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

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

## ▶ 4. Developing the NAP

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

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



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

### Leading the development process

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

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

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

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

### Who does what?

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

### Mapping the landscape

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

### Building on research

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

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

Among the issues typically included in a background study are:

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

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



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

### Assessing the knowledge and capacity of implementing partners

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

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

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

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



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

## Consultation, ownership and commitment

### Forced Labour Protocol

#### Article 1

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

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



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



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



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



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

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

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

### Assigning clear roles and responsibilities

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

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



#### Identifying the role of each partner

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

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

### Defining a clear timeframe

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

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

#### Recommendation No. 203:

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

## Estimating the cost

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

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

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



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

### Estimating cost for each partner

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

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

## Drafting the NAP

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

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

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

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



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

### Translating the NAP

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

### Adopting the NAP

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

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

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



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



### **Mobilizing policy makers**

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

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



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

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## Useful links

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

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

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

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

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

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