

**FINAL EVALUATION OF THE  
COMBATting FORCED LABOR PROJECT IN BRAZIL  
BRA/01/50M/USA**

EVALUATION TEAM :  
CHRISTIAN BUGNION, Team Leader, Director, Subur Consulting S.L., and  
LISA WONG-RAMESAR, ILO/DECLARATION

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## ACRONYMS AND ABBREVIATIONS

AJUFE	Brazilian Association of Federal Judges
ANAMATRA	Brazilian Association of Labour Judges
CNA	Employer's National Confederation of Agriculture and Animal Husbandry
COETRAE	State Commission for the Eradication of FL
CONATRAE	National Commission for the Eradication of FL
CONTAG	National Confederation of Workers in Agriculture
CPT	Commissao Pastoral da Terra (NGO)
CRS	Catholic Relief Services
FL	Forced Labour
FY	Fiscal Year
GERTRAF	Executive Group for the Abolition of Forced Labour
ICC	Citizen Coal Institute
I/O	Immediate Objective
ILO	International Labour Office
IAS	Social Cotton Institute
MDA	Ministry of Agrarian Development
MhuD	Human Rights Group
MIU	Mobile Inspection Unit
MJ	Ministry of Justice
MPF	Federal Prosecutions Office
MPT	Labour Prosecutions Office
MTE	Labour Ministry
NGO	Non-Governmental Organisations
NPC	National Project Coordinator
OAB	Brazilian Bar Association
PEC	Constitutional Amendment
PMP	Project Monitoring Plan
SEDH	National Human Rights Bureau
SF	Strategic Framework
SIT	Labour Inspection Secretariat
STF	Federal Supreme Court
STJ	High Court of Justice
TOT	Training Of Trainers
TPM	Team Planning Meeting
TST	Labour Supreme Court
UN	United Nations
USDOL	United States Department of Labor

## EXECUTIVE SUMMARY

1. After five years the ILO FL project has very satisfactorily achieved its stated objectives. The project's immediate objectives were re-defined in 2005 as :  
1) Increased awareness of the existence of FL and the strategies and actions to combat it; 2) Strengthened integration of CONATRAE and other key partners; 3) improved application of national and international standards; 4) Implementation of measures to prevent recruitment of FL.
2. The ILO project has been a key player in fulfilling the first immediate objective. Its numerous seminars, workshops and events, coupled with a very well made publicity campaign (poster, pamphlets, pins, etc.) and a fully developed media strategy (TV, radio and press), have undoubtedly contributed to this achievement. When the project started, FL was mostly unheard of. Today there are much fewer people who are not aware of (or do not recognize) the existence of FL.
3. Through the development of strategic partnerships and in active support of the CONATRAE, the project has succeeded in providing a dynamic framework for integration of all key partners and government institutions; nonetheless the last governmental change in 2007 (e.g. at the beginning of the year) has resulted in a change of CONATRAE leadership, which has affected the nature and dynamics of the partnerships. During the project life cycle, there were two different government structures (GERTRAF during the initial phase of the project; CONATRAE during the second phase) and the second structure has seen a change of leadership as a result of the last election.
4. By raising the level of knowledge on national and international standards through numerous seminars, workshops and events, key partners and actors have received a substantial amount of information which was not available at the beginning of the project. Furthermore, the project also provided compilation of legal texts and jurisprudence on several occasions (the latest in November 2007) to keep actors informed of the latest developments in the application of national standards.
5. The implementation of measures to prevent recruitment for FL as mentioned in I/O 4 is difficult to appraise because the project has no direct influence on the indicator that was identified as the increase in the number Federal Highway Police Raids (and according to the information from the FHR the cases along the Federal Road Network are actually sexual exploitation cases, since a FL case can only be identified once the worker is in an FL situation, e.g. at destination, and not during transportation or transit). Through the active support and collaboration with Reporter Brazil on the prevention project (collaborative effort partly financed by the ILO FL project) *Escravo nem pensar*, the project has contributed to raising awareness of the general school population and the teachers on the issue of FL.
6. Overall the project has been extremely pro-active in all its components, and the partners interviewed consider the ILO's participation in this project as a

critical element in ensuring that the combat against FL is kept among the list of government's priorities.

7. A major challenge that remains today is to create the same network of champions at state level and ensure that the combat against FL can also be institutionalised in the states.
8. A major difficulty in the case of Brazil in recognizing the existence of FL among all ILO constituents is the difference between what in Brazil is coined as "Slave labour", as compared to "Forced Labour" and "degrading labour" as defined in the national legislation, as the limits of these can be sometimes subject to interpretation. FL opponents argue that only degrading labour exists, but no FL. For all practical purposes, Brazil uses the "Slave labour" terminology which creates a stronger impact on public opinion, and has been spreading the use of this term during the past years, despite the fact that it is not reflected in the ILO conventions terminology.

## BACKGROUND AND PROJECT DESCRIPTION

The project “Combating Forced Labor in Brazil (BRA/01/50M/USA)” was designed by the International Labor Organization (ILO) and financed by the US Department of Labor (USDOL) initially in the amount of US\$ 997.498. It began on April 1, 2002 and was scheduled to be completed by April 2005. In 2003, the project was granted an additional US\$ 778,000 by the same donor, bringing the project total to US\$ 1.728 million, and the project was extended until December 2007.

The project falls under the USDOL/ILO agreement to provide technical assistance to a number of countries, to help them to fulfill the principles of the “Declaration on Fundamental Principles and Rights at Work,” which includes the ILO fundamental Conventions number 29 and 105, both ratified by Brazil.

According to the project document, “The main feature of forced labor in Brazilian rural areas is the use of debt mechanism to immobilize workers in states until they can pay off debts that are often fraudulently incurred. Other frequent features are the retention of identity documents and work papers and the use of physical threats and punishment by armed guards. These practices are illegal in Brazil but very difficult to fight because of the large geographical size of the country, the remoteness of many rural activities and the difficulties of access and communications.”

Precarious labor contracting, insufficient labor field inspections and the existence of legal and institutional loopholes contribute to weaken the effectiveness of repressive actions and punishment. Most of the forced labor workers are illiterate and do not have any official identity papers. Recent 2007 estimates from MTE indicate that most FL workers are males over between 20 and 40 years of age. The economic activities most prone to forced labor practices are agriculture, animal husbandry, forest clearance, vegetal charcoal production (only 12% in the last product chain study), grass-seed sowing, sugarcane harvesting, cotton, coffee and mining.

The ILO project objectives were revised in March 2005 as a result of a joint donor and ILO/DECLARATION mission and the overall objective of contributing to the elimination of FL in Brazil was articulated around four immediate objectives (originally the project only consisted of two immediate objectives):

- I/O 1: Increased awareness of the existence of FL and the strategies and actions to combat it;
- I/O 2: Strengthened integration of the CONATRAE and other key partners;
- I/O 3: Improved application of national and international FL standards;
- I/O 4: Implementation of measures to prevent recruitment

The practice of FL is a serious human rights violation and the ILO/USDOL project seeks to reinforce current actions to fight such practices, while strengthening inter-agency coordination mechanisms (especially through the institutionalization of CONATRAE) and by supporting the repressive role of mobile labor inspections units and its partners.

### Historical background and context

The project was conceptually developed under a different government and political environment. However, by the time the project began implementation and the NPC was recruited, elections were scheduled and led to a change of government in 2003. The change in government was extremely positive for the project environment, as the Labour Party's triumph at the polls led to a clear commitment to better Labour conditions and application of international labour standards. This change in government had two direct consequences on the way the project was able to develop. One, that the previous institutional mechanism for combating FL, the GERTRAF, which only included government institutions and lacked participation from civil society and non-government actors, was replaced by Presidential Decree by the CONATRAE, which was seen as a more widely representative and participatory mechanism for combating FL in Brazil. The CONATRAE, in its capacity as one of four existing Commissions in Brazil, was further linked to the President through the Minister (National Human Rights Bureau - SEDH), who chaired the CONATRAE. At the same time, and with some direct technical input from the ILO project, a National Plan was launched and endorsed again by the President for the eradication of FL in Brazil.

However, despite the re-election of the Brazilian President in 2006 there have been many changes in government. According to all interviewees, the coalition government is in a much more delicate political situation than in the previous government. As a result, the much debated PEC 438/01 calling for land expropriation of those found guilty of using forced labour has virtually no chance of passing both chambers of congress. Conversely there a number of legislative initiatives which are set to limit the power of the state and some of these are directly related to labour issues, such as the "enmienda 13", which had passed congress without any objections in the Senate, only to be vetoed by the President, and which limits the power of labour inspectors. However the veto can be overridden by a 60% congressional majority, and it is very possible that the proposal be passed again, this time over the presidential veto.

In this constantly changing Brazilian political landscape, the ILO project provides some stability and serves as a reminder to lawmakers, the public, the government and the ILO constituents that FL must be fought by all available means. Two emblematic figures of the combat against FL, Brother Henri des Roziers, of the CPT, and Leonardo Sakamoto, head of the NGO Reporter Brazil and responsible for the chain product studies, are again receiving deaths threats (both are critical partners for the project, and the first one is receiving constant armed protection – but there is no information regarding the origin of the threats). This is only an example to underline that combating FL is not an easy, risk-free task.

In the project environment, there were three major changes since the mid-term evaluation of 2006: The collaboration with the ILO TIP project, funded by USAID, which also includes an FL component, the resignation of the NPC at the end of August 2007, and the governmental changes in the partner institutions as the result of the election.

## PURPOSE OF EVALUATION

According to the evaluation Terms of Reference, the purpose of the final evaluation is to:

- a) determine if the project achieved its stated objectives and explain why/why not;
- b) assess the impact to date of the project.
- c) assess the prospect of sustaining these impacts;
- d) provide recommendations on how to improve impact of potential future funding for forced labour projects in Brazil, both in terms of sustainability of the efforts and of the project's performance;
- e) report on lessons learned and good practices.

The Evaluation Team should examine in relation to the project's performance and activities during the life of the project:

- The validity of project objectives, strategy, and assumptions.
- Stakeholder buy-in, support, and participation in the project.
- Barriers to successful implementation.
- Impact/benefits accrued to the target groups thus far.
- Efforts by local stakeholders to achieve sustainability of the process initiated by the project
- Effectiveness of management performance by DOL, ILO, NPC
- Effectiveness of project performance monitoring.

In addition, the final evaluation should provide the donor with the feedback and information needed to assess, and possibly revise, policies, strategies, data collection methods, objectives, institutional arrangements, work plans, and resource allocation for future projects.

A mid-term evaluation was conducted in May/June 2006. The final evaluator must verify whether the recommendations made in the mid-term evaluation were carried out, or if not, why not, and if adopted, whether intended results were achieved as a consequence.



## EVALUATION METHODOLOGY

The evaluation team used a multi-method approach to examine the project. Initially, a documentary review was undertaken, which was completed by additional documentation received during the field mission. The bibliography is included as annex 5.

The second method used was direct interviews with key informants. The evaluation team, to ensure consistency in the line of questions during the interviews, developed an evaluation matrix which was discussed and revised with the ILO and USDOL during the pre-trip conference call on 7 November 2007. It is also included as annex 2.

The third method used was observation.

The evaluation undertook a total of 32 individual and group interviews in 3 different locations: Brasilia (where all Federal Level key informants are based), in Sao Paulo (media, NGOs, civil society and universities), and Belem in the State of Para, where the FL problem is particularly keen. A complete list of all persons interviewed is attached as Annex 3:

Deductive inquiry was applied to the interviews. Most interviews were held in Portuguese for the CONATRAE and government partners, plus two in English with a private businessman and an advertising firm. For interviews with the ILO office and project staff, the interviews were held in English and/or Spanish. Interviews with NGOs, politicians and at field level with partners were also held in Portuguese.

Triangulation (cross validation with three different sources – documentary, observation, interview or other to confirm findings) was used throughout the evaluation as a standard quality tool.

Prior to undertaking the field visits, the team held a conference call (TPM) as foreseen in the TOR with the donor, project assistant, ILO/DECLARATION and the evaluation team leader.

Bias and constraints: Interviews were requested with the following key informants but they were unavailable to be interviewed: The Federal Police, the CNA, supreme court judges, or private companies such as Vale. In Belem the governor (formerly interviewed as senator for Para state) was on a trip, as well as the SEDH secretary. As in the mid-term evaluation the presence of the ILO team member did not prevent informants from speaking freely.

The final evaluator undertook the mid-term evaluation and is therefore fully cognisant of the issues raised., Although the evaluation covers the entire project life cycle, the primary focus of the final evaluation was the period from the last mid-term (May 2006) through November 2007

## PROJECT STATUS

Since the mid-term evaluation in 2006 the project has further contributed to critical support in several major accomplishments :

- 1) the creation of the Federative Pact (recommended by the mid-term evaluation) through pro-active lobbying and discussions by the NPC with five state governors and their secretaries;
- 2) the holding of the first COETRAE with ILO FL funding support (US\$ 6,000), and the establishment in States such as Para of an official COETRAE structure with the objective of implementing the state plan on FL;
- 3) the preparation, contribution and review of five state plans, and the holding of CONATRAE sessions in the states to allow for state participation and the establishment of linkages between the CONATRAE and state level institutions;
- 4) the continuation of the support to the National Pact with a second product chain study already finalised and realized by Reporter Brazil;
- 5) the strengthening of reintegration activities through the intervention of the FL project with the German embassy to obtain funding for an expert consultant to facilitate the positive reintegration work of the ICC in Maranhao.

In addition, another set of activities have been taking place and will be completed in the near future :

- the preparation of the publication of a photographic book on FL, through a US\$ 135,000 donation from the Vale Foundation;
- Monitoring of the National Pact through the work of the Osservatorio Social (presentation of results in Sao Paulo on the last day of the evaluation);
- An atlas on FL with the university of Sao Paulo;
- A profile study on FL with the Federal University of Rio de Janeiro (three social researchers met during the evaluation)

Regular activities also continued until essentially the departure of the NPC in August 2007, including training to FHR police in nine states, holding various seminars and events and launching new publications (such as the ILO-financed booklet “juridical possibilities for combating modern slavery”) which have been highly appreciated for prosecutors as a good instrument to facilitate their work.

The project has continued its workplan activities throughout 2006 and 2007. Given insufficient funds some activities such as the training of media correspondents, or the funding of literacy classes in high risk areas, were not held. However there is a bridging proposal already officially accepted by the ILO for one year (under SAP/FL oversight) so that some of the FL activities may continue.

## MAIN FINDINGS

### 1. Validity of the project methodology and approach

The project was designed before the current government came into power and was foreseen to work through different structures and mechanisms, namely the GERTRAF. As a result of the presidential elections in 2002, a new government came in power in 2003 and gave strong political support to the eradication of FL in Brazil. The original design and approach were reviewed by the first joint ILO/USDOL mid-term evaluation in August 2003, which concluded that “the project’s overall strategy seems to be changing both to encompass a wider set of social partners (through the recently created CONATRAE) and to focus on the actions supporting the National Plan to Eradicate Forced Labour)... In its second phase the project enters into a more operational stage, a stage where specific instruments should be tested and implemented at a pilot scale”.

The first shift to actively support the CONATRAE and contribute to the National Plan was clearly achieved by 2006, as the project had provided direct support and was instrumental in the development of the National Plan. However, the project did not operationalise any instruments at pilot scale as foreseen in the project document and focused on developing strong links within the MTE and the CONATRAE. Given the early difficulties in obtaining support within the MTE for the project, attention was shifted to support to the CONATRAE, which led to a turn-around of the MTE’s position as regards to the project. However since the second mid-term evaluation in May 2006, many changes have taken place including the change of Minister heading the SEDH. There has been a request from the SEDH Minister to move the FL issue to the MTE – not due to a low interest on FL issues, but because of comparatively higher priorities for other human rights issues which the SEDH must deal with. In concrete terms however, the positive dynamics of the CONATRAE as were witnessed in 2006 are no longer there, and most key informants agree that it has lost its momentum and does not support the efforts to combat FL as it had in the past. The ILO project has no influence on the change of ministers, and is doing its best to keep the FL agenda on the table – but the dynamics of 2006 do no longer appear to be there.

### 2. Project activities quality and impact

In line with the findings of the second mid-term evaluation in May 2006, the quality of project activities has been quite high on various accounts, in particular the following activities/outputs:

- 1) The materials developed for the media campaign are excellent and have a very strong visual impact, from the posters with hands of FL workers holding vertical guns, bamboo bars and others, as if in a jail, to the logo of the project itself. The media campaign is very good and contains excellent graphics, clear messages, high visual impact and contributes to dissemination and visibility on the existence of FL. That is a critical achievement in a country where part of the public had doubts about the

existence of FL when the project started in 2002. The media campaign, which supported both the FL project as well as the launching of the National Campaign since 2003, was clearly an element of dissemination on the existence of FL, and captured the attention of the media (press, radio and television).

- 2) The product chain study is also of very good quality, with a mapping of the different actors along each product chain study. Given the high impact of the first product chain study, its linkages with those signatories of the National Pact, a second study was commissioned and is just being completed by Reporter Brazil under ILO funding (the evaluation mission has seen the first draft of this new study covering 15 different sectors) and believes it is likely to be just as good as the first study. The study is about those who are listed in the dirty list, in order to map out where and when the introduction of FL practices takes place. The only concern for the evaluator is whether the methodology used (particularly the evidence) is credible enough not to be contested by FL opponents – although this has not been the case so far.
- 3) Another high quality activity has been the workshops, seminars, meetings, media interviews, that the project has undertaken over its five-year time-frame. This was directly linked since the project inception to the personality and commitment and skills of the NPC, and participants to the various events realized by the ILO all recognised the quality of the ILO presentation/facilitation or interventions, as well as the usefulness of the material produced. Among the numerous outputs the compilation of the jurisprudence, and more recently the launch (on 23.11.07) of the ILO-financed booklet “juridical possibilities for combating modern slavery” are particularly useful references for judges and prosecutors and disseminating messages on FL rulings and legal texts.
- 4) The database is now being used by the MTE, but it is not yet fully operational. While the head of the database in the MTE indicated that the part of the database that is operational is very useful and of good quality, he also indicated that only 25% of its potential was being used. To reach a higher use of its potential would require some tweaking in the programming aspects, and the MTE has requested technical support to the ILO during the evaluation for one year to solve the constraints which remain in taking full advantage of the database. Noteworthy to mention is that with the exception of CPT, project partners have not been using the database, nor shown much interest in it, as they were not included in the design phase but instead presented with a product which does not appear to support, at this stage, their specific needs.

In terms of impact, these have been manifold. One of the major impacts has been the project’s capacity to raise the general level of awareness on the FL issue in Brazil. There has been so much done over the five years in terms of national campaign, presentations, media coverage, interviews, workshops, etc., that key informants agree that the situation has substantially changed on the general awareness on FL issues. More significantly, some key informants are talking about changes in the private companies and fazenderos as regards to

FL, since both the repressive actions of MIU inspections, negative examples such as the dirty list, coupled with positive models in the signatories of the National Pact (and the innovative ICC reintegration activities) have signalled in an unequivocal manner that FL is a serious offence and that there is more willingness to combat it than before. According to respondents the 100 signatories of the National Pact invoice annually the equivalent to 20% of Brazil's GDP, which shows how large companies have come to adhere to social corporate responsibility initiatives. However from the monitoring of the National Pact by the Social Observatory, it appears that not all Pact signatories are complying with the contents of the Pact itself.

Another major impact has been the way the ILO project has been able to bring partners and articulate these into constructive networks at the national and, more recently and as a recommendation of the May 2006 mid-term evaluation, at the state levels.

Finally another major impact is directly linked to the nature of the ILO. By being an international United Nations Organisation with a tripartite constituency, ILO is a much more legitimate, credible and respected organisation, than any national organisation in Brazil. Therefore it has a specific weight by taking up the combat against FL in Brazil. One of the key informants suggested that the major impact of the ILO project was simply to have the ILO support the efforts to combat FL, and that it was not related to the budget or the activities of the ILO project itself. The ILO itself is therefore both a driver and a catalyst for combating FL in Brazil.

#### Positive examples from the private sector: the ICC

There have been some excellent initiatives in the productive sector, such as the establishment of the ICC (Instituto Carvao Cidadao), which was created in August 2004 and based in Maranhao State (and covering the four states of Pará, Tocantins, Maranhão and Piauí) . Further to the May 2006 mid-term evaluation it has continued along its lines of work (audit and compliance of its members) and has received in 2007, through the ILO FL project intervention with the German embassy, support from GTZ to pay a consultant's salary to assist ICC in its reintegration activities (previous FL workers). The original agreement is for the ICC to be able to reintegrate into decent work some 200 former FL workers over a ten month period. However the first consultant recruited to support the ICC was not considered suitable and had to be replaced after three months. To date, ICC has 103 former FL workers in the reintegration process (of which only 12% were in the coal sector, the majority having been released from agriculture and animal husbandry FL) with an additional 43 waiting to be enrolled. This is also a good example of quality work and innovative approaches to combating FL.

As regards their audit work, some 1,500 coal producers have been audited by ICC, representing 22,500 workers. Of these 22,500 81% have all their documentation in order. This percentage is actually higher than the percentage of urban area workers having all their papers in order, and can be considered as a success and shows a positive change in the employers relationship with

the workforce. It needs to be recalled that the ICC would not have existed without the (non-financial) support received from the ILO FL project.

Although others are trying to emulate the example of the ICC, for example the Social Cotton Institute, the key informants met (including a major private agricultural company) do not believe that the SCI is going beyond a simple declaration of intent, and that they are using the SCI more as part of a marketing strategy than for real efforts to combat FL.

### 3. Project implementation

The project has not developed linearly from the beginning. Initially, the project was funded in FY 2002 for an amount of US\$ 997,000. In 2003, activities were expanded into additional geographical areas, including public awareness campaigns, training activities for labour inspectors and prosecutors, and training for Federal Police and Federal Highway Police. To this end an additional US\$ 731,000 was allocated to the project by USDOL, bringing the total contribution to US\$ 1.728 million and extending the end date to December 2007.

A first mid-term evaluation was undertaken in August 2003, which highlighted that *“the project has been able to produce a very positive change in the national attitudes towards the seriousness of the forced labor problem”*. The mid-term evaluation also identified the FL policy matrix’s three main components of prevention, repression and reinsertion as the three project pillars. At the end of February 2005, a joint donor/ILO mission went to Brasilia and worked with the project staff on a revised Strategic Framework and the PMP. The revised SF had as overall development objective to contribute to the prevention and elimination of Forced Labour in Brazil, in line with the original project document, which is now articulated by four immediate objectives, different from the two immediate objectives in the original project document.

Table 1. Comparing the original project document with the revised SF

<i>Original project document 2002</i>	<i>Revised Strategic Framework March 2005</i>
I/O 1. To strengthen and coordinate actions of GERTRAF’s members and other key partners to combat forced labour	I/O 1. Increased awareness of the existence of FL and strategies and actions to combat it
I/O 2. To rehabilitate and prevent rescued workers from falling back into forced labour	I/O 2. Strengthened integration of CONATRAE and other key partners
	I/O 3. Improved application of national and international FL standards
	I/O 4. Implementation of measures to prevent recruitment

The comparison shows that one of the two original immediate objectives, namely to work at the ground level with direct activities for the affected population, was dropped in the revised SF. Prevention was tackled from a different angle (I/O 4) and, thus, the direct rehabilitation/reintegration component was dropped. Funding was allocated by USDOL in the amount of US\$ 1.5 million to CRS for undertaking the rehabilitation and reintegration component through a separate project, which is not directly linked to the ILO project itself. I/O 1 of the original project document became I/O 2 of the revised SF, which also added three new I/Os 1, 3 and 4.

Table 2. Achievements according to the project immediate objectives (I/Os)

<i>I/O 1. Increased awareness of FL</i>
Fully achieved. Initially only very few people in specific circles of government and MTE knew about FL. A national campaign was launched with substantial economic support from the private sector (US\$ 15 million) and contributions from the media and business world. Targeted activities to key decision makers (prosecutors, judges, police) also contributed to increased awareness. This is clearly a major achievement according to key informants interviewed. The weaker aspect is that while at national level there has been a substantial change, efforts remain necessary at the decentralised State levels to increase awareness, although since 2006 the CONATRAE held its meetings in different state capitals and increased dissemination efforts at the state level, with support and presence of the ILO FL project.
<i>Voluntary compliance agreement signed</i>
Another major achievement has been the creation of a voluntary list of signatories articulated around the Ethos Institute and the ILO project, which has stemmed from the chain-product study. The current list of companies that have subscribed to this National Pact to eradicate FL in Brazil, includes 100 signatories as of November 2007 and represents a substantial part of the commercial sector (20% of Brasil's GDP in terms of annual sales) including companies such as Carrefour and Petrobras. The oil extracting industry, some of the major industrial and financial companies, including Banco do Brasil, as well as the steel and iron industry, and some of the agricultural producers (where most of the FL is statistically taking place) are also represented. This is clearly another positive and visible tool of success in the combat against FL.

*National state plans developed*

Since the project started, five States have developed plans as a result of the National Plan, CONATRAE and ILO efforts: Pará, Maranhao, Mato Grosso, Tocantins and Piaui . However, unlike at national level where there is now strong support from various partners, institutions and politicians, dynamics are yet to be articulated at the state level. These five states represent the core states where FL practices exist, and as a result of the project's suggestions and efforts, not only have five state plans been developed, but also state level COETRAE have been created to replicate the national level forum in order to combat FL (and also given the creation of the Federative Pact). The evaluation mission visited Para state and the Governor had issued a decree in September 2007 regarding the creation of the COETRAE and its membership, which includes as a participatory measure eleven NGOs as observers, in addition to the fourteen government representatives from the line ministries in Para State. This is something that would have been unimaginable five years ago.

*Diagnostic studies published*

The project commissioned three emblematic studies, which have been instrumental in a series of initiatives for combating FL (such as the National Pact) both within and without the CONATRAE. One has been the chain product study (first study in 2005, second study in 2007), while the third study was commissioned by SAP/FL (ILO HQ) and conducted apart from the project activities as a supplementary study of slave labour in Brazil. These studies were all conducted by L. Sakamoto from the NGO Reporter Brazil (one of the project partners), and the second chain product study is just about to be finalized.

*Articles published in newspaper*

The project has achieved this objective. As a result of the national campaign, the number of articles increased 1900% from 2002 to 2004. It continued to obtain a high media coverage in 2005, but with a drop from the 2004 peak figures (1,518 new articles in 2004 versus 987 in 2005, 576 in 2006 and 520 as of August 2007 according to the TPR). Attention decreases as time passes and other issues take a higher profile in the press, particularly during the 2006 electoral year. Of particular interest are the alternative marketing strategies which can be developed by publicity agencies to offset the media coverage and keep up the message to combat FL. Noteworthy, the media are keen to give coverage to "SL" information, but much less if it is presented as "FL" information, and not at all if it is "degrading labour".

*I/O 2. Strengthened integration of CONATRAE and other key partners*

This is one of the major achievements of the project. The project increased the CONATRAE's capacity to link, motivate, share information and network with key actors in the CONATRAE and have a common agenda for combating FL. All 16 CONATRAE members interviewed in the May 2006 mid-term evaluation recognised this as one of the main project accomplishments. However the political changes including at the change of Ministers as head of the CONATRAE have led to a change in the dynamics and relationship with the partners, and in the view of interviewees a certain set-back in the agenda to combat FL.



#### *Database implemented*

The database has experienced delays due to two problems: The first given to the technical difficulties relating to the establishment of the database and the second relating to the staff turnover at the Ministry. The evaluation team witnessed a presentation of the database after it just started operating in 2006. At present the MTE is quite happy with the information and usefulness of the database. However it is only exploiting some 25% of its potential, as it needs further refining on the technical side. Furthermore, not all the information that needs to be entered into the database is available at the initial stage of the inspection, which means that some of the information can only be entered when the process is completed (contrary to the anticipated capacity to feed all information directly from the point of inspection). There are therefore some conceptual shortfall given assumptions which did not materialise in practice, while at the same time some further technical support is necessary for the database to be more completely utilized. Other technical difficulties such as different references that cannot be shared between the ILO supported and the overall MTE database make it a little more difficult to use. The database is primarily used by the MTE, and not the CONATRAE or its members, with the exception of the CPT. There are now currently 11,000 entries in the database, and another 4,000 cases need to be entered. A first rough search among the 11,000 cases seems to indicate that only 200 of these have been rescued more than once (1,8%). This information is not cross-checked or certified by the MTE but if correct, would indicate a very low figure of cases who return to FL after having been rescued, something against the conventional wisdom. As far as possible the MTE requested further support from the project to tweak the database and be able to use its entire potential.

#### *I/O 3. Improved application of national and international FL standards*

During the project life there have been substantial changes in regards to both national and international FL standards that have been detailed in the different technical reports and status reports submitted by the project. The project has clearly achieved the objective to contribute to the application of FL standards. A number of changes occurred in 2003 and 2004, as in 2005 the political situation occupied the top of the agenda. Also some tools were created to improve the application of FL standards such as the public "dirty list" of the companies found to be using FL prepared by the MTE, which is a strong advocacy and pressure tool. On the positive side, the National Pact (companies who declare they and their suppliers are not using FL in the product chain) is now over 100 companies strong (versus 73 as of June 2006).

*Improved legislation to combat FL*

There have been some improvements in the legislative field. There was an alteration of the penal code to include an increase in sentence time for FL in article 149 that may be considered as an improvement. Another important element was the creation of Mobile Labour Courts in TST as early as in 2002. A series of initiatives were undertaken at different levels – such as the creation of a specific budget within the TST for FL – the creation of specific groups in MPT, MPF and OAB and the creation of 2 additional mobile inspection groups destined to regions of high slave labour incidence, etc.

A ruling in 2007 by the Supreme Court that FL was a criminal offence has been widely acclaimed by the actors combating FL, although it is not considered as a leading case. Since 2005 the political situation has been shifting with a larger conservative membership in congress, leading to limited room to pass legislation related to FL. Particularly the PEC 438/01 (land expropriation for those convicted of using FL) has no chance whatsoever of passing congress, and for all practical purposes is considered as a dead issue.

On the contrary with the new congress in 2007, there have been counter-measures to try to limit the authority of labour inspectors (Enmienda 13) which surfed through congress with full approval of the Senate, and was finally vetoed by the President (but the veto can be overturned with 60% congressional majority, something which is very likely).

So the initial positive dynamics from 2002 to 2005 are now turning to much more conservative legislative proposal – against the interest of those combating FL.

*Legislation drafted*

There has been alteration of the penal code increasing the sentence for FL under the article 149.

*Increased capacity of enforcement agencies*

Through training, joint activities and pro-active advocacy for increased MIU activities the project has supported the increased capacity of enforcement agencies. In particular a close collaboration has developed between the Federal Highway Police and the FL and TIP projects, with 429 police officers trained in 9 states.

Two additional mobile inspection groups have been added. According to the PMP some 1,000 workers had to be rescued yearly, but in 2005 4,113 workers were rescued (410% increase), 3,390 workers in 2006 (339%), 3434 workers in 2007 (as of August 2007, a 343% increase).

In Para state the evaluation was able to collect some statistics regarding the number of operations undertaken both in Para as compared to the national average, for the years 1995 to 2007. The information is included as annex 4. Since 1995 for the State of Para alone some 9,579 workers have been rescued from FL, more than a third of the national total of almost 25,000 rescued workers.

*Enforcement agencies trained*

The project has conducted more than 66 seminars, conferences, workshops, fora, and other forms of dissemination and capacity building throughout the project life reaching various target groups totalling some 14,347 people.

A major constraint is that the Federal Police does not have a specific FL unit appointed for the raids. Furthermore FL raids have a low profile within the Federal Police, as compared to higher profile work (drugs, murders, etc.), and it is difficult to find volunteers to accompany the raids. As a result, it can be time consuming to obtain the necessary police protection for raids. However, an important step to streamlining the whole process of the MIU is to have a core group of dedicated individuals from each of the constituencies (Labour inspectors, Prosecutors, Federal Police, and judges in the cases of the mobile courts). Task forces were articulated with both Federal and Highway polices, but due to political issues and coordination movement, they were not consolidated.

In Para state the head of the FHR was certainly very committed to supporting the efforts to combat crime in his state and is willing to fill in when other police forces are not available.

*Jurisprudence compiled*

The project has achieved this task and a CD has been produced containing all jurisprudence on slave labour until 2005. According to interviews with justice staff, including judges, prosecutors and attorneys, this compilation is very useful and provides updated information of all the rulings regarding slave labour. This is key for some judges who were not necessarily aware of the existing jurisprudence in other states and provides a very good support for the justice system. In November 2007 a booklet was launched about the “juridical possibilities to combat modern forced labour”, much acclaimed by partners.

#### *I/O 4. Implementation of measures to prevent recruitment*

This is a new I/O added in March 2005 following the elimination of the original project I/O 2 that addressed the rehabilitation and prevention of rescued workers from falling back into FL. The initial objective was dropped after CRS was tasked with this approach under a direct US\$ 1.5 million appropriation from USDOL for a separate project. As a revised objective, the implementation of measures to prevent recruitment at national level appeared an alternative to the original project I/O 2. However, there has already been numerous awareness raising events and national campaigns and other forms of dissemination ongoing from the beginning of the project. Therefore, despite being a new I/O, the project activities pre-empted the I/O 4 by already covering these activities as part of the regular project work plan.

In December 2005, the Federal Government, CONATRAE and the project officially launched a Preventive Campaign. The preventive campaign material has been widely disseminated among the key partners, who have distributed them among the rural workers including CPT, Contag, Highway Police, among others. Also, a Brazilian TV Channel (TV Futura) produced a marionette play using the theme, which is being broadcasted all over Brazil at Futura Broadcast TV. The biggest Steel mining company printed 300,000 brochures and 4,000 to be distributed on preventive campaign. These printing costs were up to: R\$ 92,000 (US\$ 41,000). Other ideas and contributions were the inclusion of FL in one episode of one of Brazil's most popular soap operas (novelas), initially an idea from the advertising firm that has been working with the project on the national campaign.

#### *Information campaign for workers in targeted communities*

Some specific activities at the ground level have been realised, such as a project named "Escravo nem pensar," aiming to instruct teachers and educators of the public school system to introduce the subject of slave labour in classroom activities. The FL project also supported an extension of the project into new municipalities.

Discussions are on-going with three private companies for providing a literacy class programme (15 classes of 20 students) in at least one municipality as part of prevention in vulnerable recruiting areas.

There is another project financed by USDOL through CRS which is dealing much more at the grass-roots level. While the ILO project has supported excellent initiatives like "Escravo nem pensar", the information campaign in targeted communities is essentially being realised by the different partners who are present at community level.

#### *Highway Police trained to stop transit of slave labour*

Major progress has been undertaken with the FHP, but it needs to be stated that all the training and material produced, while also covering FL issues, has been financed and supported by the TIP project (and not the ILO FL project) and has essentially developed a map of all points on the Federal Highway Network where crimes are being committed, with a clear focus on sexual exploitation. It is unclear to the evaluator how the HP can identify a case of FL before it has actually taken place, while the workers are in transit.

### *Train civil society & local government to prevent recruitment*

In total since August 2003 more than 66 events covering 14,347 people have taken place. Among these events both general public and targeted seminars for specific constituents are included. This does not include the media coverage and TV series on FL. The ILO FL project has been extremely active and successful in organising and participating in public events and specific activities in order to increase the number of actors committed to the cause of combating FL.

### 3. Barriers to successful implementation

There have been many constraints to successful implementation:

One such constraint has been the number of political changes (2006 electoral year with a government on stand-by, 2007 new government and changes in CONATRAE) which has brought changes in the institutional partners and therefore obliged the project to try to regain the momentum that was achieved under the previous government.

A second constraint has been the lack of a Project Steering Committee<sup>1</sup>. In absence of such a committee, the project NPC and the ILO Office have been solely responsible for the execution of the project, without officially having its tripartite constituents endorse project management decisions.

Linked to this second constraint is the positioning of the ILO to use the term “slave” labour instead of the term used in its conventions which is “Forced” labour. This has likely further contributed to having constituents such as CNA consider that the ILO was unfairly siding with workers and government instead of developing closer ties with employers associations.<sup>2</sup>

In the legal arena there have been advances and set-backs, and more may be coming. While it was eventually ruled in one Supreme Court case that the FL crime was a federal offence, it is not yet a leading case and therefore the ruling may not apply to all future cases to come. Likewise the PEC 438/01 to expropriate the land from the FL employers will not be passed in congress by all accounts given shifts in the political balance and a higher number of congress people aligned with less repressive legislation for the landowners.

Another constraint was the untimely departure of the project NPC in August 2007 before the end of the project and the lack of an appointed substitute.

### 4. Management performance

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<sup>1</sup> This structure was foreseen in the original project document under the name of “PAC”, project advisory committee, and had to be chaired by the Ministry of Labour or his deputy (cf. original project document)

<sup>2</sup> comment from ILO Brasilia : “We think that this is not the main reason as to why they have been criticizing us. CNA does not agree as to the concept of FL used by the ILO and the stakeholders. They are much more against the “dirty list” and its implications than the terminology being used. They state that the dirty list does not give the land owner the right to defend itself”. Evaluator’s comment : this is correct but a softer wording than Slave Labour could be interpreted as an attempt by the ILO to be more receptive to employers associations’ position.

As mentioned in the May 2006 mid-term evaluation, the project has reportedly been well managed both in terms of preparation of activities and in terms of resource allocation, with a delivery rate of 86% for 2005. The project has also successfully passed a financial audit carried out between the 6 and the 9 of September of 2004.

In the last year (2007) however there have been some difficulties, linked on the one hand to the depreciation of the US dollar (3.84 at the beginning of the project, current exchange rate 1.60) versus the Brazilian real, but also due to the lack of internal coordination with the TIP project, for the funding of FL activities during 2007, although TIP ended contributing some US\$ 500,000 to the FL project. The majority of the 2007 FL project funding was used to cover the cost of salaries, and the project requested financial assistance from both the TIP project and SAP/FL to complement the activities that could have been funded under the FL budget. The project has always had a very lean structure, with only three staff on the project budget : the NPC, one assistant, a media and communications officer. Unfortunately the budget in 2007 to keep the 3 posts was insufficient and the media and communications officer could no longer be assured. He was however maintained on staff by the ILO Brasilia Office and did continue to support the FL project.

In August 2007 the NPC resigned from her position. With the departure of the NPC the project hangs on one person, the project assistant, with support of the TIP sub-coordinator for FL issues. This is not conducive to a good working environment and put unnecessary pressure on the project staff. As a result some of the information that appear in the TPR and status reports have not been verified. For example the Supreme Court Ruling does not mean that all FL cases henceforth will be considered as a federal offence; or that the problem with Bolivian FL is solved (discussions with key informants in Sao Paulo indicate that the problem remains).

Linked to management performance is the peculiarity that this project, unlike most other ILO projects evaluated, has no project steering committee.

## 5. Project activities in relation to budgetary allocations

Discussions with the project staff showed that budgetary allocations have been sufficient to cover the project activities until 2007. This was partly the result of the initial slow spending of funds at the onset of the project. In 2007 there were very few funds available. The FL project requested the TIP project and SAP/FL to assist in financing some of its activities in 2007, but this was not done to the extent desired by the FL project NPC<sup>3</sup>. Furthermore, the US dollar's

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<sup>3</sup> ILO Brasilia Office comment: " we do not agree that the project has not undertaken (funded) any activities in 2007. There were allocations for activities. It is right that there weren't sufficient, but there were allocations and in the end of the year all of the provisions for cost increase which summed up to more than US\$ 57,000 were used to fund activities. The project funded the launching of the publication "Possibilidades Jurídicas de Combate à Escravidão Contemporânea no Brasil" (US\$ 10,000). The Project funded the missions of the former NPC to the states involved in the Federative Pact and the creation of the first Coetrae (US\$ 6,000). The project also partially funded the continuation of the preventive

depreciation strongly accelerated in 2007 leading to the need for budget revisions to ensure sufficient funds were available to cover the salaries of project staff.

## 6. Coordination

The governmental CONATRAE is responsible for coordinating activities to combat FL and for the implementation of the National Plan. The Minister, Head of the Special Human Rights Bureau, reporting directly to the President, chairs the CONATRAE. The CONATRAE meets at regular intervals and is comprised of some 22 members from government, private associations and civil society groups including NGOs (with a growing number of observer members). With the change of government a new minister has been appointed as head of the CONATRAE. Under his leadership a request was made to transfer the FL issue to the MTE, rather than keeping it under the SEDH. While the new minister is certainly concerned about FL, it is not a top priority on his agenda. Also the personal style is quite different from the former chairman, who was more outspoken on FL issues.

Although substantial work was done up to the end of 2006, the various changes in government in 2007 seem to signal some weakening of the previous CONATRAE's dynamics

Further meetings of the CONATRAE took place in the State capitals during 2007, as a measure to decentralise and disseminate its work in those states where FL is an important issue. It also helped in fomenting the discussions about the existence of a State-level equivalent, the COETRAE, which now exists in some states (among which Para, one of the destinations of the evaluation mission).

## 7. Sustainability plan or exit strategy

The issue of sustainability was not really a key element at the time of the evaluation, given that the ILO had advised that a one-year continuation of the project (called a bridging project) was almost certain, despite not yet being official. As such the ILO project is simply expected to continue with a different funding source in 2008, during which time a larger project may be developed by the ILO for a continuation of FL efforts. To a certain extent it appears that the early success of the project already obtained other donor's attention and commitment to support the approach in combating FL.

On the less positive side, it remains a major weakness that the ILO FL project does not have a build-in exit strategy (e.g. how to close-out a project, or how to

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campaign (US\$ 5,000). We also think that what is more relevant to the achievement of a strategy is not where or how it is being funded, but to know that it is taking place. Throughout the project, and especially in 2007, several activities were co-funded. One of them was the preventive campaign (mentioned above), the seminars on the National Pact (2 year celebration), all of the reinsertion project going on with the ICC. “

hand it over, to whom, etc.). This is part of the lessons to be learned as all projects should have a phased closing, rather than simply shutting down when funds are no longer available. The lack of an exit strategy is an existing gap in the project document, although the activities which were all realized with the partners can be considered as sustainable since they will continue in the future subject to the partner's capacity to find alternative sources of funding to replace the ILO's FL project support.

## 8. PMP

The mid-term evaluation had identified that the PMP was actually developed three years after the launch of the project, and essentially as a donor request. It also stated that the indicators were not all relevant in order to capture the project's achievements, but did not call for a revision of the PMP given the short remaining life cycle of the project (until December 2007).

Since then the project staff have simply devoted their time to other priorities in line with the Federative Pact, State Plans, and other studies and activities (second product-chain study by Report Brazil, preparing the photographic book, reviewing the activities that could be financed by the TIP project, etc.) so that there has been no change in the PMP nor any attempt to fine tune it at this stage.

The PMP came in 2005 as an attempt to make up for the absence of a monitoring plan, but did not obtain the ownership of the project staff despite its efforts to be an inclusive reporting framework.

## 9. Stakeholder commitment

The ILO project has made considerable progress towards its objectives and has equally contributed to the creation of a network of committed champions both from within government institutions and from civil society institutions tackling the battle against FL from all of its multi-faceted and different angles. A similar effort is incipient at State level (in Para) but remains tributary to pro-active ILO support if the good intentions and the partners have to be brought together in a similarly positive working environment. While stakeholder commitment exists, it is more difficult to know whether the government is allocating the resources to make these initiatives successful (e.g. no budget is included in the State plans, nor a clear delineation of by whom, how, where and when actions will be undertaken). In order to obtain similar successes at the state level as was obtained at the national level, the presence of a deputy coordinator for FL from the ILO is likely to be essential. Further comments are made in the recommendations section.

All key informants interviewed during the evaluation have stated the relevant role played by the ILO, as a specialized agency of the UN, in combating FL. The ILO has an intrinsic value as a UN tripartite organisation, and is seen as a highly respected organisation in Brazil. By engaging in combating FL issues, the



ILO sends a clear signal, both political and in concrete terms, that FL practices must be stopped. The ILO also serves as an impartial intermediary between government, workers and employers, and has the capacity to look to its constituents to study the manner in which they all may have a win/win situation in participating actively in the combating FL in Brazil.

## **CONCLUSIONS**

### **1. Validity of the project methodology and approach**

The approach followed by the project was intelligent and well understood. It enabled the project to achieve considerable progress on all fronts, despite two different governments and three administrations during the project's five years life cycle.

The project has created durable change in the combat against FL by contributing to the creation of a network of committed FL champions. The capacity both of the CONATRAE and other partners has been strengthened as a result of the project activities and flexible and sound judgement has been exerted by the project in difficult and sometimes delicate issues considering the political implications and sensitivities surrounding the issue of FL. By further encompassing and obtaining support from civil society and the media, the project has shown to have a sound and valid approach.

It is believed that the lack of a Project Steering Committee in this project, a structure that is often established in ILO projects and was foreseen in the original project document under the GERTRAF structure (under the PAC label, project advisory committee), has likely not given the chance to the NPC to be sure that the ILO's tripartite constituents were all backing the way in which the project was progressing.

### **2. Project activities quality and impact**

The quality of project activities has been found to be ranging from good to excellent (media strategy, advertising, national campaign, training). In particular the media strategy was excellent given its high visual impact and its capacity to show in one image the essence of FL.

The project has achieved almost all of the stated intermediate objectives and some positive impact beyond these objectives has also been created. Intermediate objectives related to the prevention aspect or the piloting of projects at field level was dropped from the original plan (see TPR 1.9.04-28.2.05) as USDOL determined that CRS would be implementing these projects through the grant of US\$ 1,500,000 they received from the US Government. A recommendation of the mid-term evaluation to train media correspondents and editors on FL coverage was not followed, according to the NPC, given the lack of funds.

### **3. Project implementation to date**

The project has been intelligently executed, as has proven its value and commitment to the combat and prevention of FL in Brazil. The project has further shown a capacity to create and to seize existing opportunities. The change in government in 2003 further created enabling conditions to make rapid progress towards the overall project development objective, which is also the objective of the National Plan. But since 2005, political uncertainties and changes in congress have created more constraints for the project to progress. Nonetheless the activities as foreseen in the work plan are all nearly completed.

#### 4. Management performance

The project has had adequate management performance, with some difficulties during 2007. This past year the accelerating depreciation of the US dollar, insufficient funds to cover the salaries for all three staff, the funding of some (but not all the anticipated) ILO FL activities through the TIP project and SAP/FL, and the resignation of the NPC, have been difficulties which have somewhat hampered the management performance.

In terms of structure, the project has been very lean with only three staff.. The very engaged, convincing and pro-active personality of the NPC has given her a lot of exposure, but until she resigned the rest of the project staff were little known to partners, although this improved as a result of the mid-term evaluation. The lack of an initial M&E framework (or PMP) which was subsequently made compulsory in 2005 did not allow the project to monitor adequately its activities and made it difficult to establish the causal relationship between the different activities of the project.

The financial performance has been adequate, with some difficulties in terms of early planning for the 2007 year and a corresponding shortfall in the budget projections. This was partly offset by the USAID funded ILO TIP project and SAP/FL financing some of the activities of the ILO FL project.

There is now in Brazil a Decent Work Agenda that will turn into a Country Programme. This will provide the framework and parameters for all of the ILO projects, including the three related projects on child exploitation (IPEC), trafficking in persons (TIP), and the FL project. At some stage there will be added management responsibilities in terms of oversight of individual projects in order to maintain an ILO coherent approach to Decent Work overall.

#### 5. Project activities in relation to budgetary allocations

The project has shown that a limited amount of resources managed intelligently can go a long way towards achieving the objectives, especially if part of the activities have been undertaken through a network of partners to minimise the project costs and maximise ownership and buy-in from the different partners. During 2007 however not many activities were undertaken within the framework of ILO FL project funding, since limited funds were available. Many ILO FL activities were financed by the USAID funded ILO TIP project or SAP/FL.

## 6. Coordination

The project has contributed to an improved network and coordination among CONATRAE members. The mere presence of the ILO as tripartite, international UN organisation, gives partners the view that ILO is a “heavyweight” and therefore its recommendations, position and actions have a decisive role in shaping public opinion and partners’ actions.

## 7. Sustainability plan or exit strategy

The project did not have any exit strategy or sustainability plan, although according to the ILO a continuation of the project with other donor’s funds is practically assured. Nonetheless each project should have an exit strategy from the onset.

## 8. PMP

The PMP has been prepared more than halfway through the project cycle (2005) and is essentially a donor requirement, but which did not obtain the ownership nor the active support of the project team. While it is a worthy attempt to capture some of the project’s results, it gives a certain overall vision of achievements, but falls somewhat short of the mark on reporting on the processes that the ILO FL project has triggered, or the direct and indirect economic support that the project has been able to leverage.

## 9. Stakeholder commitment

The project has enhanced stakeholder commitment and ownership through closer linkages and improved coordination both within the CONATRAE and with the wider civil society, and it has prepared some of the most concerned states to also tackle the issue of FL. There are now COETRAE existing at state level, and support to its articulation and coordination will be necessary despite committed partners at state level, just as the CONATRAE did require the ILO’s support during the past years.

# RECOMMENDATIONS

## 1. Validity of the project methodology and approach

The project has had the right approach and vision. It should have had a forum where to present its full strategy, and this sort of difficult project should certainly create a Project Steering Committee, to have its strategy endorsed by its tripartite constituents.<sup>4</sup>

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<sup>4</sup> ILO Brasilia Office comment : “We believe that this forum existed. CONATRAE meetings along the years provided the project with this forum to discuss the activities to be implemented. It was possible to guarantee their sustainability only because all the project’s activities were discussed inside CONATRAE”. Evaluator’s comment : the CONATRAE has a wider mandate than a Project Steering

At national level there is now a critical mass of committed champions both in CONATRAE, in Congress, in civil society and in some media and TV dedicated to the combat against FL. There is also now a loose network of champions at the state level, but there needs to be further support at the state level to ensure that all their efforts converge and are mutually supportive through the COETRAE.

IN CONATRAE ILO will have again to build up the partnership dynamics which have been somewhat under exploited during 2007, in order to regain constructive dynamics amongst the actors who combat FL.

It is not yet clear, over and beyond their low socio-economic status, what makes certain people more prone to being FL workers than others. Poverty is not the only factor. Further research to understand the differentiating element for FL in Brazil should be done.

Finally respondents know about the existence of the ILO project, but not much about its objectives. Future projects should include a little publication about the ILO objectives and also state the limits of the ILO's actions.

## 2. Project activities quality and impact

There are no specific recommendations regarding this aspect. Overall products of the ILO FL project have been very good, and the project has had a very positive impact. The main shortfall has been its lack of capacity in obtaining support and buy-in from the CNA, one of its constituents which does not recognize the existence of FL and sees the ILO as politically aligned.

## 3. Project implementation to date

The mid-term evaluation recommended a strategy to train media correspondents and editors in order to ensure a proper treatment of information on FL issues. This recommendation was not followed.

## 4. Management performance

An official deputy coordinator should have been appointed as this project is very travel intensive for the NPC.

From the onset of the project each of the team members should have the possibility of participating in the different events supported and held by the project and its partners so that it appears more to be a collective contribution rather the NPC's individual contribution.

## 5. Project activities in relation to budgetary allocations

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Committee which is established solely for the purpose of collectively guiding the project's approach and implementation. In my view CONATRAE is not a substitute for a project specific PSC.

As mentioned in 2007 given lack of funds the FL project activities have been financed by the ILO TIP project and SAP/FL. Better spending forecast should have been made so that sufficient funds are available during the last year of the project to carry out the planned activities rather than having to request further financial assistance from other projects and from SAP/FL on short notice.

## 6. Coordination

None at CONATRAE level, a properly functioning coordination system is in place. But given the changes within CONATRAE in 2007, there remains a need to maintain a pro-active stand and support what is seen now as a weaker CONATRAE by all respondents.

## 7. Sustainability plan or exit strategy

The concept of sustainability is generally not well understood. The basic question appears to be: how will activities continue when the money runs out? In the case of the FL project, there is an almost certain continuation of the project based on Norwegian funding, for a one year time-frame. A proposal has been submitted by the ILO with a verbal undertaking that the project should be financed.

However beyond the ILO's capacity to find another donor to support the FL project, there is a question as regards the exit strategy of a project. There is a need to plan how to hand-over, what to hand-over, and what sort of overlap is necessary, when a project comes to completion. There was no such plan (exit strategy) for the FL project, but the evaluator recommends that all projects do think ahead of what will remain once the money is fully spent and the project has to close and develop an exit strategy (with different scenarios according to the project's likelihood to obtain funding for another phase).

## 8. PMP

Much work went into developing a PMP in 2005 with the donor, although it did not quite obtain the ownership or support of the project team. The 2006 mid-term evaluation spent time reviewing the PMP and suggesting alternative indicators (see mid-term evaluation report), but since the mid-term the PMP has remained unchanged. The only remaining project staff has devoted his time to other issues, particularly that of fulfilling the planned activities. Ownership and use of the PMP will only happen if/when the staff feel it responds to their needs and not only as a donor reporting mechanism, particularly if it does not capture the entire range of project achievements.

## 9. Stakeholder commitment

It would have been useful to have a project steering committee to ensure stakeholder commitment at the tripartite level in this project. At the political level, one of the ILO constituents, the CNA, is critical of the ILO (not just the ILO FL project), as they perceive the ILO office to be siding with the workers and

focusing on repression rather than working on prevention with the employers. Future projects should possess a Project Steering Committee composed of the ILO tripartite constituents, in order to facilitate a win/win situation for each constituent and provide a platform for dialogue regarding the project approach and objectives.

## **LESSONS IDENTIFIED**

It is difficult to undertake a project that is using a label different from that of the ILO conventions terminology. By accepting the widespread national practice of coining FL as “slave labour”, the ILO has contributed to polarizing the opponents and proponents around the existence of FL practices in Brazil. In concrete terms, the use of Slave Labour may have limited the ILO’s ability to engage the employers organizations, while it may initially have helped its position as regards to the government and the workers’ unions. Nonetheless it should be preferable for the ILO to systematically stick to its convention terminology, less it is placed in a difficult position – considering the number of different terms used worldwide to describe different forms of FL: “bonded labour”, “slave labour”, “indecent labour”, etc.

While governments have naturally to repress the perpetrators of FL practices and assure that they are not immune to prosecution, in a country the size of Brazil repression alone cannot extinguish FL practices. While a degree of prevention is certainly necessary, and has been supported by the project, as well as a degree of reintegration (positive demonstrations from the ICC), government structures are a heavy machinery which take time to adapt. At present there is a project that has yet to start to create labour placement agencies in decentralised locations in various states supplying forced labour, in order to offer alternative livelihoods for people at-risk. But by and large there hasn’t been to date any government policy to give socio-economic alternatives to those people who have been exposed to FL.

Another key issue is to identify in Brazil what is the differentiating factor which actually makes people become forced labour workers. While poverty and illiteracy are widespread amongst rescued FL workers, it is not sufficient to explain why these people did in fact find themselves in a FL situation. Many other people, poor and illiterate, do not become FL workers, the same as not all poor illiterate young girls become victims of sexual exploitation. Further research to understand the differentiating element for FL in Brazil should be done.

Prevention is a very difficult exercise, and is normally defined as “awareness raising” – through education and dissemination. It is impossible at this stage to demonstrate that some people at-risk have not become FL workers because of any project intervention – so those projects educating the target communities of FL workers in their areas of origin are likely to have potential success over the longer time-frame.

The project also did actively support the ICC, which was founded partly as a result of the FL project induced product chain study, the dirty list, and a strong networking with the different partners both at national and state level. The ICC is a good example of a positive oversight organisation for the coal sector, with internal audit of its members to ensure compliance, while at the same time having the capacity to demonstrate positive reintegration of rescued FL workers.

Nonetheless in order to fight FL practices there needs to be a better balance with the positive examples. Employers and large *fazendas (farms)* need to be on the side of those working on positive examples, through the promotion of decent work. There is ample room and research that remain to be undertaken to find champions amongst the employers who understand the competitive edge in a globalised economy to fulfil social corporate responsibility standards. The Decent Work Programme of the ILO should help provide just such a positive outlook and increase the support and interaction with employers.

## **RECOMMENDATIONS FOR A CONTINUATION OF ILO FL ACTIVITIES IN BRAZIL**

A continuation of FL efforts by the ILO in Brazil, which could potentially still have an important role to play today to consolidate the results obtained, should consider at least the following elements:

- A state level presence in Para with a deputy project coordinator for a one year temporary time-frame would constitute a unique opportunity to continue the successful work undertaken to date at the national level, by piloting in one state an ILO supported approach to combating FL;
- Research on the differentiating factors which make some people (not all poor illiterate people), become FL victims;
- Continue to support the ICC or, in absence of funding, try to link the ICC to private funding sources (such as Vale Foundation);
- Fine-tune the database at the MTE;
- Continue and intensify the marketing and public information campaign – in particular, run workshops with editors and journalists to shift Forced Labour coverage from the sensationalist point of view to that of constructive social responsibility of employers; continue to cooperate with the advertising agency to maintain FL a visible combat (e.g. using football teams to carry the message);
- Review ILO's use of the terminology, and consider a shift from SL to FL. If so, this can be done in two ways : a) coupled with a targeted media campaign explaining the shift from SL to FL terminology by ILO (and use it to leverage support from the private sector and identify champions), or b) gradually replacing SL with FL as a passive strategy, and only provide an explanation if asked for;
- Develop a monitoring and evaluation plan that is able to grasp and report on the results of the project, looking both at process indicators and qualitative indicators

- Develop an exit strategy for the end of the next phase of the project, with a dual strategy : a) with additional funding from a donor for a full-fledged project or b) for the hand-over and possible continuation of some activities through national ownership in case no more funds are available. In both cases forward planning is necessary;
- New seminars with judges (including supreme court) and prosecutors to ensure they all become aware of FL practices, rulings and jurisprudence on the matter. One of the problems is that even amongst judges there remain some doubts about the existence of FL practices in Brazil;
- Maintain its pro-active presence in the CONATRAE in order to signal the enduring commitment of the ILO in the combat against FL, and also because of the importance of the institutional weight of the ILO itself, which also serves as a catalyst for its partners.
- Review the function of the so-called monitoring committee of the National Pact (composed of Ethos, Reporter Brazil, and the ILO) to be more adequately called a coordination committee for the National Pact, with the Social Observatory contracted for the monitoring of the compliance to the pact. However use the positive examples of those doing well at least as much as those who are not respecting their undertakings, so that the number of positive cases may at least match or even exceed the bad examples;
- Develop constructive relationships with the private sector and identify models that may be replicated (consider the feasibility of ICC equivalent in other sectors).
- Greater care must be given in the reporting of information in TPR and status reports and a follow-up section should be added, as sometimes information is given but not on the sources consulted or how it was used.
- There could have likely been some early planning to look for additional funds in 2007, particularly given the FL project's good public image and the impressive amount of direct or indirect contributions that the project has been able to obtain during its five years, estimated at a remarkable US\$ 15 million.
- Plan the exit or hand-over strategy for the project when it comes to its end as part of the project document.
- Another similar project should include one additional staff member as deputy NPC to ensure day-to-day management issues

The ILO FL project comes at an end with a significant track record of achievements, but there remains much to do in order to eradicate the FL practices in Brazil and a continued involvement in the ILO will bring critical support to the process, and particularly if it can be facilitated at the state level, where concrete results may be more easily shown.