Addressing Forced Labor in Artisanal and Small-scale Mining (ASM)

A Practitioner's Toolkit

Version 1.1 (2014)

©Manuela Franco

ARM'S Capacity Building Center

ALLIANCE FOR RESPONSIBLE MINING

In collaboration with

Solidaridad

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HUMANITY UNITED

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Preface

Artisanal and Small-scale Mining (ASM) encompasses a wide range of practices, from highly informal and low mechanized mining operations with predominantly manual work up to formal practices carried out by small but high-tech industrial mining operations. It occurs among economically weak populations and in many cases the operations take place in distant or difficult-to-access locations, and in regions where the institutional presence of the government is weak. The risk of human rights violations is of course higher in contexts of greater informality and with weaker presence of governmental institutions.

Evidence of different forms of exploitation has been found in ASM communities in several countries: Peru, Colombia, Suriname, Mali and the Democratic Republic of Congo, among others. The informality that often characterizes ASM, as well as the lack of support from regulatory bodies complicates the task of understanding and managing the issue.

With this toolkit, the Alliance for Responsible Mining (ARM), Humanity United and Solidaridad seek to fill an existing gap in preventing, identifying and dealing with forced labor in an ASM context. It is intended to help practitioners better understand how forced labor occurs in this context, and to give them more elements to tackle such situations.

The toolkit was conceptualized in 2012 by the Alliance for Responsible Mining (ARM) and Solidaridad, with the support of Humanity United. The first draft was produced by Dr. Ronald Koepke from ARM in 2013 as the results of a research project carried out by ARM staff member Claudia Pérez Orozco. During this phase of development, ARM and Solidaridad interviewed experts on forced labor and Artisanal and Small-scale Mining (ASM) around the world and field-tested some of the proposed tools with Artisanal and Small-scale Mining Organizations (ASMOs) in Peru and Colombia that were a part of a Solidaridad field project. During the second phase of the project, feedback and additional information gathered during field testing was edited into the present version of the toolkit. This was done by REFLEJARSE, a sustainability consulting firm, on ARM's request. The staff at ARM and Solidaridad, as well as international experts, provided additional input before this version was finalized. A list of experts who provided feedback and agreed to be recognized by name are listed in the Acknowledgements section that follows.

This toolkit is intended to be a living document. We encourage organizations and individuals who use the toolkit in their work to share their experiences and any recommendations for improvements with ARM's Capacity Building Center (arm@responsiblemines.org). In addition, organizations that have developed complementary tools or have completed research that may be useful to the audiences of this toolkit are welcome to propose the inclusion of those tools. This will help to ensure that the toolkit remains relevant and effective over time.

Acknowledgements

This toolkit is the result of the coordination and work of the dedicated staff of the Alliance for Responsible Mining and Solidaridad and of the invaluable contributions of the many experts and practitioners who were consulted. Solidaridad's Regional Andean Office and Amichocó in Colombia played a crucial role; they were involved throughout the research phase, during which the information for the toolkit was gathered, and in trying out some of the proposed tools. This work was of course possible thanks to the funding provided by Humanity United.

We would like to thank all the experts who contributed their knowledge and experience to the development of this toolkit:

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Quinn Kepes (Program Director at Verité)
Cesar Mosquera (Former Director of ILO's Program to Prevent and Eradicate Child Labor in Mining in South America)
Olinda Orozco Zevallos (Gender Specialist, Executive Director of Red Social)
Diana Salcedo (Consultant at Escuela Nacional Sindical)
Anita Sheth (Senior Analyst on Forced and Child Labor at FLO International)

INTRODUCTION

Introduction

Managing the risk of forced labor in ASM is complex. Strategies to tackle it must address the double objective of eradicating forced labor and making sure that innocent people who rely on Artisanal and Small-scale Mining for their livelihoods are not excluded from mineral supply chains. ASM is a poverty-alleviating activity that directly and indirectly employs hundreds of millions of people around the world; excluding ASM from mineral supply chains could have a terrible impact on their livelihoods. The aim of this toolkit is to provide a hands-on approach that will help organizations, companies and government institutions to cooperate with artisanal miners rather than exclude them.

The process to develop this tool began with a review and analysis of the International Labor Organization's (ILO) work and that of other national and international organizations addressing the issue. This was supplemented by specific studies about forced and child labor in Artisanal and Small-scale Mining (ASM) and by interviews with international experts.

Three types of experts were consulted:

- Professionals and experts working directly in ASM who have a good understanding of the realities of Sambas well as knowledge of various issues such as gender, community development and labor practices;
- Experts with experience and good understanding of both ASM and a theoretical knowledge of forced labor; and
- Experts on forced labor working with international organizations that didn't necessarily have experience with ASM.

Description of the toolkit

This toolkit explores forced labor in ASM and proposes a series of tools to prevent, identify and tackle it. ASM is associated to the extraction of different types of minerals, including gold, silver, copper, cassiterite, wolframite and coltan.

This toolkit focuses primarily on gold mining. This is because gold is the mineral most widely mined using ASM techniques, and because research and anecdotal reports point to a high risk of forced labor in the gold supply chain. However, the information and tools presented here may be equally useful for other mined minerals.

The Introduction in the first chapter establishes the potential audience of the toolkit and describes its content.

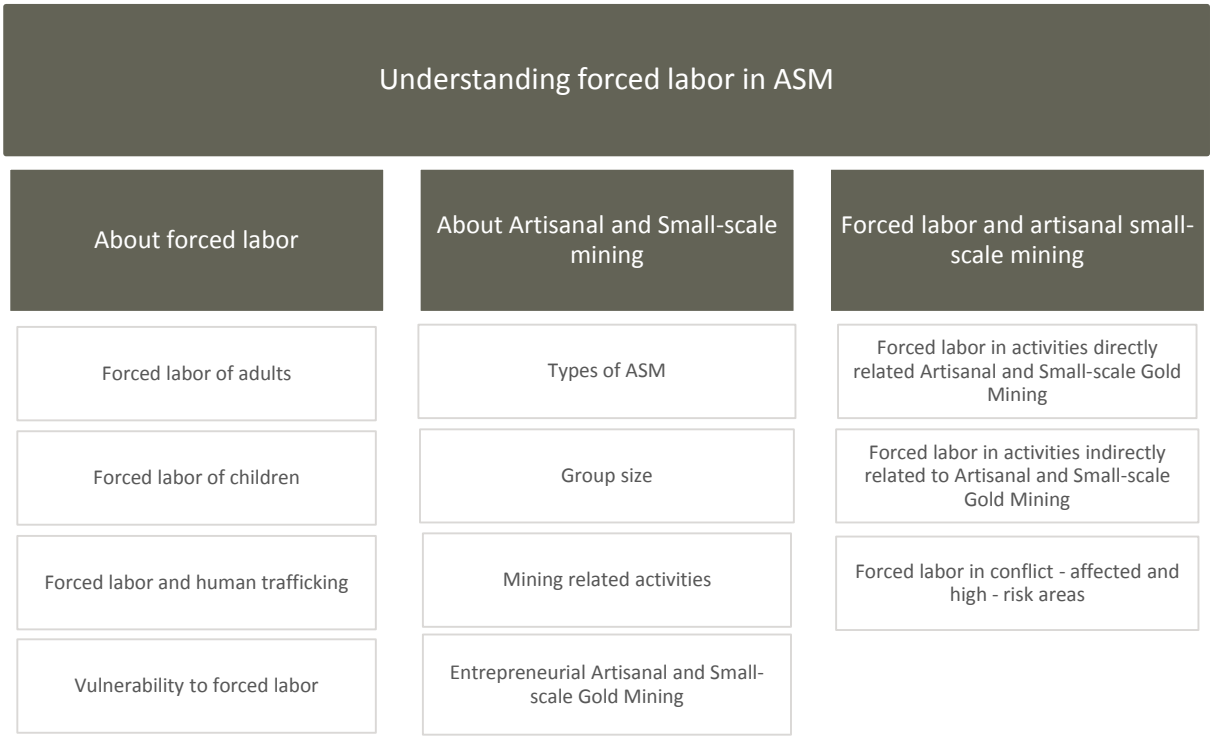
Then, to help readers better understand forced labor in ASM, the second chapter explores ILO's definition of forced labor, the description of ASM and the ways in which these two intersect.

The first section of the second chapter offers a few facts about forced labor in the world and a description of the most frequent forms of forced labor, both with adult victims and with underage victims. It also describes the relationship between forced labor and human trafficking and mentions the categories of workers identified by ILO as more vulnerable to forced labor.

The second section focuses on Artisanal and Small-scale Mining (ASM): it is based on the Alliance for Responsible Mining's description of ASM as established in their 2011 publication "Rock-Solid Chances for Responsible Mining" (written by: Felix Hruschka and Cristina Echavarría, 2011).

The last section of this chapter explores the ways in which the different forms of forced labor emerge in ASM contexts. It was not easy to find global estimates of forced labor in ASM, but reference is made to countries where it is happening and examples of how it is happening, both in activities directly and indirectly related to ASM. Finally, it offers a description of how forced labor happens in conflict - affected and high - risk areas.

The following chart shows the different sections in the second chapter:



The third chapter proposes seven tools to help practitioners manage the risk of forced labor in ASM; either to prevent, identify or deal with forced labor. Tool 1 and Tool 2 will be useful in setting up practices to help prevent forced labor from occurring in ASM; either from an ASMOs perspective or from that of downstream buyers of gold (companies such as metal traders and exchanges, component manufacturers, product manufacturers, original equipment manufacturers and retailers). Tool 1 is based on the Fairmined Standard (V 2.0 2014) which promotes more responsible practices in ASM through certification, Tool 2 is based on the OECD Due Diligence Guidance for Responsible Supply Chains; it builds on steps

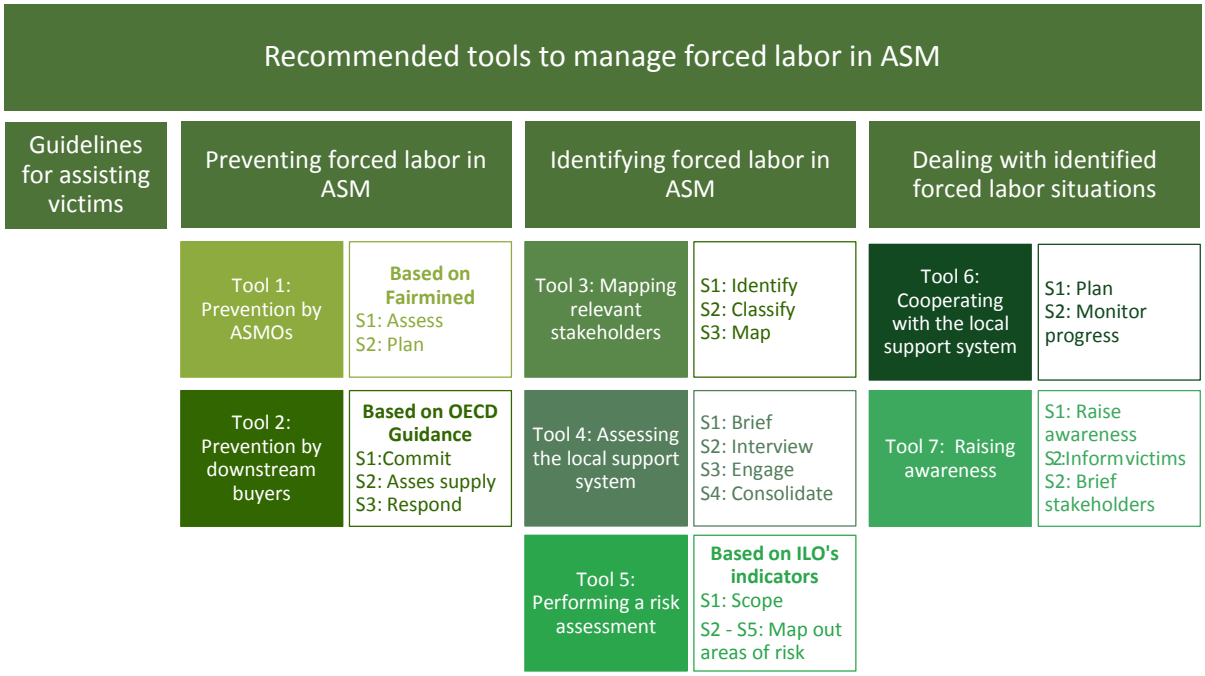
one through three of their five-step framework for risk-based due diligence in the mineral supply chain.

The second set of tools helps practitioners identify the relevant local stakeholders (Tool 3), assess the local support system (Tool 4) and perform an assessment to determine the risks of forced labor in ASM operations and in their surrounding communities (Tool 5). This last tool is based on ILO's proposed indicators to help identify modern forms of exploitation. These indicators were adapted to create a set of indicators that may be used in ASM situations.

The two final tools help practitioners deal with identified situations of forced labor, mainly through the cooperation with local stakeholders (Tool 6) and by raising awareness (Tool 7).

Other available tools that may be useful in understanding, preventing, identifying and tackling forced labor are listed Annexes 3, 4 and 5.

The following chart briefly outlines the different tools included in the third chapter:



Finally, the toolkit includes five Annexes: Annex 1 presents the set of indicators proposed to identify the risk of forced labor in ASM; Annex 2 offers methodological guidelines for semi-structured interviews; Annex 3 lists international and regional human rights standards and instruments; Annex 4 lists key resources on business and human rights; and Annex 5 lists additional resources and tools to prevent, identify and deal with forced labor.

Intended audience

This toolkit focuses mainly on addressing forced labor imposed by private agents. It should be useful for organizations, companies and governmental institutions that are developing ground work with artisanal mining and wish to better understand and address forced labor phenomena associated with it. It should also be useful to organizations working on human rights issues wishing to better understand the ASM context. Its potential users could be:

- Artisanal and Small-scale Mining organizations (ASMOs) and other medium or large-scale mining organizations that are involved with artisanal miners;
- Buyers: upstream companies in the gold supply chain, including local traders and exporters, international concentrate traders, mineral re-processors and smelters/refiners and downstream buyers of the metals such as metal traders and exchanges, component manufacturers, product manufacturers, original equipment manufacturers and retailers; and
- Victim service providers and support organizations, including NGOs and CSOs wishing to work on the issue and employees of local, regional and national government institutions.

Since this toolkit is intended for a broad audience, it has a modular design that allows different types of users to select sections according to their interests and needs. The chart in the next page shows an overview of the whole document, and suggests the sections that may be most relevant for each type of audience.

Section of the Toolkit	ASMOs	Buyers	Government agencies & support organizations
Preface	✓	✓	✓
Acknowledgements	✓	✓	✓
Introduction	✓	✓	✓
Intended audience	✓	✓	✓
Description of the toolkit	✓	✓	✓
Understanding forced labor in ASM		✓	
About forced labor	✓	✓	
About Artisanal and Small - Scale Mining (ASM)		✓	✓
Forced labor and artisanal and small-scale gold mining	✓	✓	✓
Recommended tools to address forced labor in ASM			
Guidelines in dealing with victims of forced labor			✓
Tool 1: Preventing forced labor in ASMOs (based on the Fairmined Standard)	✓		
Tool 2: Preventing forced labor in supply (based on OECD Guidance)		✓	
Tool 3: Mapping relevant stakeholders			✓
Tool 4: Assessing the local support system			✓
Tool 5: Performing a risk assessment (based on ILO Indicators)			✓
Tool 6: Cooperating with the local support system			✓
Tool 7: Raising awareness			✓
Annexes			
Annex 1: Indicators of forced labor in ASM			✓
Annex 2: Methodological guidelines for semi-structured interviews			✓
Annex 3: International and regional human rights standards and instruments			✓
Annex 4: Key resources on business and human rights		✓	
Annex 5: Additional tools to prevent, identify and deal with forced labor	✓	✓	✓
Bibliography	✓	✓	✓

UNDERSTANDING FORCED LABOR IN ARTISANAL AND SMALL-SCALE MINING

Understanding forced labor in Artisanal and Small-scale Mining

Purpose of this chapter

- To help readers better understand forced labor and ASM so they can get a sense of how forced labor happens in an ASM context and the different forms that it takes.

Overview

Section	Purpose	Especially useful for
About Forced labor • Forced labor of adults • Forced labor of children • Forced labor and human trafficking • Vulnerability to forced labor	To understand forced labor and the different forms it takes.	• ASMOs • Buyers
About Artisanal and Small-scale Mining (ASM) • Types of ASM • Group size • Mining related activities • Entrepreneurial ASM	To get a general idea about ASM's main characteristics.	• Buyers • Government agencies • Support organizations
Forced labor and Artisanal and Small-scale Gold Mining • Forced labor in activities directly related to ASM gold mining • Forced labor in activities indirectly related to ASM • Forced labor in ASM in conflict-affected and high-risk areas	To get a sense of the various forms of forced in the ASM context, using gold as an example.	• ASMOs • Buyers • Government agencies • Support organizations

Useful terms

- Abduction: to take somebody away illegally, especially using force
- Coercion: the action of making somebody do something that they do not want to do, using force or threatening to use force
- Primary deposits: geologic hard rock formations (e.g. vein type deposits) containing gold
- Placer deposits: alluvial, elluvial or colluvial formations, created by erosion and sedimentation (e.g. gold-bearing river beds)
- Ore: rock, earth, etc. from which metal can be obtained
- Tailings: residue separated in the preparation of various products (as grain or ores)
- Panning: washing gravel in a pan to separate out the targeted mineral
- Shaft: a long, narrow, usually vertical passage in a building or underground that is used especially for a lift/elevator or as a way of allowing air in or out
- Prospecting: the search for mineral deposits
- Exploration: to determine some of the more important characteristics of the deposit
- Extraction: the process whereby a metal is obtained from its ore

About forced labor

ILO specifies that forced labor is a global problem that affects every country on different levels. It exists in both industrialized nations and in developing ones; it constitutes a serious human rights violation and restricts personal freedom. ILO Forced Labor Convention, 1930 (No. 29), ratified by 177 countries[1], defines forced labor 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."* (Article No. 2, C029)

This definition has two basic elements for a work activity to be considered forced labor:

- **The person engages in the work or service *under the menace of a penalty***. The penalty can be a punitive sanction or might respond to a loss of rights and privileges. The menace of penalty can occur through psychological manipulation or through more extreme forms involving physical violence or restraint and even death threats addressed to the victim or to his / her relatives.
- **The work or service is not undertaken *voluntarily***. People must be free of any form of deception or coercion when they enter their work or service, and must be able to leave at any moment. This includes *the form and subject matter of consent; the role of external constraints or indirect coercion; and the possibility of revoking freely given consent*.[2] If fraud or deception have been used to obtain initial consent, then this consent may be considered irrelevant. Coercion to prevent victims from leaving their work can be legal, physical or psychological.

  In some cases, people may offer themselves voluntarily for a job but later become victims of human trafficking since their labor is exploited by fraud, force, or coercion. In this case, the person's prior consent to work for an employer is considered irrelevant: the employer is a trafficker and the employee is a trafficking victim.

Forced labor, as defined by the ILO, encompasses situations such as slavery, practices similar to slavery, debt bondage or serfdom – defined in other international instruments such as the League of Nations Slavery Convention (1926) and the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956).[3]

The following box presents the main elements or characteristics proposed by ILO to identify forced labor situations in practice.

[1] ILO Information System on International Labor Standards (http://www.ilo.org/dyn/normlex/en/f?p=1000:11001:0::NO:::)
[2] A global alliance against forced labor. Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (ILO, 2005)
[3] Hard to see, harder to count: survey guidelines to estimate forced labor of adults and children (ILO, 2012)

IDENTIFYING FORCED LABOR IN PRACTICE (ILO, 2005)[4]	
Lack of consent to (involuntary nature of) work (the "route into" forced labor)	Menace of a penalty (the means of keeping someone in forced labor)
• Birth/descent into "slave" or bonded status • Physical abduction or kidnapping • Sale of person into the ownership of another • Physical confinement in the work location – in prison or in private detention • Psychological compulsion, i.e. an order to work, backed up by a credible threat of a penalty for non-compliance • Induced indebtedness (by falsification of accounts, inflated prices, reduced value of goods or services produced, excessive interest charges, etc.) • Deception or false promises about types and terms of work • Withholding and non-payment of wages • Retention of identity documents or other valuable personal possessions	Actual presence or credible threat of: • Physical violence against worker or family or close associates • Sexual violence • (Threat of) supernatural retaliation • Imprisonment or other physical confinement • Financial penalties • Denunciation to authorities (police, immigration, etc.) and deportation • Dismissal from current employment • Exclusion from future employment • Exclusion from community and social life • Removal of rights or privileges • Deprivation of food, shelter or other necessities • Shift to even worse working conditions • Loss of social status

ILO's estimates (2012) indicate that about 21 million men, women and children are engaged in forced labor. Most of these victims are adults (74% are over 18 years), and women tend to be more vulnerable than men (55% of the victims are female). The region with the highest number of cases is the Asia-Pacific region, followed by Africa. Migrant workers are also a vulnerable group (44% of the victims are migrant workers); however the majority are victims of forced labor in their place of origin or residence[5].

The situation of forced labor is not determined by the economic activity or by the type of activity performed. It does not depend on the activity being easy, safe or legal. Forced labor is determined by the relationship between the employer and the employee.

Forced labor of adults

This toolkit adopts the operational definition of forced labor of adults proposed by the *Survey guidelines to estimate forced labor of adults and children* (ILO, 2012)[6]:

Forced labor of adults is defined as work for which a person has not offered him or herself voluntarily (concept of "involuntariness") and which is performed under the menace of any penalty (concept of "coercion") applied by an employer or a third party to the worker. The coercion may take place during the worker's recruitment process to force him or her to accept the job or, once the person is working, to force him/her to do tasks which were not part of what was agreed at the time of recruitment or to prevent him/her from leaving the job.

This definition applies to all workers, even if they are "self-employed" (in which case the offense would be committed by their "contractors"). It must also be underlined that a

[4]This box was taken from: A global alliance against forced labor. Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (ILO, 2005)

[5] ILO global estimate of forced labor: results and methodology. Special Action Program to Combat Forced Labor (ILO, 2012)

[6]Adapted from: Hard to see, harder to count: survey guidelines to estimate forced labor of adults and children (ILO, 2012)

person's need to take a job or to stay in it due to the absence of alternative employment opportunities does not necessarily imply a forced labor situation.

For better comprehension, the definition is split into three dimensions[7]:

Unfree recruitment

- Includes forced and deceptive recruitment.
- Forced recruitment happens when constraints are applied to force workers to work for a particular employer against their will.
- Deceptive recruitment happens when a person is recruited using false promises about the work.

Work and life under duress

- Adverse working or living conditions that are imposed by force, penalty or menace of penalty.
- Adverse working situations include excessive volumes of work or tasks.
- Adverse living situations include degrading living conditions, limitations on freedom, excessive dependency.

Impossibility of leaving an employer through penalty or menace of penalty

- Employers use coercive means to prevent workers from leaving their jobs; these means may be applied to the worker or to his / her family.
- There are six forms of coercion:

Threats and violence	• All forms of punishment or threat of punishment which put the worker in a position of subordination to the employer • Threats might be made against the worker, or against their coworkers, family or friends (including friends and family who are not present and live in workers' home towns or villages). • Violence may be physical, sexual or psychological • Example: deprivation of food and sleep
Restriction of workers' freedom of movement	• Isolation, confinement or surveillance of workers in the workplace or living quarters. • All means used by an employer to make it dangerous or very difficult for a worker to leave the workplace.
Debt bondage or debt manipulation	• Loans that have to be paid through work. • Debts imposed on workers without their consent; either during recruitment (advance payments) or when the person is already employed. • Absence of accounts, lack of transparency or deliberate manipulation in the repayment of the worker's debt.
Withholding of wages	• Workers are forced into staying in their jobs in order to be fully remunerated. • Employers may promise other benefits to retain a worker longer than agreed.
Retention of identification documents	• Workers do not have access to their documents upon request (passport, identity papers or travel documents) • Employers confiscate the documents upon the worker's arrival and refuse to return them (especially true for migrant workers)
Abuse of vulnerability	• An employer deliberately and knowingly exploits the vulnerability of a worker to force him or her to work • Includes: threats of denunciation to the authorities (used especially in the case of irregular migrant workers), taking advantage of the limited understanding of a worker with an intellectual disability and threatening women workers with dismissal or with being forced into prostitution if they refuse to comply with the employer's demands.

[7] Adapted from: Hard to see, harder to count: survey guidelines to estimate forced labor of adults and children (ILO, 2012)

Forced labor of children

Forced labor of children is considered as one of the worst forms of child labor[8]. Child labor refers to work that is performed by children under the minimum age legally specified for that kind of work, or work that is considered unacceptable for children and is prohibited because of its detrimental nature or conditions[9]. All forms of child labor must be abolished, but ILO places special priority to eradicating the worst forms of child labor. This toolkit adopts the operational definition of forced labor of children proposed by the *Survey guidelines to estimate forced labor of adults and children* (ILO, 2012)[10]:

Forced labor of children is defined as work performed by children under coercion applied by a third party (other than by his or her parents) either to the child or to the child's parents, or work performed by a child as a direct consequence of their parent or parents being engaged in forced labor.

The coercion may take place during the child's recruitment, to force the child or his or her parents to accept the job, or once the child is working, to force him/her to do tasks which were not part of what was agreed at the time of recruitment or to prevent the child from leaving the work.

If a child is working as a direct consequence of his or her parents being in a situation of forced labor, then the child is also considered to be in forced labor.

For better comprehension the definition is split into three dimensions[11]:

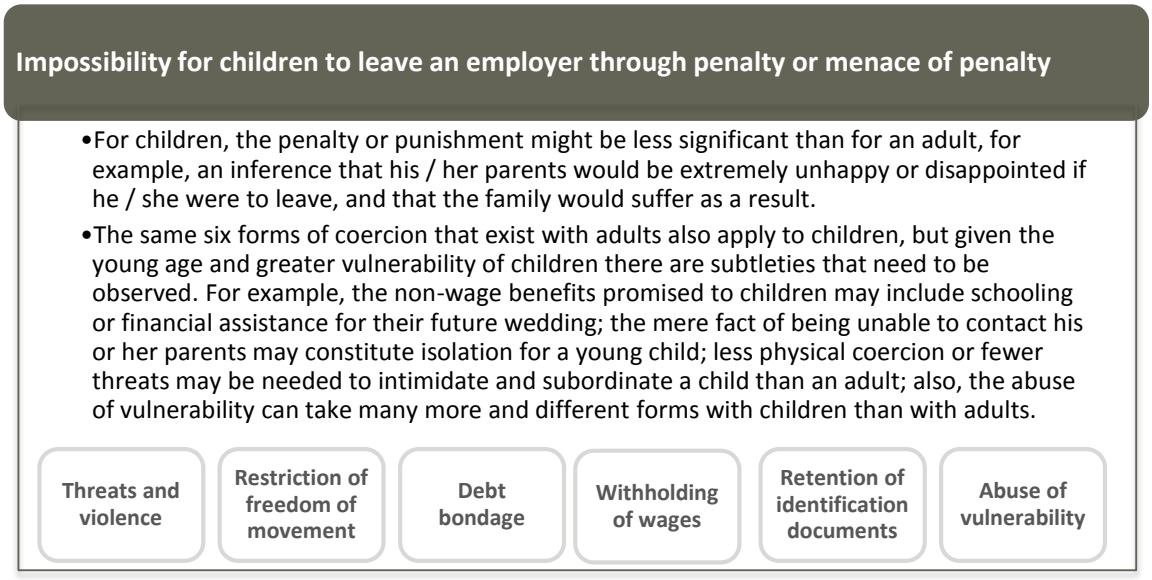
Unfree recruitment of children

- Forced recruitment happens when constraints are applied to force a child to work for a particular employer against their will.
- Deceptive recruitment happens when a child is recruited using false promises made to the child or to his / her parents.

Work and life of children under duress

- Adverse working situations include excessive volumes of work or tasks that are beyond what can reasonably be expected of a child given his / her physical and mental capacity.
- Adverse living situations include restrictions on freedom or excessive dependency imposed on a child by his / her employer

[8] ILO's Worst Forms of Child Labor Convention, 1999 (No. 182)
[9] ILO, Fundamental principles and rights at work: From commitment to action (ILO, 2012).
[10] Hard to see, harder to count: survey guidelines to estimate forced labor of adults and children (ILO, 2012)
[11] Adapted from: Hard to see, harder to count: survey guidelines to estimate forced labor of adults and children (ILO, 2012)



This definition proposed by the ILO Guidelines considers that accepting the work voluntarily demands the child's parent(s) giving their consent (because children cannot themselves give consent to work). Similarly, the penalty may be applied to the child's parents, other family members, or friends, instead of directly to the child.

Forced labor and human trafficking

The Palermo Protocol of 2000 (the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children) defines human trafficking as "*the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, or the removal of organs."*

To better understand this definition, Andrees (ILO, 2008)[12] proposes breaking it down into three elements:

- ***Activities****: recruitment, transportation, transfer, harboring or receipt of a person*
- ***Means****: force, deception, abduction, coercion, fraud, threats, abuse of power or a position of vulnerability*
- ***Purpose****: exploitation, including forced labor, or removal of organs*

Except for trafficking for the removal of organs, most human trafficking results in forced labor; however not all forced labor is a result of human trafficking. In cases of human trafficking, it is irrelevant whether the victim has given his / her consent to the intended exploitation. Moreover, when victims are children, any of the illicit means mentioned above

[12]Andrees, B. Forced labor and human trafficking. A handbook for Labor Inspectors. (ILO, 2008).

are irrelevant; the child is a victim of trafficking if he / she is subject to recruitment, transportation, transfer, harboring or receipt for the purpose of exploitation.

Vulnerability to forced labor

In its handbook for Labor Inspectors (2008)[13], ILO defines several categories of workers that may be more vulnerable to forced labor. When seeking to identify and tackle forced labor, practitioners must pay special attention to these groups of workers:

Historically discriminated groups	Women	Children	Migrant workers
•Groups that have suffered documented patterns of discrimination in the workplace •For example: indigenous workers in Latin America, the Roma in Europe, Scheduled Castes and Tribes in South Asia	•Often discriminated •They tend to work in economic sectors vulnerable to exploitation, including forced labor, such as: textiles and garments, and domestic work	•Young people under the legal minimum age of employment and in acceptable forms of work. They are seen as a vulnerable group, not as a category of workers. •No child should work in one of the worst forms of child labor or below the minimum age of employment (ILO Conventions 182 & 138). •Labor inspectors should understand their special conditions as well as the worst forms of child labor that are closely related to forced labor and human trafficking.	•Particularly those who are in an irregular status. •Irregular migrant workers are found in sectors where they are often exposed to poorer working conditions than other workers: construction, agriculture, manufacturing, fishing and others.

[13]Andrees, B. Forced labor and human trafficking. A handbook for Labor Inspectors. (ILO, 2008).

About Artisanal and Small–scale Mining (ASM)

Efforts to establish a global definition of ASM have failed. *If too general, definitions do not reflect the nature of ASM and if too specific, they do not cover all possible variants of this economic sector*.[14] This section intends to describe ASM rather than to define it. It is based on the Alliance for Responsible Mining's description of ASM as established in their 2011 publication "Rock Solid Chances for Responsible Mining".

Efforts to define **"Small-scale Mining"** have been made since the early 1970s. The term **"small"** is relative and varies according to regional context. It is often misleadingly applied to some small but high-tech industrial mining operations. The term **"Artisanal Mining"** brought more clarity to the discussion, describing low-tech, low mechanized mining operations with predominantly manual (artisanal) work. **"Artisanal and Small-scale Mining"** (ASM) is a broader term, encompassing all lower segments of mining (non-mechanized and mechanized) that are not conventional, industrial mining operations. While this description helped to frame a common understanding, it is far from being a definition.[15]

ASM is both a poverty-driven and poverty-alleviating activity. It attracts economically weak and vulnerable populations; they are generally rural, less frequently urban. They are seeking economic stability and the means to care for their families: indeed, ASM offers livelihoods to populations displaced by economic hardship, conflict, and natural disaster. It constitutes an important alternative to less attractive or less profitable activities, and thus an important opportunity to improve the individual economic situation.

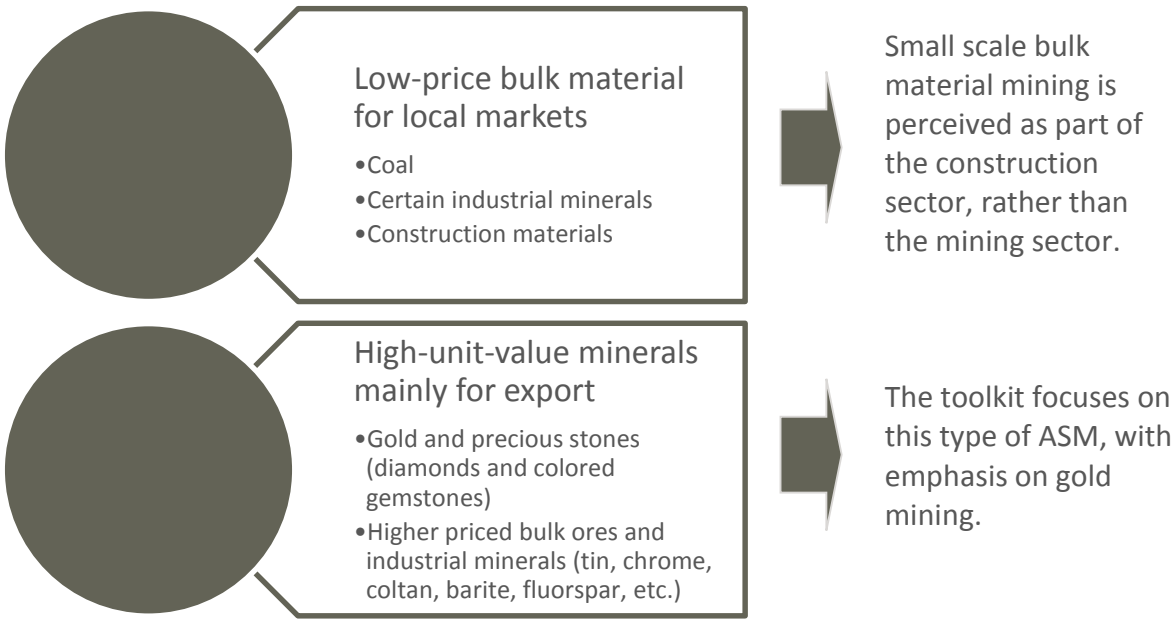
Afro-Colombian communities in Chocó, Colombia combining artisanal mining of gold and platinum with farming activities (corn, banana, cocoa and yucca), commerce, tourism and forestry. Photo by Felix Hruschka.

Its main asset is manual labor. Mineral is usually handled manually and productivity is limited by the physical strength and endurance of humans. This represents perhaps the main quantitative difference with industrial mining, where productivity depends mainly on the capacity of machines. While productivity per man-shift in artisanal mines is low, collective production from numerous communities or cooperatives can sometimes exceed production figures of mid-size industrial mines.

[14]Hruschka & Echavarría. "Rock-solid chances for responsible artisanal mining".(ARM, 2011)
[15]Ibid

Deposits with widely scattered outcrops (e.g. series of small veins) or old riverbeds can sustain, sometimes for as long as a few decades, a large number of small artisanal workings. Each individual artisanal miner can only work a very small portion of the mineral deposit, while organized groups of artisanal miners require areas adequate to the size of the organization. ASM is therefore not characterized by the size of the mining area.

There are two typical ASM commodities: low-price bulk material and high-unit-value minerals; this toolkit deals mainly with the latter, with emphasis on ASM gold mining.



ASM for gold and precious stones is possible in primary and placer deposits. If the deposits are superficial and contain relatively high-grade ores, they become technically accessible for artisanal miners. Small deposits are not economically viable for large companies, but viable for ASM because its high labor intensity allows for selective extraction.

Artisanal miners also reprocess abandoned tailings, dumps and mine sites in order to extract the remaining mineral. They frequently continue to work decades after the closure of large-scale mines. Former workers in large mines may turn to artisanal mining after mine closure.

Examples of typical deposits suitable for artisanal mining: alluvial deposit in Sierra Leone; primary deposit in Peru; abandoned mine site in Ecuador. Photos by Felix Hruschka.

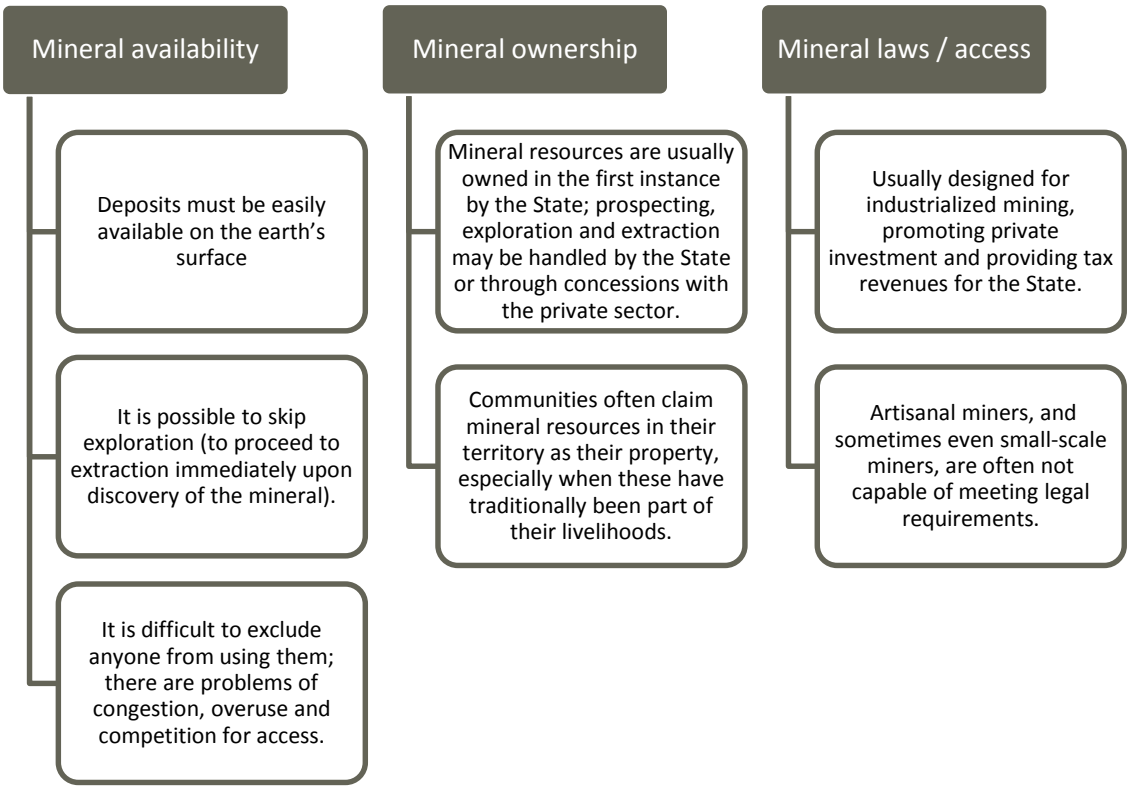
The technical feasibility of extracting the minerals depends on how easy it is to access the minerals. However, obtaining *legal* access to the mineral is an entirely different matter. Artisanal miners, and sometimes even small-scale miners, often lack the capacity to meet

legal requirements because regulations are often tailored to the medium- or large-scale mining sectors. As a consequence, ASM is sometimes assumed to be informal or illegal mining, despite the fact that some countries have designed regulations for the ASM sector and many miners operate legally.

Illegal mining refers to mining operations or individuals that have no legal rights over the mineral or the necessary permits to extract them. Informal mining applies to miners who meet some of the legal requirements but not all of them. However, informality is not a generic characteristic of artisanal mines. Rather, ASM can be a formal and legal means of livelihood, and an opportunity to create jobs and tackle poverty. Instead, informality keeps artisanal miners in a vulnerable situation, often at the mercy of unscrupulous middlemen.

Formalization and legalization require workable legislation tailored to the unique characteristics of artisanal and small-scale miners. This can be accomplished in several ways. In some cases, a country's mining law or code has a special chapter devoted to ASM. In others, there is a separate law dedicated to ASM. Some countries have a third approach in which the mining law has a general section that defines ASM and other key legal concepts, and they additionally have specific regulations for ASM.[16]

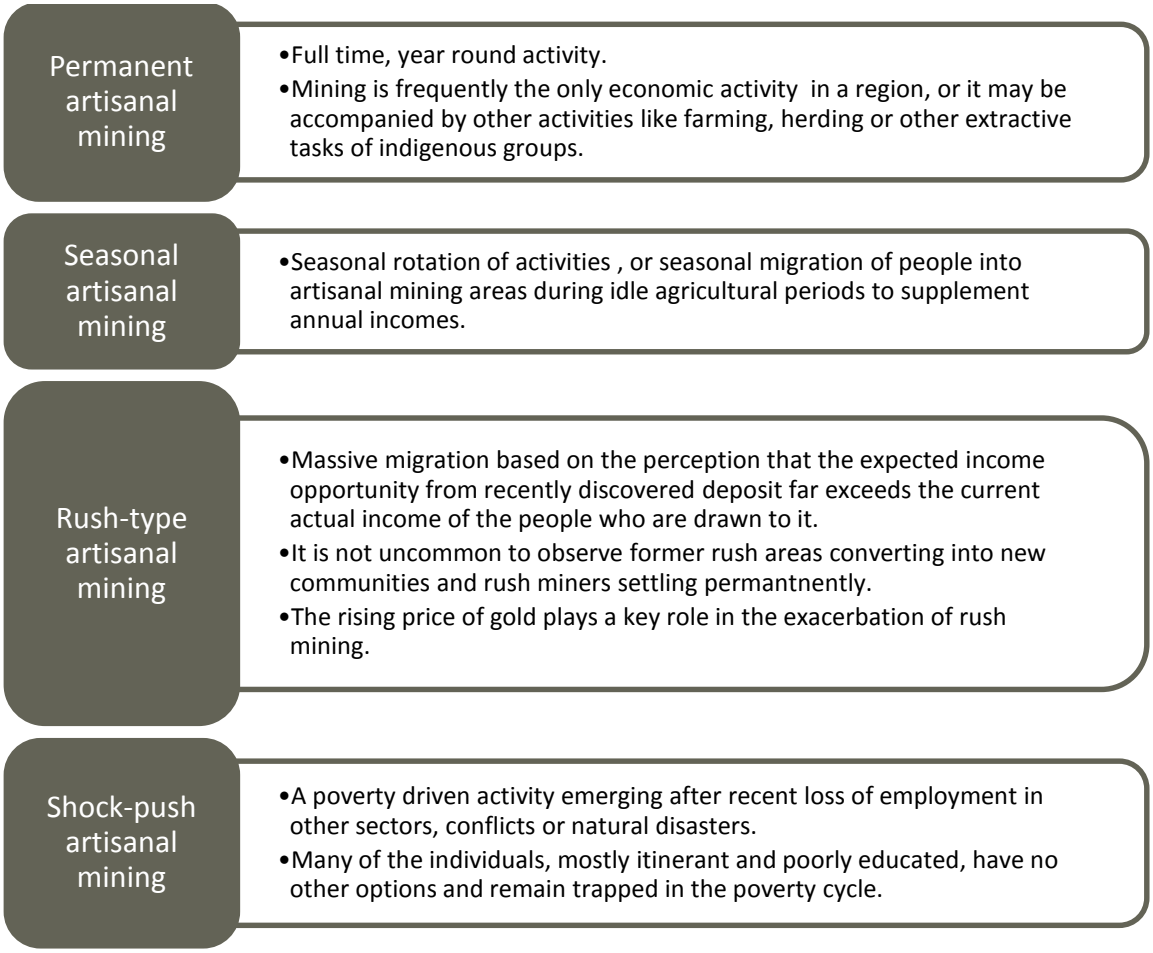
Long-term planning is necessary to develop a more economically viable, responsible ASM sector. This is only possible if the mineral deposit and legal access allow for a longer planning horizon. Hence, mineral availability, mineral ownership and mining laws all play an important role in the viability of ASM.



[16] Barreto. Guía de Legalización de la Minería Artesanal y de Pequeña Escala (ARM, 2011)

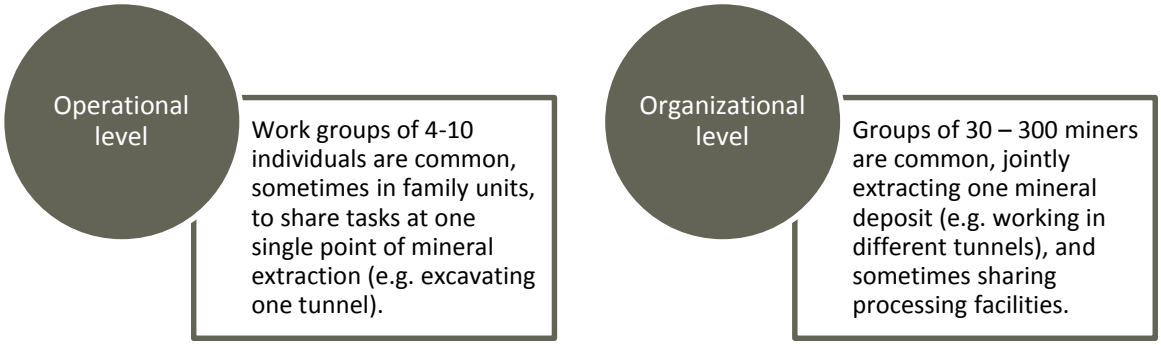
Types of ASM

Four types of ASM can be broadly observed:



Group size

ASM can refer to individual gold panners, partnerships of two to a few dozen miners, and even large cooperatives or entire communities involving hundreds or even thousands of miners. The size of the mining area varies according to the number of miners. Group sizes can be defined at operational and at organizational level.



Less common but more widely known through media coverage are concentrations of up to a few thousand artisanal miners in a single place. Cases like the 200 km^2Galangan area in Indonesia or the world-famous gold rush of Serra Pelada in Brazil, which reportedly attracted up to 100,000 people in the 1980's, are rare and closely tied to sharp increase in gold prices.

Mining related activities

ASM encompasses the entire production chain from prospecting, extraction, processing to marketing. Except in the case of individual gold panners, tasks become separated and specialization occurs throughout the supply chain. Mineral sorting and processing, transport, provision of water and food, and other similar activities qualify as "helper" tasks, often carried out by women, and sometimes by children. Artisanal mining commonly involves the whole family, similar to small farming or other family businesses. Tasks[17] performed by helpers often carry a higher risk of income inequity or exploitation, including forced labor.

Typical groups of artisanal miners, working as individuals, in small groups or as large community/cooperative (Peru, Tanzania, Colombia and Nigeria). Photos by Felix Hruschka.

The wide range of services provided by local business-people selling supplies, providing credit, and purchasing the product of mining, are of vital importance for artisanal miners, but involve an inherent risk of creating dependencies and vulnerabilities. While these activities are characterized by an - in principle legitimate - entrepreneurial approach focusing on mineral resources, these activities need to be understood as clearly different from artisanal mining. In many cases artisanal miners are trapped in unfair supply chains dominated by these middlemen.

[17] E.g. Child care, feeding, catering, caring for the sick, washing clothes, etc.

Entrepreneurial Artisanal and Small-scale Mining

Artisanal miners are usually entrepreneurs. In the grey zone between self-employment and self-exploitation, they are engaging in mining to earn a living. Independent of the number of artisanal miners jointly working one deposit, the operational organization of miners into somewhat "autonomous" individual small workgroups or production partnerships is a common feature of ASM.

Artisanal mining focuses on making a living from mineral extraction. Small-scale mining focuses more on investment and profits. If such entrepreneurs do not belong to or have no close links with the community, then it is not considered ASM, but a small conventional mine. The criteria to distinguish such enterprises from legitimate small-scale ASM operations may appear somewhat blurred for outsiders; to community members it is very clear.

"Community mining" refers to permanent and seasonal ASM carried out by the local population, building their own livelihood strategy upon the mineral resources within their communal territory. Rush-type and shock-push artisanal mining have the potential to convert temporary miners into settlers who create new communities and convert to community mining.

One particular type of setup is a profit sharing agreement between investors and contracted workers. From the investors' point of view, this is conventional, investment based small-scale mining, even if applying artisanal techniques. From the workers' point of view and considering the acceptance of payment in form of profit sharing, it can be considered ASM. Sometimes this is a preferred organizational set-up in ASM whenever investment is required to start up a mine (e.g. to open shafts, buy processing equipment, winches, etc.).

Small mining enterprises are considered community-based ASM when either :

- The investor has strong linkages to or even represents the community (frequently in Africa, e,g, the local tribal chief)
- The workers originate from local communities

These set-ups can range from fair to very exploitative, depending on the nature of the agreement between the investor and the contracted workers.

Forced labor is a serious human rights violation because it infringes on the right to freedom of work or any kind of employment.

To understand ILO's definition of forced labor in the context of ASM it might be easier to deconstruct it in its 4 key elements: "*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***" (Article No. 2 of ILO Convention No. 29):

"work or service"

- Every job, employment or occupation; the **nature or legality of the work relationship is irrelevant**.
- **In mining: extraction, mineral sorting, processing, transport, provision of water and food** and in any other of the economic activities in the community that are directly or indirectly related to mining.
- There is higher risk of forced labor in informal mining (family production units, self-employed groups, unregistered micro-enterprises...), but the fact that the "work or service" is informal does not necessarily mean that it is a form of forced labor.

"any person"

- Adults and children.
- Children work in the mining process (digging, cleaning, shoveling, picking and transporting minerals, pounding ore with hammers, processing the mineral with mercury, looking for gold in mine tailings), they bring food and firewood to other workers, work in small businesses (shops, restaurants, motorcycle and tire repair).
- Women get jobs as cooks, in shops, in different mining processes, in prostitution and domestic work.
- Men are mostly recruited to work in gold processing.

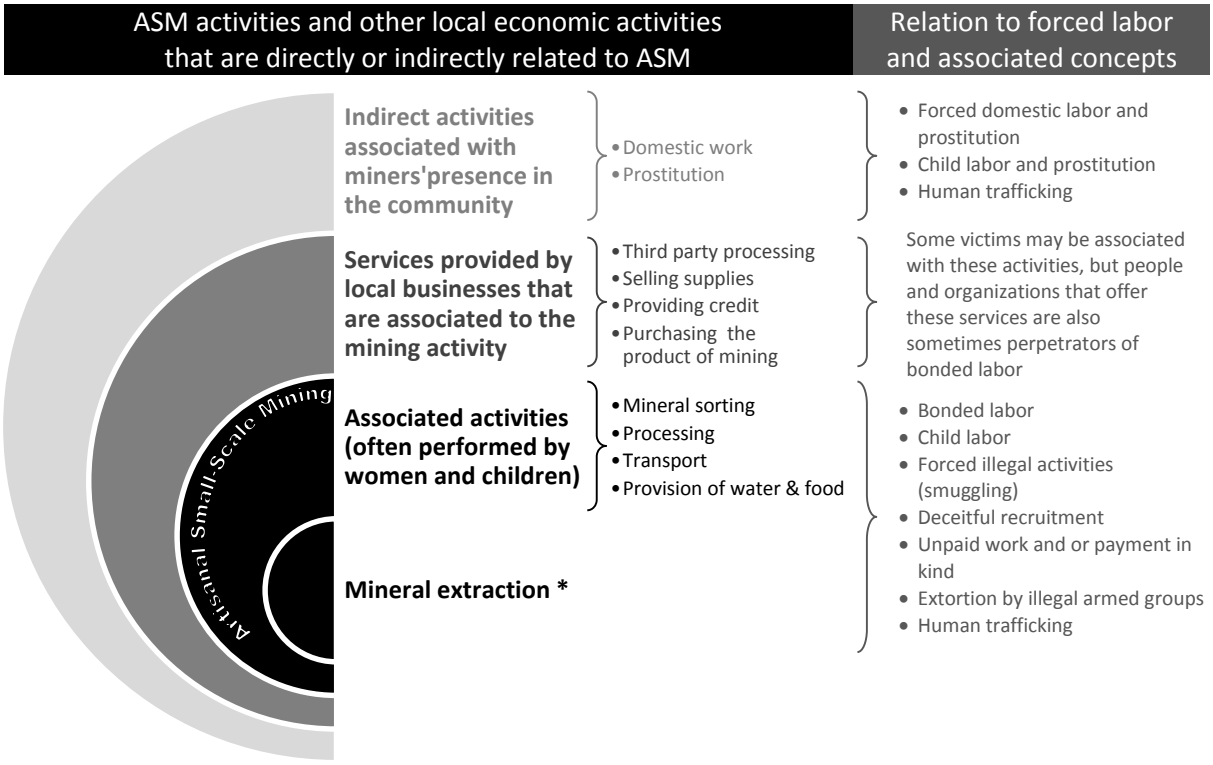
"menace of any penalty"

- Sanctions and various forms of coercion such as threats, violence, retaining identity documentation, bonded labor, reclusion and non-payment of salaries.
- Open and subtle forms of exploitation must be analyzed.

"has not offered himself voluntarily"

- The work relationship must be based on consent and full knowledge of facts, and this must continue throughout the work relationship.
- If recruitment has involved deceit or coercion, prior consent to work is irrelevant: the employee becomes a victim
- If people offer themselves voluntarily for a job but later their labor is exploited by fraud, force, or coercion and they become victims of human trafficking, prior consent is also irrelevant: the employer is a trafficker and the employee is a trafficking victim.

Both ASM and forced labor are complex concepts, the exact definitions of which are still subject to some debate by experts. There are several types of ASM and the realities of individual miners may vary significantly. Similarly, modern-day slavery takes various forms that are closely intertwined with other human rights issues, such as child labor and human trafficking. This makes the concept more difficult to comprehend. Furthermore, more research is needed on the intersection between forced labor and ASM. The following diagram is a simplification of how and where forced labor can occur in relation to mining. It provides a partial view of a complex reality in order to simplify for the reader some of the research findings to date about forced labor in ASM.



*Land access and access to minerals are often based on schemes that can lead to forced labor through debt bondage.

It is not easy to find world statistics of forced labor in ASM, but cases of forced labor in mining are found in all regions; they are reported either in small-scale mining or in low-skilled occupations in the sector.[18] An idea of where forced labor may be an issue of greater concern for the mining industry is provided by the United States Department of Labor. Its Bureau of International Labor Affairs (ILAB)[19] maintains a list of goods and their source countries which it has reason to believe are produced by child labor or forced labor in violation of international standards. The list, which is updated every year following a set of procedural guidelines that were the product of an intensive public consultation process, serves as an indication of the countries in which forced labor may be an issue of greater concern for a particular product. The list shows several minerals that are extracted by artisanal miners; gold is highlighted because it is used as an example throughout this toolkit.

[18]Profits and poverty: the economics of forced labor(ILO, 2014)
[19]United States Labor Department 2013 List of Goods Produced by Child Labor or Forced Labor. http://www.dol.gov/ilab/reports/child-labor/list-of-goods/

EXCERPT OF THE US DEPARTMENT OF LABOR'S 2013 LIST OF GOODS PRODUCED BY CHILD OR FORCED LABOR		
Good	**Child Labor**	**Forced Labor**
Charcoal	Brazil, Uganda	Brazil
Coal	Afghanistan, Colombia, Mongolia, Pakistan, Ukraine	China, North Korea, Pakistan
Coltan (tantalum ore)	Democratic Republic of the Congo	Democratic Republic of the Congo
Copper	Democratic Republic of the Congo	
Diamonds	Angola, Central African Republic, Democratic Republic of the Congo, Guinea, Liberia, Sierra Leone	Angola, Sierra Leone
Emeralds	Colombia	
Fluorspar (mineral)	Mongolia	
Gems	India	
Gems	Zambia	
Gold	**Bolivia, Burkina Faso, Colombia, Democratic Republic of the Congo, Ecuador, Ethiopia, Ghana, Guinea, Indonesia, Mali, Mongolia, Nicaragua, Niger, North Korea, Peru, Philippines, Senegal, Suriname, Tanzania**	**Burkina Faso, Democratic Republic of the Congo, North Korea, Peru**
Gypsum (mineral)	Niger	
Heterogenite (cobalt ore)	Democratic Republic of the Congo	
Iron		North Korea
Jade	Burma	Burma
Rubies	Burma	Burma
Sapphires	Madagascar	
Silver	Bolivia	
Tin	Bolivia	
Trona (mineral)	Niger	
Wolframite (tungsten ore)	Democratic Republic of the Congo	Democratic Republic of the Congo
Zinc	Bolivia	

However, regardless of the country that is being analyzed, and especially under situations of high informality in ASM, it is necessary to take a closer look to establish whether forced labor is taking place or not.

Forced labor in activities directly related to Artisanal and Small-Scale Gold Mining

As stated earlier, forced labor does not depend on whether the working conditions are difficult or dangerous, nor on whether they are informal or illegal; it depends on the characteristics of the employer – worker relationship. Nevertheless, it is true that the risk of forced labor in mining operations is higher in situations of high informality, and a lot lower and more manageable in formalized situations. This is mainly due to the fact that there is more control associated with formal operations.

There are fundamental issues that make forced labor hard to detect and make its risks very hard to manage:

- Extreme forms of exploitation are usually clandestine. This becomes evident in two services frequently associated to the presence of ASM in a community: prostitution and domestic activities. Exploitation in domestic activities might be even more difficult to detect since it takes place in private homes.

- Many victims are not aware of the severity of their situation, which is why they might become involved to the point at which they conceal their exploiter's crimes, seeing no viable alternative to their current situation.
- Victimization occurs within the family or with people close to the family, which is why what may seem harmless is in truth a form of extreme exploitation.
- The victims may be traumatized, which is why they need protection and should be encouraged to grant interviews and be shown the benefits of support from internationally recognized organizations, reputable local organizations, and/or government institutions.
- It usually affects the vulnerable groups with limited capacity to speak out. In ASM, women, young people and children are frequently employed in services within the household or in the family production units.
- It also affects indigenous populations (according to the ILO this is one of the most vulnerable groups to extreme exploitation), where cultural and language barriers make it a lot harder to detect and address forced labor.

The difficulty of analyzing and identifying risks in forced labor is even greater in the ASM context because it frequently takes place in remote areas where governments' presence and control is weak and the activities in the mine and in the processing plant are hard to monitor because:

- Worker turnover is common within work groups of self-employed miners and among the third party workers hired by family production units.
- The subcontracting arrangements with service providers and self-employed agents are often very complex.
- The place where the work is carried out changes constantly, since miners work where minerals are found.
- The activity takes place in a local cultural context that either accepts or chooses not punish certain activities, like debt servitude, that are recognized internationally as forced labor.

Within what is legally defined as forced labor there are numerous ways in which victimizers may subdue their victims. Several studies and research projects have described how these forms of forced labor are present in ASM operations.

The following charts provide brief descriptions of the forms that forced labor takes in activities directly related to ASM. The examples used to create them were taken from field research documents about the situation of forced labor in gold ASM operations in Mali, the Democratic Republic of Congo, Peru and Colombia[20]. While these examples do not cover all the existing situations of forced labor in activities directly related to ASM, they should help readers get a better sense of the ways in which exploitation takes place in an ASM context.

[20]- Novak & Namihas. La trata de personas con fines de explotación laboral: El caso de la minería aurífera y la tala ilegal de madera en Madre de Dios. (OIM, 2009);
- Análisis de Riesgo de Indicadores de Trabajo Forzoso y Trata de Personas en la Minería Ilegal de Oro en el Perú. (Verité, 2013);
- A Poisonous Mix: Child Labor, Mercury, and Artisanal Gold Mining in Mali. (Human Rights Watch, 2011);
- Zorba, Sarich, &Stauss. The Congo Report. Slavery in Conflict Minerals. (Free the Slaves, Open Square Foundation2011);
- Cortés, D. The new gold rush in the Peruvian Amazon rainforest. In Global eye on human trafficking.(2012).

Unfree recruitment in ASM

- **Deceptive recruitment:**
  - Victims are offered the possibility to earn easy money quickly, good working conditions and higher wages than they actually realize.
  - Victim's are lured into the job by friends or family who brag about having money and doing well at that type of job.
- **Forced recruitment:**
  - Child victims are sometimes forced to work without pay or for wages that cover only basic subsistence; coercion of children includes psychological pressure and physical abuse.
- Usually no contract is signed between employer and employee.
- Recruitment occurs through: people who are informally engaged in the trade and transport of goods (smugglers); victim's friends or family; job postings published in markets, shops, bus stops, through radio advertisements and flyers.
- Trafficking in persons for labor and sexual exploitation is sometimes done by criminal networks, but most frequently by family members who use their authority to sell their children.

A testimony of an underage victim in Peru illustrates a case of forceful recruitment[21]:

"[My uncle] brought us to Mazuco in a truck. He left my two brothers older than me with a lady. He took me with him, by the river, to Laberinto. I was afraid of the river because I can't swim. In Laberinto he left me with a man. He said, "here he is, give me the money." He told me that I would be staying to work with this man. He, "the boss", was from Cusco. That man gave him [my uncle] money, I don't know how much. My uncle told me that if I didn't obey they would throw me into the river. [...] I was there for about 5 years. My uncle came from time to time, I think every three months, to see if it was working and he received money. He came, but he didn't say anything to me. He just looked at me from afar. Mrs. Marta [cook] told me I had been sold to the "boss". I did not understand that."

Work and life under duress in ASM

- **Adverse working conditions:**
  - High-risk work environments.
  - Exposure to hazardous chemicals like mercury.
  - Lack of social security.
  - Sexual exploitation of women.
  - Long working shifts (up to 24-hours) under situations that threaten workers' health and safety.
  - Employment of children in hazardous activities like processing the mineral with mercury.
  - Children may not be paid for their work or the money may go to their parents or guardians.
  - Workers are charged large portions of their revenue in order to be granted access to the mineral.
- **Adverse living conditions:**
  - Poor housing conditions in mining camps with lack of basic services like water and sanitation.
  - Malnourishment due to poor diet; poor drinking water at mining sites that causes diarrhea, malaria, yellow fever, hepatitis B, and other diseases.
  - Lack of medical attention and vaccination services; poor or no access to schools.

[21] Translated from: Novak & Namihas. La trata de personas con fines de explotación laboral: El caso de la minería aurífera y la tala ilegal de madera en Madre de Dios. (OIM, 2009).

Impossibility of leaving an employer in ASM through penalty or menace of penalty

Threats and violence

- Some victims are physically abused when they resist work
- Claims of victims of trafficking being killed after attempting to flee or rebel against their oppressors.

Restriction of workers' freedom of movement

- Miners may be phisically isolated.
- In some cases, even if they aren't physically isolated, they may lack money to pay for the transport to take them away from the mining site; this is especially true in remote mining sites.

Debt bondage or debt manipulation

- **Advances made to victims vary in nature:**
  - Money to pay for their journey when they are recruited
  - Fee collected by the recruiter who hooked them up with the job
  - Money to pay for food, supplies , tools and equipment needed to keep them employed
- **Manipulation of debts to force workers into labor:**
  - Besides their debt, miners must pay for pay for food and drink, lodging, medical expenses and in some cases school fees.
  - Miners who receive payment in gold may be deceived about its weight and quality and told that their debt remains larger than it actually is.
  - Lenders overvalue debts and charge usuriously high interest rates in order to make it impossible to pay off the debt.
  - Illiteracy prevents many miners from understanding how the debt and interest should be paid down.
  - Employers keep track of these debts in notebooks to which victims have no access.
  - If miners fall sick, their debt may increase because they are unable to work and they need to borrow money to survive in the meantime.
  - The borrower is unable to save, unable to pay down the debt, and falls further into debt over time.
- **Victims** may include miners and managers of mining sites.
- **Victimizers may be:**
  - Local business people involved in the minerals trade, including shaft or pit supervisors, buyers and traders.
  - In some cases members of the military.

Withholding of wages

- Miners are promised payment after working for a certain period of time and never actually get paid.
- Employers find excuses to delay payment and even threaten to hurt miners if they keep asking for thier payment.
- Sometimes miners have no alternative but to leave without being paid.
- Miners may have no options for filing a complaint, or may be subject to threats to prevent them from doing so.

Retention of identification documents

- In some cases, workers' documents are supposedly retained as a guarantee for the payment of their debts, but they are actually withheld to prevent them from running away.

Abuse of vulnerability	•Undocumented workers are vulnerable to being reported to the authorities and employers exploit this. •Victims are sometimes accused of crimes they didn't commit, but since they have no money and limited education they aren't able to defend themselves. •Children are often victims because of their greater vulnerability.

The following testimony of a teenage victim in Mali illustrates a case of work and life under duress and impossibility of leaving an employer because of the victim's restricted movement[22]:

"I am 15 but I work as a man. I work in a team of 10 people. I climb up and down the shaft and work in the shaft. If you say you are tired, they pull you out and you rest. The big men don't mind. Some only work two hours, I work all day….
It's dangerous—there are often collapses. People are injured. Three died in a cave-in. The little children don't come down into the hole. What they do about safety is that the big men bring sacrifices [such as] butter, lamb, chicken…. I have had problems since working there—my back hurts and I have problems urinating. No one says anything to me about safety….
I don't like working here. I would do anything to go back to Guinea. But I can't save any money. There is a lot of suffering; it's very hard here because of not having enough money."

Forced labor in activities indirectly related to ASM

Forced labor does not apply only to work in the mines and processing plants. As ASM is often the result of migration that creates and attracts informal and high-risk services, some activities typically associated with mining are at high risk of extreme forms of exploitation. Children are frequently involved in services related to mining, including work in shops, restaurants, and motorcycle and tire repair. Women are commonly involved in household work (domestic employees) and in sexual services and prostitution.

The most widely known type of forced labor is sexual work or prostitution. This problem has been described in gold mining literature since the 19th century.

The following statement of an Army Officer in Colombia shows it is not uncommon for prostitution to be linked to mining, and that it is more difficult to control it in remote areas[23]:

In settlements where the mine is near the municipal center, brothels are located on the town's outskirts and are much easier to handle, but when the mines are in remote locations it is difficult to know what is going on.

The following are examples of how the different indicators of forced labor are detected in prostitution associated with gold mining. They help to illustrate the different forms forced labor takes in activities indirectly related to ASM. The examples used in the following charts

[22]A Poisonous Mix: Child Labor, Mercury, and Artisanal Gold Mining in Mali. (Human Rights Watch, 2011)
[23]Documentary about trafficking of minors in artisanal and small scale mining in Antioquia:JINETH BEDOYA LIMA. EL TIEMPO, Colombia 27.05.2013

were obtained from field research carried out by several organizations in Mali, the Democratic Republic of Congo, Peru and Colombia[24]. They do not cover all the existing situations of forced labor in activities indirectly related to ASM, but they do shed some light on the exploitation that takes place in one of the activities associated to ASM.

Unfree recruitment in activities indirectly related to ASM

- **Deceptive recruitment:** victims are offered jobs in bars and restaurants in or near the mining site, but are later forced to have sex for money. Recruiters do this by refusing to pay victims for their work, telling the victims that their "pay" is in the form of being given a venue in which to have sex with men for money.
- **Forced recruitment:** victims are sold for work as prostitutes inside and near the mining camps.
- Recruitment occurs through illegal recruitment agencies and criminal networks; many victims are exploited by their own families.

Work and life under duress in activities indirectly related to ASM

- Some victims of forced prostitution suffer abuse from drunken clients; they are injured, scarred and forced to do all kinds of terrible things.

The following testimonies of teenage victims in Colombia[25] and Mali[26] illustrate the hardships these girls and women go through:

"All kinds of things go on in the mines. All kinds of things go on in many places of the country, but here the authorities and everybody say we are just whores... I for one, feel that I am no longer a person... This is the life I got and there's nothing I can do about it."

"I am from northern Nigeria. When I was 17, a woman brought me from Nigeria to Bamako and left me there. My sisters [Nigerian women] brought me here a month ago…. Some bars do have young girls, 12 years old…. We have to avoid the fights. Some men come and are bad to us. Some make us scared. They become aggressive when they're drunk…. There was no money in Bamako, but it was safer. Here it's more dangerous and not much money [either]. I haven't been hurt but I'm scared. I would like there to be more police."

[24]- Novak &Namihas. La trata de personas con fines de explotación laboral: El caso de la minería aurífera y la tala ilegal de madera en Madre de Dios. (OIM, 2009);
- Análisis de Riesgo de Indicadores de Trabajo Forzoso y Trata de Personas en la Minería Ilegal de Oro en el Perú. (Verité, 2013);
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- Cortés, D. The new gold rush in the Peruvian Amazon rainforest. In Global eye on human trafficking.(2012).
- Heemskerk & Duijves. Child Labor in the Small-Scale Gold Mining Industry in Suriname. (US Department of Labor, 2012).
- Documentary about trafficking of minors in artisanal and small scale mining in Antioquia:JINETH BEDOYA LIMA. EL TIEMPO, Colombia 27.05.2013

Impossibility of leaving an employer in activities indirectly related to ASM, through penalty or menace of penalty

Threats and violence	•Victims are kept in prostitution through violence and menace of violence. •Victimizers threaten their victims by telling them that if they try to run away they won't get paid and that they will harm or kill them or their families.
Restriction of workers' freedom of movement	•Brothel owners have informants in the mining sites to track how the victims are behaving and whether they have tried to escape. •Some victims are prisoners; they are under permanent surveillance to prevent them from running away, from abandoning their workplace and from talking to strangers. •In some cases victims are afraid or unable to leave their jobs due to isolation, physical confinement, or lack of money to pay for transportation. •Drivers may be complicit in the crime; if victims approach them when trying to escape they report them back to brothel owners and traffickers.
Debt bondage or debt manipulation	•**Advances made to victims include** money to pay for the clothes, transportation (from the place of recruitment) and lodging that they were previously told they would get for free. •**Manipulation of debts to force workers into labor:** many victims are unable to pay the debts imposed on them, so they are told they must sell their virginity under threats that their families might get hurt if they don't accept.
Withholding of wages	•Women under considerable control of their employers may have their wages withheld to prevent them from leaving.
Retention of identification documents	•Victims have their personal identification documents confiscated •Some victims are given false identifications and new identities
Abuse of vulnerability	•Victimizers threaten to report their victims to the authorities and blame them with false crimes.

Forced labor in ASM in conflict-affected and high-risk areas

In conflict-affected areas and high-risk areas, the presence of illegal armed groups renders victims vulnerable to even more forms of exploitation. These are contexts where governmental institutions tend to be weak and corrupt. There have even been documented reports of government forces acting as perpetrators of forced labor.

Conflict-affected and high-risk areas refer to the presence, or high-risk of presence, of armed conflict, widespread violence, or other risks of serious and widespread harm to people. Armed conflict may involve two or more states, or may consist of wars of liberation, insurgencies, civil wars or fight against criminal networks.

These include areas in which illegal mining funds criminal groups; resulting in high levels of criminality, murder rates and displacement.

This section explores some of the examples of forced labor exacted by armed groups in the Democratic Republic of Congo and Colombia[27]. They do not cover all the existing situations but they should shed some light on the exploitation that takes place in ASM in conflict-affected and high-risk areas.

Forced labor enforced by armed groups

- Armed groups round victims up at gunpoint, brutalize them, threaten them, and make them work (digging for minerals, hauling or processing of mineral ores).
- It can also happen at the hands of government forces.
  - Mass forced recruitment, enslavement and concealment of evidence by soldiers.
  - Victims are forcefully recruited, given uniforms and put to work under armed guards in mine shafts.
- The victims are offered no payment and their freedom of movement and choice is withdrawn.
- There is a system of mandatory labor in which every miner is required to commit a day's labor to working for a particular militia or military leader, or another government authority. This day is usually the day when they are supposedly free to work and earn for themselves.
- In some areas illegal mining funds left wing guerillas, right wing paramilitary groups, and drug trafficking organizations, which in some cases work together to dominate illegal mining, extort miners, and launder drug money.

Peonage slavery

- There is a mechanism of enslavement where a member of law enforcement, a local official, or a member of an armed group will arrest an individual in order to exploit his / her labor. These arrests have no basis in law.
- Arrests are typically followed by one of three outcomes:
  - the person is put straight to work as a prisoner under armed guard
  - there is some kind of fake trial after which the person is "sentenced" to work and taken to the mines as a prisoner
  - the person is "convicted" and receives a large fine which he / she is unable to pay; the person is then sent to the mine to "work off" the fine, or the debt is sold to someone who wishes to acquire an enslaved mine worker

Recruitment and use of children by armed forces and groups

- Children are used by armed forces and groups in a variety of activities:
  - working as soldiers and bodyguards
  - doing construction
  - selling goods
- The recruitment of child soldiers in the Democratic Republic of Congo has become directly linked with the artisanal exploitation of minerals.

[27] - A Poisonous Mix: Child Labor, Mercury, and Artisanal Gold Mining in Mali. (Human Rights Watch, 2011);
- Documentary about trafficking of minors in artisanal and small scale mining in Antioquia: JINETH BEDOYA LIMA. EL TIEMPO, Colombia 27.05.2013

Extortion

- Extortion refers to exerting pressure by force or intimidation, over a person or a group, to obtain money or something else from them.
- In the mining context, armed groups use extortion as a way of charging illegal taxes on miners and processors, both in ASM and in industrial mining.
  - They may charge a percentage of the production and an illegal tax on the rental of excavators.
  - They may charge miners a fee in order to allow their operations to continue.
- It is an extreme exploitation mechanism that is frequent in areas of armed conflict and can lead to different forms of forced labor; however, the fact that extortion exists does not necessarily imply forced labor.
  - It can result in cases of forced labor when payments are disproportionate in comparison to the mine's production level, which leads the mining organizations to demand more dedication from their workers. This means they work overtime, or that they must contribute with a portion of their salary, which is openly against their will, and in some cases they are under threat of being punished or fired.

Forced sexual exploitation enforced by illegal armed groups

- Illegal armed groups buy girls in major cities, take them to be prostituted in campsites near the mines and collect the profits from their "services".

RECOMMENDED TOOLS TO ADDRESS FORCED LABOR IN ASM

Recommended tools to address forced labor in ASM

Purpose of this chapter

- To provide a set of hands-on tools that will help practitioners prevent, identify and deal with forced labor in artisanal and small-scale mining.

Overview

Proposed instrument	Purpose	Especially useful for
Guidelines in dealing with victims of forced labor	Protecting victims' vulnerability	• Government agencies • Support organizations
Tool1: Preventing forced labor in ASMOs (based on the Fairmined Standard)	Preventing forced labor	• ASMOs
Tool2: Preventing forced labor in supply (based on OECD Guidance)	Preventing forced labor	• Buyers
Tool 3: Mapping relevant stakeholders	Preventing forced labor	• Government agencies • Support organizations
Tool 4: Assessing the local support system	Identifying forced labor	• Government agencies • Support organizations
Tool 5: Performing a risk assessment (based on ILO Indicators)	Identifying forced labor	• Government agencies • Support organizations
Tool 6: Cooperating with the local support system	Dealing with forced labor	• Government agencies • Support organizations
Tool 7: Raising awareness	Dealing with forced labor	• Government agencies • Support organizations

Useful terms

- Victim: someone who has suffered as a result of the actions or negative attitudes of someone else or of people in general
- Victimizer: someone who victimizes someone else, that is to say "to treat someone in a deliberately unfair way"
- Support system: The combination of plans, programs, policies and resources implemented either by governmental institutions, private companies or civil society organizations with the objective of preventing forced labor, dealing with existing cases and assisting the victims.
- Civil Society Organization: the wide range of citizens' associations that provide benefits, services, or political influence to specific groups within society. CSOs include business forums, faith-based associations, labor unions, local community groups, non-governmental organizations (NGOs), philanthropic foundations, and think tanks.

Guidelines in dealing with victims of forced labor

Dealing with victims is a delicate matter. Victims may be highly traumatized and practitioners who seek to help them require specific knowledge and expertise. Additionally, in some cases the support system for victims may not be robust enough to guarantee them protection by the law or to implement the necessary prevention programs or corrective measures. Practitioners must have a good understanding of this because it is determinant in defining appropriate support strategies.

This is why organizations engaged in addressing this issue should make sure that they have the necessary competence to deal with victims. If they don't, it is advisable for them to focus on implementing an effective detection mechanism, on raising awareness of the victims' rights, and to seek support from a specialized organization when they have to deal directly with identified victims.

Practitioners who deal with forced labor must bear in mind that: a) forced labor is a crime and b) its victims may have been affected physically or psychologically. Thus, they must be careful in following the required legal procedures and, above all, they must acknowledge their own limitations in dealing with victims.

For a situation of forced labor to be treated as the legal matter that it is, and for the crime to be addressed through appropriate legal channels, victims will need to come forward to state the facts and identify their victimizers. In order to do so, these victims can likely benefit from advice and support offered by specialized institutions, such as:

a) The criminal justice system, through a public prosecutor and, if applicable, a special prosecutor for women and children;
b) The government's relevant ministries (e.g., department of labor), which are present in the territory through their labor inspection offices, and women and children inspection offices if applicable;
c) International institutions such as the ILO delegations and International Office of Migration (IOM);
d) According to the approach used to tackle child exploitation, international institutions such as the ILO, UNICEF, Plan International or Save the Children, etc.
e) National organizations and local NGOs dealing with human rights.

Even though this list of institutions is not comprehensive, it should help practitioners get an idea of the type of organizations that may have greater expertise on the issue. It is important to clarify that some of the international institutions may have a limited reach in rural settings; in these cases it might be easier to find local organizations, NGOs and CSOs working on human rights-related issues.

PRINCIPLES THAT SHOULD GUIDE VICTIM IDENTIFICATION AND ASSISTANCE (ILO, 2008)[28]

- Victims should be fully informed about possible choices, in particular with regard to testifying in court. They need to know about procedures and possible risks involved.
- Victims should be exempted from criminal investigations if they have committed a crime while a victim of forced labor ("non-punishment clause").
- The privacy of victims should be respected, and information given by victims should be treated with confidentiality.
- The safety of victims and their family members should be guaranteed. Before sending trafficked victims back home, possible risks should be carefully assessed.
- Victims should be provided with assistance according to their need, such as medical, psychological or legal assistance.
- Victims should be empowered to make their own informed choices and decisions and to participate as much as possible in the decision-making process regarding them.
- Victims should be informed about compensation independent of criminal proceedings.
- Special procedures have to be in place to account for the rights and needs of children. All assistance and protection provided to children should be in the best interest of the child.

Victims are highly vulnerable people who have been deceived and exploited. They are people who have suffered from abuse of power in a relationship based on coercion and servitude. The harm may be physical (health diseases or illness) and/or psychological (trauma). The relationship with their victimizers is often so complex and contradictory that in many cases they do not even consider themselves victims of forced labor. This is why ILO recommends that victims are viewed *as workers who may have lost some of their free decision making power but who are nonetheless individuals with some degree of willpower*[29].

Some victims may see their situations as a means to improve their living and working conditions (as can be the case for migrant workers); others may belong to groups that have suffered from serious discrimination over generations, so they do not even think of resisting. There are other victims who may even be complicit and protect their oppressors because they see no viable alternative, and yet others who may go on to become part of the criminal network that previously exploited them. This is why ILO suggests *it is more important to look for objective indicators of coercion that can be used to indict employers*[30].

An important point that must be raised with police and military forces that conduct raids on illegal mining camps is that miners must be treated as potential victims of forced labor, rather than simply as perpetrators of illegal mining.

Organizations that will be dealing with victims also need to be aware that the issue they are dealing with involves criminal networks. This means that the people they send to do the groundwork might be exposed to bribery or other unethical practices, and/or their physical safety might be at stake. These situations need to be prevented or mitigated. Corrupt or unethical behavior is particularly critical to avoid in this case because it could endanger the life of victims. Organizations that deploy teams to work with victims should implement the necessary mechanisms to avoid such practices. ILO's recommendations and model Code of Ethical Behavior is a good starting point. As to the safety of practitioners, organizations

[28]Andrees, B. Forcedlabor and human trafficking. A handbook for Labor Inspectors. (ILO, 2008).
[29] Ibid
[30]Ibid

should assess which geographic areas should be avoided and what local support they will need before carrying out their work.

POLICY FORDEALING WITH VICTIMS OF EXTREME FORMS OF EXPLOITATION AND FORCED LABOR

Any person or organization that uses this toolkit must enforce victim protection policies before carrying out any interviews or forms of data gathering on alleged or potential victims.

In case the interviewees report victims of extreme forms of exploitation, sexual exploitation, sexual harassment or trafficking, and abuse, the interviewers must listen carefully and avoid any emotional response (crying, etc.). It is important for them to maintain a professional and neutral attitude towards the facts or alleged findings, given that this evidence needs to be interpreted very carefully. At no time can the interviewer or any member of the team divulge information elsewhere regarding the interviewee.

The acting party must make sure the victim or victims are safe before reporting the case to the authorities. Follow-up and/or relocation processes for victims must be carried out in close partnership with the country's competent authorities, internationally recognized institutions such as ILO and UNICEF, or private institutions for the protection of minors (Save the Children, Plan International, etc.).

Tool 1: Prevention by ASMOs (based on the Fairmined Standard)

Brief description of the Tool

- This tool will allow practitioners to perform an internal evaluation to determine whether ASMOs have the necessary mechanisms to prevent forced labor in their operations.
- It is based on the Fairmined Standard V 2.0 2014 which promotes more responsible practices in ASM (further information may be found at: www.communitymining.org). Hopefully it will motivate formal ASMOs to become certified and will promote formalization of informal ASMOs, which would in turn help them avoid forced labor.
- To become certified, an ASMO must meet all the minimum criteria set by the Fairmined Standard, but the tool only explores those requirements concerning Freedom of Labor.

Applicability

- It may be used by formal or informal ASMOs wanting to improve their control mechanisms to prevent forced labor.
- It is meant for internal evaluations; it may be used by the organization itself or by external stakeholders acting on behalf of the organization (trainers, support organizations, NGOs, CSOs, etc.). When applied by external stakeholders, authorization and coordination with the ASMO is necessary.
- Formal ASMOs may wish to proceed to certification by fulfilling the other requirements of the Standard. Informal ASMOs that want to formalize may use the entire Standard as a roadmap to formalization.

Overview

- Step 1: Performing an internal assessment
- Step 2: Designing an action plan

Output

- Gap analysis: identifies the mechanisms that can be used to prevent forced labor but are missing in the ASMO's operation.
- Action Plan: strategies to overcome the identified gaps.

Other relevant resources

- Further information about Fairmined Certification: www.communitymining.org
- Solidaridad Support Program: seeks to create sustainable supply chains from the producer to the consumer, using certification as a tool; enabling producers in developing countries to get a better price for better products and helping to preserve the environment. More information at: www.solidaridadnetwork.org
- Fairtrade Certification: an alternative certification standard that requires small-scale mining organisations (gold and precious metals) to meet criteria on working conditions, child labour, women's rights, clean technology, health and safety, organisational management, democratic decision-making, transparency and traceability of their mining operations and responsible environmental management. More information at: www.fairgold.org

To implement this tool, practitioners will need to gather a group of miners that work with the ASMO. For best results, the group must be as heterogeneous as possible (different genders, origins, ages and positions within the ASMO) and must not be too large (maximum 30 people). Look for a comfortable meeting place where everyone may feel at ease. Someone who is familiar with the topic must facilitate the workshop; this person will moderate the discussions, control time, and process the results of the workshop.

When an organization is formal, it might make more sense to go through this tool with its directors and with managers who hire and pay other employees. If the ASMO is informal, its structure might not be as clear, so it is important to approach a heterogeneous group of people involved with its work.

If it is not feasible to organize a workshop, the tool may be adapted into a questionnaire with which to interview several people within the ASMO. Conclusions will then be drawn by analyzing the responses gathered.

It is important to open the exercise by discussing why the ASMO considers it important to prevent forced labor in its operations and by describing how the exercise will unfold. It is also important to describe forced labor and how it happens in ASM. This way, all participants will understand the topic that is being discussed. The information found in the second chapter of this Toolkit will be useful for this purpose.

ABOUT FAIRMINED CERTIFICATION

Fairmined is a standard with requirements for sound environmental, labor, formalization and traceability practices. It is designed for formal artisanal and small-scale miners' organizations of gold and associated precious metals. Miners' organizations that comply with all the requirements may be audited and certified.
The Fairmined certification promotes a fair price for certified gold and a premium paid to the Artisanal and Small-scale Mining Organization (ASMO). This premium may be invested to improve the mining practices or in projects that benefit your community. Certified miners can receive assistance for direct access to markets and responsible supply chains, which means a greater part of the profits go to miners instead of intermediaries.
Learn more about the certification process at: www.communitymining.org/en/for-miners

HOW FAIRMINED CERTIFICATION HELPS PREVENT FORCED LABOR

In ASM gold mining
Aside from Fairmined's specific requirements forbidding forced labor, several mechanisms embedded in the Standard significantly reduce the risk of forced labor practices within the ASMO:

- In order to get certified, the ASMO must have a complete register of all miners (including contracted workers) recording at least their names, dates of birth, legal document / identity card numbers and names of the working group they belong to.
- The organizations are required to have an Internal Control System (ICS) in place that documents the internal traceability of gold ore within the certified Fairmined System of Production (the part of the ASMO that must comply with all the requirements of the Standard). The implementation of the ICS involves regular monitoring of mining areas via random internal audit visits.
- The ASMO must also create a Health and Safety Committee, which carries out regular site inspections, ensuring that decent Labor practices prescribed by the Standard are duly observed.

In the surrounding community
The Fairmined Standard establishes a *3rd Level of responsibilities that demand ASMOs to actively promote the sustainable development of their communities and collaborate with authorities and other community groups to support actions and implement monitoring of issues affecting the community that are directly or indirectly related to mining, such as:*

- *The situation of women and children in the community,*
- ***Child labor and forced labor in the community,***
- *Mercury management in the community, and*
- *Biodiversity/forest conservation and water stewardship in their area of influence.*

The Fairmined Premium can be an important incentive to manage the risk of exploitation within the surrounding community. The Fairmined Premium is an extra amount of money paid by the buyer in addition to the payment for gold or gold ore originating from the ASMO's certified Fairmined System of Production. It is used by the ASMO and the ASM community to realize their development objectives.

Step 1: Performing an internal assessment

The ASMO will perform an assessment of the mechanisms it has in place to comply with section 3.5 of the Fairmined Standard (Freedom of Labor). This will be done through discussions and the use of questionnaires.

The facilitator of the workshop will divide the group into smaller groups of around five people, trying to guarantee everyone's participation. He or she will introduce the specific topic by explaining the Fairmined Standard's intent on freedom of labor, included in the following box:

Freedom of Labor

Fairmined follows ILO Conventions 29 (Forced Labor), which describes freedom from forced labor as a situation in which workers have the right to enter into employment voluntarily and freely, without threat of penalty, and that they are free to terminate employments at any time without penalty. It also follows ILO C105 (Abolition of Forced Labor) regarding forced labor. Forced or bonded labor must not take place. This can take the form of worker debt schemes involving the miner and the organization or intermediaries; retention of due payment, identity documents or other personal effects of value; or working under threat.

The facilitator will then distribute the first questionnaire about Freedom of Labor to encourage discussions within each group. The groups will each delegate a person to take notes about the discussion and later present the main points to the larger group.

SAMPLE QUESTIONNAIRE TO DISCUSS EXISTING MECHANISMS TO ENSURE FREEDOM OF LABOR
Fairmined: "Forced labor, including bonded or involuntary prison labor, must not occur." • How do we normally make sure that no one is forced to join this mining operation? • Do we have means to prevent people from being deceived when they are offered a job here? • How do we guarantee that people are fairly paid for their work? • Are there ways to prevent people being paid in kind instead of in cash? • Do we have means to prevent people from being forced to work here to pay a debt to someone? • How do we ensure that workers' wages are never withheld for any reason? • Do we have means to prevent employees from being forced to do activities against their will or from being forced to do illegal activities? • Are there ways in which we can guarantee that none of the people we work with arrived at this mining operation because they were victims of human trafficking?
Fairmined: "Debt and/or confiscation of identity documents or other personal effects that limit the freedom of movement must not occur." • How do we normally guarantee that no worker's identification document is ever retained by someone else at this mining operation? • What other means do we have to avoid people being retained in this mining operation by means of retaining their personal effects? • Has anyone been prevented from leaving by having their wages retained?

Fairmined: "Employment of a worker must not be conditioned by employment of their spouse. Spouses have the right to work elsewhere." • How do we guarantee that no one is forced to agree to take a certain job in order for a relative of theirs to get a job at this mining operation? • What means do we have to avoid workers' family members from being forced to do activities against their will or illegal activities in order for a worker to retain their position with us?
CLARIFICATION: For formal ASMOs it makes sense to reframe these questions in order to identify whether the organization has politics or procedures in place that will help it avoid these situations.

As the discussion begins, each group must name a moderator who will take notes about all the means, mechanisms, procedures or politics that an organization has that help it avoid these situations of forced labor. Once each group finishes their discussion, they will answer the following questions and share their answers with the rest of the group.

CONCLUSIONS OF THE DISCUSSION ABOUT THE MECHANISMS TO ENSURE FREEDOM OF LABOR			
According to your discussion, does your mining operation have mechanisms to . . .	**Plenty**	**Some**	**None**
…prevent forced labor or bonded labor?	☐	☐	☐
…ensure workers' freedom to leave their job by choice?	☐	☐	☐
…avoid employment to be conditioned on that of his or her spouse?	☐	☐	☐

If conclusions differ, then a general discussion will be necessary to reach consensus. During these presentations and discussions, the facilitator will note existing mechanisms to prevent forced labor. He/she will make a list of the needed improvements and how corrections will be made. To do this, the facilitator will use a matrix in which he/she will organize the issues according to where in the mining process (e.g. mineral extraction, mineral sorting, processing, transport, provision of water and food) the ASMO needs to create a control mechanism and decide at which point in the worker–employer relationship (recruitment, form of payment, personnel management) it should be applied. See sample matrix below.

It is important to note that some mining processes take place at different locations. For example, there are cases where mineral is bought from informal or illegal concessions and then processed by formal mining operations. The facilitator must guide the discussion to clarify where each process takes place and if the people present have knowledge about its characteristics. If the participants don't know enough about some of the processes, then a similar workshop with people who are familiar with those processes may be needed.

Having gathered the information, the facilitator will open a discussion about the matrix so everyone can add to it. An example of an issue that might need correcting is: *we have no control over how the families are involving other family members in activities such as the provision of food and water*.

EXAMPLE OF THE MATRIX OF ISSUES DUE TO LACKING MECHANISMS IN THE ASMO – GAP ANALYSIS			
	Recruitment	**Form of Payment**	**Personnel Management**
Mineral extraction	• *Issue 1* • *Issue 2*	…	…
Mineral sorting	• *Issue 3*	…	…
Processing	…	…	…
Transport	…	…	…
Provision of water and food	…	• *Issue 26* • *Issue 27*	…

Step 2: Designing an action plan

Once the assessment has been finalized and the participants are clear about the issues the ASMO needs to correct, the facilitator will again subdivide the group into smaller groups. Each of these groups will be assigned a list of issues and they must come up with possible mechanisms to implement each issue (a single issue may require several mechanisms).

In some cases the group may find that the ASMO will not be able to implement all of these mechanisms in the short term, either because the issue is actually occurring outside the reach of the ASMO but affecting it directly, or because the ASMO may need external advice or additional resources they don't currently have. Whether the proposed mechanisms are to have effect in the short, long or medium term, and whether they must be implemented inside the ASMO or beyond its reach, they still need to be identified and included in the plan.

Each group will organize its proposed solutions into a matrix stating the proposed mechanism, the necessary resources, and the timeframe for implementation. This matrix is to be shared and discussed with the rest of the group so together they create the complete action plan. During the group discussion they will determine who will be responsible for implementing each mechanism and the facilitator will include this information in the matrix.

EXAMPLE OF AN ACTION PLAN MATRIX				
	Prevention Mechanism	**Necessary Resources**	**Timeframe**	**Responsible Person**
Recruitment				
Issue 1				
…				
Form of Payment				
Issue 14				
…				
Personnel Management				
Issue 32				
…				

Tool 2: Prevention by downstream buyers (based on OECD Guidance)

Brief description of the Tool

- This tool is based on OECD's due diligence guidance for responsible supply chains (full guidance may be found at: www.oecd.org/investment/mne/GuidanceEdition2.pdf)
- It builds on steps 1-3 of the OECD's Five-step framework for risk-based due diligence in the mineral supply chain. Steps 4 and 5 (having an audit program and reporting on progress) are not included in this tool because it makes more sense to implement them as part of a full supply chain assessment, as opposed to studying one specific issue in the supply chain (such as forced labor in ASM).
- While OECD's due diligence guidance for responsible supply chains has a broad scope--proposing guidance for different actors in the chain that may be sourcing from conflict-affected and high-risk areas--this tool focuses more narrowly on assessing the risk of forced labor at the ASM level.

Applicability

- This tool was designed to manage the risk of forced labor in gold supply chains that may originate at ASM mines; however, it may be used for other minerals.
- It is intended for downstream companies: metal traders and exchanges, component manufacturers, product manufacturers, original equipment manufacturers and retailers.
- If the organization that is using this tool has a broader supplier assessment process, it should seek to integrate this tool into that broader assessment.

Overview

- Step 1: Commit to prevent forced labor in the ASM mineral supply
- Step 2: Identify and assess the risk of forced labor in ASM mineral supply
- Step 3: Define a strategy to respond to identified risks

Outputs

- Explicit statement on commitment to prevent forced labor in ASM mineral supply
- Diagram of the company's supply chain
- Mechanism to supervise the supply chain
- Risk assessment of forced labor in ASM mineral supply
- Strategy to respond to identified risks

Other relevant resources

- Detailed information on how to proceed with the entire due diligence process can be reviewed in the OECD due diligence guidance for responsible supply chains (www.oecd.org/investment/mne/GuidanceEdition2.pdf).
- The Responsible Jewellery Council has a Code of Practice and a Chain-of-Custody Standard to help jewelers implement responsible sourcing. As part of this, it proposed a Human Rights Due Diligence process and a Human Rights Due Diligence Toolkit which may be of great use for the readers of this toolkit. See: www.responsiblejewellery.com/rjc-certification/human-rights

This tool is designed to help companies assess the risks of forced labor related to ASM in their supply and act accordingly. Companies are encouraged to find ways to help their suppliers surpass their difficulties instead of excluding them from the chain. In particular, excluding ASM from a supply chain could have a terrible impact on the livelihoods of vulnerable people (artisanal mining employs over 25 million people directly and around 150-170 million people indirectly[31]).

The tool builds on steps 1 through 3 of the OECD's Five-step framework for risk-based due diligence in the mineral supply chain. Steps 4 and 5 (having an audit program and reporting on progress) are not included in this tool because it makes more sense to implement them as part of a full supply chain assessment, as opposed to studying one specific issue in the supply chain, such as forced labor in ASM. Organizations that already carry out a broad supplier assessment process are strongly encouraged to integrate this tool into that broader process.

While OECD's due diligence guidance for responsible supply chains has a broad scope, proposing guidance for different actors in the chain that may be sourcing from conflict-affected and high-risk areas, this tool focuses more narrowly on assessing the risk of forced labor at ASM mines.

ABOUT OECD DUE DILIGENCE GUIDANCE FOR RESPONSIBLE SUPPLY CHAINS

*All this information has been extracted from the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (**© OECD 2013**)*

Due diligence is an on-going, proactive and reactive process through which companies can ensure that they respect human rights and do not contribute to conflict.[32] Due diligence can also help companies ensure they observe international law and comply with domestic laws, including those governing the illicit trade in minerals and United Nations sanctions. Risk-based due diligence refers to the steps companies should take to identify and address actual or potential risks in order to prevent or mitigate adverse impacts associated with their activities or sourcing decisions.

Five-step framework for risk-based due diligence in the mineral supply chain

While specific due diligence requirements and processes will differ depending on the mineral and the position of the company in the supply chain(as detailed in the mineral Supplements *of the OECD Due Diligence Guidance for Responsible Supply Chains*), companies should review their choice of suppliers and sourcing decisions and integrate into their management systems the following five-step framework for risk-based due diligence for responsible supply chains of minerals from conflict-affected and high-risk areas:

1. **Establish strong company management systems.** Companies should:
   A. Adopt, and clearly communicate to suppliers and the public, a company policy for the supply chain of minerals originating from conflict-affected and high-risk areas. This policy should incorporate the standards against which due diligence is to be conducted, consistent with the standards set forth in the model supply chain policy in Annex II.
   B. Structure internal management to support supply chain due diligence.
   C. Establish a system of controls and transparency over the mineral supply chain. This includes a chain of custody or a traceability system or the identification of upstream actors in the supply chain. This may be implemented through participation in industry-driven programs.

[31]Hruschka & Echavarría, "Rock-solid chances for responsible artisanal mining" (ARM, 2011).

[32] Footnote from the original document: OECD (2011), OECD Guidelines for Multinational Enterprises, OECD, Paris; OECD (2006), OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, OECD, Paris; and, Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and other Business Enterprises, John Ruggie, A/HRC/17/31, 21 March 2011).

D. Strengthen company engagement with suppliers. A supply chain policy should be incorporated into contracts and/or agreements with suppliers. Where possible, assist suppliers in building capacities with a view to improving due diligence performance.
E. Establish a company-level, or industry-wide, grievance mechanism as an early-warning risk-awareness system.

2. **Identify and assess risk in the supply chain.** Companies should:
   A. Identify risks in their supply chain as recommended in the Supplements *(of the OECD Due Diligence Guidance for Responsible Supply Chains)*.
   B. Assess risks of adverse impacts in light of the standards of their supply chain policy consistent with Annex II and the due diligence recommendations in this Guidance.
3. **Design and implement a strategy to respond to identified risks.** Companies should:
   A. Report findings of the supply chain risk assessment to the designated senior management of the company.
   B. Devise and adopt a risk management plan. Devise a strategy for risk management by either i) continuing trade throughout the course of measurable risk mitigation efforts; ii) temporarily suspending trade while pursuing ongoing measurable risk mitigation; or iii) disengaging with a supplier after failed attempts at mitigation or where a company deems risk mitigation not feasible or unacceptable. To determine the correct strategy, companies should review Annex II *of the OECD Due Diligence Guidance for Responsible Supply Chains* (Model Supply Chain Policy for Responsible Global Supply Chains of Minerals from Conflict-Affected and High-Risk Areas) and consider their ability to influence, and where necessary take steps to build leverage, over suppliers who can most effectively prevent or mitigate the identified risk. If companies pursue risk mitigation efforts while continuing trade or temporarily suspending trade, they should consult with suppliers and affected stakeholders, including local and central government authorities, international or civil society organizations and affected third parties, where appropriate, and agree on the strategy for measurable risk mitigation in the risk management plan. Companies may draw on the suggested measures and indicators under Annex III of the Due Diligence Guidance to design conflict and high-risk sensitive strategies for mitigation in the risk management plan and measure progressive improvement.
   C. Implement the risk management plan, monitor and track performance of risk mitigation efforts and report back to designated senior management. This may be done in cooperation and/or consultation with local and central government authorities, upstream companies, international or civil society organizations and affected third-parties where the risk management plan is implemented and monitored in conflict-affected and high-risk areas.
   D. Undertake additional fact and risk assessments for risks requiring mitigation, or after a change of circumstances.
4. **Carry out independent third-party audit of supply chain due diligence at identified points in the supply chain.** Companies at identified points (as indicated in the Supplements *of the OECD Due Diligence Guidance for Responsible Supply Chains*) in the supply chain should have their due diligence practices audited by independent third parties. Such audits maybe verified by an independent institutionalized mechanism.
5. **Report on supply chain due diligence.** Companies should publicly report on their supply chain due diligence policies and practices and may do so by expanding the scope of their sustainability, corporate social responsibility or annual reports to cover additional information on mineral supply chain due diligence.

Step 1: Commit to prevent forced labor in the ASM mineral supply

The commitment must be official and public; also, there needs to be someone in the company who can account for how that commitment is being met. So, the first thing that needs to be done is that someone in the organization must be designated for this responsibility; he/she will lead the due diligence process.

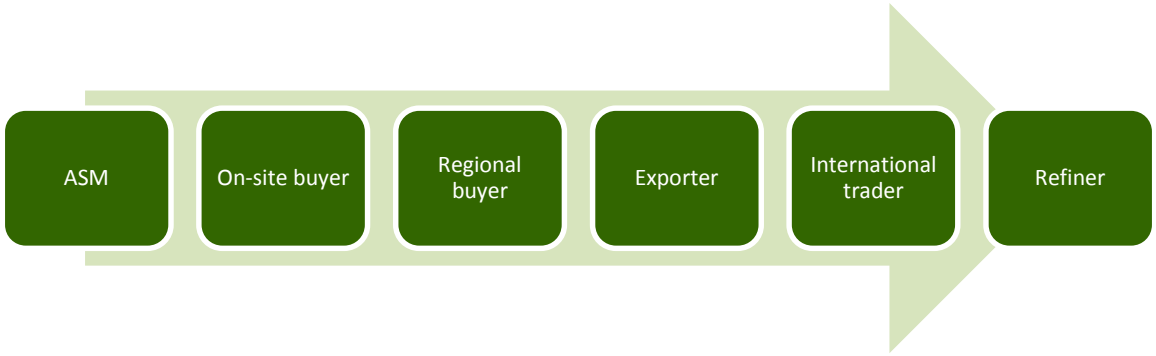
This person (the due diligence leader) must review the organization's policies (human rights policy, supply chain policy, etc.) and make sure that there is explicit reference to the organization's commitment to preventing forced labor in its mineral supply chain. If the

company has no such policy, one should be created and made public. The policy must be written in a form that doesn't exclude or neglect ASM in order to reduce the risk of forced labor in the supply chain.

The due diligence leader must then establish a mechanism through which he/she will be supervising the mineral supply, ideally through a chain of custody or a traceability system. If the company does so through a chain of custody, staff will need to create a document trail in which they record the sequence of people and companies who have had custody of minerals as they move through the chain. If the company chooses a traceability system, staff will need to physically track the minerals at all points of the chain, from their mine of origin up to when the organization purchases them.

If it is not feasible to implement such a system, the organization should at least be able to identify the upstream actors in its mineral supply chain up to the artisanal miners. Downstream companies will surely purchase minerals from many origins, not only artisanal miners. But this tool focuses solely on preventing forced labor related to artisanal mining. The OECD Due Diligence Guidance, however, has a broader scope and could be used to assess and manage risks associated to other origins of the minerals.

Once upstream actors have been identified (including miners, local traders or exporters from the country of mineral origin, international concentrate traders, mineral re-processors and smelters/refiners), the due diligence leader should then map out his/her organization's supply chain. The following diagram is a simplified example of what a gold supply chain could look like (supply chains are a lot more complex and vary greatly from one to the next).



ASM gold supply chain (Patrick Schein, International Conference on ASM in the Asia Pacific Region, 2013)

Understanding the supply chain can be a complex and timely process, and the due diligence leader might need assistance from other people within the organization. The leader may also need to increase their engagement with suppliers to understand where and how ASM gold may enter the chain. It is very important to explain to suppliers that the organization seeks to mitigate the risk of forced labor in its supply chain. This criterion must be included in supplier selection processes and in the contracts and/or agreements with suppliers. **The organization's intent must be absolutely clear to its suppliers.**

Step 2: Identify and assess the risk of forced labor in ASM mineral supply

Once the supply chain has been fully mapped, if ASM is identified as a probable source the organization should then determine whether any of the upstream suppliers are already

carrying out a due diligence process to prevent forced labor that includes ASM in its scope. If such a process exists and it is credible and consistent with these guidelines, then the organization does not need to directly assess the risk of forced labor in ASM, but can use the information that the other actor(s) already gathered upstream in the chain.

If, however, there is no one else looking into this issue in a reliable way, then the organization will proceed to identify alarms or *red flags*[33] in their supply:

- Minerals come from countries that are part of the United States' Department of Labor *List of Goods Produced by Child Labor or Forced Labor* (this list may be consulted at: www.dol.gov/ilab/reports/child-labor/list-of-goods)
- Minerals come from a conflict area (in this case it is recommended to implement the whole Due Diligence Guidance proposed by OECD)
- Presence of criminal groups in the areas where the mineral is being sourced
- Minerals are provided by highly informal ASM suppliers at the origin of the supply chain
- Minerals are provided by formal ASMOs but they have no mechanisms to prevent forced labor in their operations

If the organization identifies any of these red flags, or if it cannot dismiss them with certainty, then it will need to undertake an in-depth review, including both secondary and primary information. Secondary information includes research reports and industry literature about forced labor and ASM (the resources mentioned in Annex 4 of this toolkit and in the Bibliography may be useful). Primary information will need to be gathered through interviews and meetings with local and central governments, local CSOs, national or international NGOs with presence in the area and local communities and suppliers (Tool 4 in this toolkit may have useful ideas on how to gather this information).

This in-depth review might lead companies to find that ASM operations at the beginning of their supply chains have practices that could be related to forced labor or that might lead to it. Examples of these types of practices are illustrated in the following box:

EXAMPLES OF SITUATIONS THAT COULD BE INDICATIVE OF FORCED LABOR	
Situation encountered	**Associated risk**
It is common for the miners to work excessive overtime; the mining operation hasn't defined or doesn't control the working schedule	This could be an indication of work and life under duress
The mining organizations keep no records of the payments they make to miners, of the hours they work or of the pay rates	This could lead to situations of work and life under duress
Grievance mechanisms are uncommon or nonexistent in the studied context; unions are rare or nonexistent	This allows victimizers to abuse victims without suffering any consequences
Living or working conditions are harsh or hazardous	This could be an indication of work and life under duress

Unless suspicions of forced labor in ASM are dismissed during this in-depth review, organizations will need to establish on-the-ground assessment teams to identify and assess the risks. Use Tool 5 in this toolkit to perform this risk assessment.

[33] Term used in the OECD Due Diligence Guidance

Setting up these teams to perform the assessment can be very expensive. This is why OECD's guidance rightly recommends creating the teams in cooperation with other upstream companies that are supplying from the same source, operating in the same area, or via industry or multi-stakeholder initiatives. Tool 3 and Tool 6 in this toolkit may be useful in identifying and engaging with these other stakeholders.

Step 3: Define a strategy to respond to identified risks

Having identified the risks of forced labor at the origin of the supply chain, due diligence leaders will report the findings to the organization's designated senior management. The organization will then need to enhance the mechanism with which it supervises the mineral supply (be that chain of custody, traceability system or other).

It is also necessary to adopt a risk management plan. OECD's Due Diligence Guidance suggests three options:

1. *Continuing trade throughout the course of measurable risk mitigation efforts*
2. *Temporarily suspending trade while pursuing ongoing measurable risk mitigation*
3. *Disengaging with a supplier after failed attempts at mitigation or where a company deems risk mitigation not feasible or unacceptable*

The measure to choose will depend on the impact that this decision will have on people working at the mines, on the magnitude of the risk that has been identified, and on its relation to the organization's policy on forced labor. It will also depend on the closeness of the relationship with the actors that are part of the chain, and the trust there is amongst them to overcome the identified challenges. This whole toolkit could be useful in engaging these actors in mitigating the identified risks.

Since suspending trade or disengaging with a supplier could have a profound impact on the livelihoods of vulnerable people, companies are advised to use the first option as standard procedure and only resort to options 2 or 3 in rare instances where option 1 was clearly not feasible.

Tool 3: Mapping relevant stakeholders

Brief description of the Tool

- This tool will help practitioners identify, classify and map those stakeholders who are directly or indirectly involved in forced labor in an ASM context.
- Practitioners will organize a workshop with several of the identified stakeholders.

Applicability

- This tool was designed for all practitioners wanting to identify, classify and map other people and organizations that may be affected by forced labor in a given area

Overview

- Step 1: Identify stakeholders
- Step 2: Create stakeholder categories
- Step 3: Map relevant stakeholders

Outputs

- Stakeholder list, organized into direct stakeholders (victims, victimizers, support groups) and indirect stakeholders (peple and organizations that indirectly prevent or promote forced labor and vulnerable groups).
- Stakeholder map showing the influence each actor has on the issue and the proximity between them.

Practitioners should conduct an initial overview of the territory where forced labor in ASM will be assessed. They should be able to identify the main actors that are directly or indirectly related to the issue (government institutions, civil society organizations, big mining companies, entrepreneur organizations or mine owners, among others). With this initial list, they will convene a workshop and invite several representatives of the different types of groups. It is important that the practitioner implementing this tool and convening the workshop already has a relationship with the people or organizations that are being invited. If they don't, he or she will need to visit them one by one, make introductions, present the work that is being carried out and its motives, and extend the invitation to participate in the workshop. The number of participants in the workshop should not exceed 20 people.

Step 1: Identifying stakeholders

After having introduced the workshop and the participants, the workshop facilitator shall divide participants into several groups of around 5 people. These groups will be asked to use the social cartography methodology to map the ASM processes in the analyzed community, and all the activities that are directly or indirectly related to ASM (for a detailed description on how to use this methodology go to Tool 4, Step 3). Participants should aim to clearly mark

the people and organizations that are part of these processes and activities. The map will show where, geographically, these processes and activities are taking place. It is meant to give a general sense of the distribution of the issue and does not need to be fully accurate.

Once the groups are finished, they will hang their maps in a spot visible to everyone and present them to all the participants. The facilitator of the workshop will lead a discussion about all the stakeholders that have been identified by the groups. He/she will take notes and create a complete list of the identified stakeholders for everyone to see.

Step 2: Create stakeholder categories

First, the participants will be asked to identify stakeholders who are suspected to have a *direct* involvement in forced labor. The facilitator will divide participants into three groups and give a different task to each. One group will identify victimizers, another will identify victims, and a third will identify people or organizations that are part of the support system for victims or who work in the area preventing and managing forced labor in ASM. To do this, the groups will consult the maps and stakeholder list created in Step 1 of this tool. Each group will write its conclusions in a collective chart. In front of every identified stakeholder, participants will explain the role of that person or organization and why it has been identified as a probable victimizer, victim or as part of the support system.

Participants will have identified those stakeholders that have a direct involvement with forced labor in ASM and will have created a chart that looks something like this:

SAMPLE POSTER TO IDENTIFY STAKEHOLDERS DIRECTLY INVOLVED IN FORCED LABOR

Victimizers	Explanation	Victims	Explanation	Support System	Explanation
Phil Whatever	*He loans money and…*	…	…	…	…
Company ABC	…	…	…	…	…
…	…	…	…	…	…

The facilitator will repeat the exercise, but this time the groups will identify stakeholders who are *indirectly* involved with forced labor in ASM. One group will identify people or organizations that indirectly cause or promote forced labor (for example, companies that lend money to shop owners, who in turn force miners under threat of injury to produce gold in order to pay for supplies). Another will identify individuals or groups that are vulnerable to forced labor. A third will identify people or organizations that indirectly prevent or help eradicate forced labor (for example, CSOs working on formalizing informal miners). Again, participants will use the maps and list created in Step 1 of this tool as input, and they will write their conclusions on a collective chart:

SAMPLE POSTER TO IDENTIFY STAKEHOLDERS INDIRECTLY INVOLVED IN FORCED LABOR

People / Organizations that indirectly cause or promote forced labor in ASM	Explanation	Vulnerable Groups	Explanation	People / Organizations that indirectly prevent or help eradicate forced labor in ASM	Explanation
Organization XYZ	…	…	…	…	…
John Smith	…	…	…	…	…
…	…	…	…	…	…

Step 3: Map relevant stakeholders

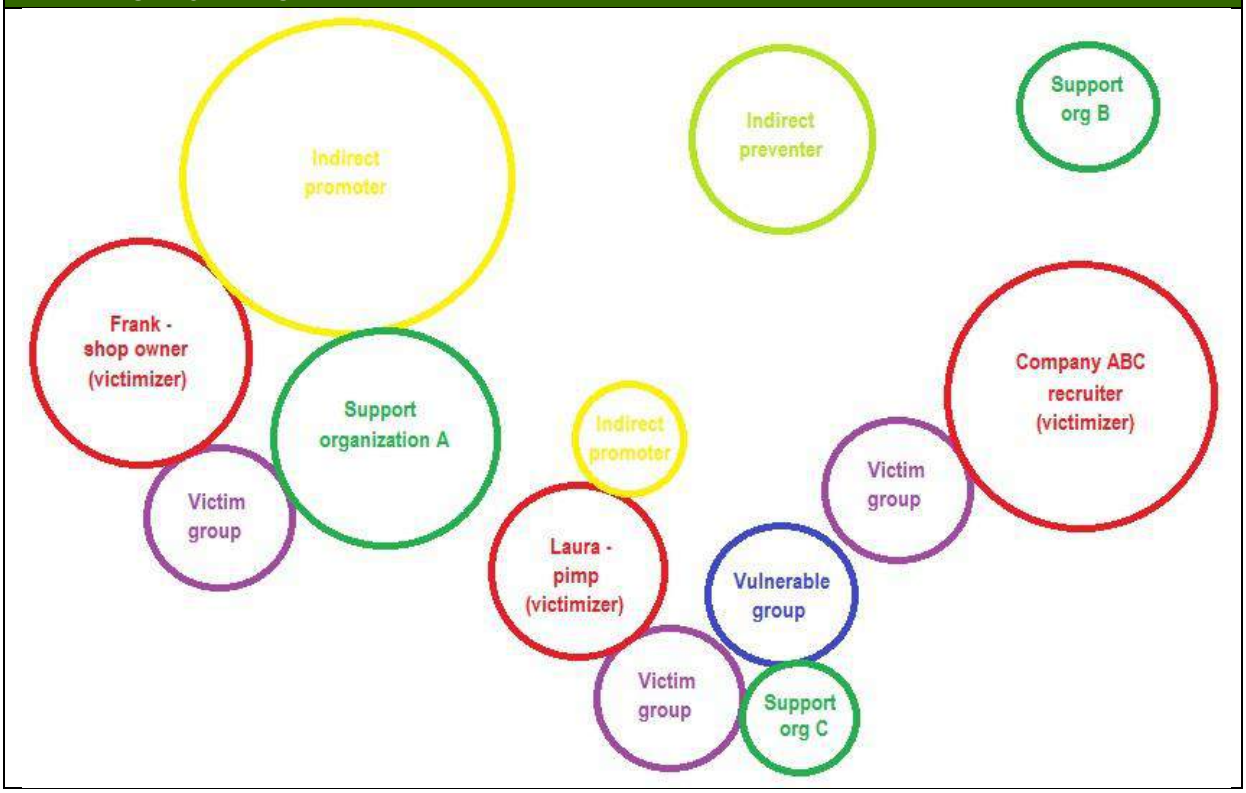
The facilitator will then begin a collective exercise to map these stakeholders to show their influence on the issue and their connections to other stakeholders. It is best to use a large board or piece of paper.

Participants will begin by drawing circles representing the victims. If victims are physically close to each other, the circles will be close to each other. If the victims are scattered and it appears that they don't know each other, then the circles will be farther apart. To simplify the map, a group of victims may be identified by one circle (the same applies for the rest of the groups that will be mapped). See the example below.

The facilitator, aided by the discussion, will then proceed to map out the identified victimizers using a different color. The circle that represents each victimizer will be smaller or larger according to how much influence that victimizer has over the issue. If a change in the behavior of that particular victimizer would stop the forced labor, then the circle will be very large. The circle representing each victimizer will be closer to his / her victims, and farther away from victims whom he / she is not exploiting.

Participants will repeat this process for the rest of the groups: support system, indirect promoters of forced labor, vulnerable groups, and indirect preventers of forced labor. A different color will be used for each group.

EXAMPLE OF A STAKEHOLDER MAP



Tool 4: Assessing the local support system

Brief description of the Tool

- This tool will be useful in understanding the characteristics of forced labor in ASM in a given area and in assessing the local support system's ability to address the issue.
- It is based on a scoping exercise that involves talking to people, organizations and institutions that are familiar with the context, such as those identified using Tool 3).

Applicability

- The tool was designed for all practitioners wanting to better understand the incidence of forced labor in ASM in a given area and to assess the local support system in place to deal with it.
- It should help clarify issues not only related to mining operations, but also to indirect activities associated with the presence of ASM in a community.

Overview

- Step 1: Briefing stakeholders
- Step 2: Conducting interviews
- Step 3: Organizing workshops with each group
- Step 4: Consolidating results

Outputs

- Description of the role, views and effectiveness of government institutions
- Description of the role, views and effectiveness of local CSOs
- Perception of the issue by vulnerable groups
- Gaps in the local support system

Before implementing this tool, it is important to have already identified and classified relevant local stakeholders (Tool 3 can be used for this purpose).

Step 1: Briefing stakeholders

In order to involve relevant stakeholders in the scoping exercise, practitioners should first request a brief introductory meeting with each organization, during which they should introduce themselves, the organization they represent, and their work on forced labor in ASM. They should also state what type of information they expect to gather during the scoping exercise, establish whether the organization they are meeting with wishes to participate in the exercise and inquire about which people in that organization are to be approached.

After all these meetings have taken place, practitioners should have:

- A list of organizations who wish to participate in the scoping exercise
- A list of the people they will be talking with in these organizations

Step 2: Conducting interviews

Interviews are an important source of information; they allow practitioners to gather more details about the issues they are exploring and are very useful in getting input from people who tend to be silent during workshops or focus groups. They should be structured according to the nature of each organization. Government institutions will provide an official outlook of the situation, since the level of expertise of interviewees will in a way help to establish how solid the official support system is for victims.

Before beginning the scoping exercise, it is important to do some research about the country and about the specific region. A starting point could be to identify which international treaties and conventions on forced labor and child labor the country has ratified. It is also important to analyze the socio-political and economic stability of the country. The support systems might be less robust in unstable contexts. In these contexts, practitioners may need to focus their efforts in strengthening the support system or engaging more organizations to try to compensate for this limitation.

ISSUES TO BE COVERED DURING SEMI-STRUCTURED INTERVIEWS WITH GOVERNMENT OFFICIALS

- Name of the interviewee and the government institution where he or she works
- Nature of the relationship between this government institution and ASM, ASMOs and ASM environment.
- International treaties and conventions on forced labor and child labor the country has ratified and if their legislation acknowledges the issues and to what extent.
- Policy coordination spaces or plans, programs and projects directly or indirectly related to the eradication of forced labor.
- Funding that has been allocated to eradicate forced labor.
- Whether confronting corruption is part of the national strategy to eradicate forced labor, and if so, how
- Plans, programs and projects to guarantee the safety of governmental employees who deal with forced labor on the ground; how they abstain from political interference.
- Sanctions that exist to punish obstruction of the work of these governmental employees.
- Number of forced labor offenders that have been convicted and / or sentenced.
- Cooperation agreements with police and other law enforcement authorities in order to reinforce state presence in potentially dangerous environments and to ensure the safety of unarmed practitioners dealing with forced labor.
- Existing relationships between this government institution and civil society organizations that are developing initiatives that directly or indirectly deal with the prevention and eradication of forced labor. After stating it as an open question, list CSOs that have already been identified as relevant but that haven't been mentioned by the interviewee. Ask if the government institution develops any work with them.
- Description of the municipal or departmental policies on forced labor eradication (if applicable) or of initiatives intended to prevent or eradicate it.
- Perception regarding the impact, effectiveness, extent and potential of government policies.
- Description of the plan, program or project the interviewee is in charge of, or the work he/she carries out in the institution.
- Opportunities and limitations of achieving the goals of the plan, program or project he/she is in charge of.
- Forced labor typologies in the area the interviewee is located.
- Groups considered most vulnerable to forced labor and description of their socioeconomic characteristics.
- Identification and description of the main victimizer groups.
- Areas of the municipality or department that report the highest number of forced labor cases.

When interviewing civil society organizations, it is possible to get a more critical and objective view of how robust the official support system is. Interpretations about how serious forced labor is in a region might also vary between government officials and CSO representatives. It is very important to gather both points of view.

ISSUES TO BE COVERED DURING SEMI-STRUCTURED INTERVIEWS WITH CSO REPRESENTATIVES

- Name of the interviewee and organization the interviewee works for.
- Description of the organization's initiatives that directly or indirectly affect the prevention and eradication of forced labor.
- Involvement of the organization with government institutions.
- Involvement of the organization with ASM, ASMOs and ASM environment.
- Interviewee's perception of the effectiveness of government institutions' actions to prevent forced labor.
- Interviewee's perception of the government's support system for victims.
- Existing relationships between this organization and other civil society organizations that are developing initiatives that directly or indirectly deal with the prevention and eradication of forced labor. Ask about other CSOs with which there is still no relationship, but are nonetheless involved in addressing forced labor in the specific area. List CSOs that have already been identified as relevant but that haven't been mentioned by the interviewee. Ask if the organization develops any work with them.
- Limitations of the organization's actions to prevent and eradicate forced labor.
- Forms of forced labor in the area the interviewee is located.
- Groups they consider to be the most vulnerable and description of their socioeconomic characteristics.
- Interviewee's perception of community responses to forced labor (discussion of cases and examples).
- Identification and description of the main victimizer groups.
- Areas of the municipality or department that report the highest number of forced labor cases.

It is also important to talk to relevant community members in order to understand the community perception of forced labor and its roots. Relevant community members include community leaders, business owners, workers at local businesses and vulnerable groups. Vulnerable groups include men, women and/or children who share distinct characteristics such as:

- Having been victims of forced labor in the past.
- Living in an area that is permanently exposed to conflict, being economically disadvantaged and having difficult or no access to public services.
- Living in a home with unsatisfied basic needs.
- Belonging to a group supported by government institutions or civil society organizations.

Interviews may be carried out either individually or in groups. However, when organizing a focal group practitioners must consider the relationship between participants and guarantee they will all feel at ease. For example, a worker or someone who is vulnerable to forced labor might not feel free to participate if local business owners are present.

Before entering into contact with vulnerable groups, it is important to determine whether the practitioner is fit to carry out these interactions. It is important to analyze whether the practitioner has any conflict of interest, such as being involved in local politics, having strong relationships to powerful businessmen in the area, to owners of mining concessions or to mining operations where exploitation may be occurring. Additionally, he/she will be dealing with difficult social situations and might come across unidentified victims of forced labor who could be highly traumatized. It is fundamental to guarantee that this scoping process will not further traumatize them. See the guidelines on dealing with victims.

Practitioners should not use video cameras, recorders or computers during the first approaches. These instruments could push the interviewees away. Rather, they should approach interviewees in a nice and informal manner and conduct semi-structured interviews with a more human touch.

ISSUES TO BE COVERED DURING SEMI-STRUCTURED INTERVIEWS WITH COMMUNITY MEMBERS
• Means to acquire their livelihoods • Reason to participate only in certain activities (mostly informal) • Educational level of the individuals and their families • Basic needs that are not met in their home/dwelling (public services, sanitation, physical living conditions such as number of rooms, overcrowding, etc.) • Access to government support • Whether or not their rights have been infringed (cultural, political, civil or social) • Access to citizen support systems in case their rights are infringed • Whether other peoples' rights are infringed in the community, and which rights • Whether forced labor exists in the community (explain the concept rather than ask directly) • People who may be victims of forced labor in the community and why • Community responses to forced labor (discussion of cases and examples). • Type of economic activities where forced labor could occur in the community
Other specific questions may be included based on ILO's proposed list of indicators of Forced Labor; see Tool 5.

More detailed guidelines on how to conduct these interviews are included in Annex 2.

Step 3: Organizing workshops with each group

Once the preliminary inquiries are conducted, practitioners have gathered enough information to have an understanding of how forced labor may be related to ASM in the given context, and what type of a support system exists to deal with the issue. They are then ready to validate these findings with the different groups of relevant stakeholders. This may be done through workshops organized by group category, with no more than 20-25 participants. Examples of workshops with three group categories are presented here: government institutions, CSOs and community members.

For the first example, when working with government institutions it is important to assess how forced labor is happening and to what extent the government's plans, programs and projects are addressing those circumstances. By having only government institutions present at the workshop, it is possible to establish the official view on this. By now, and through the previous interviews, the facilitator will have enough information on independent opinions that will allow him/her to question conclusions that may be reached during the workshop.

During this workshop participants should identify the forms of forced labor that are occurring in the area that is being assessed. They should describe the characteristics of victims and recognize the consequences. The Problem Tree Technique is useful for this purpose. *This tool assists in analyzing an existing situation by identifying the major problems and their main causal relationships. The output is a graphical representation of issues divided according to 'causes' and 'effects,' joined by a common root problem. The Problem Tree helps to clarify the context and interrelationship of problems, and the potential impacts when targeting*

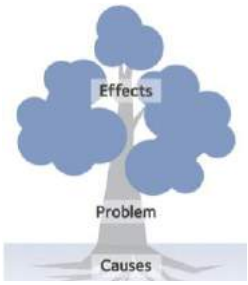


Image: urbact.eu/en/about-urbact/our-organisation/local-support-groups

projects and programs related to specific issues.[34]

After producing the Problem Tree, participants must build a solution tree to establish the corrective actions that are necessary to prevent the causes of forced labor in ASM and the interventions needed to address it. These solutions are then matched to the existing governmental plans, programs and projects. This information will be very helpful to understand how solid the local support system is; it will also help government institutions improve their existing interventions.

EXAMPLE OF A SCOPING WORKSHOP WITH GOVERNMENTAL INSTITUTIONS

Procedure	Materials
Introducing the participants and presentation of the workshop's goals To create interaction between participants, ask them to introduce themselves, explain their position and functions in their institution and express their expectations for the workshop. Then, clearly present the workshop's main goal, what is expected of the participants and the information that must be gathered.	Not applicable
Problem tree - Individual work Participants are invited to individually reflect on forced labor associated with ASM and to make a list of its causes and consequences. They will write these down on different colored cards, one color for causes and another for consequences.	Enough cards of two different colors, markers and pencils for all the participants
Problem tree - Group work Participants are asked to organize themselves in groups (max. 5 per group) and share their personal thoughts. Each group is given different colored cards, they should locate the causes of forced labor in the tree's roots and its consequences in its leaves. The trunk of the tree--the core problem being analyzed--will be forced labor associated with ASM in the region (this region is to be clearly defined; perhaps a municipality or department depending on the scope of the analysis).	Previously drawn trees (medium size), additional cards of two different colors and markers for the group.
Problem tree - Collective reflection Each group explains their problem tree and a round of general reflection begins. As the discussion happens the facilitator will place the identified causes and effects in a collective tree. The discussion will be guided by the following questions: • What are the main forms of forced labor? • What are the causes for people to become victims of forced labor? • What are the most visible consequences of forced labor in the community? • What are the most visible consequences of forced labor in the victims' lives? • What are the characteristics of forced labor victims? • Who are the people contributing to the problem?	A place where the trees can be clearly seen. A previously drawn tree (large size), additional cards of two different colors and markers for the facilitator. Use color and didactic elements.
Solution tree - Collective reflection Based on the problem tree, the participants will think of corrective actions that are necessary to fight the causes of the problems, and interventions that will help tackle its consequences. The result will be a solution tree. The discussion will be oriented will the facilitator through questions such as: • What do we want to change about the situation? Why? • What are the possible solutions? • Who are the people that could be part of the solution?	A previously drawn tree (large size), markers, cards of two different colors (one for corrective actions to eliminate causes, another for interventions to deal with consequences).Use color and didactic elements.
Summarizing findings	Previously prepared poster

[34] The World Bank Group: http://web.mit.edu/urbanupgrading/upgrading/issues-tools/tools/problem-tree.html

Procedure	Materials
Once the group reflection is finished, the facilitator must summarize the information they gathered. They are asked to prepare a poster with four columns: • Forms of forced labor • Characterization of forced labor victims • Consequences of forced labor • Possible solutions The facilitator will write the conclusions on bibliography cards and they will classify them in each of the poster's columns according to the issues raised.	with four columns, bibliography cards and markers
Mapping out existing plans, programs and projects The participants are asked to make a list of the Government's actions to eradicate forced labor. They will be placed in another poster with three columns: • Name of the policy, plan, program or project/support system for victims or vulnerable groups • Specific actions • Limitations to achieve the goal Each participant will be provided with cards and will be asked to fill out the chart according to the institution they work in or the plan, program or project they are in charge of.	Previously prepared poster with three columns, bibliography cards and markers
Mapping existing actions and identifying gaps in the support system The facilitator will review the information on the poster by reading it out loud and opening a new group discussion. In it he/ she will ask the group which solutions in the solution tree are being addressed and mark them with a colored sticker. At the end, he will ask about the solutions that haven't been marked; if the government is not currently providing this solution he/she will mark the gap with a different colored sticker (if such a solution does exist, it will be included in the poster built during the previous exercise).	Enough stickers of two different colors
Summing up and final remarks The participants are invited to reflect upon the usefulness of the workshop and whether or not their expectations were fulfilled. They are informed about how the convening organization will carry on with its work on forced labor and what their expected role is (if any) in these further stages.	Not applicable

When working with CSOs, it might be easier to learn details about the victims and their reality. CSOs might be closer to the territory and, as independent actors, they may gain the trust of local community members.

Social cartography is a good methodology to use in this case. It allows participants to identify and locate existing cases of forced labor, including the victims, vulnerable groups, and victimizers, and to identify existing grievance mechanisms.

The information gathered through social cartography can then be compared to the initiatives that the CSO have in place that directly or indirectly help prevent or deal with forced labor. By analyzing the scope of these initiatives, the group may identify issues that are not being addressed or areas of the territory that are not being covered. This will help to

clarify how solid the social support system is, and help CSOs improve their existing interventions.

EXAMPLE OF A SCOPING WORKSHOP WITH CSOs

Procedure	Materials
Introducing the participants and presenting the workshop's goals To create interaction between participants, ask them to introduce themselves, explain their position and functions in their organization and express their expectations for the workshop. Then, clearly present the workshop's main goal, what is expected of the participants and the information that must be gathered.	Not applicable
Cartography -Group work The facilitator asks attendants to organize themselves in groups of around five people and explains that the work is to be carried out in stages: • Instruction 1: Draw the map of the region that is being studied (municipality or specific area) • Instruction 2: Locate the main places where people go to seek employment • Instruction 3: Locate the places where forced labor is happening • Instruction 4: Identify who is being exploited (men, women, children, the elderly, etc.) and what makes them vulnerable • Instruction 5: On a sheet of paper write down the characteristics of the victims (those who are being exploited) and the victimizers • Instruction 6: Draw the places or people the victims resort to demand their rights and make claims about them being infringed. Each group is provided with materials and a large sheet of construction paper: they must choose a moderator and a speaker to present the group's results.	Construction paper, markers, decorative elements, colored pencils and other elements that help them illustrate the cartography
Social cartography - Collective reflection Once finished, the construction papers will be placed throughout the room and the facilitator asks each group to present their work. He/she will then open a discussion guided by the following questions: • Why are the victims excluded from the places of formal work identified in instruction 2? • What types of forced labor are there in the region? • What types of victims work in those jobs? • What is the relation between ASM and forced labor? • Who are the victims and why are they victims of extreme forms of exploitation (what makes them vulnerable)? • Who are the victimizers? • Why aren't the support systems good enough to tackle the issue? • What solutions do you propose? The facilitator will have posters for each of these questions and will take notes on the discussion for everyone to see.	Previously prepared posters, bibliography cards and markers
Mapping out the social organization's initiatives to face forced labor The participants are asked to talk about the initiatives they have that directly or indirectly help prevent or deal with forced labor in ASM. They will be placed in a poster with three columns: • Initiative's name • Specific actions that directly or indirectly tackle forced labor • Limitations to achieve the goal Each participant will be provided with cards and will be asked to fill out the chart according to the organization they work in, or the plan, program or project they are in charge of.	Previously prepared poster with three columns, bibliography cards and markers
Collective analysis about the areas and issues that are being covered and the existing gaps The facilitator will guide a new discussion in which he/she will ask participants where in the territory the identified interventions are taking place. He/she will mark them in one or several of the maps that were created earlier. He/she will then mark the gaps (issues that are not being addressed or critical places of the territory that are not being covered)	Previously prepared maps and markers
Summing up and final remarks The participants are invited to reflect upon the usefulness of the workshops and whether or	Not applicable

Procedure	Materials
not their expectations were fulfilled. They are informed about how the convening organization will carry on with its work on forced labor and what their expected role is (if any) in these further stages.	

Finally, when working with community members, it is important to learn about their perceptions about forced labor in their community and how forced labor is related to ASM. In this case, the patchwork quilt technique for group work is a great alternative since it helps people to externalize their sensations, experiences, feelings, intentions and expectations. It is advisable to carry out separate workshops, one with vulnerable groups and workers at local businesses, and a different one with community leaders, local business owners and other community members that have been identified as relevant. The patchwork quilt technique is appropriate in both cases, and the example of the workshop included below may be used for both.

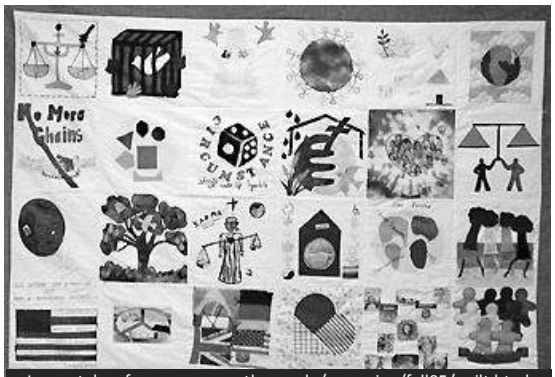


Image taken from: www.wartburg.edu/magazine/fall05/quilt.html

As already stated, before entering into contact with vulnerable groups, it is important to determine whether the practitioner is fit to carry out these interactions. He/she might be dealing with difficult situations and highly traumatized people. It is fundamental to guarantee that the workshop will not further traumatize them. See the guidelines on dealing with victims.

EXAMPLE OF A SCOPING WORKSHOP WITH COMMUNITY MEMBERS

Procedure	Materials
Introducing the participants and presenting the workshop's goals To create interaction between participants, ask them to introduce themselves. A creative way to do this is to use papers of various colors and ask them to choose a color that represents them. They will then be asked to make a piece of clothing with it (shirts, dresses, belts, necklaces, etc.). Once they have finished this task the facilitator will organize the participants in a circle and ask them to introduce themselves and say why they chose that color. The facilitator is encouraged to participate in the activity. Then, he/she will present the workshop's main goal, what is expected of the participants, and the information that will be gathered.	Colored paper sheets, tape and decorative elements
Patchwork quilt - Individual work Each participant will be provided with colored paper and materials and will be asked to draw what forced labor means to them (personal interpretations, experiences, etc.). Participants must have enough materials available to encourage imagination and creativity.	Colored letter-size sheets of paper, colored pencils, markers and elements to decorate
Patchwork quilt - Reflection Participants are asked to glue their drawings together to create a quilt. Each person must explain his/her drawing to the others. Once the individual presentations are finished the facilitator must act as a moderator and invite the participants to reflect on questions such as: • What can be observed? • What relation is there between the patches? • What sensations does it generate?	Tape and a place to hang the drawings so they can be clearly seen.

Procedure	Materials
• What are the most relevant aspects the patchwork quilt expresses in terms of the participants' daily lives? The facilitator will take individual notes about the discussion.	
Summing up and final remarks The workshop's closure must be pleasant and generate bonds between the participants, which is why there should be food to share. The participants are invited to sit at a round table where the facilitator tells them they will share their best quality with the others. The facilitator should take a piece of bread or food and look at the person to his right and tell them "I give you my friendship, my love, etc." That person will repeat the process with the person to his/her right, and so on until completing the circle.	Food for sharing

Step 4: Consolidating results

After having collected all the previous information, practitioners will have a good idea about how solid the local support system is and what knowledge exists about forced labor among vulnerable groups. Practitioners can use this information to describe the support system by stating the policies, programs and plans that are being effectively implemented (both official and non-official) and the existing gaps in the support system (interventions that are not effective and issues or areas that are not being covered by either the government or CSOs present in the area). The conclusions drawn at this stage should be shared with all of the participating organizations, with suggestions on issues they could work on together.

Tool 5: Performing a risk assessment (based on ILO Indicators)

Brief description of the Tool

- This tool is based on ILO's proposed indicators to recognize modern forms of exploitation. The tool adapts these indicators to create a set that may be used in ASM situations. The set is presented in a checklist form for easy use.
- The scope of the analysis may be as narrow or as broad as practitioners deem possible. In this case, the scope of the analysis refers to the mining processes (direct or indirect) that are being assessed to identify risks of forced labor, and the activities that are indirectly associated with the presence of ASM in a community.
- The methodologies to gather the information for the assessment are not specified in this tool, but practitioners may refer to Tool 4 and Annex 2 for orientation on developing interviews or workshops.

Applicability

- The tool was designed for all practitioners wanting to carry out a risk assessment of forced labor in different processes and activities directly or indirectly related to ASM.
- It should help clarify issues not only related to mining operations, but also to indirect activities associated with ASM's presence in a community.

Overview

- Step 1: Establishing the scope of the risk assessment
- Step 2: Assessing the risk of forced labor in the workplace
- Step 3: Assessing the risk of adult trafficking for sexual exploitation
- Step 4: Assessing the risk of child trafficking for labor exploitation
- Step 5: Assessing the risk of child trafficking for sexual exploitation

Outputs

- Identified risks of different forms of forced labor for each mining process and associated activity analyzed. These risks are categorized into high, medium and low.
- A clear overview of the direct or indirect mining processess that must be prioritized when seeking to prevent and erradicate forced labor in ASM.
- A clear overview of the activities indirectly associated with ASM that must be prioritized when seeking to prevent and erradicate forced labor in a community with presence of ASM.

Other resources

- ILO's original list of indicators for adult and child victims of trafficking for labor and sexual exploitation may be consulted in the document: "Operational indicators of trafficking in human beings" (published by ILO in 2009). The definitions of the 67 indicators can be accessed at www.ilo.org/forcedlabour.

Step 1: Establishing the scope of the risk assessment

To establish the scope of the risk assessment, practitioners must first identify the processes that directly contribute to the ASM mines being assessed. This includes not only extraction, but also associated activities such as mineral sorting, processing, transport, provision of water and food. Some formal ASMOs might already have them identified and even described. In a more informal ASM context, practitioners will need to gather this information by talking to miners and/or organizations that work with them. It could be useful to draw a flowchart describing the sequence in which the processes happen.

Similarly, practitioners must identify the indirect processes (third party processing, selling supplies, providing credit, purchasing the product of mining) and the activities that are indirectly associated with the miners' presence in the community (domestic work, prostitution).

Having established this, they can decide what their possibilities to carry out the assessment are, and how feasible it is to gather information for each identified process or activity. They can write this down on a chart for greater clarity. The following chart is an example in which practitioners could check the activities or processes that they will be analyzing:

EXAMPLE OF A CHART THAT SHOWS THE SCOPE OF THE RISK ASSESSMENT		
ASM processes	Mineral extraction	✓
	Mineral sorting	✓
	Processing	
	Transport	
	Provision of water and food	✓
Services provided to ASM	Third party processing	
	Selling supplies	✓
	Providing credit	✓
	Purchasing the product of mining	✓
Indirect activities associated to ASM	Domestic work	
	Prostitution	✓

The analysis of these processes and activities will be guided by a set of indicators that are helpful to identify risks of forced labor. This set of indicators is an adaptation of ILO's operational indicators for adult and child victims of trafficking for labor and sexual exploitation. The indicators have been reviewed and adapted to an ASM context. The categories are organized into four topic areas below. The full list is available in Annex 1.

Indicators of forced labor in the workplace	Indicators of adult trafficking for sexual exploitation	Indicators of child trafficking for labor exploitation	Indicators of child trafficking for sexual exploitation
•Forced recruitment indicators •Violence indicators •Indicators of abuse of a position of vulnerability when hiring •Exploitation indicators •Worksite coercion indicators •Indicators of abuse of vulnerability in the workplace	•Indicators of deceitful hiring/recruiting •Forced recruitment indicators •Indicators of abuse of a position of vulnerability when hiring/recruiting •Exploitation indicators •Workplace coercion indicators	•Deceit in the workplace indicators (hiring/recruiting) •Hiring by coercion indicators •Indicators of abuse of a position of vulnerability when hiring •Exploitation indicators •Worksite coercion indicators •Indicators of abuse of a position of vulnerability in the workplace	•Indicators of deceitful hiring •Indicators of hiring (recruiting) by means of coercion •Indicators of abuse of a position of vulnerability when hiring •Additional exploitation indicators •Worksite coercion indicators •Indicators of abuse of vulnerability in the workplace

The complete and detailed list of indicators may be consulted in Annex 1

In this Tool, ***the workplace*** refers to the place of work of people who are involved in: **a) ASM processes** (for example: mineral extraction, mineral sorting, processing, transport, provision of water and food), **b) services provided to ASM** (for example: third party processing, selling supplies, providing credit, purchasing the product of mining) or **c) indirect activities associated with ASM** (such as prostitution and domestic work).

The next steps in the process will guide practitioners in identifying risks related to forced labor in each of these four categories.

Step 2: Assessing the risk of forced labor in the workplace

As the previous chart shows, in order to establish whether there is forced labor in the workplace, practitioners must analyze indicators in six sub-categories: forced recruitment, violence, abuse of a position of vulnerability when hiring, exploitation, worksite and abuse of vulnerability in the workplace.

The indicators that help evaluate forced recruitment refer to the condition of risk that the victim is in at the time he/she is recruited for a certain job. Those aimed at identifying violence evaluate situations where the victim is under pressure to become linked to a certain activity. The ones used to establish whether there is abuse of a position of vulnerability during hiring are related to a situation in which the victim is under pressure to accept a job because he/she is in an extremely vulnerable position. This may be because of an adverse context personally, in the family, in the territory or regarding the access to his or her rights. The indicators that evaluate exploitation of the victim in the workplace are used once he/she is already linked to certain activity.

In order to perform the assessment, practitioners should create a table where they write down all the indicators in one column. In additional columns they will write down the processes or activities they will evaluate to determine whether those indicators can be found. See example at the end of the next page. This example shows the list of indicators that must be evaluated. A description that may be useful in understanding each indicator is included in Annex 1.

Having created the table, practitioners will gather information to help them assess whether each described situation happens or not for each of the processes or activities being analyzed. To gather this information, practitioners could perform interviews or organize workshops similar to the ones proposed in Tool 4.

These indicators are statements, but they could very well be reformulated as questions.

Example: *In the process of mineral extraction, is there deceit regarding the nature of the job, the location and the employer?* If so, the person carrying out the assessment will place a check-mark on this indicator under the column of mineral extraction (see below *example of a portion of a checklist used to assess the risk and/ or level of severity of forced labor in the workplace*).

This tool includes several examples of checklists to illustrate what they would look like once completed. These show only portions of the complete checklist; they include only part of the processes that could be assessed. For example, the first sample checklist shows an analysis for mineral extraction and mineral sorting; the complete version of the checklist would include the other processes, services and activities that are being analyzed (for example it could also include provision of water and food, third party processing and domestic work).

Other sample checklists included afterwards show different processes, services and activities to illustrate that the exercise must be completed for the whole context (ASM processes, services provided to ASM and indirect activities associated with ASM).

The colors next to the indicators in the following tables represent the level of risk indicated by each statement:

- indicators of high risk are marked as light red
- indicators of medium risk are marked as light orange
- indicators of low risk are marked as light yellow

EXAMPLE OF APORTION OF A CHECKLIST USED TO ASSESS THE RISK AND/OR LEVEL OF SEVERITY OF FORCED LABOR IN THE WORKPLACE

	1. Indication of forced recruitment	**Mineral extraction**	**Mineral Sorting**	..
	Deceit regarding the nature of the job, the location and the employer	✓		
	Deceit regarding the working conditions		✓	
	Deceit regarding the content or legality of the labor contract			
	Deceit regarding family reunification		✓	
	Deceit regarding life and housing conditions			
	Deceit regarding legal documentation or the procurement of legal migratory status	✓		
	Deceit regarding travel and hiring conditions			
	Deceit with promises of marriage or adoption	✓		
	Deceit regarding the right/access to education		✓	
	Deceit regarding the right/access to government plans, programs and projects destined for families or individuals (money, preferential access to certain rights, etc.)			

	2. Indication of violence	**Mineral extraction**	**Mineral Sorting**	..
	Actions against the victim's life and liberty			
	Actions that limit the victim's freedom by force	✓		

2. Indication of violence	Mineral extraction	Mineral Sorting	...
Actions that jeopardize the victim's citizenship status		✓	
Violent actions against the victim			
Adverse context		✓	
Limiting the victim's financial independence			

3. Indication of abuse of a position of vulnerability when hiring	Mineral extraction	Mineral Sorting	...
Abuse of a difficult domestic situation and adverse socioeconomic context		✓	
Abuse of the victim's education			
Abuse of the victim's personal condition	✓		
Abuse of the victim's lack of information on government institutions			

4. Indication of exploitation	Mineral extraction	Mineral Sorting	...
Excessive overtime		✓	
Poor health and safety conditions in the workplace that endanger the worker's wellbeing	✓		
Poor living conditions due to low salaries and dangerous work		✓	
No respect for labor legislation			
No access to education		✓	

5. Indication of worksite coercion	Mineral extraction	Mineral Sorting	...
Victims are forced to work to pay debts to their employers	✓		
Limiting the victim's freedom in the workplace	✓		
Violence against the victim in the workplace			
Linking the victim to criminal activities	✓		
Demanding openly disproportionate tasks (for example risky activities without security implements)		✓	
Forced to deceive others regarding his/her working conditions			
Abuse of the victim's legal status in the workplace			
Threat of affecting the victim's public image			

6. Indication of abuse of vulnerability in the workplace	Mineral extraction	Mineral Sorting	...
Abuse of the territory's limitations for the victim's autonomy	✓		
Abuse of the personal and family context; including threats against victims, their friends or their families			
Lack of financial autonomy			
Abuse of the victim's past experiences		✓	

Once practitioners have identified which situations are present in the processes and activities they are analyzing, they can summarize their findings in a matrix such as the one shown below. They will indicate if for any process they have identified a situation of high risk on one of the six subcategories. Situations of high risk are those marked with red in the table above. Indicators of medium risk are marked with orange and indicators of low risk are marked with yellow. For greater clarity, Annex 1 establishes the level of risk each indicator reveals.

Example: in the table above, mineral extraction is marked as having situations in which there is *Deceit regarding the nature of the job, the location and the employer.* This is an indicator of high risk of forced recruitment; so in the table below, practitioners will mark mineral extraction as having high risk of forced recruitment.

When analyzing a process (for example mineral sorting), practitioners may establish that for a sub-category (for example exploitation) there are indicators of low, medium and high risk (see table above). In this case, they will mark mineral sorting as having high risk of exploitation (see table below). If only medium and low risks are identified, than the risk will be considered medium. The risk is only considered low if no high or medium risks are identified (see sub-category 6 for mineral sorting in tables above and below).

EXAMPLE OF A PARTIALLY COMPLETED ASSESSMENT OF THE RISKAND/OR LEVEL OF SEVERITY OF FORCED LABOR IN THE WORKPLACE

Related activity		1. Forced recruitment	2. Violence	3. Abuse of a position of vulnerability when hiring	4. Exploitation	5. Worksite coercion	6. Abuse of vulnerability in the workplace
ASM processes	Mineral extraction	High risk	High risk	Medium risk	Medium risk	High risk	Medium risk
	Mineral sorting	Medium risk	Medium risk	Medium risk	High risk	Medium risk	Low risk
	Processing	…	…	…	…	…	…
	Transport	…	…	…	…	…	…
	Water and food	…	…	…	…	…	…
Services provided to ASM	Third party processing	…	…	…	…	…	…
	Selling supplies	…	…	…	…	…	…
	Providing credit	…	…	…	…	…	…
	Purchasing the product	…	…	…	…	…	…
Indirect activities	Domestic work	…	…	…	…	…	…
	Prostitution	…	…	…	…	…	…

Step 3: Assessing the risk of adult trafficking for sexual exploitation

Step 3 is quite similar to Step 2. Practitioners must create a new table including the indicators that will help assess the risk of trafficking for sexual exploitation. This list of indicators is shown in the example below, their description may be found in Annex 1.

To assess adult trafficking for sexual exploitation, the indicators are divided into five subcategories: indicators of deceitful hiring/recruiting, forced recruitment indicators, indicators of abuse of a position of vulnerability when hiring/recruiting, exploitation indicators and workplace coercion indicators.

Practitioners will once again gather information to help them assess whether each described situation happens or not for each of the processes or activities being analyzed. They will complete a checklist such as the one shown below.

EXAMPLE OF A PORTION OF A CHECKLIST USED TO ASSESS THE RISK AND OR LEVEL OF SEVERITY OF ADULT TRAFFICKING FOR SEXUAL EXPLOITATION

	1. Indication of deceitful hiring / recruiting	**…**	**Prostitution**	**…**
	Deceit regarding the nature of the job, the location and the employer			
	Deceit regarding the prostitution conditions		✓	
	Deceit regarding family reunification			
	Deceit regarding life and housing conditions		✓	

1. Indication of deceitful hiring / recruiting	...	Prostitution	...
Deceit regarding legal documentation or the procurement of legal migratory status		✓	
Deceit regarding travel and hiring conditions			
Deceit with promises of marriage or adoption			
Deceit regarding the right/access to education		✓	

2. Indication of forced recruitment	...	Prostitution	...
Actions against the victim's life and liberty			
Actions that limit the victim's freedom by force		✓	
Actions that jeopardize the victim's citizenship status			
Actions against the victim that abuses the nature of the activity he/she is carrying out (prostitution)		✓	
Threats against people close to the victim		✓	
Threats of limiting the victim's freedom			

3. Indication of abuse of a position of vulnerability when hiring / recruiting	...	Prostitution	...
Abuse of a difficult domestic/personal situation and adverse socioeconomic context			
Abuse of the victim's education		✓	
Abuse of the victim's personal condition			
Abuse of the victim's past experiences		✓	
Abuse of the victim's personal condition/religious beliefs			

4. Indication of exploitation	...	Prostitution	...
Excessive overtime		✓	
Deceit regarding the working conditions			
Exposing the worker to health and safety risks		✓	
Poor living conditions			

5. Indication of workplace coercion	...	Prostitution	...
Victims are forced to work to pay debts to their employers			
Limiting the victim's freedom in the workplace		✓	
Violence against the victim in the workplace			
Cronyism or forced tasks		✓	

Again, once practitioners have identified which situations are present in the processes and activities they are analyzing, they can summarize their findings in a matrix such as the one shown below.

EXAMPLE OF A PARTIALLY COMPLETED ASSESSMENT OF THE RISK AND OR LEVEL OF SEVERITY OF ADULT TRAFFICKING FOR SEXUAL EXPLOITATION

Related activity		1. Deceitful hiring / recruiting	2. Forced recruitment	3. Abuse of a position of vulnerability when hiring / recruiting	4. Exploitation	5. Worksite coercion
ASM processes	Mineral extraction	...	...	...	...	...
	Mineral sorting	...	...	...	...	...
	Processing	...	...	...	...	...
	Transport	...	...	...	...	...
	Water and food	...	...	...	...	...
Services provided to ASM	Third party processing	...	...	...	...	...
	Selling supplies	...	...	...	...	...
	Providing credit	...	...	...	...	...
	Purchasing the product	...	...	...	...	...
Indirect	Domestic work	...	...	...	...	...

activities	Prostitution	Medium risk	High risk	Medium risk	Medium risk	High risk

Step 4: Assessing the risk of child trafficking for labor exploitation

To implement Step 4, the same procedure as in Steps 2 and 3 is followed. The new table practitioners will create and fill out will contain the indicators to assess the risk of child trafficking for labor exploitation. The indicators used for this are grouped into six subcategories: deceit in the workplace indicators (hiring/recruiting), hiring by coercion indicators, indicators of abuse of a position of vulnerability when hiring, exploitation indicators, worksite coercion indicators and indicators of abuse of a position of vulnerability in the workplace.

Practitioners will once again gather information to help them assess whether each described situation happens or not for each of the processes or activities being analyzed and they will complete a checklist such as the one shown below.

EXAMPLE OF A PORTION OF A CHECKLIST USED TO ASSESS THE RISK AND OR LEVEL OF SEVERITY OF CHILD TRAFFICKING FOR LABOR EXPLOITATION

1. Indication of deceit in the workplace (hiring/recruiting)	**Mineral extraction**	**Mineral Sorting**	...
Deceit regarding the right/access to education	✓		
Deceit regarding the nature of the job, the location and the employer		✓	
Deceit regarding access to government benefits			
Deceit regarding the working conditions		✓	
Deceit regarding family reunification			
Deceit regarding housing conditions	✓		
Deceit regarding legal documentation or the procurement of legal migratory status			
Deceit regarding travel and hiring conditions	✓		
Deceit with promises of marriage or adoption		✓	

2. Indication of hiring by coercion	**Mineral extraction**	**Mineral Sorting**	...
Victims are forcefully recruited in order to pay debts acquired by them or their families	✓		
Actions against the victim's life and liberty			
Actions that limit the victim's liberty by force			
Actions that jeopardize the victim's citizenship status		✓	
Actions against the victim that abuses the nature of the activity he/she is carrying out by force			
Threats against people close to the victim	✓		
Threat of limiting the victim's freedom			

3. Indication of abuse of a position of vulnerability when hiring	**Mineral extraction**	**Mineral Sorting**	...
Abuse of a difficult domestic/personal situation and adverse socioeconomic context	✓		
Abuse of the victim's education		✓	
Abuse of the victim's personal condition			
Abuse of the victim's migration status/legal status		✓	
Abuse of the victim's past experiences			
Abuse of the difficulties to organize trips	✓		

4. Indication of exploitation	**Mineral extraction**	**Mineral Sorting**	...

4. Indication of exploitation	Mineral extraction	Mineral Sorting	...
Excessive overtime	✓		
Poor living conditions		✓	
Poor health and safety conditions in the workplace that endanger the worker's wellbeing			
Poor living conditions due to low salaries and dangerous work		✓	
Risk of infringing labor legislation			
No respect for labor legislation	✓		
No access to education		✓	

5. Indication of coercion	Mineral extraction	Mineral Sorting	...
Victims are forced to work to pay debts to their employers	✓		
Limiting the victim's citizen status and the access to his/her rights		✓	
Limiting the victim's liberty/autonomy			
Forcing the victim to carry out openly disproportionate tasks (illegal/criminal activities)		✓	
Victim is forced to act against others			
Threat of being imposed with even worse working conditions	✓		
Threatening the victim because of his/her legal status		✓	
Abuse of the victim's domestic situation			

6. Indication of abuse of a position of vulnerability in the workplace	Mineral extraction	Mineral Sorting	...
Abuse of the social and family context	✓		
Dependence on exploiters		✓	
Abuse of the victim's past experiences			
Difficulties regarding the territory		✓	
Victim's legal status			

Like before, having identified which situations are present, practitioners can summarize their findings in a matrix like the one shown below.

EXAMPLE OF A PARTIALLY COMPLETED ASSESSMENT OF THE RISK AND OR LEVEL OF SEVERTIY OF CHILD TRAFFICKING FOR LABOR EXPLOITATION

Related activity		1. Deceit in the workplace (hiring/recruiting)	2. Hiring by coercion	3. Abuse of a position of vulnerability when hiring	4. Exploitation	5. Coercion	6. Abuse of vulnerability in the workplace
ASM processes	Mineral extraction	High risk	High risk	Medium risk	Medium risk	High risk	Medium risk
	Mineral sorting	High risk	Medium risk	Medium risk	High risk	High risk	Medium risk
	Processing	...	...	...	...	...	...
	Transport	...	...	...	...	...	...
	Water and food	...	...	...	...	...	...
Services provided to ASM	Third party processing	...	...	...	...	...	...
	Selling supplies	...	...	...	...	...	...
	Providing credit	...	...	...	...	...	...
	Purchasing the product	...	...	...	...	...	...
Indirect activities	Domestic work	...	...	...	...	...	...
	Prostitution	...	...	...	...	...	...

Step 5: Assessing the risk of child trafficking for sexual exploitation

In Step 5, practitioners will follow the same procedure as in Steps 2, 3 and 4. This new table will lead them to study the indicators to identify the risk of child trafficking for sexual exploitation. These indicators are also grouped into six subcategories: indicators of deceitful hiring, indicators of hiring (recruiting) by means of coercion, indicators of abuse of a position of vulnerability when hiring, additional exploitation indicators, worksite coercion indicators and indicators of abuse of vulnerability in the workplace.

Exploitation is inherent in underage children used or offered for prostitution or pornography. These indicators reveal the various forms of sexual exploitation of children.

The "Palermo Protocol"[35]clearly states that with children, it is not necessary to prove "*threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability*" to establish the crime of trafficking in persons. However, given that there may be high risk of trafficking of children for prostitution in relation to ASM, the indicators of deception, coercion and abuse of a position of vulnerability serve as an analysis tool.

To make the assessment, again practitioners will gather the information with which they will determine whether each described situation happens or not for each of the processes or activities being analyzed. They will complete a checklist such as the one shown below.

EXAMPLE OF A PORTION OF A CHECKLIST USED TO ASSESS THE RISK AND/OR LEVEL OF SEVERITY OF CHILD TRAFFICKING FOR SEXUAL EXPLOITATION

	1. Indication of deceitful hiring / recruiting	**…**	**Prostitution**	**..**
	Deceit regarding the nature of the job, the location and the employer			
	Deceit regarding the right/access to education		✓	
	Deceit regarding the existence or legality of the contract (in case the victim is not aware that the purpose of the activity is sexual exploitation)			
	Deceit regarding the prostitution conditions		✓	
	Deceit regarding family reunification		✓	
	Deceit regarding life and housing conditions			
	Deceit regarding legal documentation or the procurement of legal migratory status			
	Deceit regarding travel and hiring conditions			
	Deceit with promises of marriage or adoption			
	Deceit regarding access to government benefits			
	2. Indication of hiring (recruiting) by means of coercion	**…**	**Prostitution**	**..**
	Actions against the victim's life and liberty			
	Actions that limit the victim's liberty by force		✓	
	Victims are forcefully recruited in order to pay debts acquired by them or their families			
	Actions against the victim's citizen status		✓	
	Actions against the victim that abuse of the nature of the activity he/she is doing (prostitution)		✓	
	Threats of violence against people close to the victim			
	Difficult family context			

[35]United Nations Protocol to Suppress and Punish Trafficking in Persons, Especially Women and Children of 2000

3. Indication of abuse of a position of vulnerability when hiring	...	Prostitution	..
Abuse of a difficult domestic/personal situation and adverse socioeconomic context			
Abuse of the victim's education		✓	
Abuse of the victim's personal condition			
Abuse of the victim's legal status		✓	
Difficulties for organizing trips		✓	
Abuse of the victim's past experiences			
Abuse of the victim's personal condition/beliefs			

4. Indication of exploitation	...	Prostitution	..
Dangerous work			
Excessive overtime		✓	
Poor working conditions (deceit)			
Poor living conditions for the child		✓	

5. Indication of worksite coercion	...	Prostitution	..
Victims are forced to work to pay debts acquired by them or by their families			
Limiting the victim's citizen status and the access to his/her rights		✓	
Forcing the victim to carry out openly disproportionate tasks (drug trafficking, money laundering, payment of extortion money)			
Limiting the victim's liberty/autonomy		✓	
Victim forced to act against others		✓	
Threats of being imposed with even worse working conditions			
Threatening the victim because of their legal status or the activity he/she is carrying out (prostitution or pornography)			
Abuse of the victim's family condition			

6. Indication of abuse of vulnerability in the workplace	...	Prostitution	..
Dependence on exploiter			
Abuse of the victim's past experiences		✓	
Difficulties regarding the territory			
Abuse of adverse family situation			
Abuse of the victim's legal condition			

Like before, having identified which situations are present in the processes and activities they are analyzing, practitioners can summarize their findings in a matrix like this:

EXAMPLE OF A PARTIALLY COMPLETED ASSESSMENT OF THE RISK AND OR LEVEL OF SEVERITY OF CHILD TRAFFICKING FOR SEXUAL EXPLOITATION

Related activity		1. Deceitful hiring / recruiting	2. Hiring (recruiting) by means of coercion	3. Abuse of a position of vulnerability when hiring	4. Exploitation	5. Worksite coercion	6. Abuse of vulnerability in the workplace
ASM processes	Mineral extraction	...	...	...	...		...
	Mineral sorting	...	...	...	...		...
	Processing	...	...	...	...		...
	Transport	...	...	...	...		...
	Water and food	...	...	...	...		...
Services provided to ASM	Third party processing	...	...	...	...		...
	Selling supplies	...	...	...	...		...
	Providing credit	...	...	...	...		...
	Purchasing the product	...	...	...	...		...
Indirect activities	Domestic work	...	...	...	...		...
	Prostitution	Medium risk	High risk	Medium risk	High risk	High risk	Medium risk

Tool 6: Cooperating with the local support system

Brief description of the Tool

- This tool helps practitioners establish an action plan and a monitoring process tailored to their knowledge and resources, as well as those of the existing local support system.
- Prioritized actions are based on the high-risks of forced labor identified using Tool 5.

Applicability

- This tool was designed for all practitioners who are seeking to address identified issues of forced labor in ASM.

Overview

- Step 1: Establishing an action plan
- Step 2: Monitoring progress

Outputs

- Action plan
- Monitoring mechanism

Other relevant resources

- United States Department of Labor Reducing Child Labor & Forced Labor Toolkit (http://www.dol.gov/ilab/child-forced-labor/index.htm)
- UNDOC's First Aid Kit for Use by Law Enforcement Responders in Addressing Human Trafficking (https://www.unodc.org/unodc/en/human-trafficking/2011/first-aid-kit.html)
- UNGIFT's Victim Translation Assistance Tool: Life Support Messages for Victims of Human Trafficking (http://www.ungift.org/knowledgehub/en/tools/vita.html)

Forced labor is a complex issue and ASM is a complex activity. Dealing with forced labor in ASM requires multi-stakeholder initiatives that bring together the knowledge and experience of an array of disciplines and the resources of different types of organizations.

Step 1: Establishing an action plan

With ASM and forced labor being such complex issues, it is important to define the scope of the desired intervention. The defined scope must be in accordance with the organization's capacities and with the robustness of the existing local support system.

To define this scope, one must begin by listing the critical issues that need addressing; the high-risk situations of forced labor that have been identified through Tool 5. By using the information gathered through Tool 3, practitioners will be able to establish which

stakeholders have a positive influence over these critical issues. Similarly, the information collected through the use of Tool 4 will help determine which existing interventions are already addressing each issue.

Practitioners can create a small chart to assess the situation of each critical issue:

SAMPLE CHART TO DEFINE INTERVENTION STRATEGIES

Critical issue	Organizations that are involved	Existing interventions		Strategy to follow in each case
Miners are being forced to work in order to pay off their debts to their employers.	*Directly: Organization A, Government institution D. Indirectly: organization C*	*CSO Program ABC National governmental program XYZ*	**If the issue is already being addressed by other stakeholders through specific interventions**	Assess what your organization can contribute and join the existing efforts
Issue 2	*Indirectly: organization D, organization F, company E.*	*None*	**If organizations are indirectly helping to solve similar issues but have developed no specific interventions**	Assess what your organization can contribute and contact involved organizations to propose creating a joint project
Issue 3	*None*	*None*	**If no one is tackling the issue yet**	Evaluate what you and other stakeholders in the support system can do and invite them to discuss possible joint interventions
…	…	…		
…	…	…		

If, however, the gaps in the local support system are too great, e.g. the support system is not robust enough to work with local allies in addressing the high-risk situations, or the situation of victims is too perilous, then the intervention must be left to specialized organizations. These may include national organizations and local NGOs dealing with human rights, international organizations such as the ILO, IOM, UNICEF, Plan International, Save the Children, etc., or competent government institutions.

Readers of this toolkit should come into contact with these institutions and make an official complaint to invite their intervention. It might even be necessary to denounce forced labor and its different forms through various actions and public events to bring attention to the issue. This must be done in a way that protects victims' identities and under no circumstances puts them in greater danger.

U.S. DOL's RECCOMENDATIONS FOR PRACTITIONERS UPON FINDING VICTIMS IN EGREGIOUS SITUATIONS[36]

If auditors encounter, or if there are any reports of, egregious situations of forced labor, such as worker confinement or physical or psychological abuse, these situations should be reported to law enforcement authorities. It is incumbent upon auditors, and other members of your social compliance team who may visit worksites, to be aware ahead of time of the appropriate law enforcement contacts.

[36] United States Department of Labor Reducing Child Labor & Forced Labor Toolkit http://www.dol.gov/ilab/child-forced-labor/step6/step6_1.htm)

At the same time, it is important to understand local law enforcement contexts. In environments where law enforcement officials may not be fully trained in handling egregious cases of abuse, auditors and other personnel should also be aware of victim services that are available—including healthcare, counseling, shelter, legal aid and other services—and be prepared to refer victims to such services.

In the cases where there is enough backing from the support system, organizations will proceed to write out an action plan for the interventions they wish to carry out:

EXAMPLE OF AN ACTION PLAN TO TACKLE THE IDENTIFIED CRITICAL ISSUES

Critical issue	Envisaged solution (s)	Our organization's role	Internal resources	Secured allies and resources	Timeframe
Miners are being forced to work in order to pay off their debts to their employers.	*CSO Program ABC National governmental program XYZ*	*Build capacity in the ASMO and help them join Program ABC*	*Jane Doe, financial resources for field work*	*Organization A will extend Program ABC to the ASMO*	*November 2015*
Issue 2	…	…	…	…	…
Issue 3	…	…	…	…	…
…	…	…	…	…	…

Aside from directly tackling the issues identified as critical, there might be broader interventions related to prevention (for which Tool 1 and Tool 2 could be useful) and to raising awareness on the issue and making information available so victims know their rights and what resources they have at their reach (see Tool 7). There will also be initiatives to rehabilitate the victims, but these should always be led by specialized organizations that employ experts trained to work with victims.

Relocation and treatment measures for victims follow strict confidentiality rules that need to be established in advance and need to be carried out by competent legal institutions. If a forced labor incident is confirmed during the process of implementing any of the tools in this toolkit, practitioners must link the victim to competent government institutions and/or to civil society organizations that have better means of protecting him/her.

Step 2: Monitoring progress

Monitoring is very important once specific actions have begun to either prevent or correct the situations of forced labor. It can be carried out through field visits held on a regular basis, according to the frequency and gravity of forced labor risks. To carry out monitoring, it is necessary to establish a team with experience and knowledge not only of the issue, but also of the area--hence the importance of collaborating with other organizations.

In conflict-affected areas and high-risk areas, and in countries where the political context may be too unstable or the support system for victims may be corrupt, it will be necessary to find solid and trustworthy allies with ground presence before sending in a team to do field work.

The most important factors when implementing a monitoring process include good planning; a team of monitors with the right mix of expertise tailored to the context; and

carrying out visits properly. The monitoring team will again use Tool 5 to assess the risks of different forms of forced labor, but they will do so over a period of time in order to see the progress in the indicators.

Follow-up interviews for proven or potential victims follow methodological guidelines and rules (see guidelines in dealing with victims); the interviewers must be selected taking these guidelines into account. For example, **interviews of victims or victimizers must not be carried out in places of prostitution if forced labor is suspected** and a field team must respect this. In cases like these, the team must develop alternative ways of producing evidence, taking into account the victim's integrity and safety.

Further, it is very important for practitioners to respect that it is the responsibility of the government--not the private sector or CSOs--to carry out criminal investigations and perform necessary follow-up. As stated above, suspected cases of criminal activity uncovered during monitoring should be reported to the relevant authority.

The information gathered during the monitoring process through observation and face-to-face interviews may be recorded in descriptive or explanatory terms, for instance in notes; these must be precise and focus on forced labor indicators according to Tool 5.

Tool 7: Raising awareness

Brief description of the Tool

- This tool will guide practitioners in communicating relevant information to victims and to stakeholders who have an indirect role in forced labor in ASM. This information can be gathered through the use of the other tools in this toolkit.
- The idea is to let victims know where to go for help, and to make sure other stakeholders are aware of their role so they can be part of the solution.

Applicability

- This tool was designed for all practitioners who have identified strong risks of forced labor in an ASM context.

Overview

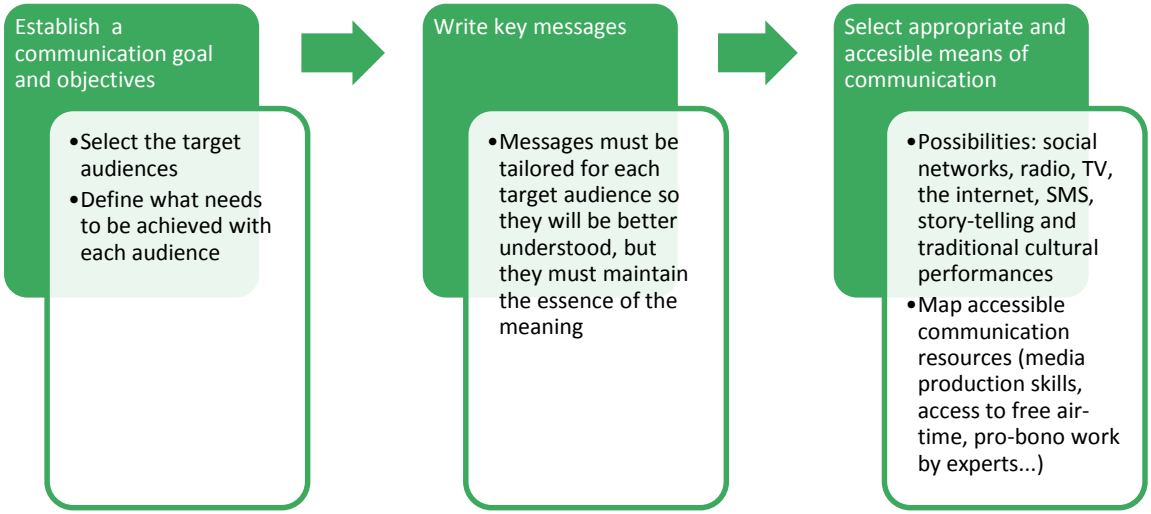
- Step 1: Raise awareness in the community to enable community members to resist and prevent forced labor
- Step 2: Inform victims about their alternatives
- Step 3: Brief stakeholders in the supply chain

Outputs

- Relevant information made available to victims and stakeholders

Step 1: Raise awareness in the community to resist and prevent forced labor

Through the use of the other tools in this toolkit, especially through the use of Tool 4 and Tool 5, practitioners will have greater understanding of what forms of forced labor are present in the community. They shall communicate this information in a way that will lead community members to **recognize and reject exploitation practices**. To do this they must:



It would be ideal to design a communication campaign in order to be more effective; this will however require guidance by communications experts (pro-bono engagements are a possibility). If this type of support is not possible, practitioners should communicate the messages through tools that are most familiar to them, for example workshops and meetings. They could also use folk media, for example story-telling and traditional cultural performances, which may be most appropriate in rural contexts.

Potential allies to help practitioners communicate to target audiences include local religious groups, local cultural groups, community leaders and community organizations.

Step 2: Inform victims about their alternatives

Throughout the use of this toolkit, particularly through the application of Tool 3 and Tool 4, practitioners will have gathered information about the relevant local stakeholders, and about which offer some kind of support to victims. The idea is to organize this information in order to allow easy access for victims.

Practitioners can start by making a list of the types of support that may be requested by victims. They can then complete a matrix that includes information such as the type of assistance offered by a particular organization, how victims can get in touch with that organization, and the means that organization has to guarantee the privacy of the victims who contact it. Privacy is an important point, since many victims might be afraid of worsening the situation by telling others about it.

Funds to support victims can be very limited in many parts of the world. This means that in many cases the matrix created will show that several types of support are limited or even unavailable to victims in a given context. Practitioners must work with the reality they encounter and focus on the types of support which are indeed available. They should also try to attract support from international organizations and encourage local governments to change this reality.

The matrix to complete could look something like this:

EXAMPLE OF A MATRIX OF SUPPORT POSSIBILITIES FOR VICTIMS

Required support	Organizations that offer this type of support	Contact information	Ways in which they protect victims' privacy
Legal aid			
Shelter			
Healthcare			
Counseling			
…			

The resulting matrix should be shared with relevant stakeholders with whom the practitioner is collaborating. Discussing it with others will probably fine-tune and contribute to the matrix. The final version should be made available to all the listed organizations and to any organization that may be in contact with potential victims or vulnerable groups. If applicable, it should be translated into the necessary languages. All cooperating organizations should print this information in a format that is easy to read, and should post

it in visible and highly-frequented places. The cooperating organizations should then establish which communication channels are most effective to reach victims and vulnerable groups. This will largely depend on the context and cultural setting, but in many cases the radio will be a good alternative. It is not uncommon for artisanal miners to listen to the radio while doing their work; and the radio is an excellent means of communication in rural areas in developing countries.

When trying to communicate a message, one must make it as simple as possible. It is not advisable to share the information gathered in the matrix all at once because people might end up not paying attention to it.

In some places a hotline might exist as a first point of contact for victims; in many places that won't be the case. If no such line exists, the cooperating organizations must reach an agreement as to which of them will play this role, and a hotline must be set up. Ideally, this responsibility should be assumed by relevant government institutions. However, this is not possible in every case, either because of suspicions of corruption or because of lack of institutional capacity.

The message that will then be passed on to victims and vulnerable groups (for example through the radio) will convey three main points:

- What a situation of exploitation might look like, according to examples relevant to the context;
- What number to call to ask for further information or request help; and
- The way in which they guarantee every caller's identity is protected.

The organization that takes responsibility for receiving these calls will need to give their team (or at least those who are receiving the calls) training in dealing with victims. These people will in many cases be a victim's first point of contact. Even though they will not be offering support themselves, they should be able to make victims feel at ease. They will need to talk to callers in order to establish which type of support callers need, and will then use the matrix created earlier to tell callers who to contact, how to contact them, and how that third person or organization will protect their identity.

Establishing such a mechanism will of course be time consuming and expensive. This is why it is crucial to join forces with other organizations working on the issue locally, and maybe even engage other stakeholders further down the supply chain.

In addition to or in case a hotline is not viable, there are other means for raising awareness that could be useful:

- Advertisements, posters or banners that explain the importance of eradicating forced labor.
- Brochures describing different forms of forced labor, the population's rights, and existing support systems.
- Announcements in local communication channels (radio stations, local television, and others) with relevant information about forced labor.
- Workshops with other stakeholders in the community to make them aware of the situation.

Step 3: Brief stakeholders in the supply chain

Supply chains are very complex, and only recently have companies and big corporations started to systematically analyze and manage them. This is still only done by a very small percentage of companies. Those companies that analyze their supply chains might be aware that exploitation is in some way related to their final product (and may in many cases not know what to do about it); but many companies won't even be aware that this is the case. As for consumers buying the final product, it is very difficult to know whether they are indirectly supporting forced labor with their purchase.

Organizations that are using this toolkit should find a way to notify companies further down the supply chain if it finds strong indications of forced labor in ASM in a given location. This would of course imply knowing which companies are buying those minerals; or at least establishing which companies could be buying it. According to each context this may or may not be feasible. For example, in a context where there is a relatively formal ASMO that regularly sells its gold to the same traders, an organization will likely be able to follow the chain until it reaches larger companies, such as branded retailers. In cases of extreme informality, this may not be realistic.

In case it is possible to establish potential clients at the end of the chain, the organization using this toolkit should contact them to tell them about the risks of forced labor in their gold purchases. It should be done as an invitation to jointly work towards correcting the situation. Practitioners should tell these companies about the existing tools to manage this issue. A starting point could be Tool 2 in this toolkit, but there are many other relevant tools (some of which are listed in Annex 4 and Annex 5). If, however, the company shows no interest in looking into the matter, the matter could be questioned through more public channels. Social media offer effective and inexpensive ways of doing this.

In cases where it is not possible to determine who the buyers are at the other end of the chain, organizations should seek to establish red flags for the area that is being studied. They can provide information about their findings to international organizations that defend human rights, to industry associations in countries that are purchasing gold from the country where the assessment took place, and to the United States Department of Labor in order for them to consider the information when updating their "List of Goods Produced by Child Labor or Forced Labor".

On a more local level, it is also important to make this information available to stakeholders that are indirectly connected with situations of forced labor. These stakeholders will have been identified through the use of Tool 3. Stakeholders who are indirectly helping prevent or eradicate forced labor might be able to use this information to become more directly involved in the matter. Stakeholders who are indirectly promoting forced labor might not be aware of it, but may be willing to take actions to prevent forced labor if they learn about the significance of their role. For example, if a local shop owner were to find out that miners are being exploited through the credits they get from their bosses to purchase at his/her shop, he/she might be willing to offer different arrangements so that miners could buy from them.

The shop owner could, for instance, establish a direct line of credit using fair terms, which is not uncommon in these contexts. If these shop owners were not willing to do this or if they were complicit in the crime, practitioners could talk to their suppliers (the big companies that produce the goods this shop owners sell), and ask them to suspend this supply.

Work at the local level, however, implies a greater risk, especially because practitioners may be exposed to the criminal networks that are frequently involved in these forms of exploitation. A thorough assessment must always precede this work, and it should only be carried out if the safety of practitioners can be guaranteed.

Aside from raising awareness among stakeholders who are upstream or downstream in the supply chain, practitioners should also engage other mining organizations in the area. Some of them might be knowingly complicit in forced labor, and these should be dealt with by the law; others may not be, yet they should be aware of the heightened risk in the area and establish mechanisms to prevent their own involvement in such crimes. Practitioners should meet with them and ideally organize workshops in order to help them understand the issue and possible solutions.

EXAMPLES OF EMPLOYER COMMITMENTS IN ORDER TO PREVENT FORCED LABOR IN THE WORKPLACE

- *Under no circumstances should employers tolerate coercion or abuse at work or in any of the miner groups that work for them, whether it's at the processing plant or the mine;*
- *Whether employees/miners get paid with a salary or in kind (for example in family processing units), they are always free to leave the workplace;*
- *Employers do not hold original documents of people who work for them;*
- *In formal companies with more than 20 hired employee or in semi-industrial plants, for example, employees keep a copy of their contract;*
- *For no reason whatsoever must employers withhold part of a salary or a full salary as a deposit;*
- *Employers must pay an hourly rate according to the terms agreed;*
- *Employers do not exercise a prolonged unpaid trial period (terms from local legislation may apply);*
- *Employers do not threaten to terminate a contract/service provision;*
- *Employers do not demand recruitment fees, e.g. at service providing agencies;*
- *Employers do not demand employees pay an inappropriate fee for uniforms or equipment;*
- *Security personnel cannot keep documents, threaten or demand entry/exit fees or block entrances or exits.*

Finally, miners themselves should be made aware of the role they could be playing in the sexual exploitation of others. Practitioners should organize workshops with mining organizations and develop appropriate communications or training materials to help sensitize miners.

ANNEXES

Annex 1: Indicators of forced labor in ASM

This set of indicators is adapted from ILO's operational indicators for adult and child victims of trafficking for labor and sexual exploitation[37]; these have been reviewed and adapted in order to be applied in ASM situations. They are organized into four categories:

A. Indicators of forced labor in the workplace	B. Indicators of adult trafficking for sexual exploitation	C. Indicators of child trafficking for labor exploitation	D. Indicators of child trafficking for sexual exploitation
•Forced recruitment indicators •Violence indicators •Indicators of abuse of a position of vulnerability when hiring •Exploitation indicators •Worksite coercion indicators •Indicators of abuse of vulnerability in the workplace	•Indicators of deceitful hiring/recruiting •Forced recruitment indicators •Indicators of abuse of a position of vulnerability when hiring/recruiting •Exploitation indicators •Workplace coercion indicators	•Deceit in the workplace indicators (hiring/recruiting) •Hiring by coercion indicators •Indicators of abuse of a position of vulnerability when hiring •Exploitation indicators •Worksite coercion indicators •Indicators of abuse of a position of vulnerability in the workplace	•Indicators of deceitful hiring •Indicators of hiring (recruiting) by means of coercion •Indicators of abuse of a position of vulnerability when hiring •Additional exploitation indicators •Worksite coercion indicators •Indicators of abuse of vulnerability in the workplace

The complete list of indicators is presented in the following pages.

[37]ILO's original list of indicators for adult and child victims of trafficking for labor and sexual exploitation may be consulted in the document: "Operational indicators of trafficking in human beings" (published by ILO in 2009). The definitions of all 67 indicators can be accessed at www.ilo.org/forcedlabour.

A. INDICATORS OF FORCED LABOR IN THE WORKPLACE

FORCED RECRUITMENT INDICATORS	
High-risk indicators	**Description**
Deceit regarding the nature of the job, the location and the employer	By nature of the job we mean the "goal, mission, and activity" for which the person was supposedly hired. Location refers to the region in the country, and by employer we mean a false facade of a company, individual, etc.
Medium-risk indicators	**Description**
Deceit regarding the working conditions	This includes deceit regarding: • Employee benefits • Work hours • Salary • Individual freedom • Collective freedom
Deceit regarding the content or legality of the labor contract	• Non-existence of a labor contract • Signing false contracts
Deceit regarding family reunification	• False promises regarding where the job is going to take place • Promises of providing transport so the worker can be close to his/her family
Deceit regarding life and housing conditions	This includes deceit regarding: • Housing location and conditions • Access to public services • Housing independence from the employer
Deceit regarding legal documentation or the procurement of legal migratory status	• Promises of facilitating the status legalization process • Promises of doing the procedures to legalize the status
Deceit regarding travel and hiring conditions	• Providing transport to the worksite but demanding those expenses are paid in labor upon arrival
Deceit with promises of marriage or adoption	• Promises of facilitating the procedures for marriage or adoption • Promising the victim or the victim's family possibilities of marriage or adoption
Low-risk indicators	**Description**
Deceit regarding the right/access to education	• Deceit regarding the availability of educational institutions • Promises about getting the child a place in the school
Deceit regarding the right/access to government plans, programs and projects destined for families or individuals (money, preferential access to certain rights, etc.)	• Deceit regarding the presence of government authorities for social promotion in the workplace • Promises about helping the worker get benefits from the government

VIOLENCE INDICATORS	
High-risk indicator	**Description**
Actions against the victim's life and liberty	• Abduction of the victim • Attack on the life of the victim's family to pressure him/her into becoming linked to the activity
Actions that limit the victim's freedom by force	• Forced marriage • Forced adoption • Sale of the victim • Isolation
Medium-risk indicators	**Description**
Actions that jeopardize the victim's citizenship status	• Threat of document retention because of debts • Confinement or being denounced to the authorities

	• Threat of informing the family or the community
Violent actions against the victim	• Threat of violence against the victim
Adverse context	• Domestic violence
Limiting the victim's financial independence	• Withholding money

INDICATORS OF ABUSE OF A POSITION OF VULNERABILITY WHEN HIRING

Medium-risk Indicators	**Description**
Abuse of a difficult domestic situation and adverse socioeconomic context	• Socially - at a community level • Financially (debts or lack of resources to support the victim or their family) • Abuse of misinformation regarding the domestic situation • Abuse of difficulties to travel • Abuse of the situation of armed conflict the victim lives in, by promising a better context
Abuse of the victim's education	• Abuse of the worker's lack of knowledge of the language • Abuse of the worker's illiteracy
Abuse of the victim's personal condition	• Abuse of the victim's illegal status; abuse of migration • Abuse of forced displacement condition or threats against the victim's life and freedom by illegal groups located in the area where the victim resides • Abuse of the victim's psychological condition • Abuse of the victim's disabilities • Abuse of the lack of autonomy and information • Abuse of cultural/religious beliefs • Abuse of the psychological and emotional dependence between the employer/exploiter and the victim
Abuse of the victim's lack of information on government institutions	• Deceit regarding the contents of the legislation and how it works • Abuse of the victim's lack of knowledge of his/her rights • Deceit regarding the existence of citizen support systems • Abuse of the authorities' attitude (passive, lack of presence and local structures)

EXPLOITATION INDICATORS

High-risk indicator	**Description**
Excessive overtime	• Excess of days worked • Excess of hours worked
Medium-risk indicators	**Description**
Poor health and safety conditions in the workplace that endanger the worker's wellbeing	• High workplace accident rate • High workplace incident rate (that is to say there weren't accidents) • High number of work-related diseases • Lack of an adequate tool provision to carry out the job • Lack of an adequate provision of shoes and workforce for the type of activity • Absence of a map of risks for workers' health and safety • Absence of occupational health committees or occupational health plans • Absence of competent medical personnel or facilities that are suitable to treat medical emergencies • Very long distance from healthcare centers and difficulty to transport personnel in case of a medical emergency • Non-compliance with environmental standards
Poor living conditions due to low salaries and dangerous work	• Payment of wages under the poverty line • Non-compliance with the principle of equal pay for equal work • Insufficient payment in kind • Salary does not reflect the job's dangerousness
No respect for labor legislation	• No affiliation to social security systems • Violation of individual freedom (not allowing freedom of belief, preferences, opinions, etc.) • Violation of collective freedom (not allowing freedom of association and the

	right to organize) • Absence of contracts
Low-risk indicators	**Description**
No access to education	• Explicit prohibition to access the right to education • Work hours that limit the access to education • Wages that limit the access to education

WORKSITE COERCION INDICATORS	
High-risk indicator	**Description**
Victims are forced to work to pay debts to their employers	• Payment of debts by force or without the victim being consulted • Withholding wages
Limiting the victim's freedom in the workplace	• Isolation of victims in the workplace • Confinement or supervision of victims • Limiting the victim's access to transport to leave the workplace
Violence against the victim in the workplace	• Physical or psychological violence • Threat of physical violence to guarantee the work's completion • Strong influence of violence against the family (threat or real) if the work is not completed
Linking the victim to criminal activities	• Forcing the victim to be part of a criminal activity • Abuse of the victim's lack of legal knowledge to trick him/her into doing an illegal activity
Medium-risk indicators	**Description**
Demanding openly disproportionate tasks	• Threatened into doing a task • Strange or openly disproportionate tasks • Threat of being imposed with even worse working conditions • Not providing the victim with the necessary security implements to carry out the task safely
Forced to deceive others regarding his/her working conditions	• Forced to lie to the authorities, family, etc. • Forced to act against his/her partners
Abuse of the victim's legal status in the workplace	• Threat of being denounced to the authorities
Low-risk indicators	**Description**
Threat of affecting the victim's public image	• Threats of informing the family, the community or the public about the "illegality" or poor working conditions of the work he/she is being forced to carry out

INDICATORS OF ABUSE OF VULNERABILITY IN THE WORKPLACE	
Medium-risk indicator	**Description**
Abuse of the territory's limitations for the victim's autonomy	• Difficulties of living in an unknown area
Abuse of the personal and family context	• Includes threats against victims, their friends or their families • Difficult financial situation of the family • Lack of protection by the authorities because of illegal status
Lack of financial autonomy	• Dependence on exploiters
Low-risk indicator	**Description**
Abuse of the victim's past experiences	• Threatening the victim about going back to a difficult situation of their past • Deceiving the victim into believing that if he/she does not accept the current conditions the only alternative is to go back to the previous conditions

B. INDICATORS OF ADULT TRAFFICKING FOR SEXUAL EXPLOITATION

INDICATORS OF DECEITFUL HIRING/RECRUITING

High-risk indicator	Description
Deceit regarding the nature of the job, the location and the employer	By nature of the job we mean the "goal, mission, and activity" for which the person was supposedly hired. Location refers to the region in the country and by employer we mean a false facade of a company, individual, etc.
Medium-risk indicator	**Description**
Deceit regarding the prostitution conditions	In case the victim is aware of the fact the activity is prostitution: • Deceit regarding wages • Deceit regarding the workplace • Deceit regarding the work hours • Deceit regarding autonomy and freedom
Deceit regarding family reunification	• False promises regarding where the job is going to take place • False promises of providing transport so the worker can be close to his/her family
Deceit regarding life and housing conditions	This includes deceit regarding: • Housing location and conditions • Access to public services • Housing independence from the employer
Deceit regarding legal documentation or the procurement of legal migratory status	• False promises of facilitating the status legalization process • False promises of doing the procedures to legalize their status
Deceit regarding travel and hiring conditions	Providing transport to the worksite but demanding those expenses are paid with labor upon arrival
Deceit with promises of marriage or adoption	• False promises of facilitating the procedures for marriage or adoption • False promises to the victim or the victim's family of the possibilities of marriage or adoption
Low-risk indicator	**Description**
Deceit regarding the right/access to education	• Deceit regarding the availability of educational institutions • False promises about getting the child a place in the school

FORCED RECRUITMENT INDICATORS

High-risk indicator	Description
Actions against the victim's life and liberty	• Abduction of the victim • Attack on the life of the victim's family to pressure him/her into becoming linked to the activity
Actions that limit the victim's freedom by force	• Forced marriage • Forced adoption • Sale of the victim • Isolation • Threats to the victim's life
Medium-risk indicator	**Description**
Actions that jeopardize the victim's citizenship status	• Threat of document retention because of debts • Confinement or being denounced to the authorities
Actions against the victim that abuses the nature of the activity he/she is carrying out (prostitution)	• Threat of being denounced to the authorities • Threat of informing the family or community
Threats against people close to the victim	• Threat of violence against the family
Threats of limiting the victim's freedom	• Threat of isolation • Confinement

INDICATORS OF ABUSE OF A POSITION OF VULNERABILITY WHEN HIRING/RECRUITING	
Medium-risk indicators	**Description**
Abuse of a difficult domestic / personal situation and adverse socioeconomic context	• Socially - at a community level • Financially (debts or lack of resources to support the victim or their family) • Abuse of misinformation regarding the domestic situation • Abuse of difficulties to travel • Abuse of the situation of armed conflict the victim lives in by promising a better context
Abuse of the victim's education	• Abuse of the worker's lack of knowledge of the language • Abuse of the worker's illiteracy
Abuse of the victim's personal condition	• Abuse of victim's illegal status • Abuse of migration • Deceit regarding family migration • Abuse of forced displacement condition or threats against the victim's life and freedom by illegal groups located in the area where the victim resides • Abuse of the victim's psychological condition • Abuse of the victim's disabilities • Abuse of the lack of autonomy and information • Abuse of the psychological and emotional dependence between the employer/exploiter and the victim
Abuse of the victim's past experiences	• Threatening the victim about going back to a difficult situation of their past • Deceiving the victim into believing that if he/she does not accept the current conditions the only alternative is to go back to the previous conditions
Low-risk indicator	**Description**
Abuse of the victim's personal condition / religious beliefs	• Difficulties for organizing trips • Abuse of the victim's religious beliefs/customs • Financial reasons

EXPLOITATION INDICATORS	
Medium-risk Indicators	**Description**
Excessive overtime	• Excess of days worked • Excess of hours worked
Deceit regarding the working conditions	• Signing false labor contracts • Non-compliance of the contract's terms • Wage manipulation • Non-compliance with labor legislation regarding: ✓ Affiliation to social security ✓ The payment of the salary that was agreed upon (lower wages or no wages) ✓ Social benefits or extralegal benefits ✓ Individual liberties in the workplace ✓ Discriminating the worker because of his political, sexual or religious choices ✓ Collective freedom
Exposing the worker to health and safety risks	• Exposing the worker to an unsanitary environment • Exposing the worker to sexually transmitted diseases • Exposing the worker to physical or psychological violence • Exposing the worker to sexual abuse • Exposing the worker to high-risk areas (robbery, murder, rape, etc.)
Poor living conditions	• Deceit regarding living and housing conditions • Housing independence from the employer • Being provided an unsanitary house with no access to public services • Barely habitable house

WORKPLACE COERCION INDICATORS	
High-risk indicator	**Description**
Victims are forced to work to pay debts to their employers	• Payment of debts by force or without the victim being consulted • Withholding wages
Limiting the victim's freedom in the workplace	• Retaining documents • Isolation of victims in the workplace • Confinement or supervision of victims • Threats of confinement or surveillance • Limiting the victim's access to transport to leave the workplace
Violence against the victim in the workplace	• Physical or psychological violence • Threat of physical violence to guarantee the work's completion • Strong influence of violence against the family (threat or real) if the work is not completed
Cronyism or forced tasks	• Forcing the victim to carry out sexual services without their consent.

C. INDICATORS OF CHILD TRAFFICKING FOR LABOR EXPLOITATION

DECEIT IN THE WORKPLACE INDICATORS (HIRING/RECRUITING)	
High-risk indicator	**Description**
Deceit regarding the right/access to education	• Deceit regarding the availability of educational institutions • Promises about getting the child a place in the school • Assigning shifts within the work day • Being explicitly prohibited to go to school
Deceit regarding the nature of the job, the location and the employer	• Deceit regarding the "goal, mission, activity" for which the person was supposedly hired. • Deceit regarding the place the activity is going to take place i.e. office, outdoors, etc. • Being deceived with a false façade of a company, an individual, etc.
Deceit regarding access to government benefits	• Misinforming the victim about government programs that support children and teenagers with money, subsidies, etc.
Medium-risk indicators	**Description**
Deceit regarding the working conditions	• Signing false labor contracts • Non-compliance of the contract's terms • Wage manipulation • Non-compliance with labor legislation regarding: ✓ Affiliation to social security ✓ The payment of the salary that was agreed upon (lower wages or no wages) ✓ Social benefits or extralegal benefits ✓ Individual liberties in the workplace ✓ Discriminating against the worker because of his/her political, sexual or religious choices
Deceit regarding family reunification	• False promises regarding where the job is going to take place • False promises of providing transport so the worker can be close to his/her family
Deceit regarding housing conditions	• Deceit regarding living and housing conditions • Housing independence from the employer • Being provided an unsanitary house with no access to public services • Barely habitable house
Deceit regarding legal documentation or the procurement of legal migratory status	• Misinformation regarding the laws to obtain legal migratory status • False promises of facilitating the status legalization process • False promises of doing the procedures to legalize the status
Deceit regarding travel and hiring conditions	• Providing transport to the worksite but demanding those expenses are paid with labor upon arrival
Deceit with promises of marriage or adoption	• Deceit with marriage promises • Deceit with adoption promises

HIRING BY COERCION INDICATORS	
High-risk indicators	**Description**
Victims are forcefully recruited in order to pay debts acquired by them or their families	• Payment of debts by force or without the victim being consulted • Withholding wages
Actions against the victim's life and liberty	• Abducting the victim • Enslaving the victim • Violence against the victim • Threatening the victim's life
Actions that limit the victim's liberty by force	• Forced marriage • Forced adoption

	• Forced sale of the victim
Medium-risk indicators	**Description**
Actions that jeopardize the victim's citizenship status	• Retaining documents • Threat of retaining documents • Confinement or being denounced to the authorities
Actions against the victim that abuses the nature of the activity he/she is carrying out by force	• Threat of being denounced to the authorities • Threat of informing the family or the community
Threats against people close to the victim	• Threat of violence against the family • Threat of kidnapping a family member • Threat of harming an object or property of the victim's family
Threat of limiting the victim's freedom	• Threat of isolation • Confinement • Surveillance • Threats of isolation and surveillance

INDICATORS OF ABUSE OF A POSITION OF VULNERABILITY WHEN HIRING	
Medium-risk indicators	**Description**
Abuse of a difficult domestic/personal situation and adverse socioeconomic context	• Socially - at a community level • Financially (debts or lack of resources to support the victim or their family) • Abuse of misinformation regarding the domestic situation • Abuse of difficulties to travel • Abuse of the armed conflict situation the victim lives in, by promising a better context
Abuse of the victim's education	• Abuse of the worker's lack of knowledge of the language • Abuse of the worker's illiteracy
Abuse of the victim's personal condition	• Abuse of cultural/religious beliefs • Abuse of migration • Deceiving the victim about family migration • Abuse of forced displacement condition or threats against the victim's life and freedom by illegal groups located in the area the victim resides • Abuse of the victim's psychological condition • Abuse of the victim's disabilities • Abuse of the lack of autonomy and information • Abuse of the psychological and emotional dependence between the employer/exploiter and the victim
Abuse of the victim's migration status/legal status	• Abuse of the victim's illegal status • Abuse of the victim's lack of information • False information regarding the acquisition of legal status • Deceit regarding the exploiter's relation to the authorities
Abuse of the victim's past experiences	• Threatening the victim about going back to a difficult situation of their past • Deceiving the victim into believing that if he/she does not accept the current conditions the only alternative is to go back to their previous conditions
Abuse of the difficulties to organize trips	• Difficulties to organize trips • Financial reasons

EXPLOITATION INDICATORS	
High-risk indicator	**Description**
Excessive overtime	• Excess of days worked • Excess of hours worked
Medium-risk indicator	**Description**
Poor living conditions	• Barely habitable house • No access to aqueducts and sewage services
Poor health and safety	• High workplace accident rate

conditions in the workplace that endanger the worker's wellbeing	• High workplace incident rate (that is to say they weren't accidents) • High number of work-related diseases • Lack of an adequate tool provision to carry out the job • Lack of an adequate provision of shoes and workforce for the type of activity • Absence of a map of risks for workers' health and safety • Absence of occupational health committees or occupational health plans • Absence of competent medical personnel or facilities suitable to treat medical emergencies • Very long distance from healthcare centers and difficulty to transport personnel in case of a medical emergency • Non-compliance with environmental standards
Poor living conditions due to low salaries and dangerous work	• Non-payment of wages • Payment of wages below the poverty line[38] • Non-compliance with the principle of equal pay for equal work • Insufficient payment in kind • Salary does not reflect the job's dangerousness
Risk of infringing labor legislation	• Working in family business with no pay • Working in third-party business with no pay • Self-employment of children in activities related to mining • Non-authorized work due to being underage
No respect for labor legislation	• Wage manipulation • Non-affiliation to social security systems • Violation of individual freedom (not allowing the freedom of expression, beliefs, preferences, opinion, etc.) • Non-existence of contracts
Low-risk indicator	**Description**
No access to education	• Explicit prohibition to access the right to education • Deceit regarding the compatibility of the education and the work • Work hours that limit the access to education • Deceit regarding the availability of openings in the school

WORKSITE COERCION INDICATORS	
High-risk indicator	**Description**
Victims are forced to work to pay debts to their employers	• Payment of debts by force or without the victim being consulted • Withholding wages
Limiting the victim's citizen status and the access to his/her rights	• Withholding documents
Limiting the victim's liberty/autonomy	• Isolation • Confinement • Surveillance • Threats of violence against the victim • Physical or psychological violence
Forcing the victim to carry out openly disproportionate tasks	• Forced to do illegal/criminal activities • Forced to do certain tasks or work for several clients
Victim is forced to act against others	• Forced to act against their partners • Forced to lie to the authorities, family, etc.
Threat of being imposed with even worse working conditions	• Withholding wages • Threat of being imposed with even worse working conditions
Threatening the victim because of his/her legal status	• Threat of being denounced to the authorities
Abuse of the victim's domestic situation	• Threat of informing the family, the community or the public

[38]Currently the international poverty line is set at USD 1.25adjusted for purchasing power parity (PPP) across the world (World Bank, http://data.worldbank.org/indicator/SI.POV.DDAY , accessed January 2014)

High-risk indicator	Description
	• Domestic violence

INDICATORS OF ABUSE OF A POSITION OF VULNERABILITY IN THE WORKPLACE	
Medium-risk Indicators	**Description**
Abuse of the social and family context	• Financially (debts or lack of resources to support the victim or their family) • Abuse of misinformation regarding the domestic situation • Abuse of difficulties to travel • Abuse of the situation of armed conflict the victim lives in by promising a better context
Dependence on exploiters	• Exploiters are family members • Exploiters have a close relationship with the victim • Debts to the exploiters acquired by the victim or the family • Psychological dependence on the exploiter • Financial dependence on the exploiter
Abuse of the victim's past experiences	• Threatening the victim about going back to a difficult situation of their past • Deceiving the victim into believing that if he/she does not accept the current conditions the only alternative is to go back to their previous conditions
Difficulties regarding the territory	• The victim does not know the area where he/she is located • The victim does not know the location of government institutions for citizen support and security forces • Difficult or no access to public transportation system
Victim's legal status	• The victim does not know the legislation • Deceit regarding the acquisition of legal status • Deceit regarding the relation the victimizer has with the authorities

D. INDICATORS OF CHILD TRAFFICKING FOR SEXUAL EXPLOITATION

INDICATORS OF DECEITFUL HIRING	
High-risk indicator	**Description**
Deceit regarding the nature of the job, the location and the employer	By nature of the job we mean the "goal, mission, and activity" for which the person was supposedly hired. Location refers to the region in the country and by employer we mean a false facade of a company, individual, etc.
Medium-risk indicator	**Description**
Deceit regarding the right/access to education	• Deceit regarding the availability of educational institutions • Explicit prohibition to access the right to education • Deceit regarding the procurement of a spot in the school
Deceit regarding the existence or legality of the contract (in case the victim is not aware that the purpose of the activity is sexual exploitation)	• Signing false contracts • Deceit regarding the contents of the labor contract • Deceiving the victim's family about the existence (legality) and contract's contents
Deceit regarding the prostitution conditions	In case the victim is aware of the fact the activity is prostitution: • Deceit regarding wages • Deceit regarding the workplace • Deceit regarding the work hours • Deceit regarding autonomy and freedom
Deceit regarding family reunification	• False promises regarding where the job is going to take place • False promises of providing transport so the worker can be close to his/her family
Deceit regarding life and housing conditions	This includes deceit regarding: • Housing location and conditions • Access to public services • Housing independence from the employer
Deceit regarding legal documentation or the procurement of legal migratory status	• Deceit regarding the legal procedure to obtain legal status • False promises of facilitating the status legalization process • False promises of doing the procedures to obtain legal status
Deceit regarding travel and hiring conditions	• Providing transport to the worksite but demanding those expenses are paid with labor upon arrival
Deceit with promises of marriage or adoption	• Deceit with promises of marriage • Deceit with promises of adoption
Low-risk indicator	**Description**
Deceit regarding access to government benefits	• Deceit regarding the availability and contents of government benefits • Deceit regarding the existence and how government support systems for children and teenagers work • Deceit regarding access to government transfer programs that prioritize the education and wellbeing of children

INDICATORS OF HIRING (RECRUITING) BY MEANS OF COERCION	
High-risk indicator	**Description**
Actions against the victim's life and liberty	• Abduction of the victim • Attack on the life of the victim's family to pressure him/her into becoming linked to the activity • Enslaving the victim • Violence against the victim
Actions that limit the victim's liberty by force	• Forced marriage • Forced adoption • Sale of the victim • Isolation

	• Threats to the victim's life
Victims are forcefully recruited in order to pay debts acquired by them or their families	• Payment of debts by force or without the victim being consulted • Withholding wages
Medium-risk indicator	**Description**
Actions against the victim's citizen status	• Threats of withholding documents because of debts or other reasons
Actions against the victim that abuse of the nature of the activity he/she is doing (prostitution)	• Threat of being denounced to the authorities • Threat of informing the family or community
Threats of violence against people close to the victim	• Threats of violence against the victim's family
Difficult family context	• Domestic violence • Forced displacement • Complicity within the family

INDICATORS OF ABUSE OF A POSITION OF VULNERABILITY WHEN HIRING	
Medium-risk indicator	**Description**
Abuse of a difficult domestic/personal situation and adverse socioeconomic context	• Domestic violence • Complicity within the family regarding trafficking in persons with sexual exploitation purposes • Socially - at a community level • Financially (debts or lack of resources to support the victim or their family) • Abuse of misinformation regarding the domestic situation • Abuse of difficulties to travel • Abuse of the armed conflict situation the victim lives in by promising a better context • Abuse of the financial dependence the victim's family has on the exploiters
Abuse of the victim's education	• Abuse of the worker's lack of knowledge of the language • Abuse of the worker's illiteracy • False information about the legality of the work that he/she is going to do
Abuse of the victim's personal condition	• Abuse of cultural/religious beliefs • Deceit regarding family migration • Abuse of forced displacement condition or threats against the victim's life and freedom by illegal groups located in the area where the victim resides • Abuse of the victim's psychological condition • Abuse of the victim's disabilities • Abuse of the lack of autonomy and information • Abuse of the psychological and emotional dependence between the employer/exploiter and the victim • Abuse of the financial dependence the victim has on the exploiters
Abuse of the victim's legal status	• Abuse of the victim's illegal status • Abuse of migration • Abuse of the victim because he/she does not know the legislation • Deceit regarding ways of obtaining legal status • Deceit regarding the victimizer's relation to government authorities
Difficulties for organizing trips	• Deceiving the victim into paying the trip's expenses with forced labor
Abuse of the victim's past experiences	• Threatening the victim about going back to a difficult situation of their past • Deceiving the victim into believing that if he/she does not accept the current conditions the only alternative is to go back to their previous conditions
Low-risk indicator	**Description**
Abuse of the victim's personal	• Difficulties for organizing trips • Abuse of the victim's beliefs/customs

condition/beliefs	• Financial reasons

ADDITIONAL EXPLOITATION INDICATORS

High-risk indicator	Description
Dangerous work	• Exposing the child to unhealthy environments • Exposing the child to sexually transmitted diseases • Exposing the child to physical or psychological violence • Exposing the child to sexual abuse • Exposing the child to highly dangerous areas (robbery, murder, rape, etc.)
Excessive overtime	• Excess of days worked • Excess of hours worked
Poor working conditions (deceit)	• Wage manipulation • Low, infrequent, or occasional non-payment of wages. • Payment in kind • Non-compliance or deceit regarding labor legislation ✓ Regarding affiliation to social security ✓ Regarding the payment of the agreed upon salary (lower salary or non-payment of wages) ✓ Regarding social benefits or extralegal benefits
Poor living conditions for the child	• Deceit regarding housing and living conditions • Deceit regarding housing independence from the employer • Being provided a house with no public services or sanitation • Minimally habitable dwelling • Overcrowding

WORKSITE COERCION INDICATORS

High-risk indicator	Description
Victims are forced to work to pay debts acquired by them or by their families	• Payment of debts by force or without the victim being consulted • Withholding wages
Limiting the victim's citizen status and the access to his/her rights	• Retaining documents
Forcing the victim to carry out openly disproportionate tasks	• Forcing the child into becoming linked to illegal activities (drug trafficking, money laundering, payment of extortion money, etc.) • Cronyism • Forced to carry out certain tasks or work for certain clients
Limiting the victim's liberty / autonomy	• Isolation • Confinement • Surveillance • Threats of violence against the victim • Threats of physical or psychological violence against the victim • Victim under strong influence of the exploiter
Medium-risk indicator	**Description**
Victim forced to act against others	• Victim is forced to act against his/her partners • Victim forced to lie to the authorities, family, etc.
Threats of being imposed with even worse working conditions	• Withholding wages • Threat of being imposed with even worse working conditions
Threatening the victim because of their legal status or the activity he/she is carrying out (prostitution or pornography)	• Threats of being denounced to the authorities
Abuse of the victim's family condition	• Threat of informing the family, the community or the public • Domestic violence

INDICATORS OF ABUSE OF VULNERABILITY IN THE WORKPLACE	
High-risk indicator	**Description**
Dependence on exploiter	• Victim's financial or emotional dependence on the exploiter • The victim's family are financially or emotionally dependent on the exploiter
Medium-risk indicators	**Description**
Abuse of the victim's past experiences	• Threatening the victim about going back to a difficult situation of their past • Deceiving the victim into believing that if he/she does not accept the current conditions the only alternative is to go back to their previous conditions
Difficulties regarding the territory	• The victim does not know the area where he/she is located • The victim does not know the location of government institutions for citizen support and security forces • Difficult or no access to public transportation system
Abuse of adverse family situation	• Domestic violence • Complicity in the family, regarding the act of trafficking people with sexual exploitation purposes • Financially (debts or lack of resources to support the victim or his/her family)
Abuse of the victim's legal condition	• Abuse of the victim's illegal status • Abuse of migration

Annex 2: Methodological guidelines for semi-structured interviews

The following methodological guidelines for interviews take into account the victim's difficult situation (victimization). These interviews are also based on the experiences of social audits and have an ethical behavior focus (body language and language attitude). That is why they constitute a Code of Ethics for practitioners who carry out face to face interviews.

A semi-structured interview has an outline of subjects that orient the interviewer-interviewee interaction with flexible questions that can vary according to the information required and how fluid the situation is.

The interview is structured depending on the interviewee and following the outline described in the methodological design.

Group and/or individual interviews

The interviews conducted in mines, homes and processing plants must be preferably carried out **with groups** of 3 to 10 interviewees.

There can be an initial barrier in the interviews due to a lack of trust; however, experiences show that a group setting can provide protection and anonymity to vulnerable people.

If the interviewee fears that the group setting is an obstacle due to the involvement of an authority such as a supervisor, an employer or an alleged exploiter, the interview must be terminated, or at least the questions must avoid the issue of exploitation. The goal of the interview is to generate constructive debates regarding different focal issues.

Individual interviews **must focus on mining, community and household leaders or alleged exploiters** (if applicable and whenever possible).

The interviews' focus

We recommend focusing on one or two of the main subjects for group or individual interviews. Conducting auditing surveys is not the goal, but rather initiating debate on focal issues. The debates can also generate information regarding proposals and solutions to interviewees' problems.

Sensitive issues

The interviewee must not be asked directly if he/she is a victim. This is not only because of the question's lack of effectiveness, but also due to protection and confidentiality purposes. In these cases, the correct way of inquiring is asking the interviewees if they have any information on third parties or other cases (for example in the past) within the mining community, but never about themselves.

Confidentiality

The interviews are anonymous. When dealing with exploitation, names are not disclosed. Given the access that practitioners have to forced labor victims is restricted and often difficult to achieve, several rules of confidentiality must be followed.

Ethical attitude and expressing respect

Vulnerable people or people at risk of being exploited must be interviewed with the utmost respect. For example, the interviews should not be carried out on a first-name basis, especially when the interviewee is a member of a poor sector, minority group or ethnicity within the society.

Practitioners must generate a comfortable environment for the interview, which is why we suggest the interview be conducted in a pleasant place where the interviewees feel safe. The place should also offer privacy so the interview can cover the more sensitive issues of forced labor.

If the interviewer observes resistance, unease or that the interviewee is averting the answers, he/she must not insist on a subject that seems unpleasant to the interviewee.

The interviews are always voluntary and can be interrupted or abandoned by the interviewee at any time without negative consequences.

Transparency of the person conducting the interview

Practitioners must introduce themselves with their name, a clear description of their role in the organization they represent and the interview's mission and reason. They must also clarify the extent of their authority over the interviewees.

Gestures and body language

Practitioners must calmly listen to what interviewees have to say; their demeanor must never be defensive. They must sit (or stand) at the same level of the interviewee).

They should be especially sensitive toward the victim's condition and should not use elements that could distance themselves from the interviewee, such as computers, video cameras, etc. During the narration of intimidation cases or when listening to sensitive and complex information, the interviewer should listen closely and not interrupt the interviewee.

During group interviews, people should not be interrupted when narrating. The best way to generate narrative data is to sit down with the interviewee (individually) and essentially listen, and guide them with questions.

Safety and behavior when detecting a victim

In case the interviewees show signs of being victims of forced labor, extreme forms of exploitation, sexual exploitation, sexual abuse, or traffic and abuse, the interviewer must listen carefully and avoid any emotional response (crying, etc.). It's important for them to maintain a professional and neutral attitude towards the facts or alleged findings, given that this evidence needs to be interpreted very carefully. If they find signs of extreme exploitation or potential victims, they must not disclose this information. They must make

sure the victim is safe before reporting the case to the authorities. When there is evidence of a crime, the case must be dealt with by specialized institutions and government bodies.

Gender

Men and women are interviewed separately.
If possible, a woman should conduct interviews with children and women.
A man should never interview women or children about sexual exploitation.

Environment

Both the group of interviewees and the place where the interviews are going to take place must be chosen carefully. It must be a closed place where the interviewees do not feel observed or intimidated by their superiors. It should also be a quiet place in order for the people to concentrate; however, machine noise can protect the interviewees and they may prefer to remain close to the noise source. In this case, the situation would be accepted in the interest of confidentiality and anonymity (if that is what the interviewee wants), seeing that these conditions are above physical conditions.

Verification and crosschecking

The data generated through interviews should always be verified by other sources or crosschecked with facts. Follow-up visits are sometimes required.

Interviews to vulnerable groups (traumatized/victims)

Interviews are not conducted if the person is considered to be a traumatized victim in need of psychological support or support from the authorities. However, there may also be a case in which the practitioner does not identify the victims before the interview or that he/she does not identify the victims in the group or individual interviews. Regardless of whether the victim expressed himself/herself voluntarily there are strict rules that apply.

It should be taken into account that the generated information could fall under criminal liability.

Furthermore, measures of self-protection should be taken against the victimizers and the situation should be carefully evaluated to decide whether or not it makes sense to continue.

Preparation

- The risk level of the interviewed group is evaluated.
- Is the date of the interview, condition and schedule timely? The situation must be confidential, anonymous and the environment very calm.
- Before conducting interviews on vulnerable groups, or proven or potential victims, other forms of testimonies through third parties should be considered if possible, or written if applicable.
- All interviews should be announced and should never be by surprise.

Interview

- The interviews should be planned in such a way that all the affected people have enough time to answer.
- Accompanying people are permitted and they are allowed to talk.

- Members of the vulnerable group or individuals can interrupt the conversation at any moment (a signal to finish the interview must be previously agreed upon, for example, raising a hand).
- Questions must be asked with certain distance and without expressing emotions. This is not a conversation between friends or family and practitioners do not relate personally to the interviewee.
- The interviewer must listen carefully and must not insist. Details about facts should not be demanded if the interviewee does not wish to give them.
- Practitioners must ask about facts and not about feelings.

Annex 3: International and regional human rights standards and instruments

Instruments setting out internationally-recognized human rights

UN, International Bill of Human Rights, comprised of:

- The Universal Declaration on Human Rights: www.ohchr.org/EN/UDHR/Pages/UDHRIndex.aspx
- The International Covenant on Economic, Social and Cultural Rights: www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx
- The International Covenant on Civil and Political Rights: www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx

ILO, 1998 Declaration on Fundamental Principles and Rights at Work: www.ilo.org/dyn/normlex/en/f?p=1000:62:0::NO:62:P62_LIST_ENTRIE_ID:2453911:NO

International Labor Organization (ILO) Standards

- **C029** - Forced Labor Convention, 1930 (No. 29): Convention concerning Forced or Compulsory Labor (Entry into force: 01 May 1932). Fundamental Convention
- **P029** - Protocol of 2014 to the Forced Labor Convention, 1930.
- **C105** - Abolition of Forced Labor Convention, 1957 (No. 105): Convention concerning the Abolition of Forced Labor (Entry into force: 17 Jan 1959). Fundamental Convention
- **R035** - Forced Labor (Indirect Compulsion) Recommendation, 1930 (No. 35): Recommendation concerning Indirect Compulsion to Labor.
- **R203** - Forced Labor (Supplementary Measures) Recommendation, 2014 (No. 203)
- **C176** - Safety and Health in Mines Convention, 1995 (No. 176): Convention concerning Safety and Health in Mines (Entry into force: 05 Jun 1998). Technical Convention.
- **C181** - Private Employment Agencies Convention, 1997 (No. 181): Convention concerning Private Employment Agencies (Entry into force: 10 May 2000). Technical Convention
- **C182** - Worst Forms of Child Labor Convention, 1999 (No. 182): Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (Entry into force: 19 Nov 2000). Fundamental Convention
- **R122** - Employment Policy Recommendation, 1964 (No. 122): Recommendation concerning Employment Policy.
- **R183** - Safety and Health in Mines Recommendation, 1995 (No. 183): Recommendation concerning Safety and Health in Mines.
- **R189** - Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189): Recommendation concerning General Conditions to stimulate Job Creation in Small and Medium-Sized Enterprises.
- **R193** - Promotion of Cooperatives Recommendation, 2002 (No. 193): Recommendation concerning Promotion of Cooperatives
- **R201** - Domestic Workers Recommendation, 2011 (No. 201): Recommendation concerning Decent Work for Domestic Workers.

All are available at: www.ilo.org/dyn/normlex/en

Key international human rights instruments applying to potentially vulnerable or marginalized groups

- The Convention on the Elimination of All Forms of Racial Discrimination
- The Convention on the Elimination of All Forms of Discrimination Against Women
- The Convention on the Rights of the Child
- The Convention on the Rights of Persons with Disabilities
- The Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

  All are available at: www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx

- The Declaration on the Rights of Indigenous Peoples www.ohchr.org/EN/ProfessionalInterest/Pages/UniversalHumanRightsInstruments.aspx

- The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities: http://www.ohchr.org/Documents/Publications/GuideMinoritiesDeclarationen.pdf

Regional human rights standards

- African Charter on Human and Peoples' Rights: www.achpr.org/instruments
- American Convention on Human Rights: www.cidh.oas.org/basicos/english/basic3.american%20convention.htm
- ASEAN Human Rights Declaration: www.asean.org/news/asean-statement-communiques/item/asean-human-rights-declaration
- European Convention on Human Rights:www.echr.coe.int/ECHR/EN/Header/Basic+Texts/The+Convention+and+additional+protocols/The+European+Convention+on+Human+Rights/

Other relevant international standards

- International Finance Corporation (IFC) Performance Standards:http://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/ifc+sustainability/publications/publications_handbook_pps
- ISO 26000 Guidance on Social Responsibility: www.iso.org/iso/home/standards/iso26000.htm
- OECD Guidelines for Multinational Enterprises: www.oecd.org/daf/inv/mne/2011update.htm

Annex 4: Key resources on business and human rights

UN Guiding Principles and implementation

United Nations (UN):

- "Protect, Respect and Remedy" Framework: www.reports-and-materials.org/Ruggie-report-7-Apr-2008.pdf
- Guiding Principles on Business and Human Rights:www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf
- Office of the High Commissioner for Human Rights (OHCHR), Interpretive Guide to the Corporate Responsibility to Respect Human Rights:www.ohchr.org/Documents/Issues/Business/RtRInterpretativeGuide.pdf
- Principles for Responsible Contracting:www.ohchr.org/Documents/Issues/Business/A.HRC.17.31.Add.3.pdf
- Working Group on Business and Human Rights: www.ohchr.org/EN/Issues/Business/Pages/WGHRandtransnationalcorporationsandotherbusiness.aspx

European Commission, Business and Human Rights: http://ec.europa.eu/enterprise/policies/sustainable-business/corporate-social-responsibility/human-rights/index_en.htm

Information resources on business and human rights

Business and Human Rights Resource Centre: http://business-humanrights.org

International Labor Organization (ILO):

- Help Desk for business on international labor standards: www.ilo.org/business
- Normlex, for information on ILO standards, comments of the supervisory bodies and specific country profiles: www.ilo.org/normlex

OHCHR, List of Business and Human Rights Tools: www.ohchr.org/EN/Issues/Business/Pages/Tools.aspx

Annex 5: Additional tools to prevent, identify and deal with forced labor

Initiatives targeting forced labor

Caritas:

- Work on Migration: http://www.caritas.org/what-we-do/migration/

International Labor Organization (ILO):

- Special Action Program to Combat Forced Labor: http://www.ilo.org/sapfl
- Global plan of action against human trafficking: http://www.unodc.org/documents/human-trafficking/United_Nations_Global_Plan_of_Action_to_Combat_Trafficking_in_Persons.pdf
- International Program on the Elimination of Child Labor (IPEC): http://www.ilo.org/ipec
- ILO MIGRANT International Migration Brand: http://www.ilo.org/public/english/protection/migrant/index.htm

International Organization for Migration (IOM):

- Counter-trafficking: http://www.iom.int/cms/countertrafficking
- Global Assistance Fund for the Protection and Reintegration of Trafficked Persons: http://publications.iom.int/bookstore/index.php?main_page=product_info&cPath=34&products_id=676

Save the Children:

- Protecting Children from Exploitation: http://www.savethechildren.org/site/c.8rKLIXMGIpI4E/b.6192517/k.9ECD/Protecting_Children_from_Exploitation.htm

United Nations (UN):

- Global Program against Trafficking in Human Beings (GPAT): http://www.uncjin.org/CICP/traff_e.pdf
- Global Program against Smuggling of Migrants (GPAS): http://www.unodc.org/unodc/en/human-trafficking/smuggling-of-migrants.html?ref=menuside

European Union (EU):

- EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016: http://ec.europa.eu/home-affairs/doc_centre/crime/docs/trafficking_in_human_beings_eradication-2012_2016_en.pdf

Additional tools to help prevent forced labor

Alliance for Responsible Mining (ARM):

- Fairmined Standard for Gold and Associated Precious Metals to support sustainable development of Artisanal and Small-scale Mining (ASM) communities: http://www.communitymining.org/en/fairmined-standard

Solidaridad Gold Program for improved practices in Artisanal and Small-scale Mining communities: www.solidaridadnetwork.org/gold

Fairtrade Labeling Organizations (FLO):

- Fairtrade Gold Standard: http://www.fairgold.org/

International Labor Organization (ILO):

- Preventing discrimination, exploitation and abuse of women migrant workers: an information guide: http://www.ilo.org/wcmsp5/groups/public/@ed_emp/documents/instructionalmaterial/wcms_116360.pdf
- Combating Forced Labor A Handbook for Employers & Business: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_101171.pdf

International Organization for Migration (IOM):

- Migration Profiles: Making the Most of the Process: http://publications.iom.int/bookstore/index.php?main_page=product_info&cPath=47&products_id=779
- Handbook on Performance Indicators for Counter-Trafficking Projects: http://www.iom.int/jahia/webdav/shared/shared/mainsite/published_docs/brochures_and_info_sheets/pi_handbook_180808.pdf

National Research Council:

- Approaches to Reducing the Use of Forced or Child Labor: Summary of a Workshop on Assessing Practice: http://www.nap.edu/catalog.php?record_id=12773

Organization for Economic Co-operation and Development (OECD):

- OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas www.oecd.org/investment/mne/GuidanceEdition2.pdf

The Responsible Jewelry Council (RJC):

- Code of Practice: www.responsiblejewellery.com/rjc-certification/human-rights
- Chain-of-Custody Standard: http://www.responsiblejewellery.com/chain-of-custody-certification/
- Human Rights Due Diligence Toolkit: http://www.responsiblejewellery.com/rjc-certification/human-rights/

United Nations (UN):

- Human Trafficking and Business: An eLearning course on how to prevent and combat human trafficking: http://www.ungift.org/knowledgehub/index.html
- Toolkit to Combat Trafficking in Persons: http://www.unodc.org/documents/human-trafficking/HT-toolkit-en.pdf
- Toolkit to Combat Smuggling of Migrants: https://www.unodc.org/unodc/en/human-trafficking/migrant-smuggling/toolkit-to-combat-smuggling-of-migrants.html
- Human Rights and Law Enforcement: Manual for Human Rights Training for the Police:

United States Department of Labor:

- Reducing Child Labor and Forced Labor: A Toolkit for Responsible Business: www.dol.gov/ilab/child-forced-labor

Additional tools to help identify situations of forced labor

Anti-Slavery:

- Protocol for Identification and Assistance to Trafficked Persons and Training Kit: http://www.antislavery.org/includes/documents/cm_docs/2009/p/protocoltraffickedpersonskit2005.pdf

International Association of Chiefs of Police

- The Crime of Human Trafficking: a Law Enforcement Guide to Identification and Investigation: http://www.theiacp.org/portals/0/pdfs/CompleteHTGuide.pdf

International Labor Organization (ILO):

- Hard to see, harder to count: survey guidelines to estimate forced labor of adults and http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_182096.pdf
- ILO Indicators of Forced Labor: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf
- Operational Indicators of trafficking in human beings: Results from a Delphi survey implemented by ILO and the European Commission: http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_105023.pdf
- Combating forced labor: A handbook for employers and business: http://www.ilo.org/global/topics/forced-labor/publications/WCMS_101171/lang--en/index.htm
- Forced labor and human trafficking. A handbook for Labor Inspectors: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_097835.pdf
- Combating Forced Labor A Handbook for Employers & Business: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_101171.pdf

United Nations (UN):

- In-depth training manual on investigating and prosecuting the smuggling of migrants: http://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/In-Depth_Training_Manual_SOM_en_wide_use.pdf

United States Department of Labor:

- List of Goods Produced by Child Labor or Forced Labor: http://www.dol.gov/ilab/reports/child-labor/list-of-goods/
- Reducing Child Labor and Forced Labor: A Toolkit for Responsible Business: www.dol.gov/ilab/child-forced-labor

United States Department of Health & Human Services:

- Rescue & Restore Campaign Tool Kits: http://www.acf.hhs.gov/programs/orr/resource/rescue-restore-campaign-tool-kits

The Advocates for Human Rights:

- Stop Violence Against Women - Trafficking Training Modules: http://www.stopvaw.org/Trafficking_Training_Modules.html

Verité:

- Research on Indicators of Forced Labor in the Production of Goods: A Multi-Country Study:www.verite.org/research/indicators_of_forced_labor

Additional tools to help deal with situations of forced labor

Anti-Slavery International:

- Protocol for Identification and Assistance to Trafficked Persons and Training Kit: http://www.antislavery.org/includes/documents/cm_docs/2009/p/protocoltraffickedpersonskit2005.pdf

International Labor Organization (ILO):

- Introduction to Basic Counseling and Communication Skills: IOM Training Manual for Migrant Community Leaders and Community Workers: http://publications.iom.int/bookstore/index.php?main_page=product_info&products_id=511
- Forced labor and human trafficking. A handbook for Labor Inspectors: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_097835.pdf

International Organization for Migration (IOM):

- Introduction to Basic Counseling and Communication Skills: IOM Training Manual For Migrant Community Leaders and Community Workers: http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/activities/health/pandemic_manual.pdf
- Combating Forced Labor A Handbook for Employers & Business: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_101171.pdf
- Caring for Trafficked Persons: Guidance for Health Providers: http://publications.iom.int/bookstore/index.php?main_page=product_info&cPath=1&products_id=510&zenid=in75amb64qc2g43frg0rsq75b2
- Handbook on Direct Assistance for Victims of Trafficking: http://publications.iom.int/bookstore/index.php?main_page=product_info&cPath=47&products_id=116&language=es
- Guidelines for Assisting Victims of Human Trafficking in the East Africa Region: http://publications.iom.int/bookstore/index.php?main_page=product_info&cPath=1&products_id=769

Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe

- National Referral Mechanisms - Joining Efforts to Protect the Rights of Trafficked Persons: A Practical Handbook: http://www.osce.org/odihr/13967

United Nations (UN):

- First Aid Kit for Use by Law Enforcement Responders in Addressing Human Trafficking: https://www.unodc.org/unodc/en/human-trafficking/2011/first-aid-kit.html
- Victim Translation Assistance Tool: Life Support Messages for Victims of Human Trafficking: http://www.ungift.org/knowledgehub/en/tools/vita.html
- Human Trafficking and Business: An eLearning course on how to prevent and combat human trafficking: http://www.ungift.org/knowledgehub/index.html
- Toolkit to Combat Smuggling of Migrants: https://www.unodc.org/unodc/en/human-trafficking/migrant-smuggling/toolkit-to-combat-smuggling-of-migrants.html
- Anti-Human Trafficking Manual for Criminal Justice Practitioners: http://www.unodc.org/unodc/en/human-trafficking/2009/anti-human-trafficking-manual.html
- Reference Guide on Protecting the Rights of Child Victims of Trafficking in Europe: http://www.unicef.org/ceecis/protection_4440.html

Additional tools to help deal with situations of forced labor

United States Department of Labor:

- Reducing Child Labor and Forced Labor: A Toolkit for Responsible Business: www.dol.gov/ilab/child-forced-labor

United States Department of Health & Human Services:

- Rescue & Restore Campaign Tool Kits: http://www.acf.hhs.gov/programs/orr/resource/rescue-restore-campaign-tool-kits

Verité:

- Promoting Responsible Labor Practices in Gold: http://www.verite.org/research/promoting-responsible-labor-practices-gold

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