



Tool No. 5: Strategies to address the 4Ps



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



| | |
|-------------------|--|
| Prevention | <ul style="list-style-type: none"> ▶ Have the different vulnerable / at-risk groups been identified? ▶ What are the most adequate means to reach them? ▶ Are there education and information programs targeting vulnerable groups (taking into account language barriers, illiteracy, etc.)? ▶ Are skills training programmes provided for at-risk population groups to increase their employability and capacity to increase their income? ▶ Do employers receive information and training so as to be able to recognize forced labour, identify risks and adopt mitigation strategies? ▶ Does relevant legislation (forced labour, human trafficking, bonded labour, labour migration, etc.) protect all workers in all sectors with no restriction? ▶ Is recruitment appropriately regulated so as to prevent exploitation? ▶ Is it prohibited to charge recruitment fees to workers? ▶ Are migrant workers provided with pre-departure information? ▶ How is due diligence by public and private sectors supported? ▶ What are the measures taken to address root causes such as social protection floors and promotion of safe and regular migration? |
| Protection | <ul style="list-style-type: none"> ▶ Do all victims have access to victim protection and rehabilitation's systems, irrespective of their status (age, gender, nationality, etc.)? ▶ Are protection measures provided to victims whether they agree or not to take part in judicial proceedings? ▶ Are emergency protection measures in place (access to shelters, medical assistance, etc.) as well as long-term rehabilitation (vocational training, access to unemployment benefits, etc.)? ▶ Is there a national referral system? ▶ What are the different complaint mechanisms? ▶ What are the measures in place to protect victims and their relative from retaliation? ▶ Do all victims have access to safe and adequate accommodation? ▶ Can victims receive health care, material assistance, and judicial assistance? ▶ Are there measures in place to protect victims' privacy and identity? ▶ Do victims have access to educational and training opportunities? ▶ Are there partnerships in place with employers to provide victims with decent work opportunities? ▶ Which measures are in place to take into account the special needs of women, children or migrant workers? ▶ Are victims provided with a reflection and recovery period? ▶ Are victims provided with temporary or permanent residence and / or work permits? ▶ How is safe repatriation ensured? Is it voluntary? |

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

| | |
|---------------------|--|
| Prosecution | <ul style="list-style-type: none"> ▶ What are the measures in place to support victim identification? Is there a list of forced labour indicators that has been discussed and validated with social partners and other key stakeholders? ▶ Are victims able to seek remedies before the courts, tribunal or resolution mechanisms, through both civil and criminal proceedings without conditions / discrimination? ▶ Do victims have access to financial compensation for material damages (such as medical costs, unpaid wages, legal fees, and loss of earnings and earning potential) or for moral damages (such as pain and emotional distress)? ▶ Can they benefit from free legal advice? ▶ Can migrant workers receive legal support in a language they understand? ▶ Can victims be prosecuted or imposed penalties for their involvement in unlawful activities that they were compelled to commit, including violating migration or labour legislation? ▶ Do labour inspectors, police officers, prosecutors, judges and other law enforcement officers have the sufficient skills, training, resources and mandate to enforce the law? ▶ Do law enforcement officers receive appropriate training related to evidence gathering, recording, interviewing techniques, etc.? ▶ Are there coordination and collaboration mechanisms in place between the different law enforcement agencies? ▶ Do law enforcement officers collaborate with trade unions and NGOs? ▶ Does national legislation allow for financial penalties, including confiscation of profits and assets? ▶ Are victims entitled to access collective compensation funds? ▶ Can victims pursue compensation and damages from perpetrators, including unpaid wages and statutory contributions for social security benefits? ▶ Can victims pursue appropriate administrative, civil and criminal remedies, irrespective of their presence or legal status? ▶ Can legal entities be held liable for the violation of the prohibition to use forced or compulsory labour? |
| Partnerships | <ul style="list-style-type: none"> ▶ Have the different partners involved in designing, drafting, implementing and monitoring the NAP been identified? ▶ Have organizations of employers and workers been systematically involved in the process? ▶ Have victims been included developing the NAP strategy? ▶ What are the bilateral cooperation mechanisms in place between criminal and labour law enforcement agencies? ▶ Do sending and receiving countries cooperate to prevent forced labour and protect victims? ▶ Are there mutual technical assistance procedures in place, including the exchange of information and the sharing of good practices and lessons learned? ▶ How does your country cooperate with others to achieve SDGs Target 8.7? ▶ Is your country an Alliance 8.7 pathfinder country or planning to become one? |