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REPORTING ON FORCED LABOUR AND FAIR RECRUITMENT:

An ILO toolkit for
Journalists in Viet Nam



REPORTING ON FORCED LABOUR AND FAIR RECRUITMENT

AN ILO TOOLKIT FOR JOURNALISTS IN VIET NAM

This toolkit has been adapted for Viet Nam by ILO Viet Nam staff – Jane Hodge, Tran Quynh Hoa, Nguyen Thi Mai Thuy and Alan Hewson.

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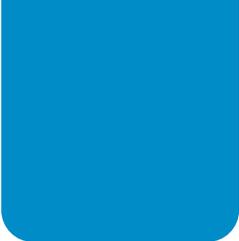
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This toolkit was developed by the International Labour Organization (ILO). The ILO is a specialized agency of the United Nations which, since 1919, has brought together governments, employers and workers of 187 member States to set labour standards, develop policies and devise programmes promoting decent work for all women and men.

In the framework of the Fair Recruitment Initiative, the toolkit aims to foster contributions to the United Nations TOGETHER campaign, promoting respect, safety and dignity for refugees and migrants. It also aims to further contributions to Alliance 8.7, the global partnership committed to achieving Target 8.7 of the Sustainable Development Goals on eradicating forced labour, modern slavery, human trafficking and child labour around the world.

Many organizations and actors have contributed to this toolkit, including the International Federation of Journalists (IFJ), ILO staff in various country offices and journalists from many countries around the world. The original ILO Media Toolkit was developed by Charles Autheman, Kevin Burden, Cassandre Guibord Cyr, Nicolás Castellano, Lou Tessier, Jane Colombini, Maria Gallotti, Mélanie Belfiore and Clara van Panhuys based on the lessons learned from several media engagement programmes of the ILO and other agencies as well as building on the wealth of experience of the IFJ. The authors express their gratitude to Joanne Land-Kazlauskas who edited the language of the original publication.

The ILO toolkit for Journalists in Viet Nam was adapted by ILO Viet Nam staff – Jane Hodge, Tran Quynh Hoa, Nguyen Thi Mai Thuy and Alan Hewson.

The authors of the toolkit and the authors of the various examples of reporting provided in this toolkit are respectively and solely responsible for the content and any opinions expressed within this publication, which does not reflect any official position of the ILO.

CONTENTS

INTRODUCTION	01
MODULE 1. UNDERSTANDING THE STORY	03
UNIT 1.1 - LOOKING FOR A COMMON TERMINOLOGY	03
UNIT 1.2 - FORCED LABOUR	03
UNIT 1.3 - DECENT WORK OPPORTUNITIES THROUGH FAIR RECRUITMENT	05
UNIT 1.4 - LEGAL FRAMEWORKS	07
MODULE 2. FINDING THE STORY	12
UNIT 2.1 - GETTING PREPARED	12
UNIT 2.2 - FINDING A STORY	13
UNIT 2.3 - GETTING SUPPORT	21
MODULE 3. GETTING THE STORY	22
UNIT 3.1 - RESOURCES	22
UNIT 3.2 - SAFETY	23
UNIT 3.3 - SOURCES	26
MODULE 4. TELLING THE STORY	29
UNIT 4.1 - WHICH MEDIUM?	29
UNIT 4.2 - CONSIDER A SERIES	31
UNIT 4.3 - ARE YOU READY?	33
MODULE 5. FOLLOWING UP	34
UNIT 5.1 - IMPACT, AWARDS AND SPECIALIZING	34
UNIT 5.2 - FINAL TIPS	36

INTRODUCTION

WHY USE THIS GUIDE?

This toolkit was created to help you report on fair recruitment and forced labour. You don't need any prior knowledge to browse through the content of the guide. You can work your way through the material in your own time and at your own pace.

We recommend that you follow the course in logical order, but it is not strictly necessary. If time is short, you can dip in to find the information you need most at the moment and return later to expand your knowledge.

THE ROLE OF THE MEDIA

“I HAD TO EAT THE DOG’S FOOD TO SURVIVE”

- Hugo Bacheaga

Maria (not her real name) had arrived in Brazil from the Philippines as a hired domestic worker by a wealthy family who lived in Sao Paulo.

She had to help the mother with the three school-aged boys and a baby. Then clean the large apartment, walk the family's dog, and put all the children to bed. Weeks would pass without Maria's employers giving her a day off. With so much to do, she often had no time left to eat. One morning when she woke up her stomach hurt from the lack of food, but her tasks were already waiting for her. Only hours later did she find something to eat: she was cooking meat for the family's dog and took half of it for herself.

“I didn't have [any other] choice to survive. “Maria paid \$2,000 (£1,500) in fees to the agency that recruited her. Her employer paid the agency \$6,000 and the cost of the flights to Brazil.

What they were not told when they applied for their jobs was that their visas would be tied to their employment. So even when they found conditions to be bad, they felt they could not just walk out and look for a new job. And to get a new work permit, they would have to leave Brazil.”

Read the full story posted on 11 December 2017 <https://www.bbc.com/news/world-latin-america-41857444>

As a human being, you may be outraged by this story. As a journalist, you may be able to do something about it.

Journalists have a voice that many people do not. They have the ability to shine a light on abusive practices and denial of fundamental human rights as well as to alert readers or viewers to the abuses. Journalists have the opportunity to change public opinion, even policy, impacting on the lives of workers. In addition, journalists have a clear ethical duty not to make matters worse, which can happen when reporters and editors use derogatory language for workers and sensationalist headlines.

Writing stories on a human rights issue such as forced labour and fair recruitment is not like writing a routine news story. It takes more time because of the effort required to investigate: speak to a variety of sources; weigh; and verify them in the process.

Many stories of forced labour and fair recruitment are “glocal”: they have a local impact and produce repercussions globally. For instance, workers who are trapped in the garment industry may be producing clothing that some of your readers wear. Therefore, understanding contemporary economic interactions and global production mechanisms is also important for the reporting.

In the following pages, information and advice is provided to help report more accurately and effectively on forced labour and on fair recruitment. Many examples of good reporting are included as well as tips from journalists experienced in covering these often-challenging subjects.

A WORD ABOUT US

This toolkit was developed by the International Labour Organization (ILO). The ILO is a specialized agency of the United Nations which, since 1919, has brought together government, employers and workers of 187 member States to set labour standards, develop policies and devise programmes promoting decent work for all women and men.

The toolkit aims to foster contributions to the United Nations TOGETHER campaign, promoting respect, safety and dignity for refugees and migrants.

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Many organizations and actors have contributed to this toolkit, including, amongst others, the International Federation of Journalists, the United Nations Alliance of Civilizations (UNAOC), and journalists from many countries around the world.

MODULE 1

UNDERSTANDING THE STORY



UNIT 1.1 - LOOKING FOR A COMMON TERMINOLOGY

While telling stories on forced labour and fair recruitment, it is important to know that some words are legally defined while others aren't. Understanding the definitions and interpretations is part of the preparatory work that should be done before any reporting. If you do not have a clear understanding of the meaning(s) of the words you use, your capacity to report accurately and to challenge the discourse of your sources of information is weakened.

Dictionaries, glossaries and media stylebooks are key resources to gain expertise and improve the quality of media productions. The ILO has developed a Media-Friendly Glossary on Migration Fair Recruitment and Forced Labour - Viet Nam Edition.

UNIT 1.2 - FORCED LABOUR

Forced labour can take many different forms. Victims are often tricked into jobs where they are paid little or nothing at all and then cannot leave because they have been manipulated into debt or had their identity documents confiscated. Poverty, illiteracy, discrimination and migration are some of the factors that make workers more vulnerable to forced labour.

A. WHAT IS FORCED LABOUR?

The term forced labour covers a wide variety of coercive labour practices where work is compelled from individuals. People who are in forced labour did not give their free and informed consent to start working and/or are not free to leave their work. Human trafficking, debt bondage, bonded labour, slave labour and modern-day slavery are terms that are used by news and media to describe labour exploitation. There are an estimated 24.9 million victims of forced labour around the world. The ILO says forced labour can be found almost anywhere, whether that is in Asia and the Pacific, Europe, Central Asia, Africa, the Arab States or the Americas.

B. HOW DO PEOPLE GET TRAPPED?

Some workers are more vulnerable to the risk of forced labour because they face discrimination (for example, minorities) or because they are isolated (for example, migrant workers). The risk of abuse is higher when the work is performed out of sight, behind closed doors, such as the case of domestic workers.

C. WHAT TYPE OF WORK OR WHICH SECTOR?

Forced labour can happen in any type of activity inside the labour market, in the formal or informal sector, even though some low-wage jobs are more prone to abusive practices and exploitation.

D. RECRUITMENT PRACTICES

The use of coercion is often very subtle and hard to detect. Recruitment through deception, including making false promises, is very common when it comes to forced labour. Private recruiters and informal intermediaries may be the only source of employment information available to migrants. This makes it easy for them to lie about the nature of jobs and conditions of work.

E. IMPUNITY AND PROFITS

Unscrupulous recruiters and employers reap huge illegal profits, facilitated by an environment of impunity where abuses are not always effectively investigated or prosecuted. Victims and their families lose income and as a result cannot escape poverty. It also creates unfair competition for ethical companies and risks tarnishing the reputation of entire industries. Therefore, such environment must be tackled with the contribution of all relevant parties including recruiters, employers, and regulators to ensure that they take their responsibilities seriously and stick to the law.

F. LABOUR MIGRATION AND THE RISK OF FORCED LABOUR

Migrant workers are one of the groups most vulnerable to forced labour. Around 44% of forced labour victims are migrant workers, either moving within their own country or internationally. Once workers have left their country of origin for a country of destination, they can find themselves more vulnerable to exploitation, especially when they don't speak the language.

- Debt bondage

Debt bondage is the most common form of coercion used to entrap workers. It affects 51% of all victims of forced labour in the private sector. Accepting credit for expenses such as travel costs immediately places a worker in debt to their employers. This debt can then be manipulated through sudden "rises" in interest rates or hidden charges.

- Retention of passports

The retention of passports and other identity documents is one of the most common forms of coercion, restricting a migrant worker's freedom of movement, preventing them from seeking help and trapping them in forced labour. It is one of eleven indicators of forced labour. In many countries, this is even a common practice for certain kinds of workers, for example, for domestic workers who live in the household of their employers.

- Wage withholding

Wages may be withheld in order to cover the costs of housing or tools and equipment. This creates a situation where the worker becomes dependent on the employer for food and shelter.

G. ENDING FORCED LABOUR

Forced labour is a severe violation of human rights and is considered a crime under international law. It should be punishable through penalties reflecting the gravity of the offence and which deter perpetrators. Although most countries outlaw forced labour, human trafficking and/or slavery-like practices in their national legislation, successful prosecutions of offenders sadly remain few.

H. THE IMPORTANCE OF REGULATION

When labour markets fail and workers are left unprotected, the most vulnerable among them are at risk of exploitation. In its effort to promote decent work, the ILO has developed several international labour standards that tackle forced labour. Some address forced labour in general, while others focus on specific issues such as child labour or domestic work.

Combating forced labour requires the effective regulation of labour markets, at both international and national levels, and proper enforcement of labour laws.

UNIT 1.3 - DECENT WORK OPPORTUNITIES THROUGH FAIR RECRUITMENT

In today's globalized economy, millions of people are looking for job opportunities beyond their community or country of origin and the recruitment and employment of workers along global supply chains is ever more common. Migration today is more and more about the world of work. In addition, millions of workers migrate within their own country in search of decent work. Making sure that the recruitment process is fair, is a key aspect in securing decent work opportunities for all.

A. WHAT IS FAIR RECRUITMENT?

Fair recruitment is a concept that is not defined in international law but that has become central to international debates and ILO work. The Fair Recruitment Initiative is an ILO global initiative looking to improve recruitment practices. It is based on a four-pronged approach: improving global knowledge on national and international recruitment practices (1), improving laws, policies and enforcement (2), promoting fair business practices (3), and empowering and protecting workers (4).

The concept of fair recruitment is embedded in the ILO General Principles and Operational Guidelines for Fair Recruitment, which look at various aspects of the recruitment process, and in particular the following:

- Information on job opportunities

Fair recruitment starts at the beginning of the recruitment process when information on the existence of a job opportunity is shared. Unfair practices such as deception can happen at that moment, for example through the publication of false promises in the classifieds section of a newspaper. Governments can issue press releases or can publish advertisements to reject such lies.

- Direct recruitment or agents?

Recruitment processes can be complex and involve different private or public actors. The more intermediaries there are between the employer and the worker, the more risks there are of unethical practices. One of the common problems workers face is the payment, directly or indirectly, of recruitment fees or costs.

The ILO General Principles and Operational Guidelines for Fair Recruitment state that workers should not pay recruitment fees or related costs, and yet in many countries, recruitment fees are still legally charged to the workers whether in part or whole. In addition, it is important to understand the full range of costs that workers end up paying. These can include “recruitment fees”, usually charged by a recruitment agency for the services of connecting a worker with an employer, but can also include related costs, such as costs for identity documents, travel documents, medical checks and pre-departure training.

- Appropriate job matching

The recruitment process should ensure that an efficient job matching is made so that workers are offered a placement with job opportunities that are best suited for their qualifications, abilities and aspirations.

B. ELIMINATING WORKER-PAID RECRUITMENT FEES AND RELATED COSTS

The recruitment process often involves third-party intermediaries charging high fees, which frequently burdens migrants in the lowest-paying jobs. ILO-World Bank surveys¹ show that low income migrants - disproportionately the least skilled or educated – are paying the highest costs relative to their earnings. In Viet Nam particularly, there have been various media articles revealing the excessively high recruitment fees and related costs paid by some Vietnamese migrant workers. This has made migrant workers vulnerable to debt bondage, and abuses that amount in different criminal justice frameworks to human trafficking or forced labour. The ILO General Principles and Operational Guidelines for Fair Recruitment, and Definition of recruitment fees and related costs², clearly call for recruitment fees and related costs to be borne by employers, not workers.

C. WHO ELSE HAS A ROLE TO PLAY IN THIS STORY?

Many different actors have a role to play in promoting fair recruitment and ensuring its effective implementation. Governments bear the ultimate responsibility for advancing fair recruitment and should adopt and enforce laws and policies meeting international standards. Enterprises - including labour recruiters, public employment services, private and public employers - as well as trade unions and civil society organizations - are all essential to promote fair recruitment. Finally, the media can also play a role, by making sure that workers are informed and by exposing malpractices publicly.

D. ETHICAL RECRUITERS

Some private recruitment companies/agencies have made the choice to be “ethical recruiters”. The terms and conditions they offer to employers and workers are transparent and respect fair recruitment guidelines. Their experience is important in demonstrating that compliance with the law and ethical behaviour in recruitment works.

1. [The World Bank, 2017. KNOMAD-ILO Migration Costs Surveys](#).

2. [ILO, 2019. ILO General Principles and Operational Guidelines for Fair Recruitment, and Definition of Recruitment Fees and Related Costs](#)

UNIT 1.4 - LEGAL FRAMEWORKS

The legal framework addressing forced labour and fair recruitment is both international and national. At the international level, several instruments have been adopted through time. Some of these instruments are legally-binding for the countries who have ratified them (all conventions and protocols) and some provide non-binding guidance to strengthen national frameworks (recommendations). In addition, the elimination of all forms of forced labour is one of the ILO's four fundamental principles and rights at work. As a consequence, the instruments related to forced labour must be respected, enforced and promoted by all ILO member states, whether they have ratified it or not.

A. SELECTED RELEVANT INTERNATIONAL LAW

While not an exhaustive list of international legal standards relevant to trafficking, forced labour and related offences, the following timeline presents selected relevant international law instruments:

1930

Forced Labour Convention, 1930 (No. 29) - Ratified by Viet Nam in 2007

Convention No. 29 defines forced labour as: "...all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily". The Convention requires ratifying States to suppress all forms of forced or compulsory labour (Article 1(1)). As the first convention on the subject, it provides the definition of "forced or compulsory labour" (Article 2(1)) and lists 5 exceptions. It also requires ratifying States to ensure that the use of forced labour is punishable as a penal offence and that penalties are "really adequate and strictly enforced" (Article 25).

1948

Employment Service Convention, 1948 (No. 88) - Ratified by Viet Nam in 2019

Convention No. 88 outlines the responsibilities of a public employment service. It requires ratifying States to ensure a free public employment service to workers (Article 1). Ratifying States are also required to form advisory committees including representatives of employers' and workers' organizations to advise on the organization and operation of the public employment service and in the development of employment service policy (Article 4(1)). The public employment service should assess workers' vocational capacity and assist them to obtain training, and match employer's vacancies with workers who have suitable skills (Article 6(a)).

1949

Migration for Employment Convention (Revised), 1949 (No. 97) - Not yet ratified by Viet Nam

The Convention requires ratifying States to facilitate international migration for employment by establishing and maintaining a free assistance and information service for migrant workers and taking measures against misleading propaganda relating to emigration and immigration; includes provisions on appropriate medical services for migrant workers and the transfer of earnings and savings. States have to apply treatment no less favourable than that which applies to their own nationals in respect to a number of matters, including conditions of employment, freedom of association and social security.

1957

Abolition of Forced Labour Convention, 1957 (No. 105) - Ratified by Viet Nam in 2020

Convention No. 105 prohibits explicitly five situations where forced labour is imposed by state authorities, namely forced labour as punishment for the expression of political views, for the purposes of economic development, for participation in strikes, as a means of racial or other discrimination or as labour discipline.

1958**Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Ratified by Viet Nam in 1997**

The ILO adopted this Convention concerning Discrimination in Respect of Employment and Occupation, which is part of the Fundamental Principles and Rights at Work (the ILO Declaration of Fundamental Principles and Rights at Work adopted in 1998 and revised in 2010). The Convention requires states to enable legislation which prohibits all discrimination and exclusion on any basis including of race or colour, sex, religion, political opinion, national or social origin in employment and repeal legislation that is not based on equal opportunities.

1975**Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) - Not yet ratified by Viet Nam**

The Convention provides for measures to combat clandestine and illegal migration while at the same time setting forth the general obligation to respect the basic human rights of all migrant workers. It also extends the scope of equality between legally resident migrant workers and national workers beyond the provisions of the 1949 Convention to ensure equality of opportunity and treatment in respect of employment and occupation, social security, trade union and cultural rights, and individual and collective freedoms for persons who as migrant workers or as members of their families are lawfully within a ratifying state's territory. The convention calls upon ratifying states to facilitate the reunification of families of migrant workers legally residing in their territory.

1990**International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990 - Not yet ratified by Viet Nam**

Entering into force in 2003, this Convention obligates States to protect the human rights of migrant workers and members of their families without distinction of any kind such as sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status, and regardless of their stage of migration. Under Article 11, no migrant worker or member of their family shall be required to perform forced or compulsory labour or be held in slavery or servitude.

1997**Private Employment Agencies Convention, 1997 (No. 181) - Not yet ratified by Viet Nam**

Adopted in 1997, this Convention recognises the "role private employment agencies may play in a well-functioning labour market". The purpose of the Convention is to allow the operation of private employment agencies as well as to protect the workers using their services. According to Article 7 of the convention, private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers.

1998**Declaration on Fundamental Principles of Rights at Work, 1998**

Adopted by all ILO Member States in 1998, the Declaration defines the four core labour standards that all Member States must "respect, promote and realize", whether or not they have ratified the relevant Conventions. The four principles are freedom of association and the right to collective bargaining, as well as the elimination of forced labour, child labour, and discrimination.

1999**Worst Forms of Child Labour Convention, 1999 (No.182) - Ratified by Viet Nam in 2000**

Adopted in 1999, this Convention calls for the prohibition and elimination of the worst forms of child labour as a matter of urgency. The worst forms of child labour include all types of slavery, including the sale and trafficking of children; forced labour to pay off a debt; any other type of forced labour, including using children in war and armed conflict. Other worst forms of child labour include the sexual exploitation of children, the involvement of children in illicit activities, and work which is likely to harm the health, safety or morals of children.

2000

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000 - Ratified by Viet Nam in 2012

The Palermo Protocol is one of three protocols that were adopted by the United Nations to supplement the 2000 Convention against Transnational Organized Crime (the Palermo Protocol). Article 3 of the Protocol defines trafficking in persons as requiring three components; the act, the means, and the purpose. The Palermo Protocol establishes children as a special case for whom only two components are required for a definition of trafficking in persons - act and purpose. Viet Nam has ratified the Protocol with the Reservation that Viet Nam "...does not consider itself bound by paragraph 2 of Article 15 of this Protocol."

2008

General recommendation No. 26 on women migrant workers, 2008.

This General Recommendation, under the Convention on the Elimination of All Forms of Discrimination against Women, aims to elaborate the circumstances that contribute to the specific vulnerability of many women migrant workers and their experiences of sex- and gender-based discrimination as a cause and consequence of the violations of their human rights.

2011

Domestic Workers Convention, 2011 (No. 189) - Not yet ratified by Viet Nam

Adopted in 2011, this Convention focuses on decent work specifically for domestic workers. Articles 8 and 15 focus on the recruitment side of domestic work with notable provisions on the role of private recruitment agencies, on fees and on repatriation. According to Article 9, domestic workers:

- a) are free to reach agreement with their employer or potential employer on whether to reside in the household,
- b) who reside in the household are not obliged to remain in the household or with household members during periods of daily and weekly rest or annual leave; and
- c) are entitled to keep in their possession their travel and identity documents.

2014

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

Recommendation No. 203, which supplements both the Protocol and Convention No. 29, provides non-binding practical guidance concerning measures to strengthen national law and policy on forced labour in the areas of prevention, protection of victims and ensuring their access to justice and remedies, enforcement and international cooperation. It builds on the provisions of the Protocol and should be read in conjunction with it.

Protocol of 2014 to the Forced Labour Convention, 1930 (P029) - Not yet ratified by Viet Nam

The Protocol is a legally-binding instrument that requires States to take effective measures to prevent forced labour and provide victims with protection and access to remedies, including compensation. It supplements Convention No. 29, so ILO member States must have ratified the Convention first to be able to ratify the Protocol.

B. GOOD PRACTICES IN NATIONAL LEGISLATION

• Armenia

The 2011 Criminal Code (Amendments) allowed for the confiscation of property from offenders. Additionally, victims of trafficking have been included in the list of vulnerable persons eligible for extra employment assistance by the government.

• Nigeria

Section 62 of Nigeria's Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, as amended in 2015, provides that where "the circumstances so justify, trafficked persons shall not be detained or prosecuted for offences related to being a victim of trafficking, including non- possession of valid travel documents, use of a false travel or other document."

- United Kingdom

The United Kingdom's 2015 Modern Slavery Act criminalizes human trafficking, including forced or compulsory labour.

- United States

The United States Government emphasized the importance of due diligence in preventing human trafficking with Executive Order No. 13627 in 2012, and title XVII of the National Defense Authorization Act for FY 2013. Subsequently, the U.S. Government enacted in the Federal Acquisition Regulation, "Combating Trafficking in Persons," these policies and mandates set out strict requirements for contractors and subcontractors who receive federal contracts.

C. NATIONAL LEGISLATION RELATED TO FORCED LABOUR AND FAIR RECRUITMENT

Viet Nam has ratified several ILO Conventions relating to forced labour and fair recruitment – including the Forced Labour Convention, 1930 (No. 29), the Employment Service Convention, 1948 (No.88), and the Abolition of Forced Labour Convention, 1957 (No. 105). Viet Nam has numerous pieces of domestic legislation that aim to protect its citizens from forced labour and human trafficking. This protection extends to Vietnamese citizens who may experience these kinds of abuses in another country. Additionally, Viet Nam has regulated the recruitment process of migrant workers (Vietnamese citizens who work abroad in another country), in an effort to improve the protection of these workers – especially from situations that may amount to forced labour – and to safeguard the economic benefits of migrant worker remittances to the Vietnamese economy.

- **Constitution of Viet Nam³**

The constitution of Viet Nam includes an explicit prohibition of forced labour in article 35:

1. Citizen has the right to work and to select career, job, and workplace.
2. Worker shall be provided equal and safe conditions of work and shall be paid with salary and enjoy break policy.
3. Discrimination, forced labour, and employment of worker under minimum age of labour are strictly prohibited.

- **Labour Code, 2021⁴**

The new Vietnamese labour code, which takes effect from 1 January 2021 contains several fundamental protections for Vietnamese workers, including prohibitions on: discrimination – including discriminating against workers on the basis of participation in trade union activities – maltreatment and harassment of workers at the workplace, engaging workers in forced labour and making false promises to recruit a worker for the purposes of human trafficking, exploitation or forced labour. Additionally, the labour code guarantees all employee's right to minimum wage under article 90(2) – including domestic workers.

- **Vietnamese Criminal Code, 2015⁵**

The Vietnamese Criminal Code makes it an offence to engage in human trafficking, including 'coercive' labour (often understood to incorporate forced labour). Specifically, article 297 (coercive labour) makes it illegal to use violence, the threat of violence or other methods to force someone to work. This offence can be penalised with a fine, community-based sentence, or up to 12 years imprisonment depending on the seriousness of the conduct. Similarly, human trafficking is an offence under articles 150 and 151 of the criminal code, with penalties ranging from five years to life imprisonment based on the seriousness of the crime. The criminal code also includes related offences that support human trafficking or forced labour crimes, such as falsifying travel documents and brokering or organizing illegal entry to or exit from Viet Nam.

- **Law on the Prevention of and Combat against Human Trafficking, 2011⁶**

This law aims to provide a comprehensive framework for the prevention, detection and handling of human trafficking offences.

3. [Constitution of the Republic of Vietnam, 2013](#)

4. [Vietnamese Labour Code No. 45/2019/QH14, 2021](#)

5. [Vietnamese Criminal Code No. 100/2015/QH13, 2015](#)

6. [Law on the Prevention of and Combat against Human Trafficking No. 66/2011/QH12, 2011](#)

As such, the law regulates the provision of protection and support to victims of offences included in this law – including the provision counselling and legal support. Under article 21 of this law, the People’s Police and People’s Army are tasked with the responsibility to detect, stop and investigate human trafficking, however, interviews with the police indicate that the investigation of human trafficking offences is difficult and requires the cooperation of authorities within countries of destination to compile evidence of the crime.

• **Law on Vietnamese Workers Working Abroad under Contract, 2006⁷**

The Law on Vietnamese Workers Working Abroad Under Contract (Law 72) was revised in 2020, and the new Law on Contract-Based Vietnamese Workers was adopted by the 14th National Assembly’s 10th meeting and will come into force on 1 January 2022. Journalists should ensure they are always using the most up to date Law. Law 72 and its accompanying subordinate legislation, comprise the overarching legal framework governing recruitment of migrant workers in Viet Nam. Under the law, migrant worker recruitment services are provided by a range of actors, including: public recruitment entities and private recruitment agencies, called service enterprises in the law, that are issued a license by the Minister of Labour, War Invalids and Social Affairs (MOLISA). The coverage of the law is limited to migrant workers undertaking ‘regular’ migration using licensed or public recruitment services or who have directly concluded an employment contract with an employer in another country. Migrant workers who migrate irregularly – for example by using the services of an unlicensed recruitment agency or not in accordance with the Law – or frontier workers (a migrant worker who retains his or her habitual residence in a neighbouring State to which he or she normally returns every day or at least once a week) are not protected by this legislation.

Law 72, together with subordinate legislation, permits service enterprises to charge the following costs to migrant workers:

- Service charge – ceiling rate of one month of a migrant worker’s salary per year of the employment contract⁸
- Brokerage commission – ceiling rate dependent on destination country and industry⁹
- Deposit or introduction of guarantor – ceiling rate dependent on destination country and industry¹⁰
- Other costs: training, travel, visa and work permits; medical examinations; and documentation

Law 72 also permits public recruitment services to charge costs to migrant workers:

- Costs of expenses for recruitment of migrant workers (dependent on recruitment agreement)
- Introduction of guarantor
- Other costs: training, travel, visa and work permits; medical examinations; and documentation

Law 72 prohibits licensed service enterprises from using the services of unlicensed agents, brokers or other intermediaries within Viet Nam as part of the recruitment process. However, the use of intermediaries within countries of destination to support the recruitment process is permitted. Article 27 of Law 72 obligates service enterprises to supply workers with ‘adequate information’ about the terms of their ‘guest worker contracts’. ‘Guest worker contracts’ is the term used for a contract between a service enterprise and a migrant worker, and which must, under article 17 of the law, include details of the migrant worker’s terms of employment. Migrant workers must also be provided with ‘necessary knowledge’ by their recruitment service under article 65 of the Law. ‘Necessary knowledge’ must cover:

- Viet Nam’s traditions and cultural identity;
- the basic contents of the labour, criminal, civil and administrative laws of Vietnam and the country of destination;
- the contents of the contract signed between the worker and their recruitment service;
- labour discipline, safety and hygiene;
- the customs, practice and culture of the host country;
- working and living behaviours;
- use of transport and the purchase and use of tools and equipment for everyday needs; and
- problems to be avoided while workers live and work abroad.”

7. [Law on Vietnamese Workers Working Abroad under Contract No. 72/2006/QH11, 2006](#)

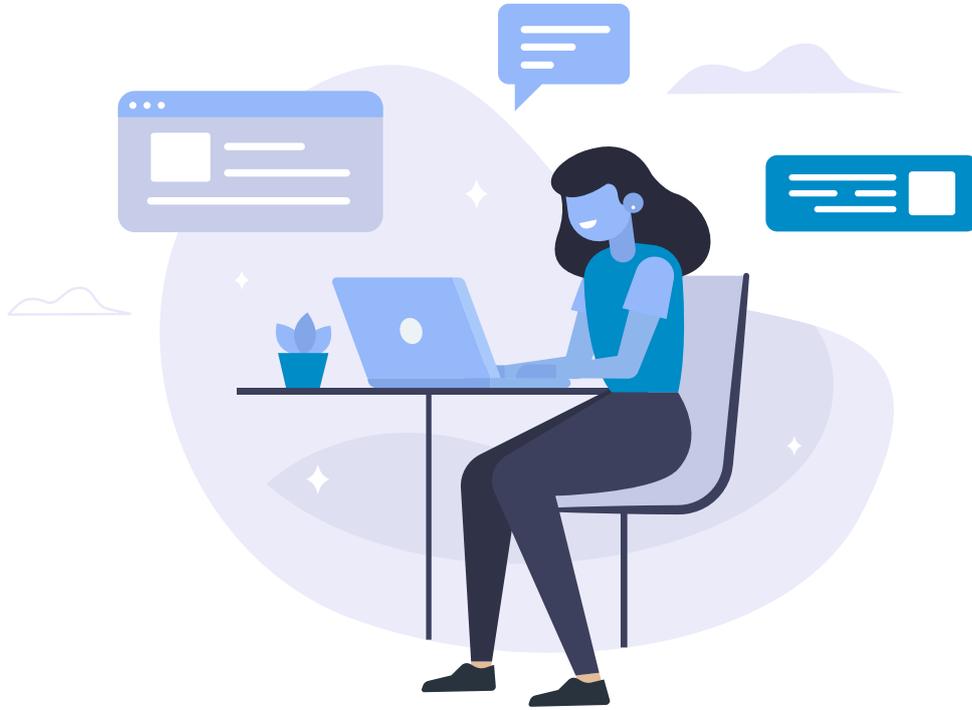
8. [Joint Circular on specific provisions on brokerage fees and service charges in sending Vietnamese workers to work abroad under contracts No. 16/2007/TTLT- BLĐTBXH-BTC, 2007](#)

9. [Decision regarding the broker reimbursement rate for businesses in some markets No. 61/2008/QĐ-LĐTBXH, 2008](#)

10. [Circular providing for the ceiling level of deposit and labour markets in which service enterprises permitted making agreement about the deposit with labourers No. 21/2013/TT-BLĐTBXH, 2013](#)

MODULE 2

FINDING THE STORY



UNIT 2.1 - GETTING PREPARED

Being fair to the story is a challenging task. It requires good preparation, understanding of the subject matter, hard work as well as long-term dedication. According to photojournalist and documentary filmmaker Mimi Chakarova, the biggest preparation is mental. Beyond the mental preparation, she also suggests that quality reporting comes from extensive research. In doing so, you should bear in mind the following do's and don'ts:

Table 2: Do's and Don'ts



Read what is currently being reported by the media and look for stories that are poorly covered: decent work deficits or even abuses in some sectors, gaps in legislation, victim protection, and discrimination in services provided to victims.



Look for stories that are sensational or try to fit into an existing narrative by distorting the reality.



Reach out to relevant expertise: civil society organizations, academia, professionals working on forced labour.



Overlook that you are dealing with vulnerable persons. Rushing, even if you are working on tight deadlines, can have dramatic consequences.



Assess the feasibility of possible stories (time, format, legal and personal risk, resources) and potential consequences for you and your sources of information.



Forget that your responsibility is to inform your audience and not to advocate.

UNIT 2.2 - FINDING A STORY

There are examples of reporting on situations of forced labour in this section, the focus of this module is not on revealing a story of abuse. Positive stories can be powerful and provide information that can both prevent situations of abuse and improve public perception about the benefits of labour migration, which, if it takes place under fair recruitment and decent working conditions, can contribute to development, to the wellbeing of countries of origin and destination and to migrants themselves.

Journalists can also tell stories of positive changes in policies, laws, business practices, and how these changes might affect the lives of thousands of people.

This section is organized by theme and provides a brief introduction, examples of reporting and, when relevant, a list of questions that can be the starting point of a story.

A. HUMAN STORIES

The most compelling stories are those where people tell their own stories. There is no need to sensationalize these accounts: you can just let the facts and the personal testimonies speak for themselves, adding any required factual information that is missing. Support groups may be able to put you in touch with someone, for example, who has escaped. You must protect their identity if they request it. Human interest stories are often widely shared and can raise awareness about the issues and create social pressure for change.

Key questions you may wish to consider include:

- How were they recruited?
- What work are they doing?
- What journey did they make?
- What are the living conditions outside work?
- If they had been trapped into forced labour, how did they get their freedom?
- What was the reaction of the community around them?

EXAMPLES OF HUMAN STORIES

How greedy brokers force thousands of Vietnamese workers to seek illegal work in Taiwan

The original story was published in the South China Morning Post on 7 April 2019. It's available at <https://www.scmp.com/week-asia/society/article/3004895/how-greedy-brokers-force-thousands-vietnamese-workers-seek>

The story was translated and published in various Vietnamese newspapers. Read it at <https://plo.vn/quoc-te/kieu-bao/tai-sao-hang-ngan-cong-nhan-viet-lam-viec-chui-tai-dai-loan-826298.html>



This article tells personal stories of Vietnamese migrant workers recruitment process to Taiwan, China, and exposes the impact that high recruitment fees and related costs, bonds, low wages and deceptive recruitment practices have on individuals and their families. This article helps to reveal migrant workers motivations for traveling abroad for work, and the financial pressures and debt which may push them to leave an employer in a destination country. This article also reveals that Vietnamese migrant workers are paying double to triple the amount of recruitment fees and related costs than other workers from Indonesia, the Philippines and Thailand. These kind of articles can assist in raising awareness about specific issues and creating social pressure for change.

B. LABOUR AND THE WORKPLACE

Decent work sums up the aspirations of people in their working lives. The four pillars of the Decent Work Agenda include: employment creation, social protection, rights at work and social dialogue. The recruitment conditions of workers may affect the realization of each of these pillars and fair recruitment should apply to all workers. Yet abuses can occur in many industries that can lead to forced labour. It can happen out of sight, for example in domestic work; or in remote areas, such as agriculture, mining and fishing; as well as in sectors closer to our everyday lives, such as catering and hospitality.

Key questions you may wish to consider include:

- What are the main sectors of activity and employment in your region?
- What are the steps workers need to take to get a job? Do they have to pay recruitment fees? How can advance payments force workers into “debt bondage”?
- Do employers and workers know about their rights at work?
- What are the working conditions?
- What information is provided about safety and health on the job?

EXAMPLES OF STORIES ABOUT WORK

Lời kêu cứu từ Ả rập Xê út của một phụ nữ Việt (A Vietnamese woman cries for help from Saudi Arabia)

The story was published on the An Ninh Thu Do on 7 July 2017. It's available at <https://anninhthudo.vn/loi-keu-cuu-tu-arap-xeut-cua-mot-phu-nu-viet-post322227.antd>

This article outlines the poor, abusive, and in some cases forced labour, living and working conditions of Vietnamese domestic workers in Saudi Arabia and the failure of Vietnamese recruitment agencies to protect them.

Overworked, abused, hungry: Vietnamese domestic workers in Saudi

The story was published on Al Jazeera on 19 September 2018. It's available at <https://www.aljazeera.com/indepth/features/overworked-abused-hungry-vietnamese-domestic-workers-saudi-180919083829939.html>



This article outlines the poor, abusive, and in some cases forced labour living and working conditions of Vietnamese domestic workers in Saudi Arabia. The article outlines some specific issues to the domestic work sector in the Arab States – for example when domestic workers enter under a sponsorship system which prohibits them from changing jobs or leaving the country without their sponsor’s approval, which is problematic if domestic workers are in abusive living and working conditions at the hands on their sponsor. It also highlights issues with unscrupulous brokers charging domestic workers high recruitment fees and related costs, and the way this traps workers in a cycle of debt bondage.

C. BUSINESS AND ECONOMICS

Forced labour and unfair recruitment generate huge illegal profits. An ILO study found that modern slavery generates annual profits of over US\$ 150 billion¹¹.

News reports can unveil the economics behind these issues and encourage employers and businesses to address the risk of forced labour and promote fair recruitment and decent working conditions in their own operations as well as in their supply chains.

Key questions you may wish to consider include:

- What are the economic incentives behind unfair recruitment practices, exploitative working conditions and forced labour?
- How can these be reversed or overcome?
- What are businesses doing to promote decent working conditions in their operations?
- How do public and private employers ensure due diligence in their supply chains?
- How are corporate promises integrated into actual business practices?
- Has consumer pressure resulted in improvements for workers?

EXAMPLES OF STORIES ABOUT MONEY

Miền đất hứa (Promising land)

This Vietnam Television (VTV) documentary was aired on 17 March 2018. It’s available at <https://vtv.vn/truyen-hinh/vtv-dac-biet-mien-dat-hua-phan-lam-chui-cua-lao-dong-bat-hop-phap-viet-tai-xu-dai-nhung-goc-khuat-dau-den-tan-cung-20180317223721032.htm>

This documentary shows that Vietnamese workers have to pay high recruitment fees and related costs to be able to go to Taiwan, China, for work. The current Law allows recruitment agencies to charge migrant workers recruitment fees and costs, including service charges, brokerage fees, training costs, deposits, and guarantee costs among others. High recruitment fees and related costs can make migrant workers vulnerable to debt bondage, and fraudulent practices during the recruitment process coupled with limited access to complaint and compensation mechanisms, may push workers into situations of forced labour

Working off debt in Cambodia’s brick kilns

This story was aired on CNN on 26 July 2017. It’s available at <https://edition.cnn.com/videos/world/2017/07/26/cfp-cambodia-brick-kiln.cnn>

11. ILO, 2014. Profits and poverty: the economics of forced labour

This story shows that the brick kiln sector in Cambodia is plagued with allegations of debt bondage. In this story, factories loan workers money to pay for medical expenses, or to support children on the proviso that they will work off the debt. The result is that workers return most of their wages to factories to pay off their debts, and are forced to stay at these workplaces until their debts are paid. Some workers said they would have to work at brick kiln workplaces for the rest of their lives to pay off their debts, and some feared passing their debt onto their children.

Migrant workers ‘exploited’ in Japan

This story was uploaded to BBC News YouTube channel on 27 August 2019. It’s available at <https://www.youtube.com/watch?v=wPcalL8PFJ4>

This short documentary describes the stories of migrant workers who have travelled to Japan under the Technical Internship Training Programme (TITP). The story consists of a series of interviews with migrant workers who have left their employers as a result of significant labour abuses and discrimination. These abuses include unpaid overtime – which is alleged to occur at 70 per cent of all Japanese companies who hire technical interns. Further labour abuses are also detailed in the story – including bullying and xenophobia towards migrant workers.

D. MIGRATION

The ILO estimates that there are 150 million migrant workers in the world today¹². Stories about migration can highlight the difficult choices individuals and their families face in searching for better opportunities. Stories about migration can also help show the positive contribution migrant workers make to countries’ economies, helping to overcome common negative stereotypes and xenophobia.

Key questions you may wish to consider include:

- Why do people look for work opportunities away from home?
- What are the legal opportunities to migrate?
- How do people travel?
- Who facilitates migration?
- What happens when legal or established migration routes are suddenly shut?
- How are migrant workers welcomed in countries of destination? Are they treated fairly?

EXAMPLES OF STORIES ABOUT MOBILITY

Japan wakes up to exploitation of foreign workers as immigration debate rages

This story was published by the Washington Post on 21 November 2018. It’s available at <https://www.washingtonpost.com/world/2018/11/21/japan-wakes-up-exploitation-foreign-workers-immigration-debate-rages/>

The story examines how migrant workers in Japan – working as part of the TITP – are exploited and subject to labour abuses. The story provides context to the TITP and notes the importance of labour migration to the Japanese economy, as well as the discrimination that migrant workers face within Japan – being viewed as ‘absconders’ and criminals rather than workers who have been subject to labour abuses.

12. ILO, 2018. ILO Global Estimates on International Migrant Workers – Results and Methodology.

The story also talks about the reason that migrant workers seek to work in Japan to learn new skills in a country known for its advanced technology.

The story covers a range of labour abuses that are occurring as part of the TITP, including: the high recruitment fees that workers are charged; abusive labour conditions; the difficulties workers face in changing employers to remove themselves from situations of labour abuse – as a result of their visa conditions – which often leads to workers fleeing these situations and being forced into irregular migration; and the lack of enforcement of labour regulations against companies breaching labour laws.

The Essex Lorry Tragedy and the Narrative of Migration

This story was published in the New Naratif on 26 November 2019. It's available at <https://newnaratif.com/journalism/the-essex-lorry-tragedy-and-the-narrative-of-migration/>

Lam Le wrote this story which won the ILO's 2020 Global Media Competition on Labour Migration and Fair Recruitment. The story – using the backdrop of the tragic deaths of 39 Vietnamese migrant workers in the UK – outlines the global narrative that often negatively paints migrant workers as either criminals or trafficking victims, and instead outlines the real life push and pull factors that drive migrant workers decision to migrate – including global inequality, unemployment, immigration laws and policies, and labour shortages in countries of destination. Some of the structural issues that drive both regular and irregular migration are also discussed. In particular, the story discusses the cost of regular migration to migrant workers, the opportunities presented to workers through labour migration, the economic circumstances of migrant worker families, and the impact that socio-economic background has on the decision to migrate for work.

E. DISCRIMINATION

Discrimination can be based on gender, race, ethnicity, indigenous identity and disability. All these types of discrimination can influence recruitment and working conditions. In some cases, workers can be in forced labour because they belong to a certain ethnic group or caste, or even for holding some form of political opinion. In other cases, women migrant workers can experience discriminatory labour practices at home and abroad. It is important to take discrimination into account when you look at issues of recruitment and forced labour. Stories about overcoming discrimination in the workplace and promoting equality of treatment on the job can raise awareness and change mind-sets.

EXAMPLES OF STORIES ABOUT DIFFERENCES

“If You Have Money, You Can Think Whatever You Want”

The story is available at <https://brightthemag.com/health-nepal-women-travel-stigma-work-ba687e07a2e3>

In this article, the author describes the stigma that women in Nepal face when seeking to migrate abroad for work, in contrast to the expectation that Nepali men will migrate for work. The article talks about the reasons behind decisions to migrate for work, including the economic prospects of women workers in Nepal and the potential risks of migration. The article emphasizes the positive aspects of migration for women workers in Nepal and the opportunities that it affords them – including the prospects of earning a good income, developing skills, saving money and investing in their own businesses, leaving abusive relationships and supporting their families.

Key questions you may wish to consider include:

- Are some people facing discrimination in terms of job opportunities, recruitment, working conditions? In which sectors?
- Are efforts being made to ensure equality in the workplace?
- Does internal and international migration affect some groups of people differently?
- Are some people more vulnerable to forced labour than others? Children? Women? Men? Indigenous people?
- Do women and men have equal rights at work? Are they equally aware of their rights?

F. LAW, ENFORCEMENT AND CRIMES

The justice system in most countries shines light into some of humanity's most unsavoury practices – such as the violation of labour rights. If your country takes action against labour abuses, make contact with the organizations and people who are responsible for this, whether they are in the mainstream police or a specialist agency. If there are laws, but they are not enforced, ask; 'Why not?'

Key questions you may wish to consider include:

- What relevant laws are in place in your country?
- Who is in charge of enforcing the laws?
- How do they go about doing it?
- How well are laws enforced?
- What are the consequences for those who abuse workers' rights?

FOREIGN EXAMPLES OF STORIES ABOUT JUSTICE

Tăng cường bảo vệ lao động ở nước ngoài (Protection strengthened for migrant workers abroad)

This article was published on the Tuoi tre on 22 May 2020. It's available at <https://tuoitre.vn/tang-cuong-bao-ve-lao-dong-o-nuoc-ngoai-20200522075854996.htm>

This article outlines the revision progress made by Viet Nam's Ministry of Labour, Invalids and Social Affairs to the Law on Vietnamese Workers Working Abroad Under Contract and what the Government has revised to promote protection of Vietnamese migrant workers. The improvement, from the perspective of Government, is to increase the financial resource and facility requirements for licensing of recruitment agencies, enhance the effective operation of diplomatic missions in countries of destination, and reduce recruitment costs by removing the provision that allows the charging of brokerage commission to migrant workers.

26 Arrested in People-Smuggling Case Linked to U.K. Truck Deaths

The story was published in the New York Times on 27 May 2020. It's available at <https://www.nytimes.com/2020/05/27/world/europe/essex-lorry-deaths-smuggling-network.html>

The crime of human trafficking is discussed in this article, in the context of the deaths of 39 Vietnamese migrants, who were allegedly trafficked into the United Kingdom for work. The article talks about the response of authorities in the United Kingdom and elsewhere in Europe to investigate and arrest those responsible, lists the charges that have been brought against the alleged traffickers, notes the penalties that the alleged traffickers may be subject to – including significant sentences of imprisonment and indicates the difficulties faced by the United Kingdom in bringing those responsible to justice as they engage in extradition proceedings to bring these persons to the United Kingdom.

The original story by AFP was translated and published in various Vietnamese newspapers, including the VnExpress. Read it at <https://vnexpress.net/phap-bi-bat-26-nghi-pham-vu-39-nguoi-viet-chet-trong-container-4106295.html>

G. INFORMATION, EDUCATION AND ADVOCACY

Stories can be inspired by people who are making a difference to tackle labour abuses and to promote decent work for all.

Key questions you may wish to consider include:

- What is being done to inform people about their rights?
- Who is acting for the abused?
- What expressions of public support or hostility are there for people in forced labour and for people who migrate?
- Are there adverse effects to the policies promoted by advocacy groups?
- What role do celebrities or other figures play in raising awareness?

FOREIGN EXAMPLES OF STORIES ABOUT AWARENESS

Tăng cường vai trò của Công đoàn trong hỗ trợ lao động đi làm việc ở nước ngoài (Trade unions should play a bigger role in supporting migrant workers abroad)

The story was published on the *Chinhphu* online newspaper on 18 June 2018. It's available at <http://baochinhphu.vn/xa-hoi/tang-cuong-vai-tro-cua-cong-doan-trong-ho-tro-lao-dong-di-lam-viec-o-nuoc-ngoai/339277.vgp>

The article reports a policy dialogue held by the Viet Nam General Confederation of Labour (VGCL) regarding protecting Vietnamese workers abroad. In this meeting, the VGCL's Vice President recommends the revised Law on Vietnamese Workers Working Abroad Under Contract should have a tripartite mechanism to ensure active participation of the Government, trade unions and employers' organizations in governing labour migration.

The abolitionist fighting to free Mauritania's slaves

The story was published by CNN on 21 June 2017. It's available at <http://edition.cnn.com/2017/06/21/africa/mauritania-slavery-biram-dah-abeid/index.html>

This article draws attention to the work of Biram Dah Abeid, a prominent anti-slavery activist from the North African nation of Mauritania. The story contextualizes slavery in Mauritania, describing both the historical context, the work that has been done to combat slavery and the potential impacts of the abolition movement on Mauritanian society. While the article focuses primarily on the work of Abeid - who has run for president of Mauritania, founded a mass anti-slavery movement and been recognized internationally for his work as an abolitionist - it also includes comment from the government of Mauritania and details public support that has been mobilized in the fight to abolish slavery.

UNIT 2.3 - GETTING SUPPORT

A. GAINING SUPPORT

If you are a reporter aiming to do a story which will take time and resources and which may attract hostile attention, you will probably face a tough task in convincing your editors to let you do so.

The only option is persuading editors that the work is important and adds value to the news organization. You might remind your superiors that:

- Investigations are at the heart of journalism.
- Strong investigative reports will raise the profile of the news organization, improve its standing and potentially increase its revenue.
- The report or reports will be of a uniquely high quality and will bring attention and kudos.
- Your organization can 'own' the subject – that is to say, become the natural home of coverage of the subject. Other people will come forward with related stories.
- There may be the chance to enter the report(s) for awards.

B. FUNDING

In investigations, when you are looking for extra time and resources, it helps if you can set out all the likely costs, including staff time, travel and accommodation costs, and other costs. Look for external funding for a story: an international non-governmental organization might agree to pay the costs of a reporter travelling to another country to produce a series of reports on migration. Sometimes grants are made to the winners of a competition.

Be aware of the risks that the report becomes one-sided and only reports what the funder wants. It is important that the news organization retains its editorial control and remains in charge of what is ultimately published.

C. COLLABORATING WITH OTHER MEDIA OUTLETS

Collaborating with another news organization can help to reduce costs and increase impact. Even global news organizations like the Guardian and the Washington Post have done it, to great effect. There are also opportunities for smaller news organizations to collaborate across borders.

Collaborative efforts are also useful when the time of publication comes. The simultaneous launch of stories, in different media and possibly, in different countries, can yield a bigger impact and audience.

The Global Investigative Journalism Network, in its Human Trafficking Resources, lists several interesting collaborations.

D. EXTERNAL SUPPORT

Ensure that your reporting has strong support both outside and inside your media house.

Possible candidates include:

- Elected politicians
- Business leaders
- Law enforcement officials
- Leaders of NGOs and campaign groups
- Experts such as academics
- Celebrities

Explain your story and ask for their support. Publish a few words of support alongside their picture. This will demonstrate to those who would wish you ill that you have support in the community.

MODULE 3

GETTING THE STORY



UNIT 3.1 - RESOURCES

A. FACTS AND FIGURES

Facts are the basis for all investigative journalism. Mostly, facts are nothing more than dry numbers on a page but with a proper understanding and interpretation they can reveal stories of real interest. Learn to love documents. Look for official or highly respected documents such as official statistics, legal and regulatory frameworks, court documents, company publications and newspaper.

B. PHOTOGRAPHS AND VIDEOS

Photographs, and increasingly video, are a vital part of modern story-telling. But forced labour and unfair recruitment usually take place in the shadows, and both perpetrators and victims may not be willing to be identified.

If someone agrees to be photographed (or filmed), but asks that they not be identified, it is far, far better to protect their identity during the filming – for example, by only photographing them in silhouette or by filming only the interviewee's hands, rather than relying on post-production techniques such as pixelating or hiding the person's face during the edit or production process.

What can you do if you can't get original images?

- You could use stock images from a picture library but the image may not match your story. Do not use sensationalized images, such as people bound in chains.
- You can illustrate your story with visual arts such as drawings, cartoons and paintings.
- You might even leave the story without illustration and explain your reader why that is your choice.

Images play an important role but lack of professionalism or resources often leads to sloppy photo editing and, in the end, to a major disservice to the audience.

UNIT 3.2 - SAFETY

A. THE PRINCIPLES OF ETHICAL JOURNALISM

Here are some top tips for staying safe in your reporting:

- Be accurate

Only report those facts which you have checked and double checked and know to be true. Everything else is a claim and should be attributed. Take care to report claims accurately. Do not draw conclusions. Report according to the limits of your ability. If you are covering a sensitive issue, report on what you can see, or at least what you are told by those around you. Leave the analysis, interpretation and speculation to others who have other sources and can see the bigger picture.

- Be sceptical

Analyse all information you are given on a situation. Consider recording the conversations you have with anyone involved in a sensitive story you are covering. Later, they may be pressured to deny your reports, and you may need to present your recordings and transcripts to a court.

- Be balanced

Actively seek out the views of all parties. If they won't speak to you, or you can't reach them, look for an authoritative source of their position, such as their official website or news agency. If you fail, explain why: "For such and such reason, it has not been possible to reach the following source of information."

Don't act as a judge, advocate or human rights activist. Leave this to the experts who can brief you and give you analyses.

- Be impartial

Don't promote the views of one of the parties to the conflict.

Don't use language (usually adjectives) to describe how good (strong, heroic, determined, rightful) one side is, or how terrible (evil, weak, cowardly) the other side is.

Recognise that words used widely and without intended prejudice in one community can cause offence among another. Would you like to be described as a 'tribal' or 'aboriginal'? Show respect to other people. Find out how they themselves prefer to be described.

Recognise when your own bias appears in your reporting and remove it¹³.

13. [Ethical Journalism Network, 2018. Five-point guide for migration reporting](#)

B. PERSONAL SAFETY

Journalists who are reporting on issues such as unfair recruitment or forced labour are particularly at risk – even if they do so in a balanced and objective way. You are likely to be exposing criminal organizations or powerful individuals, or even government abuses. Reprisals may range from intimidation and harassment to actual violence, illegal arrest and arbitrary detention. You need to be aware and to be prepared.

RESOURCES

Committee to Protect Journalists. (2012). Journalist security guide. [Online]. Available at: <https://cpj.org/security/guide.pdf>

Council of Europe. (n.d.). Platform to promote the protection of journalism and safety of journalists. [Online]. Available at: <https://www.coe.int/en/web/media-freedom>

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INSI. (n.d.). INSI Safety Code. [Online]. Available at: <https://newssafety.org/about-insi/insi-safety-code>

UNESCO. (n.d.). Basic Texts Related to the Safety of Journalists. [Online]. Available at: <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/safety-of-journalists/basic-texts>

UNESCO. (2015). Safety guide for journalists. A handbook for reporters in high-risk environments. [Online]. Available at: <http://www.unesco.org/new/en/communication-and-information/resources/publications-and-communication-materials/publications/full-list/safety-guide-for-journalists>

UNESCO. (n.d.). UN Plan of Action on the Safety of Journalists and the Issue of Impunity. [Online]. Available at: <https://en.unesco.org/un-plan-action-safety-journalists>

C. PHYSICAL AND MENTAL HEALTH

Be mentally prepared for a traumatic assignment. Share stories and experiences with your fellow journalists. Debrief your bosses and colleagues. Be aware of any potential risks to your physical health.

D. DIGITAL SECURITY

- Don't keep contact details of sensitive sources in your handwritten notes, books, in your mobile phone or in computer files.
- Give your sensitive contacts a code name and use this in your notes.
- Protect your mobile phone with a strong PIN code.
- Store the contact details of sensitive sources under an assumed name.
- Delete records of sensitive calls.
- Delete text messages.
- Disguise sensitive numbers in another format.
- Learn how to use higher security for your web browsing.
- Learn how to send encrypted emails.
- Take care with what you post on social media.

E. GOING UNDERCOVER

It is a general rule of journalism that reporters should be open and honest about who they are. They should not disguise their identity or activity in order to gain access to information that would not be shared with a reporter. However, it can be very hard to gather convincing evidence of crime and anti-social behavior while being fully transparent.

This is why when - and only when - there is genuinely strong public interest reason to suggest crime or serious antisocial behavior, some investigative reporters will take on an assumed identity, for example, by pretending to be an unskilled worker to take a job where workers are abused. This is known as 'going under cover'.

If the reporter makes covert sound or video recordings, a court may decide that they are an invasion of privacy and illegal. Reporters who are uncovered may be subjected to threats and even physical violence.

Consider:

- How will you join the organization you are about to expose?
- Will you work alone?
- How will you make sure that you are safe?
- What is your undercover identity and story?
- How will you avoid asking too many questions and arousing suspicion?
- How will you get the information out?
- How will you get yourself out if/when things go wrong?

RESOURCES

R.AGE.(n.d.). [Online]. Student/Trafficked. Available at: <https://www.rage.com.my/trafficked/>

Fruit picking investigation (<https://www.smh.com.au/interactive/2016/fruit-picking-investigation/>)

UNIT 3.3 - SOURCES

You can get information from a diversity of sources, including workers and their families, employers or agents and intermediaries that orchestrate recruitment as well as academics.

However unhappy they are about the situation they find themselves in, speaking out may only exacerbate the problem and possibly put them in danger. You will need to be sensitive and respectful, while at the same time encouraging them to provide you with information.

Stories about recruitment may address good or bad practices leading to very different outcomes for the workers' concerned, affecting both their professional and personal life.

Journalists reporting on these stories need to work carefully and methodically to build up a body of evidence, ensuring accurate, fair and balanced reporting.

A diversity of sources must be considered. In the following section you will find tips on addressing particular types of sources.

A. SURVIVORS

You must not pressure them, but it is fair to tell victims that speaking out will inform the public about the scale and nature of the problem. It may give others the confidence to speak. And it may warn others of the dangers they may face in travelling across borders.

If you want people to open up to you about traumatic experiences, you need to win their trust. Victims must know that they will not be denigrated or re-victimized by your reporting. The stories that you write about survivors of abuse and atrocities will also determine whether your interviewees will want to talk to you again for follow-up stories.

You should always treat victims/survivors and their families with compassion, care, respect and dignity. This does not mean you should stop being a skeptical journalist working to find the truth.

Depending on the situation, it is advisable to let the interviewee choose the interview venue. You want them to be in a place where they feel comfortable talking.

Victims and survivors may request that you do not publish any information which could lead to them being identified. News organizations are often reluctant to use anonymous sources because it has the effect of weakening the impact of the testimony.

There may also be the danger that those accused attempt to punish those who speak out. It is vital that reporters do not allow this to happen.

If you promise to protect their anonymity, you must ensure that you do so. Take care that their identity is not revealed, even inadvertently by publishing so much information about the person that someone close to them could work out who you are talking about.

In some very sensitive cases, it goes beyond not mentioning their name or identity in pieces that you publish. You must also keep their identity secret in your own notes, in case these fall into hostile hands.

B. SUPPORT GROUPS, ADVOCACY ORGANIZATIONS, ACADEMICS

Whereas much of the power and emotional impact of a story will come from testimonies of those directly impacted, it will gain strength when bringing a wider perspective, placing the story of one or more individuals into context.

To do this, get information from experts working in the field, such as:

- Support groups for victims and survivors
- Associations
- Trade unions
- Law enforcement agencies
- Social services and other public services
- Academics
- Politicians with a specialist interest in the issue.
- Lawyers
- Global organizations, such as the ILO.

When you meet them, ask them to suggest someone else you should speak to. Build up your network of contacts. Follow them on social media; read their published articles.

When you are researching your story, be sure to take detailed notes of what each person says to you. If, when you come to write the story, you are unsure of your understanding, you will be able to go back and check with the right person. You will also be able to attribute the opinions to the right people. You will soon lose the trust of anyone you mis-quote or attribute the wrong opinion to.

C. ACTORS SUSPECTED OF ABUSE

People accused of crimes or anti-social behavior should be the last people you contact in your investigation, when you have gathered all the evidence and built a strong case against them.

If you contact them too early, they will have the chance to put pressure on witnesses, destroy evidence – and scupper your investigation.

However, in the interest of fairness, you do need to give them a chance to respond properly to any allegations of wrongdoing made against them.

Many news organizations would consider one or two days sufficient time for the accused to give a considered response – but not enough for them to take action – whether legal or illegal – to prevent publication.

If they agree to meet, consider your own safety:

- Take a colleague along with you.
- Inform your editor where you are going.
- Have someone check up on you.
- Take detailed notes or make a recording.
- Conduct the discussion professionally and politely.
- Do not permit yourself to become angry or indignant.

If they refuse to meet, you could ask them to answer your questions by phone or email.

A third option is for them to prepare a written (or recorded) statement for you to use as their response to the allegations against them.

You should be persistent in seeking a response, repeating that you want to hear their view of events in the interests of accuracy and fairness.

If you receive no reply after repeated contact, you should seek to represent their position as best you can, using publicly available sources. You would then write in your report words to the effect of:

Always be polite. As a journalist, your role is not to determine guilt, but to set out the facts as far as they can be established so that the public can reach their own conclusions.

MODULE 4

TELLING THE STORY



UNIT 4.1 - WHICH MEDIUM?

Journalists have a number of platforms on which they might publish their story. It is worth considering at an early stage how you might make best use of the material you have to reach the largest number of people and make the most impact.

You don't have to select just one. You can publish your material in different forms on different platforms such as newspaper, web, television etc.

A. WEB

Almost all news outlets have a website and some of them exist only as a website. However, these websites can as easily carry video or audio reports as they can words and pictures. During the process of building a story, consider taking photos, audio or video recordings that can be published in or alongside an article.

A "long read" is a new type of web article, which incorporates pictorial elements such as pictures, Infographics, maps and even audio and video clips into a long text article. The combination makes the format very engaging. It is especially suited to features and investigations.

B. SOCIAL MEDIA

Many news organizations make extensive use of social media such as Facebook, Twitter and Instagram. Often, social media are seen as a way of attracting and serving audiences for their mainstream output, but they can equally be used for storytelling in their own right.

Some reporters have become very clever at telling complicated stories on Twitter in a series of tweets – short messages of no more than two or three sentences, often accompanied by a picture or even a short piece of video.

Instagram is especially good for sharing pictures and short videos. It allows for the publication of a series of images of the people who have provided testimonies – with their permission, of course.

The instantaneity of social media is also quite powerful, notably when looking to produce a concrete reaction from a person or an organization involved in your story. Recent examples have shown how the use of Twitter has helped reporting exploitative conditions of human trafficking shed light on their situation with authorities quickly reacting.

However social media should also be considered as a medium where ethical and unethical recruiters operate, leading to forced labour or fair recruitment opportunities. The fact that social media is a space where a growing number of people are going to search for jobs reinforces the idea that quality reporting should also appear on these platforms.

C. RADIO PROGRAMMES

Radio programmes can exist as part of a regular schedule, or exist entirely on their own as a podcast, downloadable and playable at any time. When they are held close to the source of the sound or used with a plug-in microphone, smartphones make good recording devices. Editing can be performed on a smartphone or a computer.

D. VIDEO

Lightweight video production techniques such as filming and even editing on a smartphone make it possible for those with even modest resources to make their own video films, which can be shared online, broadcast on TV, shown in cinema or played to audiences in cinemas and community halls.

E. ANIMATION

Animation is a great way to tell a story where there is a need to protect the identity of those involved.

F. APPS

Many people will be familiar with apps which offered by news organisations as a way of accessing their content. But there have also been early experiments with using apps to tell stories in new ways. The BBC created an immersive video to simulate the experience of a migrant risking their life to seek work and a future in another country.

G. TELLING THE STORY IN PICTURES

As mentioned in the previous chapter, journalists must consider carefully how they portray their subject when reporting about labour issues. Particular attention needs to be paid when preserving the anonymity of sources and protecting victims of labour abuses is indicated.

UNIT 4.2 - CONSIDER A SERIES

If you've been working hard on a difficult subject such as fair recruitment or forced labour, it is likely that you have more material than you need for a single news report. In this case you could consider a series of reports on the same theme and host it on the web.

You might also consider taking the next step and turning your series into a campaign. This is when a news organization goes beyond its usual role of reporting neutrally on an issue and actually takes sides to support a policy change. News media that aim to be impartial and objective will normally only do this when they are fighting criminal activity and promoting human rights such as liberty, health and free labour.

The stories of the campaign may be focussed on a single individual and unfold over time, or may feature different individuals who face similar problems. Alternatively, a single issue from a number of different angles can be considered: the trafficked or abused worker, the employer, the agent, the law enforcement officer, and so on.

The stories can run over consecutive days, or as an occasional series. Signposting forthcoming stories helps to keep viewers or readers engaged:

- "Tomorrow, in our continuing series, we'll meet the broker who sent Abdul on his perilous journey."
- "We'll hear more from Marie and find out how she's getting on with life as a free woman."

SIX STEPS TO A SUCCESSFUL CAMPAIGN

STEP 1: SET OUT YOUR GOAL

Campaigns can start off big or start small and grow. They will always benefit from good advance planning. However, your objective must be clear from the outset. Are you calling for a change in the law? Or some other action? For example:

- "We will keep campaigning until we see an end to the permit system."
- "All trafficked women must be freed and taken care of by the state."

STEP 2: MANAGE YOUR CAMPAIGN

One person needs to manage the campaign on a daily basis to ensure that it keeps momentum and stays on track. This will usually be the reporter who is writing most of the stories.

The campaign also needs a champion who is senior in the editorial team such as a deputy editor, head of newsgathering, or somebody similar.

The champion will ensure that resources, including time, are allocated. Campaigns need many resources and junior staff may be reluctant to commit them. The champion will also protect the writing team by dealing with any external pressures from parties related to the inquiry.

STEP 3: SEEK TO MAKE A STRONG INITIAL IMPACT

Try to start the campaign with impact and choose a day when the campaign will not be competing against another planned news event.

Make the first campaign story prominent on the front page of a newspaper, or first in a television or radio news bulletin. Support it with side stories, backgrounders, images, and info graphics.

STEP 4: MAKE IT EASY FOR READERS TO JOIN IN

People are increasingly used to have their say on controversial issues by social media. Make the most of this and get them involved. Open up comments on your website and publish the most interesting and supportive. However, be aware that comments can also be negative, racist, sexist and else. It is important to set clear and firm code of conduct for commenting online.

Set up a dedicated email account for members of the public to send you their comments and even stories or story ideas.

There is a platform for e-petitions where citizens can sign up to support demands for a certain action such as a change in the law. If this is the case, set up a petition or ask a sympathetic politician to do it. Then encourage readers to sign the petition. You can publish the number of signatories as it rises, as an indication that the campaign has growing support.

STEP 5: DO SOMETHING READERS CAN'T DO

Remember the power and the limitations of your news organization. It can amplify the voice of the readers, ask uncomfortable questions and demand answers from those in the highest authority.

Follow up this sort of action with calls to see if the material was received, been read and if there are any comments to be made on your dossier. Keep that pressure up. If they have nothing to say, try a week later and a week after that. Record your efforts to get an answer and publish it in the paper.

STEP 6: KEEP AT IT

There is an old newspaper adage that says that when you are getting tired of a campaign, the readers are only just beginning to notice it. Unless you have opted for a very short, sharp campaign, you are in it for the long run. Keeping campaigns lively, active and interesting is the job of the whole newsroom, not just the handful of people who are directly responsible for it.

UNIT 4.3 - ARE YOU READY?

A. THE EDITING PROCESS

Like any other type of reporting, reporting on fair recruitment and forced labour requires the use of good editing guidelines and practices. A wide body of resources on editing is available and largely contextualized, which is why the present toolkit cannot mention them all as good editing practices go far beyond our scope.

B. ARE YOU READY?

Before you publish your story or series of stories, bring everyone involved in the story together to ensure you have all the information at hand. You must have clear answers to the following questions:

- What are you trying to say or allege?
- Do you have enough information and evidence to say it?
- What are the implications of your allegations?
- Do you have full confidence in your sources and in your analysis of documents?
- Have you made an extra effort to verify and check all your information?
- Has everyone under criticism been given the opportunity to respond?
- How is the story structured? Work out the beginning, the middle and the end.
- Can you break the story up into manageable parts?
- How will you illustrate the reports? Can you explain the story with pictures, illustrations, tables, or graphics?
- Has a lawyer or experienced editor checked the entire story (including the headlines)?

If you can't answer all these questions fully, you are not ready to publish.

MODULE 5

FOLLOWING UP



UNIT 5.1 - IMPACT, AWARDS AND SPECIALIZING

A. IMPACT

Good journalism makes a difference to people's lives.

The practices you report on might not end, but reports you publish might:

- Lead to an individual or individuals being freed from forced labour
- Encourage an employer to modify their practices and/or encourage their business partners to do the same
- Give workers who had their rights infringed the confidence and contacts to set up a support group for others
- Encourage authorities to strengthen the laws and enforce the existing laws
- Encourage policy-makers to address forced labour and unfair recruitment practices and their root causes
- Raise awareness on the situation of specific categories of workers and change possible public misperceptions

It is important to think about the desirable outcomes for the workers. When reporting on a situation of forced labour, the solution of freeing the workers is a desired outcome. In other instances, when reporting on situations that are not necessarily fair to the workers, such as, for example, decent work deficits in terms of working conditions, the desired outcome may be subtler and involve improving working conditions through changes involving a large number of actors, hence more difficult to reach and monitor.

B. AWARDS

Awards, prizes and fellowships exist for almost all types of reporting. Labour migration issues and notably forced labour regularly feature in generic media awards, especially when they involve intensive investigation. In recent years, some of the most prestigious prizes in different countries have gone to these types of stories:

- Pulitzer prize (USA): Seafood from slave (2016)¹⁴
- National Magazine Award (Canada): The Cage (2016)
- Albert Londres (France) : Voyage en barbarie (2015)¹⁵

These distinctions help increase the initial impact of a story as it brings the attention of other media professionals to the issues and, at times, the attention of the general public as well.

Several other award schemes also focus on labour and migration issues, including:

- Global media competition on labour migration and fair recruitment¹⁶
- Migration Media Award¹⁷
- Anti-Slavery Day Awards¹⁸
- ILCA Labor Media Awards¹⁹
- International Women in Media Foundations Awards²⁰

C. SPECIALIZING

Reporters with specialist skills are sometimes called ‘beat’ reporters, because they cover a specialized beat. The newsroom benefits from journalists specializing on specific issues. By becoming proficient on forced labour and fair recruitment, you can:

- Offer specialist story ideas to the news desk, even when they are not able to report on them,
- Understand and explain complicated stories,
- Know many experts who can be interviewed or provide information,
- Help your colleagues to cover related stories.
- Prepare ‘background’ pieces, which run alongside a news story, and explain the context,
- Plan ahead, looking for forthcoming news events, and ensure that the newsroom is properly prepared to cover them.

If you specialize you may find your work becomes more interesting and rewarding:

- You will get to know a subject area well.
- It is a different way of working, which may be a refreshing new challenge after years of covering general news.
- You will have a higher public profile in public and at work.
- You will have greater freedom in deciding which stories to cover, and how.
- You may escape reporting on trivial and predictable stories.
- You will be better able to demonstrate your talent, which may earn you the opportunity to tackle more senior editorial roles.

14. [Associated Press, 2016. An AP investigation helps free slaves in the 21st century.](#)

15. [Voyage en Barbarie, 2018. Accueil.](#)

16. [ILO, 2020. ILO launches sixth Global Media Competition on Labour Migration and Fair Recruitment.](#)

17. [Migration Media Award.](#)

18. [Human trafficking foundation, 2018. Anti-slavery day awards.](#)

19. [International Labour Communications Association.](#)

20. [International Women’s Media Foundation: Our Awards.](#)

UNIT 5.2 - FINAL TIPS

A. READ UP

You need to know much more than you will ever regurgitate on the page or on air.

Read all you can about the subject. Read the specialist magazines. Follow the relevant blogs. Government bodies and NGOs often publish newsletters about their activities.

You will need to understand how recruitment mechanisms work, what labour migration is about and how national and international legal instruments come into effect.

When an opportunity such as workshops to learn more formally about your adopted subject area presents itself, take it. Every opportunity helps build up knowledge and develop a network.

RESOURCES

ILO Topic page on Fair Recruitment
www.ilo.org/fairrecruitment

ILO Topic page on Forced Labour
www.ilo.org/forcedlabour

Thomson Reuters Foundation, Human trafficking and modern day slavery reporting human trafficking and modern day slavery
<https://www.trust.org/media-development/programmes/?sfid=a15D0000018xNlAlAM&areaOfFocus=Human%20Trafficking%20and%20Modern%20Day%20Slavery>

B. DON'T GET LOST IN THE SUBJECT

Your job is to explain specialist issues to an audience of ordinary, non-specialist, people. Your job is to explain it clearly. That means:

- Translating jargon into everyday language;
- Cutting out irrelevant detail;
- Explaining things which are not clear;
- Making your stories relevant to readers, listeners or viewers.

C. DON'T BE ALONE

Get in touch with others who are covering the same beat. They can provide assistance with information, contacts, story ideas and advice. Consider joining or forming your own local group, or at least having an occasional informal get-together.

REPORTING ON FORCED LABOUR AND FAIR RECRUITMENT

AN ILO TOOLKIT FOR JOURNALISTS IN VIET NAM

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