened specialized divisions in government agencies, the police and the judiciary to tackle forced labor.
2. Peru has begun training programs on forced labor for personnel in the police force, Ministry of Labor, Ministry of Interior, Ministry of Justice and Human Rights, Public Prosecution Ministry and the courts system.
3. Peru operates two data systems relating to trafficking and forced labor (RETA and SISTRA), and is creating a third for the judicial system (RENAJU).
4. Peru has drafted a law specifically for forced labor with penalties for different grades of violation.
5. Peru places a high value on the collaboration with Brazil to learn and adapt successful approaches to combatting forced labor.

In Peru, the Project has initiated efforts to address the shortcomings of: (1) limited knowledge of the scope of the Forced Labor problem (sectors in which it is prevalent, its main characteristics, risk of forced labor); (2) ineffective means to report forced labor; (3) confusion over the definition of forced labor as distinguished from other labor or human rights violations; (4) lack of visibility in society, relegated to a low national priority; (5) limited and uneven institutional capacity of public agencies to prevent, detect and prosecute forced labor violations, or liberate victims and reintegrate them into dignified employment; and (6) budgetary limitations.

The Project has supported research on forced labor in employment sectors (mining, logging, domestic service). It provides technical assistances for a national communications strategy that combines the approaches of several public agencies. Its technical support strengthens governmental databases tracking denunciations of forced labor. The Project trains inspectors, judges and police on recognizing and sanctioning forced labor. The Project's small budget has effectively complemented public resources in funding workshops, consultants, research and travel, particularly for the South-South cooperation.

## **A. DESIGN**

### ***1. How effective and appropriate is this intervention's design, given the context and national development priorities of both countries?***

The evaluators found, and interviewees emphasized, that the project concept and design are appropriate and have every chance of being effective.

They are appropriate to Brazil by being consistent with the traditions and practices of public/private interactions and socioeconomic and legal responsibilities that are accepted in Brazil. The type of intervention and the level of execution and balance among federal, state and local authorities are consistent with Brazil's federal system. Brazilian society expects the legal and governmental system to aid workers in the context of an activist state.

The Project is appropriate for Brazil as it supports the advancement of the formal business sector, which — despite the overlay of extensive worker protection regulations — Brazilian society sees as its engine of growth and development. This is why IO2 (dialogue among sectors) and IO3 (engagement of the private sector) play major roles in this design.

The Project design is appropriate for Brazilian priorities as it builds on the existing Brazilian IAP program already successful in certain localities and seeks to strengthen, replicate and adapt this to other realities. It seeks to support its full development in Mato Grosso and extension elsewhere.

The Project is also appropriate because Brazil is recognized by the ILO and in international fora as a world leader in CFL, and this project is justifiably in a mode of promoting, cooperating and sharing. With

respect to Brazil-Peru interaction, it is appropriate that Brazil shares its experiences and Peru has shown willingness to benefit, which is the base for South-South cooperation in IO5.

The Project's design is based on the fact that Brazil is ahead of Peru in CFL; Brazil's concentrated attention to forced labor began in 1995, while Peru's began much more recently. The Project's design appropriately supports activities in Peru while exposing parties in Peru to Brazilian models of good practices that Peru can study and adapt to its needs. While the Peruvian system is less statist than Brazil's and its private sector may be less convinced of state intervention in labor issues, governmental stakeholders in Peru expressed support for the concept of a comprehensive IAP consistent with the Project.

The level of effectiveness of the Project, though positive, is more nuanced, in part due to the timing of launch of field activities. Many implementation activities had begun only a few months before this midterm report, limiting the number of concrete results to date. Project implementers spent more than one year on design, consultation, consensus-building, securing buy-in, negotiations and other actions consistent with its concept. This time spent, however, appears to have been effective since the Project Document (the detailed design) eventually won official approval with support from across the diverse Brazilian governmental system.

Based on plans examined, capacity witnessed, actions to date and expressed willingness of interest groups to collaborate, the evaluators see evidence that the Project will likely be effective in its full implementation.

## **2. Are the human and financial resources allocated appropriately for achieving project objectives?**

Based on document review, observation, interviews and surveys, the evaluators find that the human and financial resources are allocated appropriately

Project human resources are suitably allocated in that the actual number of project personnel is limited to a small number of essential positions in both Brazil and Peru whose functions are focused on coordination, information sharing, convening, and producing data, as noted above. There are, in addition, short-term positions and interns in the Brazil ILO office and a part-time administrative assistant in Peru to complement the permanent staff. Importantly, all project staff are nationals of either Brazil or Peru.

The Peru National Officer counts on support from ILO professional staff in project implementation. Specialists on Labor Legislation and Labor Administration (*Especialista en Legislación Laboral y Administración del Trabajo*) have advised on the draft law to criminalize forced labor and the local external IT technician is assisting the merger of government databases for labor violations including forced labor. The Lima-based regional Evaluation Specialist (*Especialista de Evaluación de la Oficina Regional de la OIT*) has helped create the indicator monitoring system and tracking indicators and has provided technical assistance for the design and development of the specific studies. These personnel expand the range of professional expertise available for project support.

The officers in Brazil are expected to be in place for the four-year life of the Project. For Peru, the funding for the ILO Peru National Officer, now expected to be in place for the planned two-year Peru Project timeframe, is essential to maintain momentum and promote advances throughout the public

### **Illustrative Interview Response on the Role of the State:**

**Evaluator:** Can [slave labor] be eliminated with the ending of poverty?

**Respondent:** No. If there is no intervention by the state, we will continue with the same inequalities. Just economic growth is not enough. When you are talking about slave labor, the intervention of the state is even more necessary.

— Federal Government Official



sector. The National Officer also serves as a link with other stakeholders who are not part of the CNLCTF. In the absence of this position, the pace of reform would diminish significantly.

The evaluation’s review of the total project budget indicates that financial resources are allocated appropriately for the planned balance of activities. Details are provided below.

**Analysis and Observations Regarding Project Budget:**

Of the overall budget, management costs (personnel) are about half, direct costs of activities are about one third, and other administrative costs are about 15 percent.

In the budget presentation reviewed, management (personnel) costs were not allocated with specificity among ILO international offices. If the M&E officer is completely allocated to the M&E function and if the field officer is completely allocated to the IAP activities, then the two functions (M&E and IAP) receive a larger share of the budget, reflecting their importance beyond the direct costs of these activities.

Of other direct costs (ODCs) in Year 1 the activities of diagnosing which state(s) to choose for replicating and beginning the IAP pilot implementation account for nearly half of all ODCs (\$22,000 of \$47,000).

It could be argued that, given that this is in many ways a program that will produce information useful for other countries and situations, the M&E and learning components of the Project could be larger. In fact, if direct M&E activities and activities that contribute to learning, such as consultations and the IOI information studies, are aggregated, the combined budget represents more than 8% of all activities over the life of the Project. Of this, approximately 70% is in Year 1, which reflects the importance of setting up systems. While these ended up being more costly than predicted, the funds were well-spent on critically important systems.

M&E spending per year					
Year	2013	2014	2015	2016	TOTAL
M&E as % of Activities (ODC+M&E)	73%	3%	1%	9%	8.3%

For Peru, the budget for strategy development, legislative reform, and strengthening the CNLCTF is generally adequate. The amount assigned for research, however, may be insufficient for all three studies given the lack of information available in Peru on FL, and the level of expenditure necessary to produce it. Other budget items (for training, supporting regional networks, the communication plan, assistance to victims) provide seed money rather than full coverage, meaning that more funds would be needed to achieve those objectives.

Overall, the original budget for travel was sufficient for the initial schedule of trips between Peru and Brazil. The line item, however, is nearly exhausted. Supplementing this portion of the budget would be essential for continued progress in South-South cooperation.

**3. Are the Project’s interest groups or stakeholders satisfied with Project design and objectives? With the Project’s planned next steps? (Interest groups may include direct and indirect beneficiaries, stakeholders, local leaders and implementing partners)**

The interest groups (or stakeholders) on all sides demonstrate satisfaction with the design and objectives of the Project. This statement is true whether specifically of the Project or of the overall program concept of replicating/adapting IAP to other states, countries and situations. The caveat is that not all interviewees knew the part that the Project plays in the overall CFL effort or, by extension, the role of the ILO in providing support. This finding is not a negative considering that one purpose is to make the Project “Brazilian” or “Peruvian” (see Annex 2: Evaluation Questions)

**Illustrative Interview Responses on Partner Opinions:**

**Evaluator:** Do you think the other partners are also satisfied with the project?

**Respondent:** ILO is very active. Its voice is respected. There is good representation. Its partnerships are productive.

— *National-Level Committee Official*

In Brazil, interest groups interviewed or surveyed included federal and state officials, private companies, employer organizations, CONATRAE members, COETRAE-MT members, InPacto, CSOs, religious groups, worker groups, watchdog groups, media representatives, and re-inserted workers who had benefitted from the IAP. Many had no direct ties to the Project but were involved in the IAP or in CFL more generally. All groups, whether directly or indirectly involved in project activities, expressed considerable support for the project design and objectives.

In Peru, official stakeholders (government ministries, agencies and police) are very satisfied with the project design and objectives. However, the business members of the CNLCTF are uncomfortable with the draft law proposed under project auspices and civil society organizations feel that their absence from the CNLCTF weakens the campaign against forced labor.

A good percentage of interviewees report having been in workshops and consultations in the design phase, and felt that their input was taken into account and applied. However, few reported subsequent consultation, involvement or information exchange.

Interviewees wished to have more information, particularly from the now-delayed baseline and the Project's survey(s) but also generally from other information-producing activities.

**4. Specifically for extension to Peru: How sound is the strategy to promote South-South cooperation between Brazil and Peru?**

The Project's South-South strategy includes analyzing forced labor situations, elucidating differences between Brazilian and Peruvian realities (legal structures, economic sectors, development levels, public awareness/support), contrasting social and ethnic patterns and designing exchange mechanisms based on these factors. In sum, based on interviews and the evaluators' knowledge of the situation and of development projects, the strategy is sound.

The action agenda includes information transfer, workshops and some inter-country travel. The Project has organized information and experiential transfers in joint meetings in Brazil and Peru and with group study visits of representatives of one country to the other. The most recent visit from Peru to Brazil occurred just after the evaluation field work and included the opportunity to observe and participate in inspection operations in the field.

For Peru, the South-South cooperation is timely and appropriate. Peruvian officials from all sectors

**Illustrative Interview Responses on Follow-Up with Stakeholders:**

**Respondent 1:** During negotiations, what I included was taken into account.

**Respondent 2:** Our observations were considered in the construction of the project. By my understanding, the project is turning out well.

**Respondent 3:** However, we did not receive reports, nor do we know about project activities.

— *Federal Government Officials, Brazil*

**Respondent:** We are invited to events and receive more general materials, but no reports from the project.

— *State Government Official*

**Illustrative Interview Brazil Responses to Peru Collaboration:**

**Respondent 1:** We are way ahead in Brazil. They are now putting together SUNAFIL and other institutional structures that have already existed for 40 years in Brazil. For them, the federalization of the crime already exists, but they don't have the specific crime of slave labor.

**Respondent 2:** We are much more advanced in Brazil. Brazil is far advanced on the questions of laws, of prosecution, and reinsertion. Brazil is far ahead of on the tripod, of legal questions, of repression, and reinsertion (with compensation and reparations).

**Respondent 3:** In Peru, they are beginning to see the slave work related to the indigenous peoples. Peru is now looking at the people beyond Lima, where there is a large concentration of Peru's population. Peru shared with Brazil an understanding of their bureaucratic structure, and in that sense there was a real exchange of ideas and experiences. It was worthwhile to get to know the extent of Peruvian legal training, and the ILO effort with Peru.

— *Federal Government Officials, Brazil*

praise its value for exposing them to effective approaches from Brazil to implement in Peru. The South-South cooperation has presented Peru with working examples of inter-sectorial collaboration, focusing media attention on forced labor, gaining business and CSO support to combat forced labor, identifying and investigating forced labor infractions, and creating reintegration programs for victims. To date, however, there are no precise examples of a transfer of models from Brazil to Peru.

The evaluators noted that this knowledge transfer is largely unidirectional, and that most Brazilians feel they are well ahead of Peru. One respondent (see third response above) did cite one positive learning experience.

While it is true that Brazil is an acknowledged leader in CFL, as the relationship with Peru deepens, the Project could seek ways to help Brazil to benefit from how Peru confronts forced labor in its priority sectors — mining, domestic service and illegal logging.

Peruvian officials interviewed for this evaluation were knowledgeable of Brazilian initiatives on forced labor, and were unanimous in their desire to receive guidance, lessons, and models from Brazil that were appropriate for Peru. The primary instruments for this purpose in the Project are visits by Peruvian officials to observe Brazilian practices, and visits by Brazilian specialists to Peru to meet with relevant agencies and conduct seminars. In December 2013, officials from Brazil and Peru met to outline goals and indicators for the South-South collaboration incorporated into the CMEP. From Aug. 18 to 22, 2014, the first contingent of Brazilians visited Peru, which resulted in a larger agenda of objectives later contained in a Cooperation Agenda in the form of a Logframe. Documents resulting from the first exchange are the meeting agenda, summary report, and the Logframe itself.<sup>1</sup> The return visit from Peru to Brazil was from April 4 to 10, 2015, and specifically focused on Brazil's *Grupo Especial de Fiscalização Móvil* (GEFM), under the Ministry of Labor, which joins specially trained labor inspectors with labor lawyers and police agents to descend unannounced on suspected forced labor concentrations throughout the country. Peruvian officials are particularly interested in adjusting and replicating the model according to the Peruvian context.

The April 2015 visit to Brazil included two days of discussions on how to plan future exchanges, followed by participation in a Grupo Móvil exercise. For the Grupo Móvil demonstration, the Peruvians joined two Brazilian Grupo Móvil teams going to remote locations in the districts of Palmas (Tocantins

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<sup>1</sup> See "Misión de Prospección para la Formulación de un Proyecto de Cooperación Sur-Sur Brasil-Perú-OIT, en el Área de Combate al Trabajo Forzoso" and "Proyecto de Cooperación Sur-Sur Triangular entre Brasil, Perú y la OIT en el área del combate al trabajo forzoso: Matriz De Objetivos, Resultados, Productos Y Actividades."

state) and Imperatriz (Maranhão state). The Palmas group traveled four hours by pickups to two locations suspected of forced labor. The Peruvian observers were a police officer, prosecutor, and labor inspector, as well as the Peru National Officer. They visited two *fazendas* (large farms), the first one large-scale with modern infrastructure, and the second one primitive in which the woman owner lived in as desolate conditions as the workers. The Peruvians observed the close coordination between the Brazilian officials and the respect they displayed toward the fazenda workers. The Grupo Móvel mission was planned to last 10 days. The Peruvians, however, participated in only the first two days. The Grupo Móvel did not discover forced labor during the first two days, but reported later to Peru that it uncovered a forced labor situation on day three. Despite not participating in the planning of the search (which occurred over several weeks) and not observing procedures upon encountering forced labor, the Peruvians found the experience highly instructive.

To date, the South-South collaboration has:

- Raised the visibility of forced labor within the Peruvian government. Several of the initiatives described above have progressed further and more quickly than would have occurred absent the international support
- Created awareness among public authorities of advances in Brazil in confronting forced labor, and by extension motivating them to eventually achieve similar results. Interviewees were knowledgeable and admiring of the *Grupo Móvel*, the “*lista suja*,” (“dirty list” of companies found to have engaged in FL practices), engagement of civil society, media coverage, and victim reintegration programs in Brazil.
- Broadened the network of contacts for Peruvian officials to draw on Brazil’s forced labor expertise, establishing lines of communication that could persevere over time.

To date the exchange program has not resulted in individual reports from participants on lessons they have learned from visits or seminars for application in Peru, or concrete examples of reforms, manuals, procedures, or communications strategies borrowed from Brazil and adopted for and implemented in Peru. ILO’s Peru National Officer is requesting individual reports from each Peruvian on the April visit.

The exchange program is meeting its goal of forging ties between Peruvian and Brazilian specialists. The advantages, however, are still incipient. Should the Project end soon, a high risk exists that the momentum for combatting forced labor will slow in Peru, and contacts established to date will atrophy.

## **B. IMPLEMENTATION AND MONITORING**

### ***5. How consistently have project implementation and monitoring followed the guidelines set out in the Project Document? In what ways have they deviated?***

To date, implementation has largely followed plans. Most of the first year was devoted to design, consultation workshops stakeholder involvement and consensus-building. While this evaluation took place at the contract’s two-year mark, most activities had been underway for only a short period. Monitoring guidelines in terms of participatory development of the CMEP and regular reporting to DOL via technical progress reports (TPRs) have been respected.

The October 2014 TPR relates that certain Brazilian activities, specifically studies and surveys, are “delayed.” The reasons are not atypical and include the need to obtain government approvals in the face of local and institutional sensitivities and of personnel turnover in official agencies. Notwithstanding, real and concrete activities have been undertaken, principally in the high-priority state of Mato Grosso.

For Peru, the Project is advancing in a way consistent with the schedule outlined in the Project Document and original draft CMEP. New objectives and indicators instituted in February 2015 will pose challenges to the small Peru project team to achieve prior to the November 2015 expiration date.

## **6. To what degree and in what ways are project beneficiaries, local leaders and implementing partners involved in the monitoring of project activities?**

In a strict sense, monitoring should track the Project's current status against work plans, while accounting for contingencies and mobilizing resources for future initiatives, with this information serving to inform management decisions by project staff. The M&E officer coordinates the data collection, working with project officers. For the CFL project, the fact that there have been delays in finalizing the Project Document and CMEP and in implementing activities has reduced the level of formal monitoring compared to what might be expected two years into the project.

In the wider sense, "monitoring" may include general oversight by stakeholders and others and involve dissemination of information and reception and incorporation of feedback from beneficiaries, local leaders, and implementing partners. The ILO Technical Cooperation Manual says that "[r]egular review meetings will be organized with partners in order to apprise them of project progress, review obstacles and define strategies for improvement." In Brazil, CONATRAE at the national/federal level and COETRAEs at the state level come closest to this function of general oversight as well as being cooperating entities. For the most part, these groups have not been directly involved in monitoring project activities and the Project was not designed to have stakeholder monitoring in the form of a formal advisory or consultative board. The reasons are multiple and may include:

1. Actual project activities are relatively more recent.
2. Design of the Project does not include this function for these groups.
3. The Project has not yet developed a mechanism for sharing performance information with these groups (e.g., a newsletter or similar mechanism for dissemination).
4. Changes in partner or stakeholder personnel make continuity of monitoring more difficult.

In Peru, at the monthly meeting of the CNLCTF, the Peruvian project officer reports notable incidences of progress to the official membership. However, similar to Brazil, the Project does not include a component for formal monitoring by interested parties.

The nature of ILO as an international organization requires that they remain in the background, nearly as a silent partner. There are, however, opportunities for the ILO with local partners in Brazil and Peru to disseminate information on the Project's advances and encourage feedback on how the Project is being implemented among its target institutions and populations.

## **7. How effective is the Project in collaborating with, assisting and sharing ownership with key institutions in implementing and monitoring the IAP?**

The Project does not implement or directly monitor the IAP. The IAP is a Brazilian program that predates the Project and is implemented by Brazilian institutions, specifically in Mato Grosso and with variations in several states or locales. The Project does not — nor should it — take "ownership" of the IAP.

The Project does, however, assist key institutions implementing the IAP. The more informative or relevant question then might be: "How effective is the Project in its role in supporting the implementation and monitoring of the IAP where key Brazilian institutions have the actual leadership and ownership?" In this, the Project has been a very effective collaborator in carrying out its role/responsibilities with respect to the IAP.

The evaluation concentrated its IAP investigation and field work in Mato Grosso, the location of primary project investment and the state with the furthest advanced IAP. The evaluation also included interviews with stakeholders involved in or knowledgeable about IAP in other states as well including Rio de Janeiro, São Paulo, Bahia and the area of Bico de Papagaio (Piauí, Maranhão, Bahia, Tocantins).

The Project quite properly is not monitoring the IAP in its day-to-day actions in Mato Grosso. It does,

however, regularly consult and review results with the IAP management team. Its mandate is to monitor its overall functioning from a learning, rather than a management, perspective. In line with a learning function, the ILO directly supports IAP implementation in Mato Grosso as part of its piloting and testing this model in the field. The Project has been able to provide recommendations to the IAP on how to revise their monitoring system (intake, monitoring, exit forms, etc.) and has been working with them to revise and improve their database and forms and procedures. In general, these are much more extensive and complicated than warranted for present management needs.

The evaluation visited the principal office responsible for IAP in Cuiabá, Mato Grosso, the *Superintendência Regional do Trabalho e Emprego (SRTE-MT)*, and learned that the Project has a very close and productive working relationship with this office. Information subsequent to the field work is that the IAP will be transferred to the Mato Grosso Secretariat of Labor and Social Protection. Presumably, the Project will continue the same close working relationship.

The effectiveness of sharing appropriate responsibility for IAP is shown by the widespread satisfaction with the role and actions of the Project in Mato Grosso and beyond.

### **8. (IAP) Specifically for Brazil: How sound is the strategy to replicate the IAP (Integrated Action Program) in various Brazilian states?**

The evaluation asked respondents about the IAP strategy directly and, after initial experiences, in a broadened version to include “adaptation and not simple replication.” In line with the actual project design., the evaluation also asked about “other states and other realities” which included referring to rural vs. urban settings as well as to the very different realities of mechanized “industrial” farming and

#### **Illustrative Interview Responses:**

**Evaluator:** What do you think of the IAP? Is it applicable to other Brazilian realities?

**Respondent:** The program can be replicated, adjusting for regional characteristics. You would have to see what the production chain is: agricultural areas, the soybean market, [get a] better understanding of the market of the region.

— Private Sector Representative, Brazil

**Respondent:** The program is replicable. I like the IAP. We have concrete examples of changes in lives. It is a program that can be adapted and replicated. IAP is applicable to urban and rural realities. The most difficult part belongs to the SRTE. The project comes to break the cycle. It has to change the reality of the person. The reinsertion and change in mentality are the most difficult aspects.

— Religious Group Official, Brazil

**Evaluator:** What is the best way to expand the program to other states?

**Respondent:** We can use the example of Mato Grosso, but as a model to be adapted. What is the desire of the worker and of the region? We have to take both of these into account. Qualification in the rural areas is very important, of the cowboy, or of the cow inseminator, for example. Each state is a reality, what is needed are adaptations. ILO points the way.

#### **Illustrative Interview Responses on the IAP:**

**Evaluator:** What do you think of the IAP? Is it applicable to other Brazilian realities?

**Respondent:** The program can be replicated, adjusting for regional characteristics. You would have to see what the production chain is: agricultural areas, the soybean market, [get a] better understanding of the market of the region.

— Private Sector Representative, Brazil

### Illustrative Interview Responses on IAP:

**Respondent:** [The IAP is replicable], respecting the peculiarities of each place. Before coming here I was working on Manaus. There the situation is one of slavery through debt in extraction of palm fiber. It would be difficult to think of a professional qualification [for these workers], but rather social organization. Mato Grosso has a specific situation. The IAP of Mato Grosso would not be right for the reality in São Paulo with the Bolivians. It is a problem of the industry than of the qualifications of the productive chain than of the workers.

— Federal Government Official, Brazil

**Evaluator:** Is the IAP viable, applicable to other areas in Brazil?

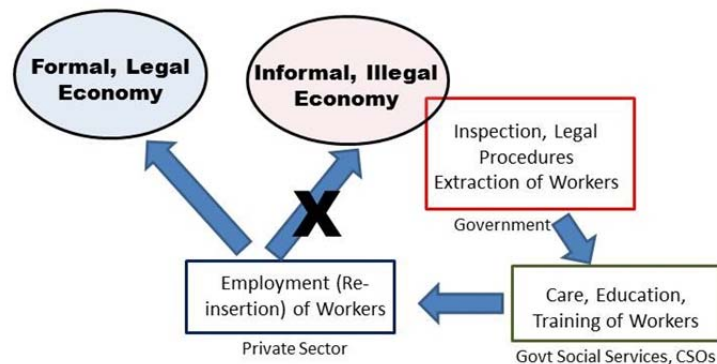
**Respondent:** The correct word is not replication, but rather inspiration. In Brazil we are within the same legal system and therefore the experiences can be adapted by making local adjustments. From the international point of view, it is a matter of inspiration. The Brazilian model can inspire, act as an orientation, a point of reference. There must be pressure within the country, coming from bottom to top. Society and other sectors have to see the advantage in this. This model can serve as inspiration in the realities that are outside of Brazil.

— Watchdog Group Official, Brazil

ranching in different parts of Brazil.

A successful IAP is a challenging endeavor requiring actions on multiple fronts. At play are the need for consciousness-raising filtered through culture, actions suitable for the economic sector or industry, and sensitivity for the nationality of workers.

As evidenced by Figure 3, the IAP relates to both the formal and the informal economy, with an intention to move workers from illegal and exploited labor to legal and dignified work. The effort involves (a) the government to inspect and extract workers from servitude, (b) CSOs and government service providers to care, educate and train, and (c) private businesses legally established to employ the workers. The actual pattern depends on the level of public and private commitment to CFL in the geographical region, the sectors in which violations are most prominent, and the effectiveness in which all supporting entities can rescue, rehabilitate and reinsert workers into productive employment.



**Figure 3. IAP Actions Including Principal Actors.**

There is widespread support for replication of the IAP in various Brazilian states and, in parallel, widespread support for the strategy

employed for this replication, though slightly less agreement on the degree of adaptation necessary.

Some stakeholders responded that the balance of solutions in the IAP was not adequate to all situations, especially not for the most rural ones and situations of more desperate poverty because of the mismatch of education, ability, experience, resources, productive sector, etc. (That is, some workers could never be trained sufficiently for the formal economy or there would never be enough formal demand in their localities.)

In these cases, the respondents felt that more radical solutions would be necessary, including larger-scale land redistribution. These observations by interviewees are noted as reflecting the sentiments of a

portion of those involved, but the evaluation also notes that this type of intervention is not envisioned in the Project and would not be appropriate interventions for an international organization.

According to information provided after the evaluation's field work, livelihood activities are now planned in rural areas as an alternative approach to the traditional one based primarily on professional training and re-insertion. This shift demonstrates the adaptive nature of the program.

How applicable is Brazil's IAP (Integrated Action Plan) for Peru? How sound is the strategy (actions planned and taken) to replicate it?

- Action 2.1a of Peru's National Plan calls for a diagnostic of "the functions of prevention, the integral rehabilitation of and attention to victims, of the various public sector actors, of employer and workers organizations, as well as the presentation of a model of coordinated and articulated attention (roles, processes, procedures and instruments) related to these functions, and a plan to implement the model." These activities contain the components of an IAP.
- Peru is capable of developing programs for prevention, for inspections and sanctions, and for rescuing workers. One of the most problematic components of an IAP is upgrading the qualifications of victims rescued from forced labor, and inserting them into dignified jobs. Peruvian officials note that Brazil has relatively well-financed instruments like the *Programa Nacional de Qualificação* (PNQ, for employment training), and the *bolsas de família* (family subsidies) to attend to the challenge, which are absent to the same scale in Peru.

**9. (M&E/CMEP) How relevant, appropriate, and effective have the CMEP (Comprehensive Monitoring and Evaluation Plan), and the M&E systems (including the DBMS) [Direct Beneficiary Monitoring System] proved to be during implementation? What have been the main challenges in executing the CMEP? What are the main challenges in implementing the DBMS? Can the CMEP or elements of it be useful for national monitoring and evaluation?**

## M&E

M&E systems — and the process of defining such systems — are invariably useful as they lead to improved project planning and implementation. While only formally approved in February 2015, the

### More Illustrative Interview Responses on the IAP:

**Respondent:** In Mato Grosso, IAP activities limit the breadth of options considered. Professional qualification is for activities that are not rural — for example civil construction, while for rural areas, the need is for machinery operators. The workers are landless, with dreams of jobs that might not be those offered by the qualifications. The CPT has a divergence on methods and principles from those developed by the IAP. There is a stream of slave labor that links various states, not just a chain of individuals with collective problems. The IAP has to be resolved at the root of the problem, and focused on individual situations.

**Evaluator:** But for this there must be available land.

**Respondent:** In Brazil there is no lack of land! There is much public and private land which could be expropriated for just motives. What is lacking is political will. We have to think of the worker subject to slave labor not as a victim but as an active subject for change. That is the underlying idea to the philosophy of the Pastoral Land Commission. The worker falls into slave labor due [both] to the lack of qualifications and public policies.

**Respondent:** There is a conceptual problem with the IAP in Mato Grosso. We can't just say that there is a lack of professional qualifications. What is lacking is a capacity for organization and of workers forced to migrate from their states. To resolve this, a structural solution is needed, not an individual one. The workers in slavery come from the regions where the conditions are oppressive and very difficult. The IAP is not a recipe.

— Religious Group Official, Brazil



M&E system and CMEP in their draft versions had been guiding the Project from before and this evaluation's major findings, therefore, relate to this longer period.

### **Construction/Development Process of the CMEP**

Over the course of the first year, the Project held workshops in which stakeholders participated in the development of the M&E system. There was strong participation of stakeholders in these workshops and a number of respondents were very satisfied with the process. On the other hand, very few interviewees had heard about the CMEP *per se* (the concrete product of the consultation process) and only a few more knew about the fact that the Project now had an overall M&E system in place. Despite this lack of knowledge of the present state, stakeholders expressed relatively strong support for an M&E process.

The Project TPRs indicate that there were two official CMEP workshops and a number of smaller follow-up workshops and other consultations:

In May 2013, preparations for the CMEP workshop began. The first CMEP workshop took place from 1 to 5 July 2013 with 35 participants, including the USDOL project coordinator, M&E specialist, and contractor; Brazilian Cooperation Agency representative; ILO project staff, SAP/FL staff (from Geneva); and ILO specialist (from Peru). Key project stakeholders included six from Mato Grosso, five from employers' organizations, six from civil society organizations, four from workers' organizations, three from the coordination team of the CONATRAE in Brazil and, from Peru, the coordinator of the National Commission. By the time of most CMEP workshops the PRODOC has been finalized.

As a follow-up to the July CMEP workshop, in September 2013 the Project conducted another round of consultations and workshops to present the CMEP workshop outcomes and refine the Project's results framework (outcomes, outputs, activities and indicators). The Project conducted meetings with the Brazilian Cooperation Agency and employers' organization (CNI). In addition, the Project conducted two workshops, one with all members of IAP in Mato Grosso and the other with the members of the National Commission in Peru, in order to refine Immediate Objectives 4 and 5 respectively.

The second and final CMEP workshop took place from 2-6 December 2013. Participants included the ILO project team from Brazil and Peru, the ILO Regional M&E officer based in Peru, and the CMEP consultant. Nine persons participated.

Certain interviewees reported that the CMEP process was taxing to the parties involved. Others felt efforts to finalize the CMEP over the course of months diverted attention and energy from other activities, including the design of a better overall M&E system. Interviewees expressed the view that the drawn-out process did not reflect well on the Project. This perception by stakeholders and by management led to changes in the M&E personnel. Change, even positive change as in the case here, always results in delays before work moves forward. Certain participants felt the additional cost of ongoing consultations consumed resources that could have been used for implementation activities.

### **CMEP Content**

The final CMEP document dated February 2015 meets the USDOL guidelines in terms of its structure and overall content. It has a problem analysis, theory of change, results framework (RF), identification of responsibilities and procedures, stakeholder analysis, preliminary baseline and survey designs, and indicators, as required in USDOL guidance.

The problem analysis is clear and informative as is the text of the theory of change. Similarly, the Project RF and constituent Project Objective (PO), Intermediate Objectives (IO), and Supporting Objectives (SO) with outputs and the contributing activities are logical (see page 11). The RF facilitates comprehension of the Project and to this extent, the CMEP provides a valuable base.

However, the evaluation finds that the Project Monitoring Plan (PMP) includes too many indicators overall, many of which are imprecise. The Project RF has “indicators” at project and IO levels. (The meaning of POI, OTCI, and OTPI are not defined in the CMEP text nor in the Acronyms but may be inferred; OTC is “Outcome” and OTP is “Output”.) The nomenclature employed confuses the meanings of “outputs” vs “outcomes”. Some indicators are binary (e.g., accomplished or not accomplished). Other indicators for degree of accomplishment do not present clear criteria or measures of achieved milestones. As such, they have marginal utility for overall strategic direction or for project management. The evaluation finds that there are a number of indicators that are weak although valid and that there are a number of strong indicators in the system that could form provide a solid base for management decisions if they were better defined and set appropriate targets. More information is provided on these in Annex 5.

Several respondents — including stakeholders as well as USDOL and ILO staff — told the evaluators that the process of indicator development was lengthy and required a number of compromises. The evaluation found that the CMEP indicators would benefit from further joint review with the ILO and USDOL to ensure they are adequate for determining project progress and for making strategic and tactical management decisions.

### **Technical Progress Report (TPR)**

The TPR template is included in the CMEP. The evaluation finds that the TPR is complicated, repetitive and poses problems for any outside party attempting to comprehend essential information. The October 2014 TPR, for example, had 106 pages but many pages were not filled in. Project staff reported that the format of the TRP was not well adapted to their project in part because many sections and language were “hard-wired” for child labor and several of the common indicators are solely relevant to child labor. DOL/OCFT reports that this standardized tool is a requirement. Because of the difficulties in applying the standardized template, the M&E officer and management have developed other tools, including Gantt charts, that more easily show the status of project implementers relative to plan. While the indicators for the Peru component do not present the same difficulties, the CMEP development and TPR submissions for the overall project are very labor intensive and not as useful as hoped for project monitoring, reporting and decision making.

### **Direct Beneficiary Monitoring System — DBMS**

The evaluation included a review of the DBMS, which tracks workers being helped in the IAP system in Mato Grosso. The evaluation observed a demonstration of some elements of the DBMS and discussed it in context during the field visit interview with SRTE-MT in Cuiabá. Earlier versions of the DBMS were in Excel which was sufficient for simple counting but not for substantiating concepts, identifying relationships, or tracking multiple actions. The present state of the DBMS is the result of valuable technical assistance from the M&E Officer since joining the Project six months prior to the evaluation.

The DBMS tracks those individuals in the IAP coming from vulnerable situations and considered “at high risk” of engaging in forced labor. The present coverage in DBMS begins from the time that a worker receives social services such as training, and continues through post-training and post-reinsertion or entrance into the workforce, should this occur. The DBMS, however, does not establish the percentage of these workers who have come from forced labor situations, nor does it follow the trajectory of these workers in parallel social service systems. This limitation is not technical but one of design.

There have been multiple discussions about how best to integrate the DBMS with other social service tracking systems. With the assistance of ILO M&E, SRTE-MT reports real progress and gratitude and that the information is now more aligned for integration. When this question is resolved, ideally such coverage would also extend to longer periods of follow-up so as to support eventual evaluation of the assisted workers’ progress.

The numbers covered in the DBMS are low — fewer than 2,000 individuals over nine years of work and approximately 645 “graduates” of the IAP, both rescued and vulnerable workers. The effort is considerable for relatively few DBs though the effort may be justified on the basis of creating systems capable of handling larger numbers in future applications. More importantly the IAP, while functioning for a few years now, remains in some ways a pilot project. The “low” DBMS numbers reflect the actual stage of the IAP and the fact that the Project does not intend to pursue a high number of beneficiaries but rather support the development and adaptation of the IAP concept. In sum, while the DBMS has the potential to be a valuable measurement tool, it requires additional effort to maximize its usefulness. It could be assumed that as IAPs are replicated in other states, these would also use a version of the DBMS thus validating the present investment.

### Future of CMEP for National Use

This evaluation recommends changes to the overall CMEP structure to better serve the Project. Maintaining a more select and better defined subset of indicators for management purposes would represent a worthwhile step forward. In addition, some elements of the CMEP — largely the indicators that are not specific to this project’s activities — could be useful for national M&E. They should be compared with indicators of Brazil’s *Trabalho Decente* (Decent Work) program.

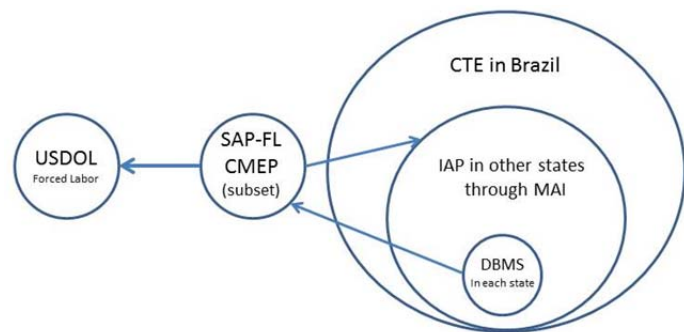
As IAP expands through the *Movimento de Ação Integrada* (MAI), these elements could be useful for a national-level system of CFL. Figure 4 presents a representation of these relationships. Finally, value may accrue to USDOL or ILO in maintaining a common structure with other national projects and rolling up indicators across countries.

A system at this national level would have indicators of the overall effort to combat forced labor, as well as of the specific program of IAP replication. Such a system would have information on FL, CFL, IAPs, their activities, and people assisted by IAPs.

Examples include: Number of signatories/members of InPacto or a reformulation of *OTPI5 Number of states*. Others would be *Number of stakeholder groups trained in x*. Examples would also include the existing L1, L2 and OTC7. One would also expect at the national level CFL statistics on the *Number of inspections with findings of FL* and of *Number of workers removed from these situations*. The latter would be compared with the existing L2. *Number of adults provided by IAP with employment* though it would be likely to be less than 100% as some workers rescued will not receive IAP assistance.

For Peru, the CMEP’s assumptions, objectives and activities have provided a useful structure for the Project’s purpose of improving Peru’s institutional ability to combat forced labor. While the CMEP document is lengthy and dense, the PMP as applied to Peru has not required an excessive dedication of resources to quantify and report on indicators. The initial indicators were realistically designed to measure project advances, and have proved to be quantifiable. Later references for indicators (like

**Figure 4. Utility of Project Indicators in a National Context**



#### Illustrative Interview Response on the ILO:

**Respondent:** We always say yes to the participation of the ILO, who are always very respectful. We consider the slave labor team very good and active, always responding quickly to our requests.

— Brazilian National-Level Committee Member

### Illustrative Interview Responses on Priorities:

**Respondent 1:** Once again, it is a problem of legislation. There are worker irregularities in all legal proceedings.

**Respondent 2:** If the legislation doesn't get fixed, the quality of the fight against slave labor will be affected. The problem will continue. We are going to discuss this in the judiciary...we don't want to work with legal uncertainty.

— Employer Organization Officials

“sensitized”) and for units of measurement (like “trained institutions”) are less operational and subject to broad interpretation. Maintaining indicators even once they have been achieved or exceeded (like the number of stakeholders who have received training) is important to provide an ongoing historical record of achievement. The evaluation found that the CMEP contains no objective, activity or indicator that addresses the Project’s sustainability upon the termination of DOL funding.

## C. FUTURE DIRECTIONS

### 10. To improve project implementation going forward: Which are the main priorities? What are lessons learned to date?

**Main Priorities:** The evaluators asked the respondents the question on priorities over the next 6-12 months, both individually and in Stakeholders Consultation meetings at the end of field work. Interviewees were asked to base their response on their knowledge of the Project or, if they lacked sufficient direct knowledge, of the IAP or CFL more generally.

In Brazil, the great majority of stakeholders identified as top priority two closely related subjects: the need for clarity in the definition of *trabalho escravo* (TE) and the need for common understanding of this definition by all involved. The problem is — in their view — so fundamental that practically all other activity depends on it. In Peru, business representatives on the CNLCTF voiced a similar concern.

Without a clear definition and its consistent application, a cloud of uncertainty hovers over effective inspection, legal decisions, rescue, retraining, and re-insertion. Situations of labor irregularity can be inspected and uncovered and fines levied as in other workplace inspection. But without this clarity, workers in Brazil cannot be extracted, operations shut down, or land confiscated as a result of a finding of “*trabalho escravo*” or slave labor. The evaluators understand that this definitional problem was neither the purpose of the Project nor the role of an international organization to impose or resolve. The October 2014 TPR does report:

The project’s team and SAP-FL participated on the “Forced Labor Operational Indicators” workshop during May 15 and 16, 2014. This activity was coordinated by Ms. Michaëlle De Cock, SAP/FL’s labor statistician specialist, and a key person in replicating the “Hard to See, Harder to Count Methodology



Photo 2. Signs in Portuguese and Haitian Creole at religious service organization.

### **Illustrative Interview Responses on Definitions of Forced Labor:**

**Respondent:** The biggest threat is the legislation that determines what is slave labor. There are various elements: it is a sum of things. There needs to be a package of infractions which includes lack of health/sanitation, of payment, indebtedness. The Brazilian concept has been praised by the UN because it speaks of dignity. Dignity is an encompassing concept. There is a proposal to change what characterizes slave labor. Brazil will be accused of retreating. We have a rural lobby with great strength, a real threat. The ILO and the American Government should show real concern with this, influencing international policy. This puts at risk their own investment in this.

— *Watchdog Group Official, Brazil*

**Respondent:** On the question of slave labor, there was a regression in terms of the fight. The concept of slave labor is still unresolved.

— *State Government Official, Brazil*

**Respondent:** The problem exists. It's important to be aware of this. [We] admit that the problem exists. Our divergence begins there, with the definition of what is slave labor. Exhausting days. Divergence on concepts, principles. Article 149 of the penal code is very subjective and subject to interpretations.

**Respondent:** Friendly legislation is needed, which brings legal assurance. That's the base. Clear definition of concepts. Objective legislation with objective criteria. Today, the legislation gives room so that a mere non-signature of the work record causes a determination of slave labor. We want the legislation to be objective.

— *Private Sector Organization Officials, Brazil*

The 28th of January is the national day for the fight against slave labor. Disputes in the political field include a movement led by the slave labor group [in Congress] for a more reduced concept of what is slave labor than what is in the penal code. The rural lobby was never this large. I'm afraid of what can happen in terms of legislation.

— *State Government Official, Brazil*

**Respondent:** [The biggest difficulty in relation to slave labor is] vulnerability of the workers. The constitutional amendment still needs its regulations. In each branch, there is a big stumbling block. In the executive, it's the regulations for the constitutional amendment. The penal code is in the process of change in the legislative. In the judiciary, there is a decree that the "lista suja" be suspended. We need to talk with the judiciary with this because this list brings publicity. In the executive, our great difficulty is the reinsertion of the workers. The ones who do the rescue and inspection in the field are threatened.

— *National-Level Committee Member, Brazil*

**Respondent:** There are gaps between us and the owner ("patronal") class about what is slave labor.

— *Worker Group Official*

(HSHC)" that is used to produce robust estimations of forced labor prevalence in a given area. The workshop had participants from twenty distinct Brazilian institutions, mainly members of CONATRAE, and specialists in statistics, and quantitative research. It was agreed among the participants that following steps in terms of achieving the outputs related to IO 1 would be to develop a draft version of the operational definition of slave labor in Brazil, based on the input provided by the workshop, and establish a Consultative Committee, which will support the HSHC survey implementation. This operational definition of slave labor will support the definition of a set of national indicators on forced labor, and these indicators will be used to provide CONATRAE with clearer criteria for the Brazilian definition of "slave labor" within the scope of article 149 in the Penal Code.

### **More Illustrative Interview Responses on Priorities:**

**Respondent:** I believe it is fundamental to update the analysis of the present-day economic dynamics related to slave labor, principally mapping the relationship between the environmental degradation and slave labor in the Amazon.

— *Anonymous Electronic Survey Respondent*

**Respondent:** The ILO should invest more in convincing the Brazilian judiciary, principally that with responsibility for criminal matters at the federal level, given the scant criminal convictions to date.

— *Anonymous Electronic Survey Respondent*

**Respondent:** Expand the experience to other states in Brazil and to neighboring countries, respecting the reality of each locale.

— *Anonymous Electronic Survey Respondent Brazil*

**Respondent:** Accomplish joint action among representatives of government, at various levels, to put this on the agenda of municipalities. Use the existing networks and systems of some municipal secretariats to open the doors for the project, as, for example, to ask for space and to participate in the meetings of the Municipal Secretariats of Health and to speak about the subject.

— *Anonymous Electronic Survey Respondent, Brazil*

Many argue that the definition of it in the Brazilian Penal Code Article 149 is too prescriptive on the one hand and too broad on the other. Many stakeholders noted that initiatives in the Brazilian Congress to “change” the definition with the aim of tightening/loosening or improving/viscerating it depended on the position and orientation of the respondent. The following quotes give an overview of differing interpretations:

In sum, there is a widespread felt need for a definition of slave labor so as to be able to combat it. The concern exists not only among worker interests but also in the private sector, for its moral aspects and importance for Brazil’s international reputation and sales. Those responsible for inspection, on the other

### **More Illustrative Interview Responses the Definition of Forced Labor:**

**Respondent:** We employers don’t agree with the definition of what is slave labor, which requires objective criteria. The labor inspector just sees the details of the situation, which leads him to call slave labor what often times is not. The inspector has autonomy in the interpretation, which makes everything subjective. The law is very open. The employer ends up at the mercy of the inspector and what he manages to see. We want more objective criteria, even in the organization of the inspection criteria. They have to work on what is the definition of what is slave labor. The employer has to have legal certainty.

— *Employer Group Official, Brazil*

**Respondent:** In the case of support of public policies, create a consensus on what is slave labor. Better equip the inspectors, the superintendency and the federal police. The inspectors must know more and better.

— *Private Sector Official, Brazil*

**Evaluator:** We have already heard of cases of claims of mistaken characterization by the inspectors.

**Respondent:** We must have better cooperation with the superintendency to distinguish between slave labor and infraction of work laws.

— *Private Sector Official, Brazil*

hand, assert that claims of lack of knowledge and inconsistency of application are exaggerated.

Many argue — particularly those representing industry — that there is also a lack of understanding of the definition and how to apply it among those responsible for inspection in the field and resulting legal decisions resulting. Uncertainty contradicts or contravenes fundamental principles of law and casts doubt on its validity.

Others argue that it is not just one specific element that defines TE but rather a well-defined set of elements that together define TE.

There was also generalized support for the “*lista suja*” or “dirty list” of companies found to have engaged in FL practices. The Brazilian Supreme Court recently banned government promulgation of the *lista suja* considering that it implicated companies prior to normal judicial procedures. Publication of the list was taken up by an NGO but keeping this updated is a problem. There is enough general doubt among those responsible in government for suspension of the updating and publication of the *Lista Suja*.<sup>2</sup>

Without this, companies desiring to maintain “clean” supply chains must carry out their own audits of suppliers. Some report doing so before or apart from the official list but such a commitment requires resources that not all companies in every sector are able to devote.

#### **Illustrative Interview Responses on the ‘Dirty List’:**

**Respondent:** We are living a regression. The veto of the *Lista Suja* by the STF represents a regression. The socio-political environment is very difficult. And the people who pay are the workers. In the coming six months, what is important is to assure the advances which already happened with respect to the *Lista Suja* and to the legislation characterizing what is slave labor. We cannot forget to look at the day-to-day.

— *State Government Official*

**Respondent:** We have worked with the MTE on making the *Lista Suja* right. [Our company] is not opposed to the *Lista Suja*. We support it and don’t work with anyone on it. It’s the only mechanism that allows us to know slave labor. We have to pay attention to the consumer market. What we managed to do well was the criteria for the list.

— *Private Sector Official*

**Respondent:** Be very careful with the *Lista Suja*. It is very effective to block the producers who practice illegal acts in relation to workers. The problem is how the inspection is done. One error can be mortal. The *Lista Suja* is the death penalty for the productive sector.

**Respondent:** I’m very activist. I think the list must exist and must be maintained. The productive sector must be monitored and must be overseen on the practice of slave labor. It must be applied without great fears.

— *Media Representatives*

**Respondent:** Guarantee the support to InPacto and grow and support the efforts of the Ministry of Labor to maintain the Dirty List for Slave Labor.

— *Anonymous Electronic Survey Respondent, Brazil*

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<sup>2</sup> In April 2015, after evaluation field work, the MTE and the Secretariat of Human Rights issued a new regulation about the dirty list. [http://www.trtsps.jus.br/geral/tribunal2/ORGAOS/MTE/Portaria/PORT\\_INT\\_02\\_15.html](http://www.trtsps.jus.br/geral/tribunal2/ORGAOS/MTE/Portaria/PORT_INT_02_15.html)

**Illustrative Interview Responses on Perceptions of Slave Labor:**

**Evaluator:** For the common person, how do they see slave labor?

**Respondent:** For the common person, it's only the situation of being chained. The inspectors say that it is various degrading situations together which characterize slave labor.

— *State Government Official*

**Evaluator:** How would you characterize slave labor?

**Respondent:** Tortures, lack of minimal conditions. In soy production, you don't see that any more. Slash-and-burn agriculture. Today everything is more mechanized. The production scheme of soy has changed very much. Slave labor separated from work laws. Slave labor must be better defined and characterized.

— *Private Sector Representative*

When asked about the public perception of FL, most respondents, particularly members of the media, believed that the general public knew little of the actual state of slave labor and believed that, because physical restraints and brutal treatment were no longer used, it had ended a century and a half ago with the Lei Áurea or “Golden Law” of 1888 that ended slavery.

The popular image of (historical) slavery in Brazil is of bosses capturing workers, placing them in chains, and punishing them. Contemporary manifestations of TE are, in fact, only at the extreme far end of a continuum of exploitation of underqualified physical labor. While Brazilian media have exposed cases of forced labor, the image of workers bonded illegally to work has not yet become widely recognized as a crime in the public consciousness.

The majority of stakeholders attributed the persistence of forced labor partially to conditions that oblige workers to place themselves into a situation of vulnerability (to seek or accept even “bad” jobs) and not solely to the perversity or malice of employers who take advantage of it. Respondents identified the underlying conditions as lack of education, work skills, knowledge, and training on the one hand, and lack of employment opportunities, especially in the locales from which workers come. TE is generally expressed as being particularly associated with migration, usually from the Northeast of Brazil to the interior or frontier areas and across international boundaries. (The cases of Bolivians and Haitians are only the most extreme examples.) Some interviewees highly committed to worker issues referred to the disagreement with the “patronal” (industrial) class but even industry representatives expressed sympathy for the workers’ difficult situations.

Brazilian labor laws are theoretically and conceptually more strict on this infraction than are those of most countries.

**Illustrative Interview Responses on Slave Labor in Brazil:**

**Respondent:** In the last two years, São Paulo is the leader in rescue of urban slave labor, with Bolivians, with sewing sweat shops. In 2013, the phenomenon has been changing from rural areas to urban including rescue from the Rock in Rio Festival. Slave labor is where you look for it, wherever you look.

— *Municipal Government Consultant*

**Respondent 1:** It is important to break the cycle. The information workshops in the field try to do this.

**Respondent 2:** They are two things that support each other. We have to elevate the condition of the worker, the access to a job, the access to land, without these things you can't break the cycle.

— *Worker Group Officials, Brazil*



Virtually all respondents who addressed the TE question agree that better education, skills training, and rural employment opportunities over the long term are the optimal solutions. Respondents from all sectors support the proposition that a case can be made for CFL on moral grounds; that slave labor is “shameful” and no one should be forced to live and work in such conditions. Some pointed out that, at least in agriculture, increased mechanization has reduced the demand for unqualified unskilled labor and that this would also contribute to a solution. Others urged the provision of legal, social and financial services so that workers could stay and prosper in their home areas. No one pointed to encouraging smaller families in poor regions most affected by forced labor. The most radical approach suggested was the confiscation and redistribution of land nationwide (beyond the expropriation/confiscation of actual land being used for FL). In sum, even when speaking of the Project specifically, respondents agreed that whatever could be done to address the causes of vulnerability to FL would be both among the most important benefits for the affected workers and contributions to project goals.

### **Lessons Learned**

As project implementation has been largely as planned and expected there are relatively few lessons learned at this stage. The project activity delays experienced have been largely from factors outside of the control of the Project. Those interviewed felt that the main lessons were to improve planning, feedback, communication with stakeholders, and organization.

A significant lesson learned is the importance of having a specific preventive policy so that fewer workers would fall into the forced labor cycle in the first place.

Another is the value of web-based tools to promote a proper flow of information, including the use of “smartphones” and other low-cost technology accessible to the vulnerable population.

An overall lesson learned involving migration is the importance of bilateral agreements that promote models and practices appropriate to the each national situation.

For South-South cooperation, encouraging cooperation between friendly countries for purposeful technological transfer is feasible and desirable when both sides are receptive.

International partnerships increase the commitment of national political leaders and officials to pursue

#### **Illustrative Brazilian Responses on Lessons Learned:**

**Evaluator:** What are the lessons learned and what can we do in the next six months?

**Respondent:** Work with some champion municipalities in places that are destinations for slave labor to define plans for prevention involving policies of economic development in the municipalities that supply the labor.

— *Anonymous Electronic Survey Respondent, Brazil*

**Respondent:** Keep in mind that this is a multisectoral problem. Don't forget to care for the victims for their recovery and that each participant has a great capacity for development to prioritize their individual interests in the collective achievements.

— *Anonymous Electronic Survey Respondent, Peru*

**Respondent:** Importance of planning or the lack thereof. We must improve our part. “Retrolimentação” (feedback), dissemination of information. [Our organization] already does this which is already incorporated in our culture. We work in an organized fashion. In the project, this hasn't happened as it should have.

— *State Government Official, Brazil*

### **Illustrative Peruvian Interview Response on Lessons Learned:**

**Respondent:** To the degree that the definition of forced labor is unambiguous, the more straightforward is the legislative process, the more effective is the training of police, inspectors and judges, and the greater the ability is to communicate with the public. When the definition of forced labor includes a wide range of unfair or abusive labor practices, the more difficult it is to be understood, for its magnitude to be quantified, and for advocates to gain business and worker support.

— Government Official, Peru

objectives and the enthusiasm of administrative managers to achieve milestones. The withdrawal of such support before the movement is self-sustaining risks atrophy and backsliding.

Finally, an overall operational lesson learned is that the Project could operate with an even higher profile. The trust and respect already earned by ILO may permit more open action.

### ***11. Can the Project take additional steps to increase national ownership?***

In Brazil, the vast majority of respondents consider the Project to be very Brazilian, strongly indicating a sense of ownership. One very positive factor is that the ILO staff in Brazil are all Brazilian and have been very involved in these issues for many years. The Brazilian ILO staff are individually and collectively respected for their knowledge and commitment with the result that the Project is considered to be “Brazilian” irrespective of its source of external funding. No respondent indicated that s/he thought the initiative was an imposition by the international community or by the United States.

The CONATRAE and COETRAEs benefit from, but are formally independent of the Project. In theory, even without the ILO, the IAP could still be implemented in Mato Grosso and extended to other states. In fact, it is already being implemented to some degree in Bahia, Rio de Janeiro, and elsewhere (São Paulo, Maranhão) with the Project’s assistance but without its funding. In theory, the private sector could still verify the absence of FL in their value chains and could support InPacto in its work. Brazil and Peru could still conduct information exchanges and visits, though at much a lesser scale and less successfully. Respondents pointed out that the importance of ILO support has been to strengthen, accelerate, and professionalize the work of the CFL. Respondents pointed out that, while these could happen, they would not happen with the pace, quality, and coordination that the ILO project provides.

“When people said that this project was funded by the American government it is a very positive and symbolic thing. Beyond having the ILO, having financing from the American people means much. We thank you very much.”

— Worker Group Official

While the Project as a project is well owned by Brazil and considered very Brazilian, the work of CFL will not be fully incorporated until it appears regularly and sufficiently in federal and state budgets (PPA), which will ensure sustainability.

Peruvians were not asked the ownership question explicitly but their responses indicate that they feel that their portion is a Peruvian project with assistance from Brazil and the DOL. Additional steps to strengthen the Peruvian policy and increase national ownership could include:

- *Persuade the CNLCTF to approve a national **communications** strategy and locate funding for its implementation*
- *Devise ways to broaden the stakeholder engagement with **NGO** membership or as invited participants*
- *Incorporate **businesses** and business associations with agendas for corporate social responsibility*
- *Educate **religious groups** on forced labor and enlist their moral authority in the campaign*
- *Encourage the **media** to increase the visibility of forced labor through appropriately arranged contacts with newspaper reporters and TV journalists*

## CONCLUSIONS

### Design

- The ILO role is appropriate and the Project is well designed. While almost limitless resources could be useful in CFL, it is not the function of this program to meet all needs. The Project proposes to find, define, refine, promote, and disseminate good practices in limited situations and to support the structure(s) that promote its broader implementation. The strategy is sound and is best managed by a non-partisan international entity.
- It is not clear that changing the balance of human and financial resources within the same overall budget and timeframe (more staff/fewer staff, more/fewer activities) would appreciably increase the likelihood of success. The above is clearly true of the Brazil part of the work. With respect to Peru, it is likely that continuing a direct presence and continuing activities through the fourth year of the Project would increase the chance of meaningful progress in the FL situation in Peru. Such is the case even if this final year acts as a transition to activities under another project.
- The strategy of South-South Cooperation through information exchange and field visits is sound.
- Stakeholders, interest groups and collaborators are satisfied with the program's objectives and advances to date.

### Implementation

- There is generally no need to change implementation except for increased communications. As the Project has largely followed plans and involved stakeholders appropriately, it does not need to initiate major changes. The most important action for the Project is to let more people know of its existence and accomplishments and how they can cooperate and participate.
- The CMEP needs re-thinking to be useful to the Project. The CMEP and M&E system need sharpening of their existing attributes to become more efficient and effective for management. Should the decision be taken for a reduced and more focused M&E system, the capability to do this exists within the ILO and DOL staff.
- DBMS implementation is still in its early stages given the recent technical assistance in re-design. Subsequent to the re-design, the DBMS requires time to become fully operational and to demonstrate its value.
- The Brazilian IAP approach is likely to be a model to which Peru can aspire but not implement in all dimensions.

### National Ownership

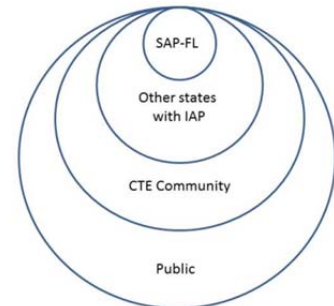
- No additional steps need be taken to increase the sense of Brazilian ownership though actual ownership will only come when the Project's actions are regularly incorporated in government budgets.
- Peru requires a determined effort to engage civil society and business partners that emphasize corporate social responsibility.
- Generally, the Project itself is poised for success in the present context but the threat of a negative change in the overall operating environment is real. Should the legal definition of slave labor be watered-down or should the funding for inspections or prosecutions be eliminated, then the eventual success of the Project could be significantly reduced.
- The most important contribution that the Project could have in Brazil would be to help Brazil in its present stage of definition and understanding of slave labor.

## RECOMMENDATIONS

- The ILO should proceed with implementation of the Project but concentrate on overcoming

blockages, such as obtaining bureaucratic or official cooperation on delayed activities (such as the surveys and data gathering). In its design phase, the Project earned buy-in by consulting with public and private sectors and engaging with the government. The primary actors should continue to work diligently to implement the plan, have patience, and take satisfaction that results to date have been productive.

- The USDOL and ILO should consider extending Peru. Without an extension of the Project to the same end date as Brazil or another project,<sup>3</sup> it is likely that the gains to date will be lost and the investment will have been unproductive. Establish the financial means to support a small ILO Peru team with a basic budget to continue to prod, push, suggest, insist, arrange, seed fund, and coordinate advances in combatting forced labor among Peruvian public agencies, existing and newly incorporated stakeholders. One anonymous Peru web survey respondent said: *“The Project should be extended given that the two years now planned for Peru will not be sufficient to address all of the problem at the national level.”*
- The ILO should continue and increase on-the-job and field work experiences, specifically of Peruvians officials in Brazil, and of “embedding” officials in offices in both directions. Some high-level, policy-defining, large-scale workshops and meetings are necessary but much more is learned by actually living the experience. If further funding is approved for Peruvian missions to Brazil, the Project should create clear incentives for the CNLCTF to broaden membership to include NGOs and businesses promoting corporate social responsibility.
- The Project should increase the information flow within the CFL community, which is broader than those institutions working strictly within the Project (Figure 5). Such cross-fertilization is expressly part of the project design. The Project directly funds IAP only in Mato Grosso; other states that have their own IAP programs or activities, to whatever extent similar or dissimilar, need to know more now about the Mato Grosso experience. The communications plan should publicize news of the positive contributions in Peru to CFL in its partnership with the ILO.
- The Project should review and improve CMEP, particularly the project indicators, including (a) select a subset of all of the present indicators for their greatest utility in managing the Project, (b) improve the instruments to measure this subset of most effective indicators, and (c) in Peru, establish CNLCTF monitoring indicators that are appropriate for completing this early stage of South-South collaboration, while recognizing that the CFL strategy in Peru is still at an early stage.
- For Peru, the Project should continue efforts to link the three data management systems for trafficking and forced labor in ways that are cross-jurisdictional and resistant to manipulation.
- The Project should play a greater role in supporting Brazilian efforts to solidify definition and understanding of slave labor. Leading priorities for CFL stakeholders concern the definition of slave labor, promoting a common understanding of it, and how to enforce it. To assist, the Project could best play a part by helping the many involved stakeholder interest groups to define and refine their points of agreement and disagreement, help develop their arguments and evidence, amass data as necessary, and provide a neutral space in which to resolve the differences.



**Figure 5. Expanding Project Information Flows**

<sup>3</sup> During the time of preparation of this report the DOL has announced that they would be funding an ILO global forced labor project that will include activities in Peru. Even if the new activities are similar, a good transition would be well supported by extending activities in this Project into the new one.

### **Illustrative Interview Response on Good Practices:**

**Respondent:** The exchange of experience with the best practices of the Brazil/Peru Project should be done by key actors with the capacity to propose and execute actions and measures within their institutions to adopt the good practices seen in Brazil. The selection of people to participate in these binational exchanges is very often according to other criteria that do not result in concrete benefits or measures to implement in the country.

— Peru Web Survey

- Project proponents in Peru should familiarize themselves with situations covered in the pamphlet “ILO Indicators for Forced Labor.” Authors of case studies should be careful about expanding a strict definition of FL to include multiple types of labor violations. The ILO should continue to help Peru codify the draft law covering forced labor, for which approval has been in abeyance since May 2014 and utilize the approved law in training sessions with police, inspectors, prosecutors, and judges.
- The Project should assist responsible entities in getting the IAP regularized, codified, and supported by a lean and efficient bureaucratic structure. Given that the IAP now is a set of fairly loosely cooperating mechanisms from Prevention to Rescue to Training to Employment, there are many workers who “fall out” of the cycle. Not all services are mandatory for all workers and workers can “opt out” of receiving services. In such cases, the workers’ decisions should be documented and the data should be tracked in an accessible registry. Good decisions on policy, programs, budgets and resources require evidence including knowing “why” they choose to do so, whether because services were not appropriate, not well provided, not well located, better opportunities were found, or even because they returned to the same exploitative situation. As for the training provided, the content should be more closely tied to the practical qualifications beyond basic education required by actual employers in the productive sectors of the workers’ original localities. Such training would increase the likelihood of both good jobs and employment that does not require them to migrate. For example, training in soy harvester repair should be provided if workers have expressed the desire to remain in soy-producing areas.
- The ILO should continue to promote South-South cooperation between Brazil and Peru, even if independent of DOL funding. As further gains are recorded, the ILO should consider Brazil-Peru as a model for successful South-South collaboration. The Project should promote additional South-South cooperation in forced labor with other countries with exportable models for data management, inspections, laws and judicial procedures, communication plans, and ways to engage civil society and socially responsible businesses. With respect to Brazil-Peru collaborations, participants in the stakeholders meeting on March 27, 2015 in Lima conferred in three working groups to identify ways that South-South cooperation could benefit Peru.

Areas where they felt Brazil could assist were to:

I. Improve Information Sources: From Brazilian databases, adopt features that would strengthen RETA, SISTRA, and RENAJU. Strengthen the existing information system in SUNAFIL for labor

### **Illustrative Interview Responses on Communications:**

**Respondent 1:** Carry out a strong campaign of communication so that the population knows what forced labor means and what are its characteristics.

**Respondent 2:** Diffusion in media. More policies and more spaces for expression of the voices of the vulnerable groups.

**Respondent 3:** Publicize the actual state of forced labor in the country.

— Peru Web Survey

inspections based on Brazilian methods. Host a database training workshop in Peru or Brazil that would transfer lessons from Brazilian to Peruvian data managers. The Peruvians also felt that Brazil's "*lista suja*" (the dirty list of companies accused of engaging in forced labor) could offer a model to be examined in Peru.

2. Achieve Intersectoral Coordination: The Peruvians noted that Brazil's Grupo Móvel requires collaboration among various agencies. How Brazil organizes and carries out forced labor searches would offer lessons to Peru. Brazil could advise Peru on designing its forced labor communications strategy, detecting and preventing forced labor situations, and rescuing and assisting victims.

3. Build a Civil Society Coalition: The participants noted that Brazil seems to have succeeded much more than Peru in mobilizing civil society and business behind the campaign to combat forced labor. They felt that Brazil could help on how to identify likely partners among businesses and NGOs, and how to structure memoranda of understanding between the government and businesses and NGOs in joint actions that would broaden support for the forced labor campaign.

4. Overall South-South Collaboration. The Project faces a continuing challenge in how to achieve more specific results that would be of concrete benefit to Peru in combatting forced labor. The opportunity for Peruvian participants to travel to and learn from Brazil represents a unique privilege. At very least, prior to travel, each Peruvian traveler to Brazil should prepare a statement of specific objectives with concrete "take home value," and these expectations should be shared beforehand with their Brazilian counterparts.

Ideas that emerged from the interviews included:

- (a) Design a two-day training curriculum for prosecutors and judges that distinguishes between forced labor, child labor, trafficking of persons, and sexual exploitation
- (b) Create a manual for telephone operators who answer calls to the dedicated 1818 telephone number (to denounce labor violations), with purposes similar to those above in simplified form
- (c) Share operational plans and budget calculations for specific interventions by Brazil's Grupo Móvel in Brazil, to create a model set of procedures for similar operations in Peru
- (d) Join Brazilian NGOs with experience in forced labor with Peruvian NGOs eligible to develop similar programs, to draw up a two-year plan to address forced labor and draft funding proposals to be sent local businesses and international foundations
- (e) Assemble Brazilian journalists and TV reporters with reputations for exposing forced labor camps in Brazil with Peruvian journalists appointed by their news outlets to cover the "forced labor beat" to exchange news gathering techniques, deep background reports, and video presentations for maximum awareness and impact
- (f) Bring together CSR-promoting business executives from Brazil and Peru to draw up a code for business attention to forced labor in Peru, and to design a strategy to make forced labor a priority in the main business associations in Peru
- (g) Join concerned labor officials from each country to prepare a policy statement and action plan to make forced labor one of the priorities for Peruvian labor unions
- (h) Convene Catholic and/or evangelical church leaders in Brazil and Peru to draw up a specific plan for Peruvian representatives to extend their pastoral mission to victims of forced labor.

Activities such as these go beyond the scope of the current project but are consistent with the Cooperation Agenda Logframe over the medium term.

The Project should encourage the Peruvian government to:

Expand the CNLCTF to include members from civil society organizations (NGOs), representatives of legitimate logging and mining companies, businesses that emphasize corporate citizenship, and possibly religious organizations attending to vulnerable populations and media outlets

Facilitate reporting of forced labor (and other labor infractions) by concerned individuals in remote areas (e.g., school teachers, municipal officials, priests and preachers, NGOs, companies harmed economically from competitors relying on forced labor, military commanders)

Other efforts should train inspectors, judges, database managers and telephone operators on the differences between denunciations of abusive working conditions, trafficking of persons, and forced labor, to prosecute cases, improve statistics and assign government attention.

Devise innovative ways to confront budget scarcity, devise innovative ways to access resources from other institutions (such as media companies for pro bono communications, the church for sheltering beleaguered victims, philanthropic foundations for training of judges, foreign police agencies to share their enforcement models, military transport vehicles to access remote areas, student volunteers for rights awareness campaigns)

# ANNEX I: ADDITIONAL BACKGROUND ON PERU

## Summary

This Annex supplements the main SAP-FL Brazil/Peru Project midterm evaluation report by providing additional material on the March 2015 status in Peru of (a) forced labor legislation, (b) public sector initiatives, (c) civil society and business orientations toward forced labor and their stated priorities. Peru has identified mining, Amazon logging, and domestic service as priorities to combat forced labor. The Project ending date for Brazil is December 26, 2016, and for Peru, November 2015. This information on Peru is based on the evaluator's desk review, attendance at the Brazil stakeholders meeting in Brasilia (March 20, 2015), interviews with 36 Peruvian stakeholders in Peru (March 23 to 27, 2015), conversations with DOL and ILO officials, and the results from a stakeholder survey administered directly after interviews.

## I. Dimensions of Forced Labor in Peru

Peru's official definition of forced labor is:

“... a situation of infringement on freedom of work that assumes an illegal restriction on the ability of a person to decide whether to work or not, for whom and under what conditions.”<sup>4</sup>

In Peruvian public policy circles, notions of forced labor range widely. Forced labor is sometimes interpreted as abusive employment relations, deceptive recruitment, dangerous work conditions, changing the terms of employment, sexual exploitation, child exploitation, withholding pay for services provided, or human trafficking. While often these practices are linked to involuntary work, when the victim is free to leave the relationship, the situation does not meet a strict criterion of servitude.<sup>5</sup>

The ILO defines forced labor as “all work or service which is exacted from any person under the menace of any penalty and for which said person has not offered himself voluntarily” and is confirmed by the “impossibility of leaving an employer” “penalty or menace of penalty,” “restriction of worker's freedom of movement due to confinement or surveillance,” “debt bondage,” and “withholding of passports” or identity documents, as forms of “limitation on freedom.” However, the ILO also subscribes to the notion that “Human trafficking can also be regarded as forced labor” as well as “abuse of vulnerability.” Other unfair labor practices like “unfree or deceptive recruitment” and “work and life under duress” also contribute to the characterization of as forced labor under the fulfillment of some set of indicators.<sup>6</sup>

The debate over forced labor in Peru reflects these ambiguities. Uncertainty over its definition has affected the drafting of laws, collection of statistics, academic research, and often gives reason for skeptics or opponents – as well as concerned citizens – to dismiss the issue as beyond definition and

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4 See Ministerio de Trabajo y Promoción del Empleo, *El Plan Nacional para la Lucha Contra el Trabajo Forzoso 2013-2017*, p. 6 (Lima: MTPE, 2013). In the Spanish original, “el trabajo forzoso es una situación de vulneración de la libertad de trabajo, que supone una restricción ilícita de la capacidad de la persona para decidir si trabaja o no, para quien y en qué condiciones.”

5 By using the term “escravidão,” the Brazilian definition of forced labor is less ambiguous and more dramatic. It refers to employment situations in which the worker is effectively trapped in an abusive situation from which he or she cannot escape without severe repercussions, in effect, slavery. The term “trabajo forzoso” as used in Peru is less clear.

6 International Labor Office, *harder to see harder to count: Survey guidelines to estimate forced labour of adults and children* (Geneva: ILO, 2012).



observation.

“How many Peruvian workers are in forced labor?” is frequently asked. Virtually all information is anecdotal. Among the interviewees for this evaluation, two trade union representatives had personal encounters with forced labor situations in domestic service and illegal mining (two of the priority sectors of Peru’s II National Plan in the Fight Against Forced Labor). One high-level police official acknowledged seeing forced labor in mines. On the other hand, an NGO founder who had worked twelve years in Amazon forests combatting illegal logging (another priority sector) could not recall a single case of forced labor under the strict definitions above. Another police officer said “my unit has made forays searching for forced labor, arrived at the location, and found nothing.”

The DOL/ILO Project contracted an in-depth study of forced labor in Ucayali, which is an Amazonian selva region of Peru known for extensive illegal logging. The study is under revision before the final draft is disseminated.<sup>7</sup> The Project is funding similar studies in domestic service and illegal mining to begin to arrive at estimates of forced labor in various sectors. While not definitive, these studies will provide additional data on the types and scope of forced labor in Peru.

## II. Legal Dispositions

Peru has a large number of plans, laws, commissions, legal dispositions, and ministerial directives pertaining to human trafficking. A partial list is:<sup>8</sup>

- 6 national plans
- 16 laws and legislative decrees
- 16 supreme decrees
- 10 ministerial resolutions
- 18 cooperation protocols
- 3 regional plans
- 21 regional by-laws

None of these except the National Plan in the Fight against Forced Labor addresses forced labor as a unique crime.

The most recent is Law 30251 of October 2014 on trafficking of persons (*trata de personas*). It modifies Article 153 of the Penal Code covering “...the sale of boys, girls or adolescents, prostitution and any form of sexual exploitation, slavery or practices analogous to slavery, any form of labor exploitation, begging, forced work or servitude (*los trabajos o servicios forzosos*), extraction or trafficking of organs or somatic tissues or their human components, as well as any other analogous form of exploitation.” Penalties for violations of Article 153 range from a minimum of 8 years to a maximum of 25 years when children are involved. Interviews with principals indicate that there were 40 criminal cases of trafficking between October 2014 and March 2015, a significant increase over previous periods demonstrating the value of the law.<sup>9</sup> Prosecutors are reported to favor fines over prison to shorten the legal proceedings particularly in light of the long minimum sentences for any infraction.

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7 See “Aproximación al trabajo forzoso en la tala de madera en la región Ucayali,” unpublished, 2014.

8 See Ministerio Publico , *Proyecto de Fortalecimiento de la Función Fiscal Frente al Delito de Trata de Personas* (Lima: Fiscalía de la Nación, 2012)

9 From 2004 to 2011, the total number of complaints nationwide registered for human trafficking was 538, divided among trafficking for sexual exploitation (60%), labor exploitation (20%), organized begging (6%), sale of children (1%) and undefined. See Ricardo Valdés Cavassa, *El RETA y la Trata de Personas* (Lima: CHS Alternativo, 2012), p. 51. Between 2009 and 2014, the Justice Ministry recorded 931 cases of human trafficking. Interview material.

While recognizing the law's utility to address human trafficking, police, prosecutors, and judges have questioned whether it provides sufficient clarity to identify and combat forced labor. Furthermore, the number of all these laws and plans may contribute to business skepticism that another law is needed. As discussed below, a new law has been prepared dealing specifically with forced labor.

### III. Role of Public Institutions

Despite the difficulty in quantifying forced labor and the absence of a solid legislative platform, the Peruvian government has taken a number of steps to move forward on the issue.

#### A. Second National Plan in the Fight against Forced Labor

The Second National Plan was approved on June 17, 2013.<sup>10</sup> Its prioritized economic sectors are forced labor in illegal logging in the Amazonian selva, small-scale mining, and domestic service.<sup>11</sup> An operational extension of the plan is the Intersectoral Protocol against Forced Labor, which instructs various ministries and agencies to cooperate on implementing the plan, issued in October 2014.<sup>12</sup> The Project has prepared a methodology that tracks the Plan's implementation for the National Commission and other interested parties.

#### B. National Commission for the Fight against Forced Labor (CNLCTF)<sup>13</sup>

The CNLCTF meets monthly to hear presentations and discuss issues. Government members include the ministries of Agriculture, Interior, Women and Vulnerable Populations, Foreign Commerce and Tourism, Education, Justice and Human Rights, Court System, Health, Public Prosecution, and Labor and Employment Promotion. Until March 2015, SUNAFIL (National Labor Inspection Superintendence) was a 'guest institution' but slated to become a full member. Outside members are the National Society of Industries (SNI), Sociedad Nacional de Minería, Petróleo y Energía (SNMPE), Confederación General de Trabajadores del Perú (CGTP) and the Autonomous Center of Peruvian Workers (CATP).<sup>14</sup>

The CNLCTF President is the Director General of Fundamental Rights of the Ministry of Labor, who establishes the agenda and convenes the members. Subjects for discussion are the president's report, recent exchanges and travel, training events, and legislative initiatives.

Official members (*titulares*) from ministries send representatives to CNLCTF meetings who are at the



10 In Spanish, "II Plan Nacional para la Lucha contra el Trabajo Forzoso." Hereafter in this text, it is referred to as the National Forced Labor Plan or National Plan.

11 The National Forced Labor Plan follows upon a less detailed Plan dated 2006. The latter National Plan was drafted with ILO assistance.

12 The Protocolo Intersectorial contra el Trabajo Forzoso has been signed by 12 ministries and the National Police. Approval of the Protocol is an indicator of the Project's CMEP.

13 In Spanish, "Comisión Nacional para la Lucha Contra el Trabajo Forzoso." Hereafter in this text, it is referred to as CNLCTF or the National Commission.

14 The CNLCTF membership consists of 13 ministries, 2 labor unions, and 2 employer organizations.

second or third hierarchical level. The CATP representatives are actually employees of the SUNAFIL. Not represented from civil society are NGOs, religious groups, academic specialists, or the media.

The ILO Peru National Officer plays an important role in the CNLCTF by suggesting many items for the monthly the agenda and recruiting speakers, submitting project initiatives for discussion and adoption, and following up with members to urge action. Assisted by the Peru National Officer, the CNLCTF has created a method for tracking the progress of the National Plan, promoted collaboration among members under the auspices of the Inter-Sectoral Protocol, and kept members informed of important developments outside the regular Commission meetings.

### C. Ministry of Labor and Employment Promotion (MTPE)

The Ministry of Labor is charged with regulating labor practices in Peru. The number of regulations, the size of the country, and limited personnel have resulted in little attention to human trafficking, child labor and forced labor. According to ministry officials, other factors reducing attention are the “low visibility” of these infractions in the society at large, a lack of understanding of the difference between the migration of temporary workers and illegal trafficking, and cases involving parent voluntarily placing their children in dangerous work situations.

In partial response to these factors, the Ministry strengthened the GEIT (Special Group for Labor Inspections) with new personnel selected to address sensitive labor situation, like child labor. Originally created in 2008, this entity had become moribund until March 2013 when it was upgraded with new personnel.<sup>15</sup> The ILO has worked with GEIT by providing training manuals for its 15 inspectors. Several of the inspectors are stationed outside the capital Lima to advise locally-based labor inspectors. The Ministry would like this elite group to undergo additional coursework to receive a knowledge-based diploma, and to include forced labor as one of the specialties.

On January 15, 2013 the Ministry of Labor created SUNAFIL, the National Labor Inspection Bureau, to conduct labor inspections in Peruvian regions.<sup>16</sup> SUNAFIL began operations in April 2014 and by March 2015, had established regional offices (*intendencias regionales*) in eight departments (Lima, Loreto, Cajamarca, Libertad, Huánuco, Ica, Tumbes, and Monquegua) (see map). The labor inspectors affiliated with regional administrations (of whom there are only 26 nationwide, or one per department) called *intendencias regionales* are charged with examining companies with fewer than ten employees. Their salaries are between \$500 and \$600 per month (in equivalent US\$). The SUNAFIL inspectors (who number 401 in the eight departments) handle all larger enterprises. Salaries for SUNAFIL inspectors range between \$2,000 and \$2,700 per month, which makes their remuneration similar to equivalent professionals in the Peruvian private sector.<sup>17</sup>

The Ministry of Labor expects that the decentralized system and higher salaries will improve effectiveness, the quality of personnel, and ability to distinguish between different types of labor violations. To complement the ILO South-South project, they have plans to provide specialized training in trafficking and forced labor to the SUNAFIL inspectors. Training is to include computer competence and programs from the Commission for Ethics, Transparency and Anti-Corruption. The SUNAFIL program is consistent with DOL and ILO goals to combat forced labor. The Project has a close working

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15 See Resolución Directoral No. 022-2013-MTPR/2/16 of March 6, 2013. Grupo Especial de Inspección de Trabajo.

16 In Spanish, SUNAFIL stands for Superintendencia Nacional de Fiscalización Laboral. Since the Project began, it strengthened entities related to forced labor including the Dirección de Investigación de Trata de Personas y Tráfico de Inmigrantes (Ministry of Interior, 2014), which was elevated from ‘división’ to ‘dirección’ on July 19, 2014;.

17 The regional inspectors’ salaries are similar to first-level police officers. Observers of Peruvian remuneration believe that low salaries contribute to the prevalence of motorists’ side payments to policemen to avoid traffic fines, and some officials have the same worry for low-paid departmental, non SUNAFIL labor inspectors.

relationship with SUNAFIL and GEIT, and has been the primary actor in adding a concern with forced labor to regional networks of government agencies and local stakeholders (beginning in Piura and extending next to Arequipa). Developing a regional capacity to recognize and combat forced labor is one of the Project's objectives in Peru.

D. Ministry of interior (MININTER) and Peruvian National Police (Policía Nacional de Perú, PNP)

A consensus exists in the MININTER Agency for Fundamental Rights and in the National Police that forced labor is an important but under-attended issue. From inferences and scattered reporting, they

#### **Illustrative Interview Responses:**

**Respondent** "Forced labor is not a priority for the Peruvian people. There is little data. Inspectors and judges can't distinguish forced labor from other infractions. There is no proportionality in penalties for level of infractions. Corruption occurs. Reparations to children stigmatized by sexual exploitation have not been addressed. Some skeptics argue that foreign human rights principles don't apply to us."

— *National Government Official, Peru*

**Respondent** "Forced labor is a new issue for Peru. The Protocol of Palermo (on human trafficking and servitude) was in 2000. Our first law against human trafficking was passed in 2002. The División de Investigación de Delitos Contra la Trata de Personas (human trafficking), however, was not approved until 2008 and created only in 2011. It focuses mainly on sexual exploitation. The Supreme Decree instructing the police to identify and investigate human trafficking was issued in 2013, and there still has not been a criminal conviction of forced labor linked to human trafficking. Police are still learning that labor crimes are part of their mandate."

— *Police Official, Peru*

are convinced that forced labor is prevalent. Examples cited:

- Homeless children are promised payment for selling smuggled goods but never succeed in selling enough to pay off food and shelter. When police descend on their points of sale, the smugglers have moved the homeless kids to another location. Women are promised jobs and lodging in rooms above canteens. They receive 20% percent of liquor sales that they entice men to purchase in the bar below. They also are encouraged to offer sexual services. The income stream is insufficient to pay off the cost of food and lodging. The women have nowhere else to go.<sup>18</sup>
- Peru's economic growth has created a new middle class in rural areas. More well-off families visit very poor families and offer to "adopt" a young daughter. The impoverished families feel the wealthier family will give the daughter a new chance in life. Instead, the child is converted into a slave-like servant in the household with long hours and no educational opportunities.
- Desperately poor men respond to offers to work for wages in small mines in the remote sierra. They turn over their identity documents to the bosses. Work entails continuous and unprotected contact with mercury. While wages are withheld or less than promised, the worker accumulates debts to the company for food and lodging, and over-priced purchases in the company store. Until debts are paid, armed guards prevent their departure.

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<sup>18</sup> For example, in April 2015, following prosecution by the Public Prosecution Ministry, Peru imprisoned a resident of Cusco for forcing three girls from 14 to 18 years old to engage in prostitution in a local bar. Preventive detention was set at 9 months incarceration. "Ordenan prisión preventiva a una denunciada por trata de personas," *El Comercio*, April 6, 2015.

Many ministry officials and police are frustrated with the slow progress in attacking forced labor. The MININTER has taken steps to increase prevention, detection, monitoring, and sanctioning of human trafficking and forced labor. It strengthened the Agency to Investigate Human Trafficking and Migrant Trafficking, which was elevated from ‘*división*’ to ‘*dirección*’ on July 19, 2014.<sup>19</sup> The Ministry is launching a communications plan to inform the public of labor laws, to warn of illegal activity (including unscrupulous offers of employment that result in servitude), and ways to report labor crimes. It has reformed its hotline for citizen to report infractions with a call (previously 0800-2-3232) to an easier-to-remember telephone number – 1818. An entrepreneurial agency head has created partnerships with banks and utility companies to place the number 1818 on their bills and receipts. While the police concentrate almost wholly on human trafficking and sexual exploitation, the ILO continuously encourages them to adopt a forced labor perspective in their operations.

Increasingly, the police accompany labor inspectors from SUNAFIL to sites where labor crimes are suspected. The MININTER educational program covers human trafficking for police, in which it plans to include forced labor. The Ministry, with the police, manage the RETA database, or the Registry System for Human Trafficking and related Crimes.<sup>20</sup> Created by the non-governmental organization CHS Alternativo as a means of registering complaints and tracking the criminal investigations, it was turned over to the Ministry and police in 2007. While RETA focuses primarily on trafficking, officials say they hope to enhance it with a forced labor component. The Public Prosecution Ministry manages SISTRA – the System of Strategic information on Human Trafficking.<sup>21</sup> The ILO Peru National Officer has met frequently with the RETA and SISTRA managers on ways to a) improve its functionality and incorporate forced labor, (b) with the support of an IT specialist, devise ways to make the two systems compatible and interactive, and (c) incorporate RENAJU, the database of the Judicial Branch improve its functionality and incorporate forced labor.

The MININTER and police officials express appreciation for ILO assistance in improving the RETA and SISTRA databases, preparing training manuals on trafficking and forced labor, and linking them with Brazilian agencies dealing with similar issues. Challenges are:

- Locate competent trainers to provide instruction to Peru’s 112,000 police<sup>22</sup>
- Assure that RETA cannot be manipulated (e.g., by a police agent who fails to register complaints until visiting the accused to arrange a side understanding)
- Devise ways for labor officials and police to reach remote locations where illegal logging and mining are prevalent
- Incorporate a clear definition of forced labor

#### E. Public Prosecution Ministry and the Judicial Authorities

Peru’s Public Prosecution Ministry (Ministerio Público) is the entity that prosecutes criminal and civil cases in Peru. It comes into action after a crime or infraction has been detected, an arrest occurs, and the next step is for prosecutors to argue the government’s case before a judge. Within the ministry, personnel of the Central Unit for Assistance for Victims and Witnesses (Unidad Central de Asistencia a Víctimas y Testigos) increasingly see their role as assisting victims of trafficking and forced labor.

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19 In Spanish, Dirección de Investigación de Trata de Personas y Tráfico de Inmigrantes.

20 In Spanish, RETA is the Sistema de Registro y Estadística del Delito de Trata de Personas y Afines.

21 In Spanish, SISTRA is the Sistema de Información Estratégica sobre Trata de Personas (administered by the Public Prosecution Ministry). SISTRA’s objective is to assemble information on all types of trafficking to disseminate knowledge on its magnitude, tendencies, victims, presumed traffickers, and characteristics of the crime. The goal is to contribute to prevention, victim protection, and prosecution of the crime, and generate data on modes of arrest and common locations for sexual and labor exploitation, and human organ trafficking.

22 The ILO is supporting TOT (training of trainers) to leverage its training funds for the Peruvian police.

Functions are to or arrange shelter, health services and education, provide legal advice, and reunite victims with their families. To track these processes, the Public Prosecution Ministry is developing its own database labelled SISTRA.

Between the passage of Law 30251 modifying Article 153 of the Penal Code in October 2014 and March 2015, the Public Prosecution Ministry is reported to have initiated 80 criminal cases for human trafficking. On the other hand, it has found forced labor to be “invisible,” difficult to identify and there are no cases relating specifically to forced labor.

Peru’s Judicial Branch (Poder Judicial) is the court system composed of the Supreme Court, the National Criminal Court (Sala Nacional Penal), and 34 Superior Courts around the country, courts of first instance, and justice of the peace courts. The Sala Nacional Penal is responsible for the subsystem dealing with cases of violations of human rights and such other crimes as terrorism, money laundering, and human trafficking. The international technical cooperation unit of the Judicial Branch is collaborating with the ILO in developing material for judges on defining forced labor, offering training programs, and hosting visiting specialists from Brazil in one-on-one meetings and seminars. The Judicial Branch is also exploring adding a forced labor category to its RENAJU database.

The Ministry of Justice and Human Rights (which is separate from the Poder Judicial) is charged with formulating public policies that facilitate access to justice, defend human rights, protect vulnerable populations and fight corruption. This Ministry was responsible for circulating the first draft of the law to combat forced labor among relevant ministries, other agencies, and the ILO for input. The law is not yet in the public domain but knowledgeable officials cite its advantages over the current situation.<sup>23</sup> The draft law specifically defines forced labor as a crime, which allows it to be detected, denounced, investigated, prosecuted and sanctioned.<sup>24</sup> It seeks proportionality in punishments (so that they match the degree of infraction) with minimum and maximum sanctions (imprisonment of between 4 to 10 years, and 25 years in extreme cases).<sup>25</sup> Other advantages are to: a) permit denunciations specifically for

#### **Illustrative Interview Responses:**

**Respondent:** “A problem is that forced labor is not a crime, and we can only act when there is a crime. However, we assume that forced labor is occurring in mines and domestic service, and we treat forced labor as a type of exploitative labor. We are trying to play a role in the full cycle of exploitative labor, from prevention, investigation, protection, prosecution, and reintegration of victims into society. Under the Intersectoral Protocol Against Forced Labor, we refer victims to other ministries (Health, Education, Women), but they do not comply!”

— *Government Official, Peru*

**Respondent:** Beyond a formal commitment of the State, what is needed is leadership, decisiveness, and political will by the authorities, along with commitment and will from the principal actors of the SNI, Chamber of Commerce, and CONFIEP.

— *Peru Web Survey*

forced labor (rather than general labor or trafficking violations), b) facilitate training of police, inspectors, prosecutors, and judges (as well as telephone operators receiving labor complaints) who currently are

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23 They refer to the version contained in Oficio No. 129 – 2013-MTPE/CNLCTF of November 20, 2013.

24 See section IV on business concerns over the definition.

25 Drafters were reluctant to make the minimum sentence two years because of prosecutors’ tendency to place the accused those convicted on probation when their sentence was less than four years.

uncertain on how to identify forced labor infractions, and c) help in the formulation of communications plans for public awareness. The ILO has provided the services of experts on legislation to assist the preparing of the draft law.

After starting the process, the draft law arrived back in the Ministry of Justice and Human Rights on May 27, 2014 where, as of April 2015, it remained awaiting submission to Congress. Advocates for proceeding forward to combat forced labor anxiously await the law's "tipificación," or "definition and criminalization" of forced labor.

Among the reasons cited for the delay in submitting the law to Congress are:

- lack of public demand for such a law
- the sense that Peru already has enough laws touching the issue (see section II above)
- forced labor is not a high national priority
- congressional representatives are focusing on the 2016 elections
- frequent turnover in high levels of government including the Minister of Justice
- the President has not moved it up on his list of legislative priorities.<sup>26</sup>

A former legislative staff leader now a high official at the MTPE points out that "a problem for the draft law is that the congress person most interested in the law controls only 7 votes among 130 deputies."

#### IV. Civil Society, Labor, Business, and Media

Peruvian non-governmental and other civil society entities have been on the sidelines of the public policy initiatives listed above. Among potential partners to combat forced labor are NGOs, labor unions, religious organizations, companies promoting corporate social responsibility, the media, and academics. An example of a potential partner is CHS Alternativo, which has been acting on disappeared persons since 2001, and in 2005 developed the RETA statistical system in association with the Peruvian National Police.

Interviews with persons unaffiliated with government lament the small footprint of civil society organizations in the anti-forced labor campaign:

*"If civil society insists on action, the government will not be able to resist.... It's possible to get them as*

#### **Illustrative Interview Responses:**

**Respondent:** "Without "tipificación" or criminalization of forced labor in the Penal Code, there is nothing to denounce, nothing to detect, nothing to train, and nothing to sanction!"

— Government Official, Peru

*allies, but they don't know the dimension of forced labor."*

*"It's an error that there is no ONG representation on the National Commission CNLCTF. The state is incapable of doing it alone. If there are groups outside government to support the cause, the government should take advantage."*

*"The National Commission on Child Labor (CPETI) has NGO representatives but the CNLCTF does not. CPETI stands for Comité Directivo Nacional para la Prevención y Erradicación del Trabajo Infantil."*

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<sup>26</sup> See also the discussion of potential business opposition in section IV below. Some observers were hopeful that the law would be submitted to Congress by the Minister of Justice most recently appointed on April 2, 2015.

*“With the Forced Labor Plan and implementation to date, the results are not what we hoped for. The country could have done a lot more.”*

*“The Peruvian press would love to expose cases of forced labor.”*

Some doubts exist on whether the major labor unions could be enlisted as allies. The top agenda item for unions is improving conditions for temporary workers, who do not benefit from many labor protections.

The business groups SNI and SNMPE (which represents CONFIEP on the CNLCTF) convincingly argue that their members (mainly large firms) do not use forced labor. Neither of these business associations promotes an ethos of corporate social responsibility among their members with respect to forced labor. Nor do they sponsor campaigns for their members to audit their value chain down to basic suppliers to detect those that rely on human trafficking, child labor or forced labor. Observers point out that discovering such abuses risks jeopardizing Peru’s compliance with free trade agreements and would discourage new international investment. Another business association, Peru 2021, which does support corporate social responsibility, is not a member of the CNLCTF. Nor are associations of legitimate companies who face competition from unscrupulous firms that use forced labor as a way to reduce costs.<sup>27</sup>

One of the potential objections of business groups is the draft law clause to incriminate any business that knowingly “markets, acquires, sells, stores, maintains, hides, or assists in business with goods produced from forced labor.”<sup>28</sup> Businesses that do not audit or monitor their supply chain or that cannot claim ignorance of product provenance would be vulnerable to prosecution if any direct or indirect supplier utilized forced labor. Of particular concern to logging or mining companies is that the prison term rises to between 12 and 20 years if the forced labor victim is a member of an indigenous community. According to the draft law, justification for the larger penalties would be a labor situation “of slavery, servitude, or in degrading conditions that undermine the worker’s dignity.” The draft, however, leaves “degrading conditions” to be undefined.<sup>29</sup>

Among religious organizations, the Catholic Church in collaboration with the Ministry of Interior sponsored a September 2014 project aiming at raising awareness among students, teachers, parents and administrators of illegal human trafficking. The Church initiated a campaign in Tumbes against child labor.<sup>30</sup> International Ministries include human trafficking as a focus area. Religious groups, given their underlying missions to provide comfort to vulnerable groups, are eligible candidates to join a civil society coalition against forced labor, although some CNLCTF members believe the Peruvian church would be an unavailing partner in a movement against forced labor. One interviewee felt that, aside from the Catholic Church, it would be worthwhile to engage evangelical ministries that focus on human rights and dignified labor.

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27 The list of CNLCTF membership dates from the 2006 National Plan. Its by-laws do not establish term limits and new full members must be confirmed by the Ministry of Labor backed by a decree. The Secretary of the CNLCTF can invite civil society observers to the meetings on a regular basis but such has not occurred.

28 See Oficio No. 129 – 2013-MTPE/CNLCTF of November 20, 2013 for the entry “...comercializa, adquiere, vende, almacena, guarda, esconde, o ayuda a negociar los bienes producto de trabajo forzoso....”

29 See CNLCTF, “Cuadro comparativo entre el texto vigente del artículo 168 del Código Penal y la propuesta de modificación,” p.I for the original text, namely “una situación de esclavitud, servidumbre o a condiciones degradantes que atentan contra su dignidad.” The business representative from the Sociedad Nacional de Minería, Petróleo y Energía abstained from voting in favor of the draft law at the CNLCTF meeting on September 26, 2013.

30 See “Capacitación sobre trata de personas y migración en centros educativos de Lima y Callao”

(<http://www.iglesiacatolica.org.pe/compartir/>); and “Ecuador y Perú contra el trabajo infantil, más acciones, sanciones y políticas nuevas” ([http://www.fides.org/es/news/38291-AMERICA\\_ECUADOR](http://www.fides.org/es/news/38291-AMERICA_ECUADOR) VSqueufnF98E).



***Illustrative Interview Responses:***

**Respondent:** “Dramatic rescue operations would give a visible ‘face’ to forced labor. They would mobilize civil society, create pressure to implement the new law, strengthen public institutions, and result in sufficient budget to confront these mafias.”

One NGO leader recommended that the SUNAFIL and Peruvian National Police conduct surprise raids on suspected forced labor concentrations with newspaper and TV reporters in tow.

The Project recognizes that more external groups need to be engaged in the fight against forced labor. To date, its priorities have been to strengthen public sector activities including exposing Peru to forced labor advances in Brazil.

# ANNEX 2: EVALUATION QUESTIONS

Evaluation Questions for the Mid-Term Evaluation from the TOR included the following:

## A. DESIGN

1. How effective and appropriate is this intervention's design given the context and national development priorities of both countries?
2. Are the human and financial resources allocated appropriately for achieving Project objectives?
3. Are the Project's interest groups or stakeholders satisfied with Project design and objectives? With the Project's planned next steps? (Interest groups may include direct and indirect beneficiaries, stakeholders, local leaders and implementing partners)
4. Specifically for extension to Peru: How sound is the strategy to promote South-South Cooperation between Brazil and Peru?

## B. IMPLEMENTATION AND MONITORING

5. How consistently have Project implementation and monitoring followed the guidelines set out in the Project document? In what ways have they deviated?
6. To what degree and in what ways are Project beneficiaries, local leaders and implementing partners involved in the monitoring of project activities?
7. How effective is the Project in collaborating with, assisting, and sharing ownership with key institutions in implementing and monitoring the IAP?
8. Specifically for Brazil: How sound is the strategy to replicate the IAP (Integrated Action Program) in various Brazilian states?
9. How relevant, appropriate, and effective have the CMEP (Comprehensive Monitoring and Evaluation Plan), and the M&E systems (including the DBMS) (Direct Beneficiary Monitoring System) proved to be during implementation? What have been the main challenges in executing the CMEP? What are the main challenges in implementing the DBMS? Can the CMEP or elements of it be useful for national monitoring and evaluation?

## C. FUTURE DIRECTIONS

10. To improve Project implementation going forward: What are lessons learned to date? Which are the main priorities?
11. Can the Project take additional steps to increase national ownership?

During implementation of the evaluation, including the analysis and getting to the recommendations, the evaluators found it more effective to re-group the questions from the original TOR (Annex 7) but the questions themselves are essentially unchanged.

# ANNEX 3: EVALUATION METHODOLOGY

## **A. Approach**

The evaluation approach was participatory in nature and primarily qualitative. Information was obtained through field visits, single and group interviews as appropriate and an anonymous web-based survey was also conducted. The evaluators gathered information not only from stakeholders directly involved in Project but also from a wider range of parties involved in CFL. When feasible, opinions coming from direct beneficiaries such as assisted workers were obtained. Quantitative data was drawn from the Technical Progress Reports (TPR), Comprehensive Monitoring and Evaluation Plan (CMEP), and other project reports to the extent that it was available and incorporated in the analysis. ILO Project staff were very helpful in identifying key informants and setting up interviews but only remained in meetings with stakeholders, communities, and beneficiaries to provide introductions.

Quantitative data was drawn from the CMEP and project reports to the extent available and incorporated in the analysis. The evaluation approach was independent in terms of the membership of the evaluation team. The following additional principles were applied during the evaluation process:

1. Methods of data collection and stakeholder perspectives were triangulated with documents, observations and surveys for as many as possible of the evaluation questions.
2. Efforts were made to include beneficiary voices including some direct beneficiaries of IAP in the field.
3. As possible, given the anticipated interviewees, gender, ethnic-racial, and cultural sensitivity was integrated in the evaluation approach.
4. Consultations incorporated a degree of flexibility to maintain a sense of ownership of the stakeholders and beneficiaries, allowing additional questions to be posed that are not included in the TOR, whilst ensuring that key information requirements are met.
5. As far as possible, a consistent approach was followed with each interview, with adjustments made for the different actors involved, activities conducted, and the progress of implementation. For example, in this evaluation, where interviewees were not as familiar with the specific Project, questions were asked regarding the larger problems of forced labor in their country.

## **B. Data Collection Methodology**

### Document Review

- Pre-field visit preparation included extensive review of relevant documents as well as consultation in-person and via telephone with USDOL
- During fieldwork, documentation was verified and additional documents collected
- Documents included:
  - CMEP documents (Comprehensive Monitoring and Evaluation Plan) (Draft and Final)
  - Project document (ProDoc) and revisions,
  - Cooperative Agreement,
  - Technical Progress and Status Reports and related correspondence,
  - Project Results Frameworks and Monitoring Plans,
  - Work plans,
  - Correspondence related to Technical Progress Reports,
  - Management Procedures and Guidelines,
  - Research or other reports undertaken (baseline studies, etc.), and
  - Project files as appropriate.

### Question Matrix

Before beginning fieldwork, the evaluators created a question matrix which outlines the source of data from where the evaluators planned to collect information for each TOR question. This helped the evaluators make decisions as to how to allocate their time in the field. It also helped the evaluators to ensure that they were exploring all possible avenues for data triangulation and to clearly note from where their evaluation findings would be derived. This was shared with USDOL. They also created a set of follow-up and exploratory questions to deepen the knowledge about each of the specific major questions.

### Interviews with stakeholders

Informational interviews were held with as many project stakeholders as possible. Depending on the circumstances, meetings were planned to be one-on-one or group interviews. Stakeholders are all those who have an interest in a project, for example, as implementers, direct and indirect beneficiaries, community leaders, donors, and government officials.

In Brazil, the evaluation team solicited the opinions of government representatives, legal authorities, union and NGO officials, the Project implementers, private sector companies and their association representatives, national anti-slave labor organizations, watchdog and investigative reporting organizations, media representatives, community members, and, a limited number of workers assisted by the IAP. In the case of Peru, the evaluator conducted interviews with public sector stakeholders, some NGOs, business and labor associations, and university researchers as appropriate. Face-to-face or skype/telephone interviews over ten working days were held with 55 stakeholders in three cities plus a field visit in Brazil and during five working days with 36 stakeholders in Lima, Peru plus additional participants in the stakeholder meetings in each country

A Brazilian evaluation assistant participated in the interviews in Brazil to more accurately and completely transcribe the discussion and the interview observations. A selection of these “quotes”, transcribed and translated as accurately as possible, is included throughout this report to provide support to the evaluators’ findings and recommendations. In many cases, the consistency of the responses of the interviews across a broad spectrum of involved independent entities indicates a consensus as opposed to an observation by one or a small subset. However, in other cases, quotes are included to represent a wider range of views held by stakeholders that the evaluators found relevant even if not directly supporting their conclusions.

### Site and Field Visits

In Brazil, the evaluators visited a selection of entities involved in sites, including Brasília, São Paulo, and Cuiabá, Mato Grosso and into the field to a *fazenda* (large farm) in the municipality of Campo Verde, in Mato Grosso state, that employed assisted workers. The evaluators made the final selection of field sites visited in consultation with the Project and based on priority, utility, and efficiency. During the visits, the evaluators observed the activities and outputs developed by the Project and met with beneficiaries. The Brazil field visits were two weeks from March 9 to March 20 and the Peru field work was the following week, March 23 to 27.



**Photo 3. Some organizations whose officials were interviewed.**

### Web-based survey

Evaluators sent invitations to an anonymous web-based survey to the full range of stakeholders involved, even beyond those who would be directly interviewed. The list of recipients and respondents paralleled that of the actual direct interviewees – though it was much larger. It is important to note that the survey respondents did not include direct beneficiaries extracted from forced labor who lack easy access to computers.

Because of the wide variety of experiences and roles and depth of involvement, the survey(s) could not be tightly tailored to every function or situation nor deeply probing but yet provided some corroboration for qualitative findings. In particular, it was sent to some stakeholders that could not otherwise participate in direct interviews for logistical or other reasons.

The two surveys – one for each country in Portuguese or Spanish – had some questions in common so as to permit comparison and a number of questions that were relevant

only to the unique CFL situation in each. Some results from the electronic survey are discussed in Annex 4. While the eventual response was more limited than expected, the evaluators found that, in the space for short reactions included, some very interesting and honest quotes and language was obtained directly from people that provided additional insight to the final reports. Some of these are included in the main text translated into English.

In Peru, the electronic survey was complemented by a short written questionnaire that the 36 stakeholders filled out at end of each interview meeting.

### Stakeholder Meetings

Following the field visits, each evaluator conducted stakeholder meetings in each country. These brought together a wide range of stakeholders, including the implementing partners and other interested parties. The stakeholder meeting in Brazil took place in an unofficial meeting of the National Commission for the Eradication of Forced Labor (CONATRAE) in Brasília that the ILO organized for this purpose and, in Peru, of the



**Figure 6. Map of Travel for Field Visits by Evaluators in Brazil.**



**Photo 4. Presentation of small group discussion results in stakeholder meeting.**

National Commission for the Fight Against Forced Labor (CNLCTF). At the meetings, the evaluators presented the major preliminary findings and emerging issues and obtained clarification or additional information from stakeholders, including those not interviewed earlier. The agenda of the meeting was determined by the evaluator in consultation with Project staff. Some specific questions for stakeholders were prepared to guide group discussion.

The agendas included the following items:

- Presentation by the evaluator on the evaluation.
- Breakouts into non-random groups to discuss important questions regarding the Project. Groups were intentionally set up to present a cross-section of interests so as to be more stimulating.
- Presentations by the groups of the results of their discussions
- Reactions by all attendees to these and plenary contributions by all on the questions of most interest
- Presentation of the preliminary main findings by the evaluators.
- Feedback and questions from stakeholders on the findings.

#### Debrief call

A debrief call was held with the evaluators and USDOL after the stakeholder workshops to provide preliminary findings and solicit feedback.

#### Ethical Considerations and Confidentiality

The evaluation mission observed utmost confidentiality related to sensitive information and feedback elicited during the individual and group interviews. However, staff often accompanied the evaluator to make introductions, to facilitate the evaluation process, make respondents feel comfortable, and to allow the evaluators to observe the interaction between the implementing partner staff and the interviewees. To mitigate bias during the data collection process and ensure a maximum freedom of expression of the implementing partners, stakeholders, communities, and beneficiaries, ILO staff were not present during actual interviews. The staff also traveled with the evaluators to each site in Brasília, São Paulo, Cuiabá, and a farm, and provided context to the interviews during the many hours before and after.

### **C. Limitations**

Fieldwork for the evaluation in Brazil lasted two weeks, and in Peru one week. While the evaluators did not have sufficient time to visit all relevant sites or interview all stakeholders, significant efforts were made to ensure that the evaluators interviewed all of the key stakeholders in both Brazil and Peru and visited the most informative or representative sites in Brazil. As not all relevant stakeholders could be reached in person during normal business hours, skype or telephone calls were arranged at a convenient time. Another way to overcome time or distance limitations and still obtain information was through the



**Photo 5. Plenary discussion in the Brazil stakeholder meeting.**

electronic survey that was sent to a larger group of stakeholders.

Findings for the evaluation are based on information collected from background documents, interviews, and the anonymous survey of stakeholders, project staff, and beneficiaries. The accuracy of the evaluation findings is largely determined by the integrity and amount of information provided to the evaluators from these sources and of the evaluators' ability to interpret the information.



**Photo 6. Visit by evaluators to fazenda (large farm) employing workers assisted by IAP.**



**Photo 7. Former vulnerable worker (left) trained by IAP to be a mechanic now on fazenda.**

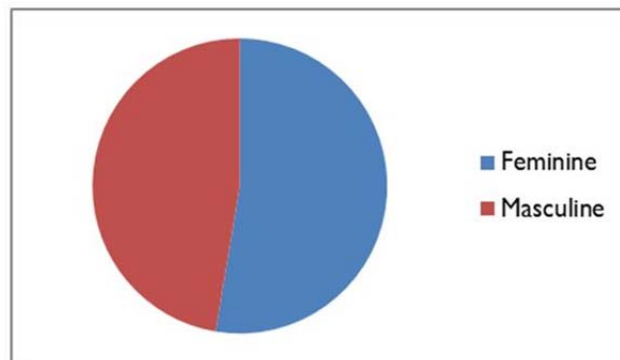
# ANNEX 4: ELECTRONIC SURVEY FOR BRAZIL AND FOR PERU

The two surveys – one for each country in Portuguese or Spanish – had some questions in common so as to permit comparison and a number of questions that were relevant only to the unique CFL situation in each. The different versions of survey for the two countries are included below following some analysis of results.

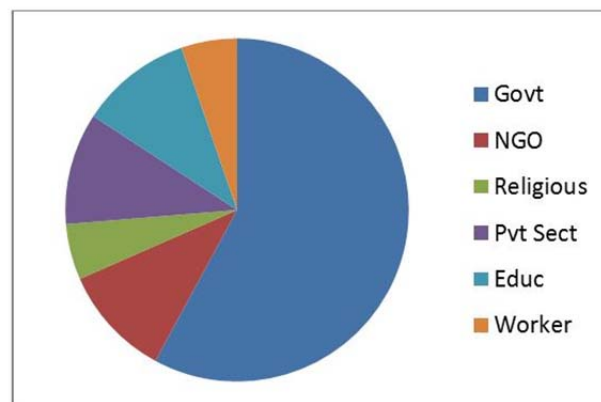
The number of responses to the anonymous electronic survey was low despite the fact that recipients were told in interviews that they would be receiving the survey, in the stakeholders meetings they were either informed or reminded that they would be receiving the survey, and they were reminded at least two times (every two weeks) after the initial email. For Brazil, there were 135 invitations sent and the percent response was below 10% and for Peru there were 27 invitations sent and responses were below 25%. Ultimately, there were only 12 entered surveys from Brazil (one of which completed some but not all questions) and seven from Peru.

Nevertheless, there was valuable knowledge gained given that this was both quantitative and anonymous. The information gained was corroborative to that gained in interviews and, as expected, there were a number of direct comments from anonymous respondents that have been incorporated into the main text. It can be accepted that the information is valid for the responses received but the responses can in no way be statistically extended either to all project stakeholders or to the larger CFL community.

Of these, the slight majority were from female respondents

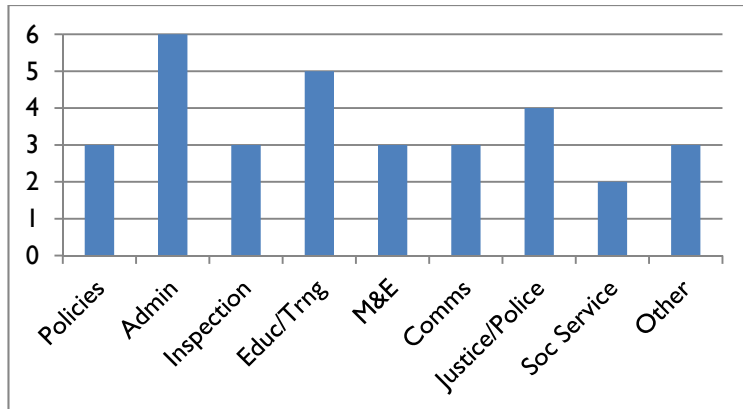


Respondents represented a variety of sectors though, in fact, from Peru six out of the seven were from the government.

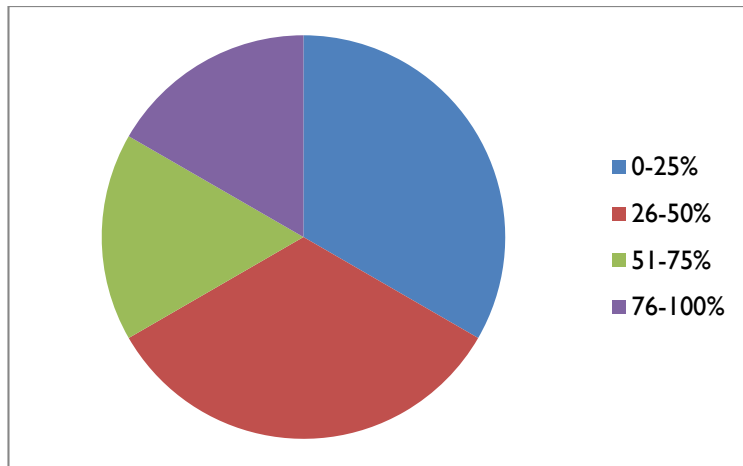




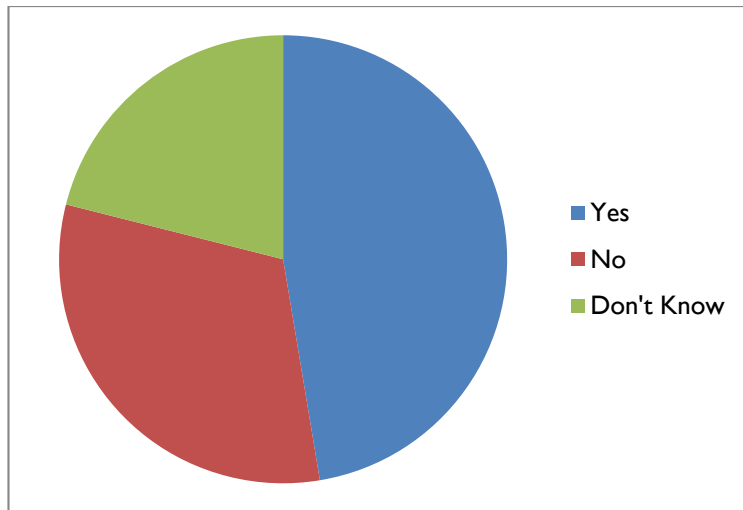
The area of the actions of respondents varied.



Respondents reported that the percentage of time that they spent working issues of Forced Labor varied considerably.

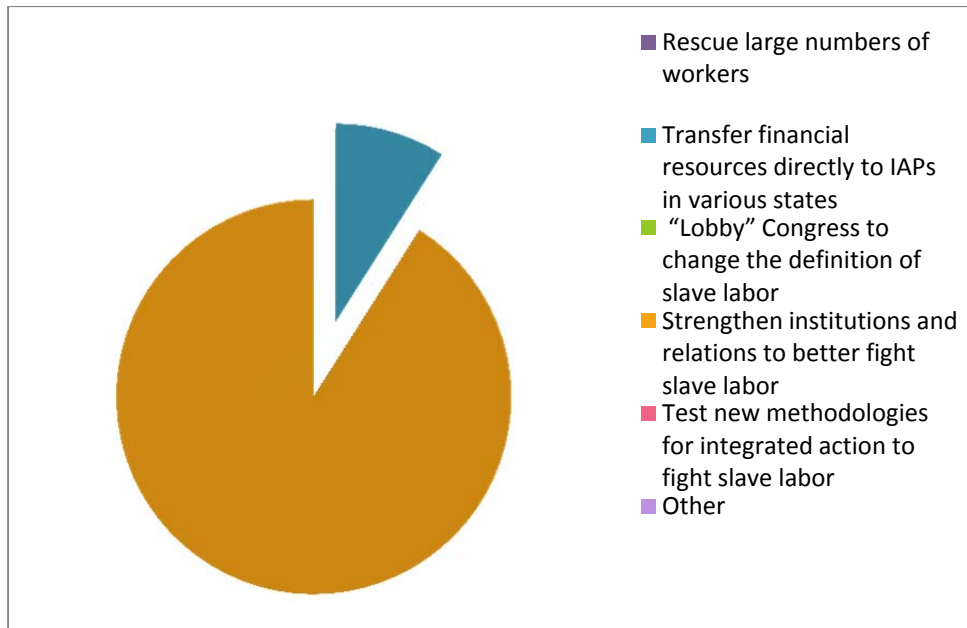


About half reported that they did know enough about the Project, though the percentage was slightly higher in Brazil.

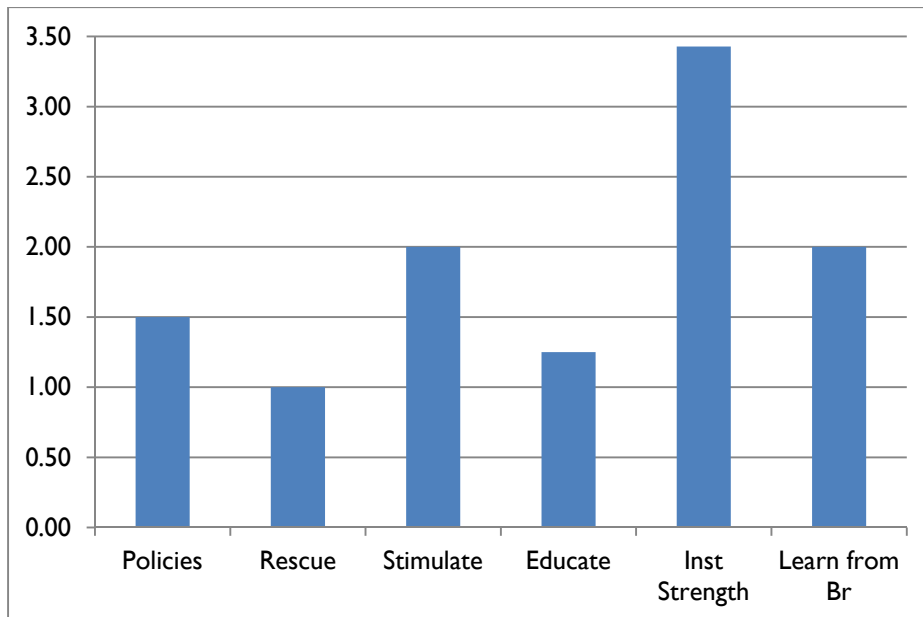


**Regarding the purposes or purposes of the ILO SAP-FL Project in Brazil and Peru:**

In Brazil 11 out of 12 responded that the principal purpose of the Project was to strengthen the institutions (the most “correct” answer) and one responded that it was to transfer resources directly to the IAP in various states.



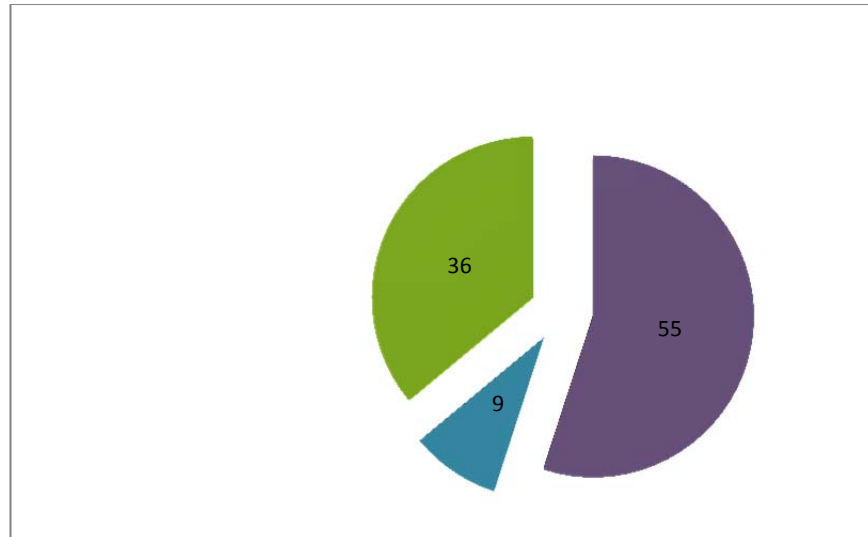
The Brazil and Peru activities are different in their scope and their activities and, for a similar but not exactly the same question, Peruvian respondents rightly chose a variety of purposes.



**Regarding the IAP Program in Brazil (question asked only in Brazil)**

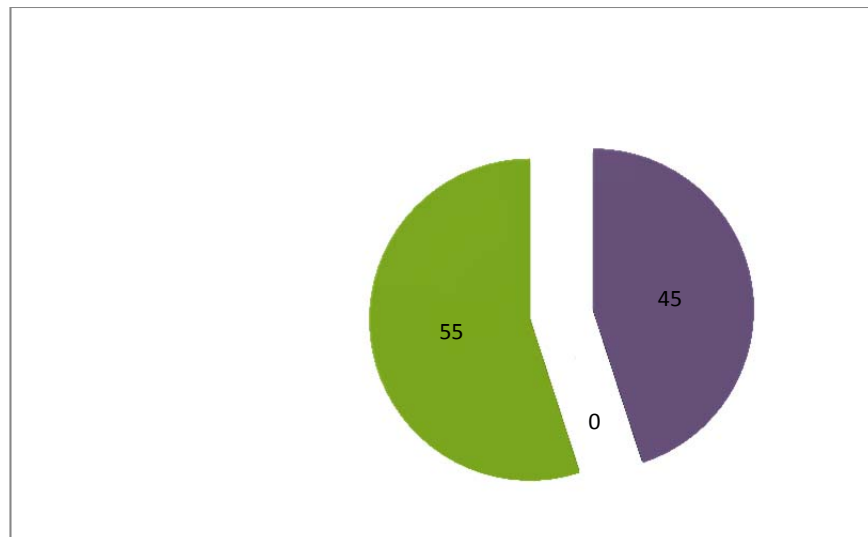
In Brazil more than half of respondents knew of the plan to extend, adapt, or replicate the IAP in other states.

(Numbers are percentages)



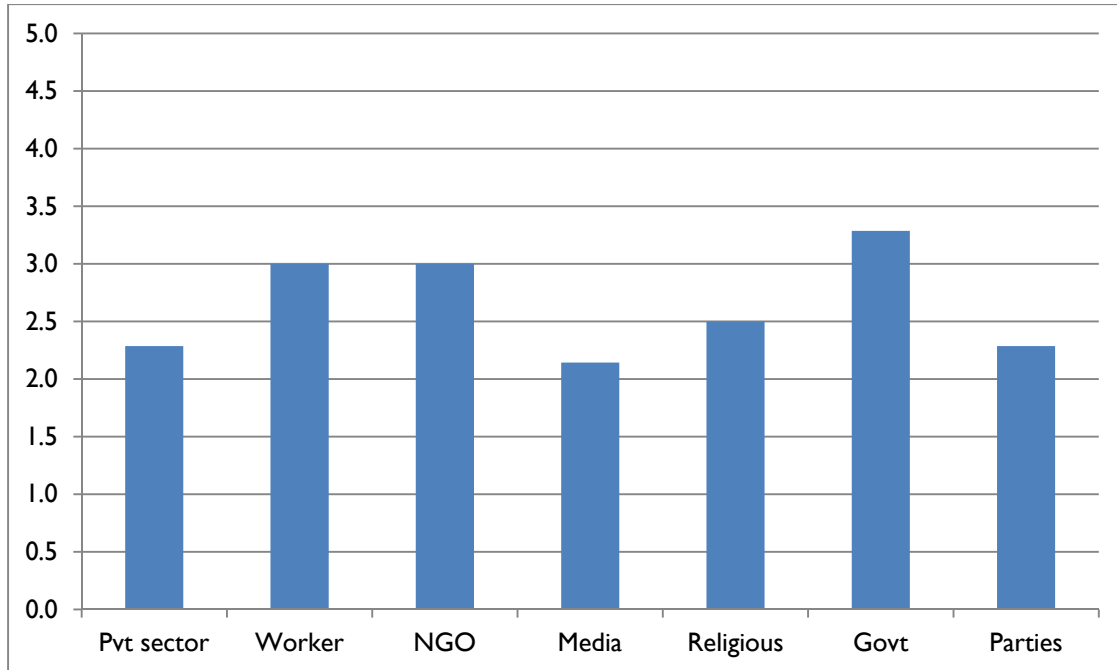
But less than half were sure of whether it would be appropriate or successful though no respondents thought it would definitely not be.

(Numbers are percentages)



### Regarding the commitment of sectors of society (question asked only in Peru)

For Peru, again reflecting the differences in the programs between the two countries, there was a question regarding the assessment of commitment of various sectors of society toward fighting forced labor where 1 = no commitment and 5 = very committed. Nearly all responses were very much in middle with the highest (National) Govt, and the lowest Media but without much real difference between. Importantly, no sector was judged to be very committed.



### Stakeholder Priorities as surveyed following interviews in Peru

As a supplement to the web-based survey, during the week of interviews in Peru, the evaluator ended each meeting by asking the interviewees to rank by priority seven action items under the ILO/DOL Project for the following 12 months.<sup>31</sup> Thirty-six interviewees from different sectors filled out the 10-minute questionnaire and the overall results were later tabulated. In Table I, the summary lists each group's top three priorities – and their lowest priority on the list.

The general conclusion is that the ranking of priorities depends on each group's point of reference. The government entities (Ministry of Labor, Police, Public Prosecutor, and Court System) agreed that criminalizing forced labor and emphasizing the Intersectoral Protocol were of utmost importance. Criminalization would remove much uncertainty in their functions and allow them to focus many of their activities in investigations, training, prosecutions, trials and assigning penalties. The police representatives gave the highest ranking to rescuing victims, which speaks to a humanitarian justification for their work. These agencies recognize the need for the public sector to work in coordinated fashion, and placed faith in their sister agencies to collaborate with their own efforts. As for lowest priority, they did not

<sup>31</sup> The seven priorities were: (a) victim training and reinsertion into dignified work, (b) improve information and databases on forced labor, (c) rescue victims from forced labor, (d) modify the Penal Code to criminalize forced labor, (e) create a civil society and business coalition to combat forced labor, (f) implement the Intersectoral Protocol for forced labor, and (g) launch a communications strategy linked to combatting forced labor. The number of interviewees in each group in Table I are: Ministry of Labor (9), Police, Prosecutors and Court System (16), Civil Society, Business, Labor (11).

consider a civil society coalition to be important at this juncture.

Forced Labor Priorities for Different Stakeholders in Peru (N=36 interviewees)

Group	Priority 1	Priority 2	Priority 3	Lowest Priority
Ministry of Labor	Improve information and databases on forced labor	Implement the Intersectoral Protocol for forced labor	Modify the Penal Code to criminalize forced labor	Victim training and reinsertion into dignified work
Police, Prosecutors, Court System	Rescue victims from forced labor	Implement the Intersectoral Protocol for forced labor	Modify the Penal Code to criminalize forced labor	Create a civil society and business coalition to combat forced labor
Civil Society, Business, Labor	Improve information and databases on forced labor	Rescue victims from forced labor	Create a civil society and business coalition to combat forced labor	Modify the Penal Code to criminalize forced labor
Overall (All Interviewees)	Improve information and databases on forced labor	Implement the Intersectoral Protocol for forced labor	Rescue victims from forced labor	Create a civil society and business coalition to combat forced labor

The Civil Society, Business and Labor group (11 interviews, of which 1 was business) arrived at a different ranking. They stressed improvements in access to information which, as on-the-ground operators and academics, they were best capable of providing. Their social consciousness placed rescuing victims high on the list and, consistent with comments made during their interview, supported creating a civil society coalition to combat forced labor. On the other hand, the CSOs did not assign much importance to changing the Penal Code. Since CSOs do not sit on the CNLCTF, they had no direct information on the draft law.

For all interviewees considered as a whole, actions ranked in the top three priorities were:

- Improve information and databases on forced labor,
- Implement the Intersectoral Protocol for forced labor,
- Modify the Penal Code to criminalize forced labor
- Rescue victims from forced labor
- Create a civil society and business coalition to combat forced labor<sup>32</sup>

32 Create a civil society coalition was ranked high by the members of civil society and low by the government representatives, which resulted in its low overall ranking. This gap in perception can be considered either an insurmountable obstacle to increasing national ownership of the campaign against forced labor -- or an opportunity to pursue.

PESQUISA ELETRÔNICA – PROJETO OIT SOBRE TRABALHO ESCRAVO  
QUESTIONÁRIO - BRASIL

**Questões Administrativas**

1. Meu país de trabalho é: Brasil, Peru, Outro \_\_\_\_\_
2. Minha organização é do tipo:
  - Multilateral
  - Governamental (Peru, Brasil, Estados Unidos)
  - Não-Governamental, da Sociedade Civil
  - De Trabalhadores
  - Do Setor Privado (Companhia ou Organização de Companhias)
  - Instituição Educacional
  - Organização Religiosa
  - Organização da Mídia
3. Meu envolvimento profissional é diretamente relacionado a: (favor identificar a mais aplicável)
  - Elaboração de políticas públicas
  - Gerenciamento de programas/projetos
  - Trabalho de campo / Fiscalização
  - Capacitação / Treinamento / Educação
  - Monitoramento e Avaliação
  - Comunicação
  - Sistema de Justiça / Polícia
  - Serviço Social / Defesa de Direitos
  - Outro \_\_\_\_\_
4. A porcentagem do meu tempo diretamente envolvido com Combate ao Trabalho Escravo é:  
0-25%, 25-50%,50-75%, 75-100%
5. Meu gênero é: (Masculino, Feminino, *ou prefere não responder*)
6. Se voce tem tido interações com especialistas em trabalho escravo ou forçado de outros países, favor de indicar o país ou países: \_\_\_\_\_

## Questões relacionadas ao Programa

1. Você acha que sabe o suficiente sobre o Projeto OIT sobre Trabalho Escravo? (Sim/Não, Não sei)
2. O principal propósito do Projeto OIT sobre Trabalho Escravo é de:
  - Resgatar grandes quantidades de trabalhadores;
  - Transferir recursos financeiros diretamente ao Programa de Ação Integrada em vários estados;
  - “Lobby” o Congresso para mudar a definição do Trabalho Escravo;
  - Fortalecer as instituições e relações para combater melhor o trabalho escravo
  - Testar novas metodologias de ação integrada para combater o trabalho escravo;
  - Outro \_\_\_\_\_
3. Você concorda que o grau observado de integração dos níveis (Internacional, Federal, Estadual, Local, da Sociedade Civil) é suficiente para o eventual sucesso do projeto da OIT sobre o Trabalho Escravo? (Insuficiente, um tanto quanto suficiente, suficiente, Não sei)
  - Se não é suficiente, qual é o nível que mais precisa de integração? (Internacional, Federal, Estadual, Local, Sociedade Civil) (escolha um)
4. O projeto da OIT sobre trabalho escravo, conforme desenhado e implementado até o momento, é a resposta mais eficaz para o problema de Trabalho Escravo no Brasil? (Não, Parcialmente, Um tanto quanto, Quase, Sim, Não sei)
  - Se não, o que você sugere de mudança? \_\_\_\_\_ (3-4 sentenças no máximo)
5. Que passos adicionais, se houver, deveriam ser tomados para aumentar o caráter de “brasileiro” do projeto? (Resposta breve, 3-4 sentenças no máximo)
6. O projeto da OIT apoia o Programa de Ação Integrada ou PAI; o PAI foi bem desenhado para atingir seu objetivo? (Não, Parcialmente, Um tanto quanto, Quase, Sim, Não sei)
  - Se não, o que você mudaria? \_\_\_\_\_ (3-4 sentenças no máximo)
7. Você sabe de algum plano para expandir/estender/replicar o Programa de Ação Integrada em outros estados brasileiros ou em outros países? (Sim, Não, Não sei)
8. O Programa de Ação Integrada seria apropriado e bem sucedido em outras situações? (Sim, Não, Não sei)
  - Se não, que mudanças precisam ser feitas? (3-4 sentenças no máximo)
9. Você sabe sobre os esforços de monitoramento para medir os resultados do programa? (Sim, Não, Não sei)
10. Qual seria a ação mais importante/mudança que poderia ser feita no Projeto OIT sobre Trabalho Escravo no próximo ano para garantir seu eventual sucesso? (Resposta breve, 3-4 sentenças no máximo)
11. Você tem tido interações substantivas com Peru em assuntos relacionados ao trabalho escravo? Sim/Não

Há outras pessoas que deveriam estar incluídas nesta pesquisa? Favor indicar nomes e organizações – podemos encontrar os e-mails se for necessário)

Há outros comentários que você deseja contribuir? (3-4 sentenças no máximo)

**OBRIGADO PELAS RESPOSTAS E PELA SUA PARTICIPAÇÃO**

## **ELECTRONIC SURVEY – ILO FORCED LABOR PROJECT PERU QUESTIONNAIRE**

### **Preguntas Administrativas**

1. Mi país de trabajo es: Perú, Brasil, u Otro \_\_\_\_\_
2. Mi organización es del tipo:
  - Multilateral
  - Gubernamental (Perú, Brasil, Estados Unidos)
  - No- Gubernamental, Organización de la Sociedad Civil
  - Organización de Trabajadores
  - Compañía del Sector Privado u Organización de compañías
  - Institución Educacional
  - Organización Religiosa
  - Organización de la Media
3. Mi acción profesional es directamente relacionada a: (favor identificar la más aplicable)
  - Elaboración de políticas públicas
  - Administración/manejo de programas/proyectos
  - Trabajo de campo / Fiscalización
  - Capacitación / Educación
  - Monitoreo y Evaluación
  - Comunicación
  - Sistema de Justicia / Policía
  - Servicio Social / Defensa de Derechos
  - Otro \_\_\_\_\_
4. El porcentaje de mi tiempo involucrado en el combate al trabajo forzoso es:  
0-25%, 25%-50%, 50-75%, 75%-100%
5. Mi género es: (Masculino, Femenino, *prefiero no responder*)
6. Si Ud. ha tenido interacciones con especialistas en el trabajo forzoso de otros países, favor de indicar el país o países: \_\_\_\_\_

### **Preguntas Relacionadas al Proyecto**

1. Ud. Cree que sabe lo suficiente del Proyecto OIT sobre Trabajo Forzoso ? (Sí, No, No sé)
2. Los propósitos principales del Proyecto OIT sobre Trabajo Forzoso son:
  - Desarrollar nuevas políticas y procedimientos
  - Rescatar grandes números de trabajadores del trabajo forzoso
  - Estimular el sector privado, sociedad civil, y organizaciones de trabajadores a combatir el trabajo forzoso
  - Educar la ciudadanía acerca de trabajo forzoso
  - Fortalecer instituciones públicas para combatir el trabajo forzoso
  - Aprender las mejores prácticas de otros países para aplicar al Perú
  - Otro \_\_\_\_\_
3. Es el Proyecto OIT Trabajo Forzoso , conforme diseñado e implementado hasta el momento, la respuesta más efectiva para el problema del trabajo forzoso en Perú? (No, Parcialmente, Un tanto cuanto, Casi, Sí, No sé)
  - Si no es Sí, qué sugiere Ud. cambiar? \_\_\_\_\_ (3-4 frases máximas)
4. Ud. ha tenido interacciones substantivas con el Brasil en asuntos relacionados al Trabajo Forzoso ?  
Sí/No



## Preguntas sobre el Trabajo Forzoso en el Perú

1. Mi conocimiento del asunto de trabajo forzado en el Perú es -- (1 a 5):

		Muy Bajo		Muy Alto
Incierto/No sé	1	2	3	4
				5

2. Por favor, ordene su evaluación del nivel de compromiso de varios grupos a la lucha contra el trabajo forzado en Perú (ordenada de 1 to 5):

Sin Compromiso						Muy Comprometidos		No Sé	
1	2	3		4	5				_____

Sin Compromiso						Muy Comprometidos		No Sé	
1	2	3		4	5				_____

Sin Compromiso						Muy Comprometidos		No Sé	
1	2	3		4	5				_____

Sin Compromiso						Muy Comprometidos		No Sé	
1	2	3		4	5				_____

Sin Compromiso						Muy Comprometidos		No Sé	
1	2	3		4	5				_____

Sin Compromiso						Muy Comprometidos		No Sé	
1	2	3		4	5				_____

Sin Compromiso						Muy Comprometidos		No Sé	
1	2	3		4	5				_____

3. Qué pasos adicionales deben ser tomados para aumentar el compromiso de la nación peruana al combatir el trabajo forzado en el Perú? (\_\_\_\_\_ (3-4 frases máximas))

4. Tiene otras sugerencias para hacer más efectivo este proyecto o proyectos de este tipo?  
 \_\_\_\_\_ (3-4 frases máximas)

### Otras Personas con Conocimiento Relevante en el Perú

Hay otras personas que deben de estar incluidas en esta encuesta? (Favor de indicar nombres y organizaciones – nosotros podemos encontrar emails si necesario)

GRACIAS POR LAS RESPUESTAS Y POR SU PARTICIPACION

# ANNEX 5: MORE DETAILED ANALYSIS OF CMEP INDICATORS

## Detailed discussion of some of the PMP indicators:

*PO1 Develop guidelines and strategies for a pilot-project for assistance to victims of forced labor and prevention of re-incidence (CI)* is an action or activity or even a description of a program but not an indicator.

*PO2 Roadmap for the implementation of the inter-agency protocol on forced labor endorsed by the government of Peru (CI)* is not an indicator. To be an indicator, it would need to be restated.

*OTC1 Improved indicators on forced labor in Brazil validated by CONATRAE (CI)* is a (desired) outcome, not an indicator. To be an indicator, it would need to be restated.

*OTC3. Ministry of Social Development and Ministry of Labor and Employment sign the Framework for institutional cooperation on forced labor issues* is not an indicator but an accomplishment or output or activity.

*OTC5 Number of companies required to guarantee the National Pact's financial and organizational sustainability that adhered to the National Pact (according to the sustainability plan)* is not an indicator. The definition seems to relate to the accomplishment by InPacto of having the minimum number of companies become members who – if they paid all their required fees – would contribute sufficient funds for the organization's sustained functioning. If this is the intention, an indicator such as *Percent of companies necessary for sustainability becoming members...* or *Percentage of necessary sustaining budget received from members ...* or similar, would be more useful. Presumably, the number required to guarantee sustainability would be a simple calculation of needed funds/members.

*OTC 9 Number of good practices adapted by Peru on the basis of the Brazilian experience* appears to be a valid indicator but to be employed there would have to be significant effort put into defining “good practices” “adapted” (implemented?) and “basis of Brazil experience”. Even with much effort the Project may find that it is still too vague to be of utility.

*OTP20 Number of agenda items or activities developed between Brazil and Peru.* The definition provided for this indicator is of milestones of progress but there are no targets and is not really useful as the Project should be looking at activities implemented which the high-level OTC9 almost alludes to. In fact, though the indicator name includes ‘*Number of agenda items...*’ the Definition (below) says that this is a “qualitative indicator describing the process...” and the Unit of measurement is said to be “binary”. From the CMEP: **Definition:** This is a qualitative indicator describing the process of developing a cooperation agenda between Brazil and Peru on issues related to the prevention and combat of forced labor, as well as providing forced labor victims and forced labor vulnerable population with multi-disciplinary services.

**Unit of measurement:** Narrative based on binary variable defined to facilitate the monitoring of the progress of this output achievement: cooperation agenda not developed, or cooperation agenda developed.

There are a number of indicators that are valid though capable of being strengthened.

*OTP 1. Report of Pilot-Survey available (CI).*

*OTP 2. Recommendations formulated in response to findings from mapping exercise are disseminated to CONATRAE.*

*OTP 3. Report on good practices to combat forced labor available and disseminated to key stakeholders.*

*OTP 6. Recommendations produced for framework of institutional coordination on forced labor issues about the exchange of data and information between the Ministry of Social Development and Ministry of Labor and Employment.*

*OTP 7. Joint activities developed among COETRAEs network members.*

*OTP 19. Forced labor inter-agency protocol approved.*

On the other hand, there are a number of strong indicators in the system that could form the base for capable M&E if they have good definition and appropriate targets. Among these are:

**IO1 Knowledge and Awareness**

*OTC 2. Percentage of target groups individuals who perceive an increase in their level of awareness regarding forced labor issues*

**IO2 Social Dialogue and worker groups**

*OTP 4. Number of key opinion leaders, media professionals, and stakeholders trained on communication as a tool to combat forced labor with a gender, race and age perspective.*

*OTP 9. Number of trade union members trained in forced labor issues using material produced by the project.*

*OTP 10. Number of rural workers organizations that use dissemination materials on forced labor produced by the project.*

**IO3 Employer Organizations**

*OTC 6. Number of employers' organizations and companies that carry out relevant initiatives to combat forced labor.*

*OTP 12. Number of sector-oriented workshops supported by the project to disseminate supply-chain studies about the eradication of forced labor.*

*OTP 13. Number of representatives that participate in the national employers' seminar on forced labor.*

**IO4 IAP**

*L1 - Number of households receiving IAP livelihood services.*

*L2 - Number of adults provided with IAP employment services*

*OTC 7. Percentage of project's direct beneficiaries that reported an increase in their income or assets after concluding IAP's livelihood services.*

*OTP 14. Completion rate for job-skills training provided by IAP (disaggregated by direct beneficiaries' sex, age, and level of education).*

*OTP 15. Number of States enrolled in the Integrated Action Movement.*

**IO5 Peru and South-South Cooperation**

*OTP 16. Number of studies produced that characterize forced labor in prioritized sectors.*

*OTP 17. Number of relevant stakeholders sensitized on forced labor issues.*

*OTP 18. Number of key stakeholders trained to prevent and combat forced labor.*

## CMEP Performance in Peru

The CMEP lays out assumptions and milestones for the Peruvian portion of the Project. The sections below summarize degrees progress accomplished to date, in different colors: a) **True or On Track showing good progress**, b) **Incomplete or partial results and facing obstacles**, c) **Not true or facing serious obstacles**.

### A. Critical Project Assumptions from the CMEP

Assumption	Evaluation	Comment
Stakeholders in general are willing to promote social dialogue.	Mainly true with important exceptions	Most stakeholders interviewed encourage social dialogue as a method to achieve national priorities, with qualifications from the business community
Private sector and employers' organizations are willing to combat forced labor	Not yet ascertained	SNI and SNMPE, the employer organizations on the CNLCTF, have been noncommittal. Other employers' associations could be recruited into the campaign
Peruvian and Brazilian governments are willing to promote South-South Cooperation activities	True	(no comment)
Economic environment remains sufficiently stable	True	(no comment)
Changes in the political landscape have limited effects on institutional relations	Not true	Peruvian ministries and agencies have experienced frequent turnover of key officials, slowing down progress on many fronts. Affected ministries have been MTPE, MINJUS, and the Prime Ministry. Lead up to the 2016 elections may perpetuate institutional instability
Legal and normative aspects of forced labor remain supportive of project activities	Mainly true	Though confusion over the definition of forced labor is present in statutes. The continuing absence of a law specifically sanctioning forced labor hampers many project activities

### B. Main Project Objectives pertaining to Peru (CMEP of February 2015)

Assumption	Evaluation	Comment
Complete and disseminate sector studies of Amazon logging, small mining, and domestic service	On track	The study of logging in Ucayali Region is complete but not yet disseminated. Preliminary diagnoses of mining and domestic service have been contracted. These studies will help arrive at estimates of forced labor in Peru
Improve data collection systems	On track	The RETA and SISTRA data system (administered by the Police and Public Prosecution Ministry respectively) are in operation, and RETA's call-in complaint system has been simplified. Both require additional enhancements, and operators need to be better trained on understanding forced labor compared to other labor violations. The Court System is designing its data tracking system RENAJU that could include forced labor. To date, the three systems are not integrated

		and public officials from one ministry do not have easy access to data in websites under other jurisdictions. With the Project's encouragement, MININTER and the Public Prosecution Ministry have signed an agreement to coordinate their two systems and the ILO has provided technical assistance for this purpose. The ILO has also proposed that they include RENAJU (Poder Judicial) in the agreement, and the Peru National Officer is working toward that end.
Implement a forced labor communications plan	<b>On track</b>	Virtually all stakeholders believe communications will assist in preventing situations of forced labor and lead to citizen complaints and prosecutions. The Ministry of Interior with a partial budget has designed a communications strategy linked to its complaint telephone number 1818. ILO has prepared a motion for the CNLCTF to sponsor the development a forced labor communication strategy, to be discussed at an upcoming meeting.
Train key stakeholders including officials of public institutions and the national and regional commissions (new objective as of February 2015)	<b>On track</b>	The Peru National Officer is in touch with regional networks of government agencies working to curtail trafficking and sexual exploitation, and is planning training sessions on forced labor
Promote the participation of worker and business groups to combat forced labor	<b>Attempted but not yet achieved</b>	Large businesses claim they do not use forced labor and virtually none of them audit their supply chain for forced labor. Large labor confederations do not give priority to forced labor issues compared to their members' basic labor grievances. SNI, the business association member of the CNLCTF believes Peru already has too many laws dealing with labor issues to require new legislation on forced labor. Other business organizations espousing principles of corporate social responsibility have not been engaged
Promote the creation and strengthening of regional tripartite commissions	<b>Modified and on track</b>	The Project determined that Project funding was insufficient to create regional tripartite commissions. The Project will instead work with a set of the 21 existing regional networks dealing with human trafficking and sexual exploitation, to add a forced labor component. Alliances so far have been struck with the regional networks for Piura, Ayacucho, and Loreto
Provide technical assistance to the CNLCTF	<b>Progressing and informal</b>	The CNLCTF meets monthly to hear presentations and discuss issues. Speakers inform the members of different aspects of forced labor, which improves members' technical knowledge. The ILO assists with the agenda and arranging speakers. CNLCTF does not systematically gather information from ministries, civil society organizations, workers or employers. Nor does it hire consultants or maintain records on forced labor separate from its members. It does, however, keep its

		members informed of developments and promotes actions against forced labor
Support the insertion of forced labor criminal sanctions in the Penal Code	<b>Promoted but not yet achieved.</b>	The ILO has provided advice in drafting the law against forced labor. The draft has circulated among relevant public agencies for comment. The Ministry of Labor submitted the draft to the Vice Minister of Human Rights and Access to Justice (MINJUS) on May 28, 2014, pending submission to Congress. Project stakeholders are hopeful that the newest Minister of Justice (appointed April 2, 2015) will move the draft forward
Train judges, police, prosecutors, lawyers and inspectors on forced labor	<b>Ahead of schedule and ongoing</b>	The Project has trained 106 judges, 100 police, 60 prosecutors, and 245 inspectors in sessions from 2 to 18 hours. The Ministry of Interior, the Police, the Ministry of Labor, and the Court System all stress the need for more training. (The numerical indicator for this Objective was removed from the CMEP version of February 2015)
Train the Special Labor Inspection Group (GEIT) in cooperation with Brazil (new Objective)	<b>Begun but delayed</b>	The Project financed the elaboration of the “Manual para los Inspectores del Trabajo de Peru” (Nov. 2014), created with support from SUNAFIL inspectors. While the manual has been distributed to all SUNAFIL inspectors, training for the GEIT is awaiting completion of SUNAFIL’s overall reorganization, planned for second semester 2015
Provide technical assistance for the inter-agency protocol in cooperation with Brazil (new Objective)	<b>On track</b>	The Project has supported three main products: a) the design of instruments to implement the Protocol for four actors; MTPE/SUNAFIL, MININTER, MINJUS, and the Public Prosecution Ministry, b) a workshop on January 20, 2015 with another planned for the second semester of 2015 and c) the elaboration of the roadmap for the implementation of the Inter-agency Protocol, which was submitted to the CNLCTF in April 2015.
Sponsor and document South-South exchanges between Peru and Brazil	<b>On schedule</b>	The Peruvian and Brazilian foreign cooperation agencies have arranged two exchanges exposing Peruvian government officials to Brazilian procedures and best practices. Reports are issued after each exchange

# **ANNEX 6: NATIONAL STAKEHOLDER WORKSHOPS**

(English version of workshop materials originally in Portuguese)

## **Brazil National Stakeholders Workshop Agenda** **Independent Interim Evaluation of SAP-FL**

**Date: Friday 20 March 2015**

**Location: ILO Brasília**

### **Objectives of the workshop:**

- 1) Obtain stakeholder input on achievements under SAP-FL, challenges, and recommendations for enhancing results during the remaining years of implementation?
- 2) Present the preliminary findings of the Interim Evaluation to stakeholders.

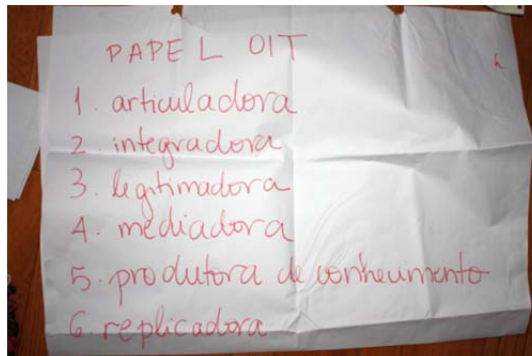
## Questions for Stakeholders Meeting Brazil SAP-FL Evaluation 3/20/15

### DESIGN

What is the main role of ILO action in CFL in Brazil? What are the main elements or principal purpose of this ILO intervention and how effective and appropriate is it given the context and national development priorities of Brazil?

Group Answer:

1. Coordinator
2. Integrator
3. Legitimizing
4. Mediator
5. Producer of knowledge
6. Replicator



### MONITORING

How relevant, appropriate, and effective have the CMEP (Comprehensive Monitoring and Evaluation Plan), and IAP M&E systems proved to be during implementation and how can the overall monitoring and data collection system be improved so that elements of it can be useful for national monitoring and evaluation?

Group Answer:

Group identified needs for M&E including coordination among national and state Committees, statistics, selection of participants, obstacles, and impacts.

### IAP

How sound is the strategy to replicate the IAP (Integrated Action Program) in other states and situations in Brazil and in Peru?

Group Answer:

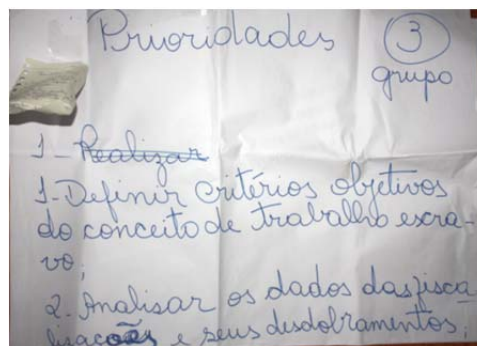
Group identified needs, tools, methods, and partners consistent with the present IAP practices.

### FUTURE DIRECTIONS

To improve project implementation going forward, what would be the most important actions to be taken in the short run (less than one year) to assure the success of the ILO project, and, more importantly, of the overall efforts to end forced labor in Brazil?

Group Answer:

1. Define objective criteria of the concept of slave labor.
2. Analyze the data from the inspections and their deployments.





# **Peru National Stakeholders Workshop Agenda**

Agenda del Programa de Hoy (March 27, 2015)

1. Palabras introductorias
2. Resultados Sondeo Informal
3. Grupos de Trabajo (2 Preguntas, 30 minutos)
4. Presentacion de los Grupos (5 minutos c/u)
5. Discusion
6. Observaciones del Evaluador

# ANNEX 7: EVALUATION TERMS OF REFERENCE

## USDOL/OCFT TERMS OF REFERENCE

### MIDTERM EXTERNAL EVALUATION OF:

### **Consolidating and Disseminating Efforts to Combat Forced Labor in Brazil and Peru**

## BACKGROUND AND JUSTIFICATION

The Bureau of International Labor Affairs (ILAB) is an agency of the U.S. Department of Labor (USDOL). ILAB leads the USDOL efforts to ensure that workers around the world are treated fairly and are able to share in the benefits of the global economy. ILAB's mission is to improve global working conditions, raise living standards, protect workers' ability to exercise their rights, and address the workplace exploitation of children and other vulnerable populations. Our efforts help to ensure a fair playing field for American workers and contribute to stronger export markets for goods made in the United States. The Bureau of International Labor Affairs has been working to combat child labor, forced labor and human trafficking since 1993.

ILAB works to combat forced labor around the world in a number of ways. These include:

*Research:* Produce and fund research reports that analyze and discuss forced labor around the world. These reports aim to raise awareness of forced labor among foreign governments, industry groups, and civil society organizations, and to spur action to combat forced labor.

*Projects:* Fund projects in foreign countries to address forced labor. These projects tackle forced labor in a variety of ways, including supporting local mechanisms to detect and rescue victims, building organizations' capacity to provide protection services to victims, and building government agencies' capacity to prevent forced labor and prosecute perpetrators.

*Policy:* Develop U.S. Government policy positions on forced labor issues and advocate for these positions in international fora, including the International Labor Organization (ILO).

Additionally, ILAB regularly reports on the extent to which the US government gives effect to the principle of the elimination of all forms of forced labor, pursuant to the ILO's 1998 Declaration on Fundamental Principles and Rights at Work.

Within ILAB, the Office of Child Labor, Forced Labor, and Human Trafficking (OCFT) promotes the elimination of child labor and forced labor through policy, research, and technical assistance projects. OCFT was created in 1993 in response to a request from Congress to investigate and report on child labor around the world. As domestic and international concern about child and forced labor has grown, OCFT's activities have significantly expanded. Today, these activities include:

- research and publication of major reports on international child labor, forced labor, and human trafficking;
- funding and oversight of projects to eliminate exploitive child labor and forced labor around the world; and
- assistance in the development and implementation of U.S. government policy on international child labor, forced labor, and human trafficking issues.

## **Project Context**

The International Labor Organization's Forced Labor Convention defines forced labor as work performed against a person's will, under the threat of some form of penalty. Forced labor takes many forms. Some victims are born into slavery, which still exists in some parts of the world. Some are trafficked. Some get trapped in endless debt through fraudulent job recruitment schemes or unreasonable pay deductions. Some are confined to workplaces through various forms of physical and psychological coercion. The ILO estimates that there are approximately 21 million forced labor victims globally. Nearly 70% of these victims are in sectors such as agriculture, construction, domestic work and manufacturing, while 22% are in commercial sexual exploitation.

Latin American countries are increasingly aware of the risk of forced labor practices. Within the region, Brazil has been at the forefront of combating forced labor by building institutional capacity to prevent forced labor and provide adequate services for its victims. Peru has more recently developed policies aimed at building its capacity to consistently address forced labor. Despite these efforts, forced labor is a developmental problem that still persists in Brazil and Peru, therefore these countries need to continue to strengthen and consolidate policies aimed to eradicate forced labor practices.

A thorough problem analysis of the forced labor situation was conducted during a workshop with key stakeholders from Brazil and Peru in July 2013. To solicit additional input, meetings were held with key stakeholders in Mato Grosso, Brazil and with the members of the National Commission for the Fight Against Forced Labor in Peru in September 2013. The main results of this participatory and consultative process are presented below.

## **Main Factors Contributing to Forced Labor in Brazil and Peru**

The main factors that contribute to the persistence of forced labor in Brazil and Peru are:

### *1. Low visibility of forced labor issues and of the results achieved in Brazil.*

Low visibility of forced labor issues and results is a main factor related to the prevalence of forced labor in Brazil simply because it precludes the inclusion of combating forced labor comprehensive policies in the civil society and government's policy agenda. This invisibility of forced labor issues and results is explained by three major concurrent factors:

- First, **Brazil lacks consistent data and studies on the different aspects of forced labor.** Improved data and studies on forced labor would allow Brazil to better understand its true dimensions and therefore would better inform the policymaking process.
- The second factor is the **lack of awareness of key stakeholders and the public in general on forced labor issues with an age, gender and race perspective.** This lack of awareness about the intersectional character of forced labor in Brazil hinders the design of specific interventions aimed to prevent FL and address its negative consequences. It also has the side effect of eroding political support to combat forced labor policies.

- The third factor identified by key stakeholders is the **limited knowledge of good practices** already implemented in Brazil. Once improved, this kind of knowledge can potentially leverage the effectiveness of combating forced labor initiatives through the transference of tested and approved good practices to other settings.

## 2. *Uneven institutional capacity to combat forced labor in Brazil.*

Despite the fact that Brazil has created institutional capacity to combat forced labor, loopholes still exist that result in the reduced effectiveness institutions. Institutional loopholes put at risk the Brazilian policy to combat forced labor in regard to the role of three relevant institutional actors.

- First, the National Commission (CONATRAE) has **weak communication channels** in place for the exchange of experiences and information, as well as **weak coordination and monitoring capacity** for the implementation of the National Plan to Eradicate Forced Labor. These institutional weaknesses' main effect is that they jeopardize the effective implementation of the National Plan to Combat Forced Labor, therefore contributing to the persistence of forced labor in Brazil.
- State Commissions (COETRAEs) also have difficulties in implementing the state-level plans to eradicate forced labor. The **exchange of experiences and information, as well as coordination and monitoring mechanisms are weak or non-existent**. Likewise, even in those states that have both a State Commission on FL (i.e. 13 out of 27 states) and a Decent Work Agenda prioritizing the eradication of forced labor (i.e. 9 states<sup>33</sup>), the **link between these two participatory and coordination fora are weak**. The combination of insufficient operational capacities and the lack of links between State Commissions and Decent Work Agendas generates duplication of activities and efforts, as well as the mismanagement of the already limited resources available. This hinders the effectiveness of the combat against forced labor at the state level and thus contributes to the persistence of forced labor in Brazil.
- Finally, **low levels of participation of workers' organizations in the National and the State Commissions** also contribute to the reduced institutional capacity to combat forced labor in the country. On one hand, there is a lack of commitment from these organizations; on the other, the necessary coordination mechanisms between workers' organizations and the National and State Commissions are not in place. The combination of these factors reduces the legitimacy and effectiveness of the work performed by the National and State Commissions, therefore imposing a set of organizational restrictions to these institutions, which in turn jeopardize the effective implementation of national and local policies designed to combat forced labor in Brazil.

## 3. *Low engagement of the private sector and employers' organizations in Brazil in combating forced labor.*

The engagement of the private sector and of employers' organizations in combating forced labor through corporate social responsibility practices has been reduced throughout the years. This is due to three factors.

- Even though there is consensus among companies that forced labor is unacceptable, some disagree with the **definition of forced labor under article 149 of the Penal Code**.<sup>34</sup>

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33 The states of Bahia and Mato Grosso have consolidated decent work agendas. In addition, in the states of Tocantins, Minas Gerais, Paraná, Pernambuco, Piauí, Alagoas and São Paulo, agendas are being developed.

34 According to some business representatives the Article 149 does not establish a clear and objective definition of forced labor in Brazil, therefore they argue that criminal penalties based on this article are unjust. In fact this is a political issue and questioning the Article 149 is a deliberate strategy to jeopardize the Ministry of Labor and Employment's mobile inspection unit

- Another cause for the private sector's low level of engagement is the **lack of awareness of employers' organizations and companies regarding the advantages of sustainable enterprises and supply chains**. This is mainly due to a lack of policies to promote sustainable supply chains. It is also worth noticing that few partnerships are implemented among government agencies, employers' organizations, companies and social stakeholders to stimulate the productive inclusion of rescued workers; the latter could be understood as a good managerial practice with clear productive effects.
- The main platform for participation of the private sector in promoting sustainable supply chains and sustainable enterprises has been the National Pact to Combat Forced Labor (InPACTO) that was launched in 2005. By signing the National Pact, a company publicly commits to combat forced labor by refraining from buying directly or indirectly from suppliers on the *Dirty List*.<sup>35</sup> By the end of 2012, more than 400 companies and institutions were signatories of the National Pact, accounting for 30% of Brazilian Gross Domestic Product. However, despite its achievements the **National Pact has a weak governance structure and is not sustainable** due to its current business model that lacks financial autonomy.

#### 4. Socioeconomic vulnerability of social groups in Brazil that lead to forced labor.

In regard to the work performed with the population directly affected by FL, the persistence of this problem in Brazil has two main, intertwined causes:

- **Extreme poverty** is a major factor behind forced labor prevalence. Extreme poverty affects a significant portion of the population that is especially vulnerable to this problem because it lacks alternative livelihood skills and opportunities to avoid forced labor.<sup>36</sup> The factors behind the lack of alternative livelihood opportunities include deficient education, inadequate vocational training and insufficient opportunities for economic inclusion.
- At the policy level, there is a **limited number of interventions to prevent forced labor and reintegrate workers rescued from forced labor conditions**. When rescued, the worker has the right to receive unemployment benefits for three months. However, there are still significant gaps in terms of reaching out to these workers with effective strategies. For example, government sponsored interventions are not sensitive to gender, race and age, and tend not to place victims of forced labor in the appropriate social programs. In addition, there is currently no national program to reintegrate victims of forced labor in Brazil.

#### 5. Low capacity to combat forced labor in Peru.

In 2007, Peru established the National Commission for the Fight against Forced Labor, which launched the **National Plan for the Fight against Forced Labor** and a Second National Plan in 2013. The National Commission acts as the permanent coordination body for policies and actions against forced labor in various sectors, at both national and regional levels. A special labor inspection unit to combat forced labor was created in August 2008. Although Peru has made progress in addressing forced labor issues, this problem persists and is directly related to pervasive instances of discrimination, in particular against indigenous peoples, as well as to the lack of economic opportunities and widespread poverty that increase vulnerability to forced labor.

work.

<sup>35</sup>The MTE database includes a data section called the "Dirty List" that contains the name of employers and companies that have been administratively convicted of having workers found under forced labor conditions.

<http://portal.mte.gov.br/data/files/8A7C812D3D63BE8D013D6F82F7995BAC/CADASTRO%20DE%20EMPREGADORES%20ATUALIZA%C3%87%C3%83O%20Extraordin%C3%A1ria%2015.03.2013.pdf>

<sup>36</sup>Data shows that male rural workers aged 18 to 34 are particularly vulnerable to forced labor. Recently however, it was noticed that an increasing number of workers rescued from forced labor in Brazil were found in urban settings.

The Peruvian Plan against Forced Labor identifies three priority sectors for attention: **timber, mining, and domestic service**. In the Peruvian Amazon, illegal loggers strike agreements with native communities to provide workers to cut timber. Although the initial arrangement is voluntary, the logger bosses create a debt relationship with the native workers which ties them to a production requirement which they cannot fulfill, effectively binding them in servitude. In mining areas, small mines employ men, women and children. The prospectors deceive the workers as to remuneration, cheat them in weighing the ore they extract, and then restrict their ability to seek other jobs against the threat of violence. The women are often exploited sexually and the children handle dangerously noxious chemicals, exacerbating the situation of forced labor. In the domestic service sector, employers may withhold the identity documents of maids, abuse them and their children, and through debt obligations effectively restrict their ability to leave their employ.

The Plan against Forced Labor also makes a legal distinction between child labor and forced labor. The worst forms of child labor covers slavery, child trafficking, servitude for debt repayment, child soldiers, prostitution and pornography, and children as drug purveyors. Only when children are forced into servitude, prostitution, drug trafficking, or armed conflict does the Plan cover their situation. As indicated above, however, most forms of child labor fall into the category of forced labor.

Low capacity to combat forced labor in Peru is mainly due to the following three factors:

- First, there is a **lack of knowledge on the extent and characteristics of forced labor in the country**. There is a shortage of data on forced labor as well as inadequate mapping of the regions and supply chains that have been identified as the most problematic.
- The second factor is the **lack of information among key stakeholders on the causes and consequences of forced labor**. This is accompanied by a lack of training among tripartite stakeholders to generate initiatives to address forced labor. Peru also lacks tripartite regional commissions to assist in the implementation of the National Plan.
- Finally, the **country lacks the institutional capacity to implement its national policies against forced labor**. Peruvian penal legislation does not identify forced labor as a specific criminal offense. This has serious implications in terms of impunity of perpetrators. Furthermore, there are no mechanisms to report forced labor and provide responses to victims. The labor inspection structure lacks the capacity to fully address the complaints received concerning forced labor cases and has limited outreach due to its organizational structure.

#### A. Project Specific Information

The project “Consolidating and Disseminating Efforts to Combat Forced Labor in Brazil and Peru” (referred to as the project) is a USD 6 million<sup>37</sup> technical cooperation trilateral initiative funded by the USDOL, and implemented by the ILO, with the support of national counterparts, in Brazil and Peru. The project’s overall developmental objective is to **contribute to the reduction of forced labor in Brazil and Peru**, through the effective implementation of the five intermediate objectives (IO) summarized below:

**IO1: Knowledge-base and awareness on forced labor improved among Brazilian key stakeholders and target groups;**

**IO2: Increased social dialogue and institutional capacity for public policy**

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<sup>37</sup> The project budget allocates USD 5,365,685 for activities to be developed in Brazil, and USD 634,315 for activities to be carried out in Peru.

**implementation at the national and state levels in Brazil;**

**I03: Increased engagement of the private sector and employers' organizations to combat forced labor in Brazil;**

**I04: IAP livelihood intervention strengthened and better positioned to reduce socioeconomic vulnerability of groups susceptible to forced labor in the Project's intervention areas.;**

**I05: Improved policies to combat forced labor in Peru.**

Given the intermediate objectives nature, the project targets key government and non-governmental institutions as beneficiaries of institutional strengthening, knowledge generation and capacity development initiatives in Brazil and Peru.

In Brazil, the project targets the following institutions:

- National Commission for the Eradication of Forced Labor (CONATRAE);
- State Commissions for the Eradication of Forced Labor (COETRAEs);
- National Pact for the Eradication of Forced Labor in Brazil (InPACTO);
- State governments developing local strategies to eradicate forced labor.

In Peru, the key target group consists of the following institutions:

- National Commission for the Fight Against Forced Labor (CNLCTF);
- Ministry of Labor and Employment Promotion (MTPE);
- National Labor Inspection Superintendence (SUNAFIL).

Complementarily to the work performed to promote institutional strengthening, social dialogue, knowledge generation, and capacity development, the project targets direct beneficiaries in Brazil. The project aims at supporting 650 individuals and 500 households, including workers rescued from forced labor situations by the mobile inspection units, as well as adults vulnerable to being recruited into forced labor mainly in the state of Mato Grosso, where the project has developed its livelihood component linked with intermediate objective number 4.

Although not directly targeted by the project, children found under forced labor conditions in the state of Mato Grosso are referred by the project to available programs of social protection, being therefore the project's indirect beneficiaries. Data compiled by the ILO in Brazil, nevertheless, suggests that only 1.7% of workers rescued from FL in the country are children.<sup>38</sup>

The 48-month project began in December 2012 and ends in December 2016. The implementation period for Peru is 24 months beginning in November 2013 and ending in November 2015.

## **PURPOSE AND SCOPE OF EVALUATION**

### **Mid-Term Evaluation Purpose:**

1. The main purposes of the mid-term evaluation are:
  5. To review the ongoing progress and performance of the program (extent to which supporting objectives have been achieved and outputs delivered),

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<sup>38</sup> Data compiled by ILO for the study "*Perfil dos Atores Envolvidos no Trabalho Escravo Rural no Brasil*" de 2011. According to USDOL's livelihood definitions available in the "*Management Procedures & Guidelines*" every individual with less than 18 years is considered a child. Referring children found under forced labor conditions to social protection programs in Mato Grosso state is a strategic action for the project because this would reduce these children's vulnerability to future recruitment into forced labor, thus being a preventive measure.

6. To examine the likelihood of the program achieving its objectives and targets,
  7. To provide recommendations for the remaining period of the project that will improve delivery of outputs and sustainability of intended objectives,
  8. To identify emerging potential good practices.
2. The mid-term evaluation should provide all stakeholders with information to assess and revise, as needed; work plans, strategies, objectives, partnership arrangements and resources. It should identify the potential impact on mainstreaming policy and strategies and recommend needed actions to realize project objectives.

### **Evaluation Scope:**

The evaluation will focus on the ILO/SAP-FL (Special Action Programme to Combat Forced Labor) Project, its overall strategy and organization, outputs to date, and its prospective contribution to the overall national efforts to combat forced labor. The evaluation should cover all the activities that have been implemented since the start of the project to the moment of the field visits (i.e. action programs/projects) and, as possible, make observations about scaling up and replicability. The analytical scope should include identifying levels of achievement pertaining to Project objectives and explaining *how* and *why* they have been attained in such ways (and not in other alternative expected ways, if it would be the case). The evaluation should identify intended (i.e. planned) and unintended results in terms of outputs and potential or likely outcomes. Some unintended changes could be as important as the ones planned. Therefore, the evaluation team should reflect on them for learning purposes. The purpose is to help the stakeholders to learn from the ongoing experience.

### **Intended Users**

The evaluation will provide OCFT, the grantee, other project stakeholders, and stakeholders working to combat forced labor an assessment of the project's experience in implementation and its effects on project beneficiaries. The evaluation findings, conclusions and recommendations will serve to inform any project adjustments that may need to be made, and to inform stakeholders in the design and implementation of subsequent phases or future forced labor elimination projects as appropriate. The evaluation report will be published on the USDOL website, so the report should be written as a standalone document, providing the necessary background information for readers who are unfamiliar with the details of the project.

### **Evaluation Questions for the Mid-Term Evaluation include the following:**

#### **A. DESIGN**

1. How effective and appropriate is this intervention's design given the context and national development priorities of both countries?
2. Are the human and financial resources allocated appropriately for achieving Project objectives?
3. Are the Project's reference groups satisfied with Project design and objectives? With the Project's planned next steps? (Reference groups may include direct and indirect beneficiaries, stakeholders, local leaders and implementing partners)
  - o Specifically for Brazil: How sound is the strategy to replicate the IAP (Integrated Action Program) in various Brazilian states?
  - o Specifically for Peru: How sound is the strategy to promote South-South Cooperation between Brazil and Peru?

#### **B. IMPLEMENTATION AND MONITORING**



4. How consistently have Project implementation and monitoring followed the guidelines set out in the Project document? In what ways have they deviated?
5. How effective is the project in collaborating with, assisting, and sharing ownership with key institutions in implementing and monitoring the IAP?
6. To what degree and in what ways are project beneficiaries, local leaders and implementing partners involved in the monitoring of project activities?
7. How relevant, appropriate, and effective have the CMEP (Comprehensive Monitoring and Evaluation Plan), the M&E systems (including the DBMS) (Direct Beneficiary Monitoring System) proved to be during implementation?
  - o What have been the main challenges in executing the CMEP?
  - o What are the main challenges in implementing the DBMS?

### **C. FUTURE DIRECTIONS**

8. To improve Project implementation going forward
  - o What are lessons learned to date?
  - o Which are the main priorities?
9. Can the Project take additional steps to increase national ownership?
10. Can the CMEP or elements of it be useful for national monitoring and evaluation?

## **EVALUATION METHODOLOGY AND TIMEFRAME**

The evaluation methodology will consist of the following activities and approaches:

### **A. Approach**

The evaluation approach will be participatory in nature, and primarily qualitative but also use project documents, including CMEP data, to provide quantitative information. The participatory nature of the evaluation will contribute to the sense of ownership stakeholders and among beneficiaries. Qualitative information will be obtained through field visits, interviews and focus groups as appropriate. Opinions coming from beneficiaries (teachers, former participants in forced labor) will improve and clarify the use of quantitative analysis. When feasible to obtain in the mid-term evaluation, opinions coming from direct beneficiaries such as extracted laborers will be obtained.

Quantitative data will be drawn from the CMEP and project reports to the extent that it is available will be incorporated in the analysis. The evaluation approach will be independent in terms of the membership of the evaluation team. Project staff and implementing partners will generally only be present in meetings with stakeholders, communities, and beneficiaries to provide introductions. The following additional principles will be applied during the evaluation process:

- Methods of data collection and stakeholder perspectives will be triangulated for as many as possible of the evaluation questions.
- Efforts will be made to include beneficiary voices.
- As possible, given the anticipated interviewees, gender, ethnic-racial, and cultural sensitivity will be integrated in the evaluation approach. Questions on these issues will be integrated into the evaluation or questions in the evaluation will be designed to elicit these observations.
- Consultations will incorporate a degree of flexibility to maintain a sense of ownership of the stakeholders and beneficiaries, allowing additional questions to be posed that are not included in the TOR, whilst ensuring that key information requirements are met.

- As far as possible, a consistent approach will be followed in each project site, with adjustments made for the different actors involved, activities conducted, and the progress of implementation in each locality.

## **B. Evaluation Team**

The evaluation team will consist of:

- Two international evaluators, fully conversant in Portuguese and Spanish, one concentrating on Brazil (Doug Baker) and the other on Peru (Peter Cleaves)
- A recording/reporting assistant will be supplied to help the evaluators with complete and accurate information.

Mr. Baker will conduct two weeks of fieldwork in Brazil including travel to Brasília, São Paulo, and Mato Grosso. His interviews with government agencies and the final stakeholders meeting will occur in Brasilia. While en route to Peru, Mr. Cleaves will attend the Brasilia stakeholders meeting, in part to receive feedback from Brazilian officials on the project's objective for south-to-south collaboration. He will then conduct one week of interviews in Peru, prior to preparing the interim report with Mr. Baker.

One member of the project staff may travel with the team to make introductions. This person is not involved in the evaluation process.

The international evaluators will be responsible for developing the detailed methodology in consultation with MSI, USDOL, and the ILO project staff of the SAP-FL in Brazil and Peru; directly conducting interviews and facilitating other data collection processes; analysis of the evaluation material gathered; presenting feedback on the initial findings of the evaluation to the national stakeholder meeting, and preparing the evaluation report.

## **B. Data Collection Methodology**

### **1. Document Review**

- Pre-field visit preparation includes extensive review of relevant documents
- During fieldwork, documentation will be verified and additional documents may be collected
- Documents may include:
  - CMEP documents (Comprehensive Monitoring and Evaluation Plan)
  - Project document and revisions,
  - Cooperative Agreement,
  - Technical Progress and Status Reports,
  - Project Results Frameworks and Monitoring Plans,
  - Work plans,
  - Correspondence related to Technical Progress Reports,
  - Management Procedures and Guidelines,
  - Research or other reports undertaken (baseline studies, etc.), and
  - Project files as appropriate.

### **2. Question Matrix**

Before beginning fieldwork, the evaluator will create a question matrix, which outlines the source of data from where the evaluator plans to collect information for each TOR question. This will help the evaluators make decisions as to how they are going to allocate their time in the field. It will also help the evaluators to ensure that they are exploring all possible avenues for data triangulation and to clearly note where their evaluation findings are coming from. If planning and preparation time in advance of the evaluation permits, the Contractor will share the question matrix with USDOL and

ILO.

### 3. Interviews with stakeholders

Informational interviews will be held with as many project stakeholders as possible. In Brazil, the evaluation team will solicit the opinions of government representatives, legal authorities, union and NGO officials, the action program implementers, community members, and, as possible, those extracted from forced labor. In areas where awareness-raising activities occurred, information will be sought from teachers, and program staff regarding the project's accomplishments, program design, sustainability, and the working relationship between project staff and their partners, where appropriate. In the case of Peru, the evaluator will conduct interviews with the public sector stakeholders, as well as with some NGOs, business and labor associations, and university researchers as appropriate.

Depending on the circumstances, these meetings will be one-on-one or group interviews. Technically, stakeholders are all those who have an interest in a project, for example, as implementers, direct and indirect beneficiaries, community leaders, donors, and government officials. Thus, it is anticipated that meetings will be held with:

- OCFT staff responsible for this evaluation and project prior to the commencement of the field work
- Headquarters, Country Director, Project Managers, and Field Staff of Grantee and Partner Organizations
- Government Ministry Officials and Local Government Officials who have been involved in or are knowledgeable about the project
- Community leaders, members, and volunteers
- Teachers and education personnel who received training
- Project beneficiaries (forced labor rescued victims and population cohorts vulnerable to forced labor cooptation) as possible
- International NGOs and multilateral agencies working in the area
- Other organizations, committees and experts in the area of forced labor
- U.S. Embassy staff member(s)

### 4. Field Visits

In Brazil, the evaluator will visit a selection of project sites, including Brasília, São Paulo, and Mato Grosso. The final selection of field sites to be visited will be made by the evaluator in consultation with the project. During the visits, the evaluator will observe the activities and outputs developed by the project. Focus groups with beneficiaries may be held.

### 5. Web-based survey

An anonymous web-based survey will be administered to the full range of stakeholders involved. Because of the wide variety of experiences and roles and depth of involvement, it cannot be tightly tailored to every function or situation nor deeply probing but will yet provide corroboration for qualitative findings. In particular, it will reach some people that could not otherwise participate in direct interviews for logistical or other reasons. The evaluators have found in past usage, that when space for short reactions is included, some very interesting and honest quotes and language directly from people is obtained that provided additional insight to the final reports. In fact, this practice is often required in the design of USAID evaluations, and, given the multi-country, multi-institutional, multi-level nature of this project this will be of exceptional value here.

This will be done in Google or SurveyMonkey or another program that automatically provides basic analysis as well. There would be little or no cost for the evaluation as the programs are either free or under a corporate subscription. The list of recipients and respondents would parallel that of the

actual direct interviewees – though it would obviously be much larger. It is important to note that the survey respondents would likely not include the direct beneficiaries who were extracted from forced labor for likely lack of access to the internet but it could certainly include beneficiaries of the training and capacity building or awareness raising.

#### **D. Ethical Considerations and Confidentiality**

The evaluation mission will observe utmost confidentiality related to sensitive information and feedback elicited during the individual and group interviews. To mitigate bias during the data collection process and ensure a maximum freedom of expression of the implementing partners, stakeholders, communities, and beneficiaries, implementing partner staff will generally not be present during interviews. However, implementing partner staff may accompany the evaluator to make introductions whenever necessary, to facilitate the evaluation process, make respondents feel comfortable, and to allow the evaluator to observe the interaction between the implementing partner staff and the interviewees.

#### **E. Stakeholder Meeting**

Following the field visits, a stakeholders meeting will be conducted by the evaluator that brings together a wide range of stakeholders, including the implementing partners and other interested parties. The list of participants to be invited will be drafted prior to the evaluator's visit and confirmed in consultation with project staff during fieldwork.

The meeting will be used to present the major preliminary findings and emerging issues, discuss recommendations, and obtain clarification or additional information from stakeholders, including those not interviewed earlier. The agenda of the meeting will be determined by the evaluator in consultation with project staff. Some specific questions for stakeholders may be prepared to guide the discussion and possibly a brief written feedback form.

The agenda is expected to include some of the following items:

- Presentation by the evaluator of the preliminary main findings
- Feedback and questions from stakeholders on the findings
- Opportunity for implementing partners not met to present their views on progress and challenges in their locality
- If appropriate, Possible Strengths, Weaknesses, Opportunities and Threats (SWOT) exercise on the project's performance
- Discussion of recommendations to improve the implementation and ensure sustainability. Consideration will be given to the value of distributing a feedback form for participants to nominate their "action priorities" for the remainder of the project.

A debrief call will be held with the evaluator, ILO and USDOL after the stakeholder workshop to provide ILO and USDOL with preliminary findings and solicit feedback as needed.

#### **F. Limitations**

Fieldwork for the evaluation in Brazil will last two weeks, and in Peru one week. The evaluators will not have enough time to visit all project sites or interview all project stakeholders. All efforts will be made to ensure that the evaluator is visiting the most relevant and informative sites, and has interviewed all of the key stakeholders.

This is not a formal impact assessment. Findings for the evaluation will be based on information collected from background documents and in interviews and the anonymous survey of with stakeholders, project staff, and beneficiaries. The accuracy of the evaluation findings will be determined by the integrity of information provided to the evaluator from these sources.

## **G. Timetable**

The tentative timetable is as follows. Actual dates may be adjusted as needs arise.

Task	Date
Identify a list of stakeholders	1-21-15
Evaluation purpose and questions submitted to Contractor	1-26-15
Logistics call-Discuss logistics and field itinerary	1-30-15
Draft TOR sent to OCFT	1-27-15
Finalize field itinerary and stakeholder list for workshop	2-16-15
Finalize TOR with USDOL and submit to Grantee	2-16-15
Cable clearance information submitted to USDOL	2-23-15
Finalize survey questions	2-25-15
Finalize list of survey respondents	2-27-15
Fieldwork	3-9-15 to 3-27-15
Post-fieldwork debrief call	4-10-15
Draft report to contractor for Quality Control review	4-17-15
Draft report to USDOL & Grantee for 48 hour review	4-24-15
Comments due to Contractor	5-12-15
Report revised and sent to Contractor	5-18-15
Revised report to USDOL	5-20-15
USDOL and stakeholder comments after full 2-week review	5-27-15
Final report to USDOL	6-10-15

## **EXPECTED OUTPUTS/DELIVERABLES**

As soon as feasible, not to exceed fifteen working days following the evaluator's return from fieldwork, a first draft evaluation report will be submitted to the Contractor. The report should have the following structure and content:

### Table of Contents

- I. List of Acronyms
- II. Executive Summary (providing an overview of the evaluation, summary of main findings/lessons learned/good practices, and key recommendations)
- III. Evaluation Objectives and Methodology
- IV. Project Description
- V. Evaluation Questions

- A. Answers to each of the evaluation questions, with supporting evidence included
- VI. Findings, Recommendations and Conclusions
  - A. Findings – the facts, with supporting evidence
  - B. Conclusions – interpretation of the facts, including criteria for judgments
  - C. Key Recommendations - critical for successfully meeting project objectives – judgments on what changes need to be made for future programming
  - D. Other Recommendations – as needed
  - E. Lessons Learned and Best Practices
- VII. Annexes - including list of documents reviewed; interviews/meetings/site visits; stakeholder workshop agenda and participants; TOR; etc.

The total length of the report should be approximately 30 pages for the main report, excluding the executive summary and annexes.

The first draft of the report will be circulated to OCFT and key stakeholders individually for their review. Comments from stakeholders will be consolidated and incorporated into the final reports as appropriate, and the evaluator will provide a response to OCFT, in the form of a comment matrix, as to why any comments might not have been incorporated.

While the substantive content of the findings, conclusions, and recommendations of the report shall be determined by the evaluator, the report is subject to final approval by ILAB/OCFT in terms of whether or not the report meets the conditions of the TOR.

## **EVALUATION MANAGEMENT AND SUPPORT**

The evaluators will work with OCFT and its local partners to evaluate this project.

MSI senior evaluator Douglas Baker will carry out this evaluation in Brazil. Mr. Baker is a monitoring and evaluation specialist who has worked extensively on implementation of government policy—principally in Latin America and the Middle East. His most recent overseas posts were as Chief of Party for the Monitoring, Verification, and Evaluation Unit of the USAID Egyptian Environmental Policy program and as director of the M&E Division of the USAID/Egypt Education Reform program. His most recent evaluations include an evaluation of the USAID/Brazil Environment Program. A former Fulbright Fellow in Brazil, he holds a master’s in development economics from the University of Connecticut and also a master’s in Latin American studies jointly from Yale University and the University of Connecticut as well as a Bachelor’s degree in Portuguese with study at the University of Lisbon.

Peter Cleaves’ career has spanned thirty years in Latin America on social, political and economic issues. He was ten years with the Ford Foundation in Peru and Mexico, and headed the AVINA Foundation’s program in Brazil, developing, approving, and monitoring projects in social development. In addition to heading the Emirates Foundation in Abu Dhabi, he was Vice President for the First National Bank of Chicago and Director, Latin American Studies at the University of Texas at Austin. His consultancies have assisted multilateral agencies, governments, corporations and philanthropies evaluate their regional and country-specific programs. He has resided five years in Mexico and four years in Peru, and his book published by Cornell University Press analyzes the implementation of public sector policies in Peru. His degrees are from Dartmouth College (A.B.), Vanderbilt University (M.A.) and PhD (University of California at Berkeley).

MSI will provide all logistical and administrative support for its evaluators, including travel arrangements (plane and hotel reservations, purchasing plane tickets, providing per diem) and all materials needed to produce all deliverables. MSI will also be responsible for the management and technical oversight necessary to ensure consistency of methods and technical standards and to provide complete copy editing and formatting of the final report.

# ANNEX 8: LIST OF DOCUMENTS REVIEWED

- Project document (ProDoc), USDOL, June 2014 and revisions 1, 2, 3
- Technical Cooperation Project Summary
- Technical Progress and Status Reports, ILO, April and October 2014, April and October 2013,
- Correspondence related to Technical Progress Reports
- CMEP documents (Comprehensive Monitoring and Evaluation Plan) Final, ILO, February 2015, Draft, and Comments
- Management Procedures and Guidelines, ILO, 13 December 2012
- Propuesta MTPE Sobre Trabajo Forzoso, USDOL, 27 December 2012
- No Time for Coffee: The hard life of workers on Brazil's coffee plantations, Repórter Brasil, 2014
- A Realidade Dos Homens Retirados Do Trabalho Escravo Um Ano Depois - O Caso Das Fazendas Bodoquena, Pitangueiras e Rosemary no estado de Mato Grosso do Sul, Relatório Final, Instituto Brasileiro de Inovações Pró-Sociedade Saudável da Região Centro-Oeste, Mato Grosso do Sul, 2012
- Guía Para El Proceso De Formalización y Estrategia De Saneamiento De La Pequeña Minería Y Minería Artesanal, Edición N° 1, Ministerio Público del Perú, 2015
- Manual de Combate ao Trabalho em Condições Análogas às de Escravo, Brasília: MTE, 2011
- II Plan Nacional Para La Lucha Contra El Trabajo Forzoso 2013 – 2017,
- Projeto: Ação Integrada para Qualificação e Reinserção Profissional dos Resgatados do Trabalho Escravo e/ou em Situação de Vulnerabilidade em Mato Grosso, Ministério Público de Trabalho, Ministério do Trabalho e Emprego,
- National Pact for the Eradication of Slave Labour in Brazil
- Agenda Missão Peru: Missão de Prospecção Cooperação Sul-Sul entre Brasil e Peru na área de combate ao trabalho forçado, ILO, Lima, 18 a 22 de agosto de 2014
- USDOL ILAB Fact Sheet
- Forced Labor Project Planner, ILO, December 2014



# **ANNEX 9: INTERVIEWS, MEETINGS, SITE VISITS**

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