



International Programme on the Elimination of Child Labour (IPEC)



International
Labour
Office

IPEC Evaluation

Prevention and Elimination of the Worst Forms of Child Labour in Honduras, Nicaragua, Guatemala, and Costa Rica

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An independent final evaluation by a team of external consultants

Honduras, Nicaragua, Guatemala, and Costa Rica

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This document has not been professionally edited.

NOTE ON THE EVALUATION PROCESS AND REPORT

This independent evaluation was managed by ILO-IPEC's Design, Evaluation and Documentation Section (DED) following a consultative and participatory approach. DED has ensured that all major stakeholders were consulted and informed throughout the evaluation and that the evaluation was carried out to highest degree of credibility and independence and in line with established evaluation standards.

The evaluation was carried out a team of external consultants¹. The field mission took place in May 2008. The opinions and recommendations included in this report are those of the authors and as such serve as an important contribution to learning and planning without necessarily constituting the perspective of the ILO or any other organization involved in the project.

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List of Acronyms and Abbreviations

ANACAFE	National Coffee Association (<i>Asociación Nacional del Café</i>)
AP	Action program
Art.	Article
ATC	Rural Workers' Association (<i>Asociación de Trabajadores del Campo</i>)
C&A	Children and adolescents
C138	ILO Convention 138 on the minimum age for admission to employment
C182	ILO Convention 182 on the worst forms of child labour
CACIF	Agricultural, Commercial, Industrial, and Financial Association Coordinating Committee (<i>Comité Coordinador de Asociaciones Agrícolas, Comerciales, Industriales y Financieras</i>)
CDL	Child domestic labour
CEFEMINA	Feminist Information and Action Center (<i>Centro Feminista de Información y Acción</i>)
CENEPTI	National Commission for the Progressive Eradication of Child Labour and Underage Working Person Protection (<i>Comisión Nacional para la Erradicación Progresiva del Trabajo Infantil y Protección del Menor Trabajador</i>)
CL	Child labour
CNA	Child and Adolescent Code (<i>Código de la Niñez y la Adolescencia</i>)
COHEP	Honduran Private Enterprise Council (<i>Consejo hondureño de la empresa privada</i>)
COSEP	Higher Private Enterprise Council (<i>Consejo superior de la empresa privada</i>)
CP	Penal Code (<i>Código Penal</i>)
CT	Labour Code (<i>Código del Trabajo</i>)
DWCP	Decent work country program
FTPR	Final technical progress report
FUNCAFE	Coffee Growing Foundation for Rural Development (<i>Fundación de la caficultura para el desarrollo rural</i>)
IAFA	Alcoholism and Drug Abuse Institute (<i>Instituto de alcoholismo y farmacodependencia</i>)
ILO	International Labour Organization
IMAS	Mixed Welfare Institute (<i>Instituto mixto de ayuda social</i>)
INA	National Learning Institute (<i>Instituto nacional de aprendizaje</i>)
IO	Immediate objective
IPEC	International Programme on the Elimination of Child Labour
MINTRAB	Ministry of Labour (<i>Ministerio del Trabajo</i>)
MITRADEL	Ministry of Labour and Labour Development (<i>Ministerio de Trabajo y Desarrollo Laboral</i>)
MTSS	Ministry of Labour and Social Security (<i>Ministerio de Trabajo y Seguridad Social</i>)
NGO	Non-governmental organization
OATIA	Office of Child Labour Care and Eradication and Adolescent Protection (<i>Oficina de Atención y Erradicación del Trabajo Infantil y Protección a la Persona Adolescente</i>)
PANI	Child Welfare Agency (<i>Patronato nacional de la infancia</i>)
PGJ	Attorney General's Office (<i>Procuraduría General de Justicia</i>)
PGR	Attorney General's Office (<i>Procuraduría General de la República</i>)
Project	Project on the Prevention and Elimination of the Worst Forms of Child Labour in Honduras, Nicaragua, Guatemala, and Costa Rica (<i>Proyecto prevención y eliminación de las peores formas de trabajo infantil en Honduras, Nicaragua, Guatemala y Costa Rica</i>)
TBP	Time-Bound Program
UNICEF	United Nations Children's Fund
WFCL	Worst Forms of Child Labour

I. Executive Summary

This document contains the results of an external evaluation of the Project “Prevention and Elimination of the Worst Forms of Child Labour in Honduras, Nicaragua, Guatemala, and Costa Rica”, hereinafter called the Project.

This Project was carried out from June 1, 2006 through May 31, 2008 in Honduras, Nicaragua, Guatemala, and Costa Rica. It was implemented by International Labour Organization’s International Program on the Elimination of Child Labour (ILO-IPEC), with financial support being provided by the Government of Canada.

Contributing to prevent and eliminate the worst forms of child labour in Central America (Costa Rica, Guatemala, Honduras, and Nicaragua) was the development objective of this Project. Additionally, it was also meant to increase capacities in national institutions and horizontal mechanisms of cooperation among stakeholders for the prevention and elimination of child labour and its worst forms.

In order to achieve these objectives, the project followed the strategy of promoting and disseminating lessons learned, as well as coordinating actions among Central American countries. This allowed a maximization of successful experiences and good practices generated by IPEC projects and other institutions.

This final evaluation is of a qualitative-summative nature. It encompasses documentary evidence analysis and interviews conducted with different Project key players from the different countries where it was implemented. This evaluation addressed the following key issues: design relevance, management, results in terms of outcomes, difficulties, and sustainability of developed actions.

The overall conclusion of this final evaluation is that the Project showed major positive aspects and has been considered to be efficient. It satisfactorily met the general objective and reached its immediate objectives.

Project design had a logical structure, in such a way project objectives, goals, and products were relevant and responded to an internal coherence. Project strategy, based on strengthening state institutional capacities, was consistent with proposed objectives. The Project implementing team, which showed a strong commitment to and mastery of the subject, possessed excellent management qualities. Nevertheless, responsiveness of state institutions was generally overestimated, leading to delays in some of their purposes. Circumstances external to the Project, such as a change of government in some countries, contributed to these delays.

The Project has fostered the creation of a list on hazardous child labour, as well as the development of procedure mechanisms for inter-institutional and intra-institutional procedures through tripartite consensus-building processes, with a proposal to formalize them through decrees or regulations in the different target countries. Although these lists and procedure mechanisms have not yet been officially approved in all countries, the issue of child and adolescent labour, as well as its worst forms, was made more visible by the Project on national negotiation agendas.

The Project promoted South-South cooperation through an exchange of experiences, knowledge, technologies, and capabilities among countries. Some successful experiences are currently being systematized in the fields of social responsibility, labour inspection department work, and child labour monitoring by trade unions, in order to share this knowledge with other stakeholders.

Contribution has been made to achieving some of the goals agreed upon under the Hemispheric Agenda, which consist of eliminating the worst forms of child labour by 2015 and eliminating child labour entirely by 2020. In turn, the White Paper gives an account of all the progress made by countries on this matter.

The Project has raised awareness among a large number of inspectors, judges, senior judges, and officials from different state institutions, and has also trained them. Similarly, representatives of NGO's, local communities, and other major stakeholders have been made aware of and trained on national legislation, international legislation, Convention 138, and Convention 182, among other subjects.

This evaluation report produces seven conclusions, ten achievements, seven challenges, 16 recommendations, six lessons learned, and seven good practices, which could be useful to other ILO-IPEC projects.

I. Introduction

1.1 The Problem

The purposes of this evaluation carried out from April 30 through May 25 2008:

- Analyzing the validity of Project design, particularly in each country context.
- Documenting and analyzing activities undertaken, participatory processes developed, and strategies followed as part of implementation.
- Looking into the cooperation with other initiatives and organizations combating child labour.
- Providing recommendations for the future.
- Analyzing coordination between the Project and any recent DWCP in the country.

- Problem Description: The Project started in June 2006 and was scheduled to be completed by May 2008. Following the ILO-IPEC Guidelines and Notes for Evaluation, it was agreed that there would only be a final independent evaluation. To assess progress in achieving proposed objectives and goals, ILO-IPEC staff have submitted four semestral Technical Progress Reports (TPR's) specifying implemented activities, progress development, and achievement of results.

Based on the latest report information, coupled with a closer look at the Project under evaluation, challenges and progress were analyzed according to the following dimensions defined for this evaluation: Project Performance,² Strategic Policy³, and Operations.⁴

Almost two years after Project inception, and five months after the last TPR was submitted, there is a need to assess what achievements have been made, what lessons have been learned, and what challenges are waiting for solutions to conveniently support a progressive elimination of child labour, prioritizing the urgent elimination of its worst forms?

² *Project Performance Dimension*: Changes generated by the Project in each country, in terms of child labour prevention and reduction, were determined by identifying Project results and (tripartite) target population covered, and analyzing factors that enhanced and/or hindered the Project.

³ *Strategic Policy Dimension*: The way employers', workers', and government sectors operate in each country, factors that enhanced and/or hindered the project, milestones in the country or regional context, critical involvements of national and international organizations, and best social responsibility practices found were determined.

⁴ *Operational Dimension*: Project structure and coherence, objective, goal, and relevance of outputs, assumption quality, and proposed strategies were established.

Purpose

Core issues guiding this final evaluation are the main achievements, challenges, lessons learned, design validity, activities and processes, cooperation relations, institutional relations, and potential good practices.

1.2 Evaluation Structure

This final evaluation used a qualitative and summative approach, on account of the Project's nature. It is made up of eleven questions shown on the Terms of Reference (Annex 1), of which, seven are focused on project deliverables, three are related to non-deliverables, and one is connected to sustainability.

Annex 2 (Table 1) presents the evaluation plan showing operationalization of evaluation questions according to areas and categories.

This evaluation assessed Project performance by analyzing its design, achievements, challenges, and sustainability. Project performance is addressed through an analysis of:

Design:

Focused on analyzing Project design feasibility, structure relevance (objectives, goals, target population, selected strategies), and Project design strengths and weaknesses, in order to ultimately determine its validity and coherence.

Achievement:

Project achievements, in terms of outputs, services, tripartite process results, development of legal instrument, training processes, good corporate social responsibility practices, deliverables, and non-deliverables, were determined.

Sustainability:

Analysis of Project issues that could have an impact on sustainability after Project completion, in order to ensure benefits of the project such as establishment of cooperation mechanisms and strengthened strategic alliances at the national and international level in the project target countries.

1.3 Methodological Procedures

An analysis was made of the Project context, inputs, processes, and outcomes, which have influenced the fulfillment of objectives. The information analyzed in this evaluation came from various sources: documentary review, TPR's, Project description, ILO-IPEC publications issued within the Project framework, training records in both the Labour Justice Program and Project activity records. In addition, through either face-to-face sessions or telephone conversations, interviews were held with 34 key stakeholders that were variously involved in the Project, such as ILO-IPEC staff and key counterparts participating in the *Second Tripartite Meeting of National Commissions on the Prevention and Elimination of Child Labour and Protection of Adolescents*, which took place in Costa Rica during the first week of May, attended by Project representatives from Central America, Panama, and the Dominican Republic (Annex 3).

Telephone interviews were also conducted with key representatives that did not attend this activity, were no longer in their positions, or found it difficult to be personally interviewed during country field visits, particularly in the case of most of the representatives from Honduras and, to a lesser extent, from Nicaragua and Guatemala.

The field visits included project sites in Nicaragua and Guatemala, where interviews were held with representatives of government, employers', and trade union sectors (Annex 3). Interviews followed the (face-to-face and telephone) semi-structured methodology, as well as fundamental techniques.

The evaluation started by reviewing secondary sources and preliminary interviews, which resulted in overall evaluation guidelines. Subsequently, face-to-face and telephone interviews were conducted and an evaluation plan was developed after some adjustments. Stakeholders were given an opportunity to comment on the draft report. Their inputs were used to finalize the evaluation draft.

This evaluation is organized in the following sections: executive summary, introduction, background, findings, conclusions, challenges, recommendations, lessons learned, and good practices.

1.4 Overview of the Project

The Project, *Prevention and Elimination of the Worst Forms of Child Labour in Honduras, Nicaragua, Guatemala, and Costa Rica* (RLA/05/08/PCAN), was implemented by International Labour Organization (ILO)'s International Program on the Elimination of Child Labour (IPEC). It started operating in June 2006 and was scheduled to be completed by late May 2008. It had a US \$ 545,407 budget.⁵

During project implementation the budget was performed as follows:

Table 1 Project Expenses by Year, May 2008.

Year	2006	2007	2008	TOTAL
Total Contribution	85,759	230,933	231,640	548,332

As of late June 2008, budget expenses amounted to US\$ 123,092.91, with commitments made for 68% to be executed during the first weeks in June 2008. Currently, there is 15% of the budget designated as uncommitted, although line item 68.00 Programme Support at 13% shows 13% remaining, so there is actually a remainder of 2% of the overall budget left uncommitted. From this analysis, it may be inferred that the Project has efficiently performed the budget contributed by the donor.

While this project was in operation a progressive elimination of child labour (CL) was sought, particularly its worst forms. ILO-IPEC has found that for the successful elimination of CL work is needed on key issues such as political will and government commitment, as well as support from workers' and employers' organizations, non-government organizations, and other social actors.

Project Strategy:

The strategic focus of this Project was the strengthening of institutional capacity of national entities (ILO members, ministries of labour, workers' and employers' organizations). This strategy was aimed at defining and implementing policies and programs on this subject, the final objective of which is the implementation of C182.

As part of the strategy, the Project also promoted horizontal cooperation mechanisms among participating countries, in order to take advantage of specific capacities thus far developed by

⁵ As shown in Final Technical Progress Reports

each. This way, the Project also furthered dissemination of lessons learned among institutions and countries.

The Project provided support to Honduras, Nicaragua, Guatemala, and Costa Rica on the development, approval, and dissemination of an official listing of hazardous work (defined in C182, Art. 3d) and on an effective monitoring of relevant legislation and regulation enforcement.

In order to achieve the project objectives four basic outputs were proposed, each related to several activities making up Project components, as described in the table below.

Table 2. Project Outputs and Activities, 2008

Outputs	Main Activities
1. Legislation on hazardous child labour developed in Honduras and Nicaragua.	<ul style="list-style-type: none"> • Technical assistance to National Child Labour Commissions in the development of hazardous labours lists in Nicaragua. • Tripartite forum in Nicaragua to validate the list of hazardous child labour. • Lobbying with key stakeholders for the enactment and endorsement of a legislation on hazardous work. • National and local tripartite workshops in three countries with key actors to increase awareness and build capacity to implement the list of types of hazardous child labour.
2. Ministry of Labour's labour inspection units in the four countries improved their capacity to monitor child labour.	<ul style="list-style-type: none"> • Labour inspection unit procedure mechanisms in Nicaragua and Guatemala to monitor child labour based on Costa Rican and Honduran experiences and good practices. • Implementing training workshops for labour inspectors on the use of procedure mechanisms to detect Child Labour in the three countries. • Meetings, exchange of experiences, and internships among Ministry of Labour teams in the different countries. • Documenting and disseminating materials to document experiences.
3. Tripartite agreements developed to effectively implement national child labour action plans in all countries.	<ul style="list-style-type: none"> • Tripartite forum in Costa Rica, Guatemala, Nicaragua, and Honduras to promote a common line in the effective implementation of national child labour action plans in the framework of national and regional policies. • Tripartite agreements and plans signed by regional and national trade union organizations, employers' organizations, and local and national government partners. • Technical support of Central American meetings of ministries of labour concerning the enforcement of tripartite agreements and the implementation of national child labour action plans. • Technical support of workers' organizations to promote their role in implementing national child labour action plans, particularly child labour monitoring. • Technical support of employers' organizations in their activities related to child labour eradication, particularly promoting good corporate social responsibility practices and good social responsibility practices with workers.

The Project proposed to achieve the following immediate objectives a) implementing ILO C182 on the Worst Forms of Child Labour in Guatemala, Nicaragua, Honduras, and Costa Rica, b) building capacity of ILO members –i.e., ministries of labour, workers' and employers'

organizations– to define and implement relevant policies and programs, c) developing, approving, and disseminating an official list of different types of hazardous labour (defined in C182, Art. 3d), and d) building capacities of tripartite members to effectively strengthen and monitor enforcement of relevant legislation and regulations.

II. Background

The issue of child labour is relatively recent, despite the fact that work performed by children and adolescents has been present in the development of societies throughout the world and has multiple causes. According to ILO, child labour is defined as “work that is mentally, physically, socially or morally dangerous or harmful to children, and interferes with their schooling by depriving them of the opportunity to attend school; obliging them to leave school prematurely, or requiring them to attempt to combine school attendance with excessively long and heavy work”.⁶ ILO estimates there are currently six million children and adolescent workers in Latin America.⁷

The main reasons why families are prompted to send their underage children to work include poverty, difficult access, problems with permanence in the educational system, low education quality often found in areas where these people live, and little identification with education.

Work against CL started in Brazil in 1992 and was subsequently replicated in the rest of Latin America and Central America, thanks to the mandate of ILO member states in 1996 and 1997 through the signature of the Convention with Spain, in consistency with this institution’s mandate existing since its creation in 1916. Before this date, the CL issue was not considered in the literature on work plans, institutional and governmental agendas, or even by agencies working on the topic of “children in particularly difficult situations”.

Many efforts have been made by various national and international entities to eradicate CL. The work of underage children, however, is a reality throughout the world, despite ILO’s detecting in 2006 an 11% decline in the number of working children, and a 26% decrease in the case of children engaging in hazardous work.

A brief description of the context that gave rise to the *Project on the Prevention and Elimination of the Worst Forms of Child Labour in Honduras, Nicaragua, Guatemala, and Costa Rica* is given below, subject to this final evaluation, in order to better understand the causes leading to its development.

At the time of Project inception, the Central American region acknowledged CL as a serious problem that could jeopardize the integrity of underage persons and harm their rights, including the right to education and health, among others. Social sectors of all countries agreed on the need for defining types of hazardous labour, but were afraid of its complex enforcement.

During the nineties and early 2000’s, countries made major efforts in ratifying C138 (on minimum age for admission to employment) and C182 (on the worst forms of child labour), as well as the Convention on Children’s Rights and its Procedure mechanisms (with the exception of the Dominican Republic that has not ratified the latter). As to the two conventions, they are part of ILO Declaration concerning Fundamental Labour Principles and Rights and are the foundation of minimum regulations on this matter.

⁶ Antezana Rimassa, Paula. 2006. *Reflexiones sobre la aplicación de los convenios de la OIT sobre trabajo infantil y sus peores formas en América Central y República Dominicana*. OIT-IPEC. Organización Internacional del Trabajo, Primera Edición. San José, Costa Rica. p.19 – 20.

⁷ De la Peña, J. May 6, 2008. *Personal communication*. San José, Costa Rica.

To date, all countries had in their national legislation special provisions on children and adolescents,⁸ labour codes and regulations governing underage employment⁹, and penal legislation to combat the worst forms of child labour.¹⁰ While this legislation is found in every country to different degrees, all of them prohibit unhealthy and hazardous work for people under 18 years of age.

Nevertheless, countries in this sub-region evidence a weakness and absence of legal instruments to properly supervise and prevent hazardous child labour at Labour Inspection units. Coupled with this, there is a lack of economic and human capital to address this issue in a relevant fashion.

The Project began operating on June 1, 2006, with a US\$ 545,407 budget granted by the Government of Canada, the donor. The four semestral progress reports provide a detailed account of major progress made on developed activities. The most important outcomes include: approving all listings of types of hazardous labour in Honduras and Nicaragua, strengthening institutional capacities through accompaniment in developing intra and inter-institutional procedure mechanisms, training activities for different target audiences, and therefore on different CL-related subjects, and sharing experiences and good practices.

At the beginning of the Project in 2006, a participatory consultation process had already been set in motion to establish the types of hazardous labour in Honduras. Nicaragua launched a participatory process, coordinated by the National Commission for the Progressive Eradication of Child Labour and Underage Working Person Protection (CENEPTI) with support from ILO-IPEC, UNICEF, and Save the Children – Norway, which resulted in a list of hazardous forms of child labour and a draft Ministerial Agreement. The agreement was validated through participation of labour inspectors and other key stakeholders in order to get their inputs and better understand potential implementation strategies. Hazardous labour have already been defined in Guatemala and Costa Rica. Despite this progress, however, the Project identified a lack of consensus in countries regarding what were exactly the worst forms of child labour.

Towards the end of project implementation, key stakeholders in line with ILO/IPEC evaluation procedures and policy, decided through a consultation process to hold an external independent final evaluation managed by ILO-IPEC's Design, Evaluation, and Documentation Section

⁸ *Costa Rica*: Código de la Niñez y la Adolescencia, N. 7739 de 01/06/1998. *Dominican Republic*: Código para el sistema de protección y los derechos fundamentales de los NNA, N. 136-03 of 08/07/1003. *El Salvador*: Código de La Familia, Legislative Decree N.677 of 10/11/1993. *Guatemala*: Ley de protección integral de la niñez y adolescencia, N.27-2004 of 06/04/2003. *Honduras*: Código de la Niñez y la adolescencia, Decree 73-96 of 09/05/96. *Nicaragua*: Código de la Niñez y la adolescencia, N.287 of 03/24/1998. *Panama*: Código de la Familia, N.3 de 05/17/1994. In: Antezana Rimassa, Paula. 2006. *Reflexiones sobre la aplicación de los convenios de la OIT sobre trabajo infantil y sus peores formas en América Central y República Dominicana*. San José, Oficina Internacional del Trabajo.

⁹ *Costa Rica*: Law N.2 of August 26, 1943; Regulations on labour hiring and occupational health conditions of adolescent persons, N.29220-MTSS of 12/09/2001. *Dominican Republic*: Law N.1692 of May 29, 1992; Resolution N.52/2004 on hazardous and unhealthy work for persons under 18 years of age. *El Salvador*: Decree N.15 of June 23, 1972. *Guatemala*: Decree N.330 of May 5, 1961; Regulations for enforcement of Convention 182, Government Agreement N.250-2006 of 05/18/06. *Honduras*: Decree N.189 of July 15, 1959; Regulations on child labour, Executive Decree N. STSS-211-01 of 10/10/2001. *Nicaragua*: Law N.185 of October 30, 1996, reformed by Law N.474 of October 15, 2003. *Panama*: Cabinet Decree N.252 of December 30, 1971; MITRADEL Executive Decree N.19 of 06/12/2006 approving the list of hazardous child labour in the framework of the worst forms of child labour. In: Antezana Rimassa, Paula. 2006. *Reflexiones sobre la aplicación de los convenios de la OIT sobre trabajo infantil y sus peores formas en América Central y República Dominicana*. San José, Oficina Internacional del Trabajo.

¹⁰ *Costa Rica*: Código Penal, Law N.4573 of November 8, 1971 reformed by the law against sexual exploitation of underage persons, N.7899 of August 3, 1999. *Dominican Republic*: Código Penal, Law N.2274 of August 20, 1884 reformed by law 24-97 of January 27, 1997 (in the process of being reviewed) and Law N. 137-03 against migrant trafficking and illicit smuggling of August 7, 2003. *El Salvador*: Código Penal, Decree 1030 of April 26, 1997, reformed by Decree N.210 of November 23, 2003. *Guatemala*: Código Penal, Decree N.17-73 of July 27, 1973 (in the process of being reviewed) reformed by Decree N.14-2005. *Honduras*: Código Penal, Decree N.144-83 of August 23, 1983, reformed by Decree N.234-2005 of August 30, 2005. *Nicaragua*: Código Penal, Decree N.297 of April 01, 1974 (in the process of being reviewed). *Panama*: Código Penal, Law 18 of September 22, 1982 reformed by Law N.16 of March 2004 establishing provisions for preventing and defining crimes against integrity and sexual freedom and revising and adding articles to the Penal and Judicial Codes. In: Antezana Rimassa, Paula. 2006. *Reflexiones sobre la aplicación de los convenios de la OIT sobre trabajo infantil y sus peores formas en América Central y República Dominicana*. San José, Oficina Internacional del Trabajo.

(DED). After considering the above mentioned background, this evaluation was undertaken and the results are herein reported.

III. Findings

3.1 National and Subregional Context Affecting the Project.

Evaluation questions guiding this assessment were the following:

What major developments in (social and political) day-to-day life have affected the Project?

What national and local context factors have influenced the achievement of the Project objectives?

How have national and subregional policies influenced the achievement of the Project objectives ?

Conclusion. *The national, subregional, and international context in Project target countries has been conducive to promoting and developing a decline in the worst forms of child labour.*

Approximately in the last decade a series of government initiatives have emerged in Central America and the Dominican Republic to launch various actions aimed at eliminating CL.

Another positive factor is this Project's relation to other ILO projects, such as AECID, viewed as an umbrella project encompassing others with similar objectives. Hence, the Project is not an isolated one but gets support from other sources, which enhances its reach on eradicating the worst forms of child labour. Additionally, previous Memorandums of Understanding between ILO-IPEC and countries in the region have had a positive impact because they have been framed within both C138 and C182. Time-Bound Programs (TBP's) implemented before the Project created the basis for developing procedure mechanisms. In Guatemala and Nicaragua, other agencies, such as UNICEF and Save the Children, have developed some initiatives that are helping draw attention on CL issues.

In the international context, agreements such as CAFTA-DR recently negotiated by Central American countries and Dominican Republic with the United States, as well as the Trade Regulation Agreement with the European Union, are relevant to this Project. These agreements encourage countries to make stronger decisions on the issue of CL and its worst forms, since they were included as part of clauses to be negotiated. Therefore, business sectors will be more willing to abide by the provisions in said treaties.

In the framework of CAFTA-DR, and in order to insure respect of labour rights, the *Verification of Implementation of White Paper Recommendations* Project was created in 2005. One of its objectives is eliminating CL and turning the region into an area free from the worst forms of CL by the year 2010. The supervisory nature of this project contributes to verifying attainment of both national and regional goals agreed upon by countries on this matter.

On the other hand, in May 2006 the President of Guatemala issued Government Agreement 250 – 2006, which consists of C182 Enforcement Regulations and implementation. Additionally, this country has laws complementarily supporting CL eradication, such as Chapter II Article 147 of the Labour Code, dealing particularly with women. Moreover, Article 148 in Paragraph 4, "Work Subject to Special Regulations", prohibits underage persons from engaging in hazardous work, and the Guatemalan lists of hazardous labours were developed based on this information. Article 149 of the same document reduces working day duration, while the Ministry of Labour inspection department authorizes work as a learning tool.

Some specific aspects to be highlighted are:

- In Honduras, trade union federation convergence allowed the creation of some organizations engaged in fighting CL to defend underage persons.¹¹ The business sector (the Honduran Private Enterprise Council), which was somewhat reluctant to have child domestic labour (CDL) and agricultural work included in the hazardous occupation lists, finally designated domestic labour as hazardous. Honduras had already approved adolescent work regulations and lists of banned labours.
- In Nicaragua, the Project was implemented in parallel to activities financed by such donors as Spain and other preparatory activities tending to follow country priorities. During its first year of administration the new Nicaraguan government defined poverty reduction as one of its main lines of work. The government launched the “Zero Hunger” and “Zero Poverty” programs, which could play a major role in alleviating poverty, and hence CL and its worst manifestations, on account of poverty being one of CL main causes. In 2002-2003 CENEPTI was created to raise awareness on this issue in the trade union sector.
- In Nicaragua and Guatemala the change of government affected Project development since it came at a time when official approval of operating procedures was near. In the latter country four new department directorates will be created by the new government as part of a decentralization effort, which entails the need for raising awareness among newly hired officials. In Dominican Republic and Costa Rica there was a change in the Ministry of Labour. Both situations delayed this formalizing by States; however, any change of government predictably delays processes to some extent.
- Costa Rica created an Inter-institutional Commission at the Ministry of Labour to follow up on the (hazardous list) Bill in the 2003-2005 period. Regulations focusing on adolescent work and other issues had been also approved.
- In some activities the Project included El Salvador, Dominican Republic, and Panama to further Project activities and objectives, although these countries were not originally targeted. Project coordinators (both the initial and the second coordinators) shared information and experiences with these countries and provided them with technical advice on their own processes. Integration of these three countries happened throughout Project implementation, not at a particular point in time, and they were not “officially” included. In the case of Panama, even though it worked with independent funds, it did so under the same Project guidelines.

These are some of the main contextual elements framing Project operations in the different countries; to a large extent, this context will have a positive effect in the achievement of the Project objectives. Important challenges are perceived, however, concerning the lack of legal instruments to properly supervise and prevent hazardous child labour at Labour Inspection units. Additionally, since actual time to materialize some Project objectives and outputs seems to be very ambitious, the functioning of state institutions and response times should be taken into account to prevent overestimating the time required for some paperwork at these entities.

3.2 Project Design

Conclusion. Project design had a logical structure. Therefore, its objectives, goals, and outputs were relevant and stemmed from internal coherence. Nevertheless, some assumptions about counterparts, particularly those in the government sector, resulted in some activities taking longer than planned, which limited the scope of some important results.

Evaluation questions guiding this assessment were the following:

- What was the feasibility of Project design?*
- What is the relevance of Project structure?*

¹¹ One of them, the *Workers’ Commissioner for Child Labour Prevention and Eradication* in Honduras, was created in 2004 and encompasses the following organizations: CGT, CNC, COCOCH, COSIBAH, CTH, and CUTH. Source: Telephone interview with Mr. Héctor Hernández, Advisor to Trade Union Federations on the issue of child labour, May 8, 2008.

What are the strengths and weaknesses in Project design?

The initial project design was revised due to negotiations.

The Project had a logical relevant structure based on its design, objectives, activities, and methodologies that were in line with its overall purposes. This can be attributed to ILO/IPEC's knowledge of the root causes of WFCL, the context of the different countries, and the tripartite entities involved in the Project.

ILO had previously developed various research studies and projects on the status of CL legislation and the enforcement of its conventions on CL and its worst forms. These inputs were used to assess the need for determining a baseline and key legislative gaps related to hazardous child and adolescent labour, with Project attention to be focused on the issue of CL. Project design is thus considered to be viable and adequate to strengthen capacities in ministries of labour, and workers' and employers' organizations, in order to implement policies and programs on this matter.

Project indicators are representative and respond to the social context where the Project is being developed. They are reliable because, regardless of who takes measurements, the result is the same; they have a practical and clear application; they are constructive in the sense they deal with raising more awareness of the different Project stakeholders about the importance of eradicating CL and its worst forms. There is room for improvement, however, in its triangular validity, which specifies that "more than one indicator for a variable and/or more than one instrument for an indicator is required. Should the need arise for knowing whether an indicator is producing accurate values, these can be compared to results from alternative indicators applied to the same verification objects or subjects for a particular variable."¹² For example, the Project indicator measuring *Number of shared good practices replicated by labour inspection units, workers' and employers' organizations* could be complemented by an alternative indicator, such as *Number of alliances entered between the inspector sector and the employers' sector*. While this alternative indicator is less demanding in the "good practice" concept, it still provides relevant information on specific actions being performed by stakeholders on CL-related issues. Thus, results of an indicator could be complemented with results of another alternative indicator (applied to the same variable and the same verification objects or subjects, as mentioned above), in order to gain a more comprehensive understanding of the results and scope of Project actions.

In brief, Project design strengths are associated to the tripartite (government, employers, workers) representation and even to other major actors in its frame of action. Additionally, the implementing team's deep knowledge of the subject, professionalism, and commitment was perceived. There is also evidence that information produced by previous projects was used to assess the requirements for the most urgent issues to be addressed by the Project. ILO and IPEC good image was instrumental in opening doors from the very beginning. As to design weaknesses, one of them was the use of assumptions that underestimated in some cases the time needed for procedures to be developed by consensus among different actors or the official legitimation of government agreements (case of Guatemala) or decrees (case of Costa Rica), which delayed the attainment of these outputs.

The Project's intervention strategies are viewed as relevant and, hence, appropriate to strengthen institutional capacity in the different countries. The above is key in achieving the immediate objective and getting deliverables: development of legislation on hazardous work, good social responsibility practices, training processes, CL case detection, signed tripartite agreements, and initiatives developed by employers' and workers' organizations.

¹² Definition taken from Crowther, W. 1999. *Manual de Investigación: Acción para la evaluación científica en el ambiente administrativo*. Third reprinting of first edition. San José, Costa Rica. EUNED. p. 210.

Project assumptions were generally good, although the external assumption related to some state agencies' response times was not anticipated in an objective manner. These external assumptions should be minimized in reaching all proposed objectives. The same is true for countries, such as Guatemala, Honduras, and Nicaragua, where IPEC offices will be or were already closed (Guatemala) because of financing limitations.

3.3 Tripartite Process Result

Conclusion. To a large extent, thanks to Project technical and financial support, all countries have developed a list of hazardous occupations that have been approved in Guatemala, Nicaragua, Dominican Republic, and Panama. All of the countries, except El Salvador and Dominican Republic, have developed procedures. The process of development of the hazardous occupation list included the tripartite consultation and even consultation with other Project key stakeholders. The procedure development process did not include the tripartite consultation in all cases; concerning intra-ministerial procedure mechanisms, there was no reason for submitting them to a consultation with other entities or sectors, since they are internal work instruments in Ministries of Labour; additionally, the tripartite consultation is not a mandatory procedure.

Evaluation questions guiding this assessment were the following:

What were the results of the tripartite consultation process in the countries?

How many initiatives were developed?

What was the role played by the Project in the hazardous child labour lists and legal instruments (i.e., presidential decrees, ministerial decrees) that have been approved?

What was the role played by the Project in the creation of instruments (Ministry of Labour internal procedures and inter-institutional coordination procedures) that will enable effective enforcement of this legislation (hazardous child labour lists)?

In particular, hazardous work lists were consolidated through tripartite processes in all of the countries. Besides, intra-institutional and inter-institutional procedures were developed in some of the countries, something that will be discussed below in more detail. Moreover, methodologies were systematized for work and research dealing with legislation on hazardous labours (what are they, risks existing in each country, among other subjects), the CL issue was positioned in these countries' legal spheres, and guidelines were established for the business sector to work on CL issues through binding agreements, i.e., subscribing parties are required to comply with them. These results largely stemmed from the Project's technical assistance and facilitation processes through a consensus-based tripartite framework that included consultations with all stakeholders: employers, workers represented by unions, government, and C&A.

The Project clarified some stakeholders' confusion about the definition of hazardous child labour. In both lists and procedures a broad consultation process was followed. The different stakeholders (employers, workers, and government agencies) have improved their advocacy on the development of proposals and solutions for the above mentioned problems.

Lists

The methodology used in developing a list of hazardous work was designed by ILO based on its own vast experience. The Project under evaluation developed, validated, implemented, enriched, and facilitated the consolidation of this methodology through advisory and participatory processes. The starting point was a national and subregional analysis of criteria required to establish CL dangers, structures to be created, stakeholder involvement, and

gathering of new and existing information in the each country. On the basis of this information, a list was developed through consensus in each country, except for Costa Rica and Guatemala, where hazardous work lists were already in place at Project inception, although in both countries a broader consensus was reached through sharing in the framework of Project actions.

As achievements, these list managed to include hazardous child labour in the public agenda, the methodology to develop them was systematized, and various target audiences were made aware.

Specific information on the Lists

- Lists of Hazardous work were already officially approved in Guatemala, Dominican Republic, Nicaragua, and Panama, thus becoming mandatory.
- Lists of Hazardous work have not been officially approved in Honduras, El Salvador, and Costa Rica, and therefore they are not binding.
- In Nicaragua and Guatemala there is experience in enforcing hazardous work lists; in these countries, materials were printed to disseminate this information.
- Considering that the National Commissions in Nicaragua was involved in the Project, printed materials were produced targeted to different stakeholders, i.e., government, unions, and employers.
- In Honduras, list development began in August 2006 supported by a Project interdisciplinary team consisting of occupational health, political science, and indigenous affairs experts, since most of the children engaged in domestic and agricultural work were from indigenous communities. Nine regional consultations were conducted with indigenous communities, and other consultations were targeted on other sectors. A consultation was made with working children, in relation to Article 12, in order to prioritize children's rights of participation. As a result, inputs were taken from existing literature, a list developed by children through the Save the Children Honduras organization, and another list based on the indigenous population working in agricultural activities. The Honduran business sector put up some initial resistance that delayed the process, but a draft decree reforming regulations has been developed and submitted to the relevant authority for approval.
- In Costa Rica, the lists are waiting for Legislative Assembly approval to eliminate the possibility of their being questioned. Nevertheless, this procedure hindered the annual list review required to include adjustments for the changing national reality. In addition, since the Legislative Assembly priority is to approve the Complementary Agenda needed for CAFTA-DR to come into force, Congress had not yet officially approved this list as of the date of this evaluation.
- In El Salvador, hazardous work lists had been developed with support from the IPEC Project of support to the Time-Bound Program. The process began with a consultation process on criteria to define hazardous labours, and recommendations contained in C182 and current legislation of the country and the example of Colombia were taken into account. Subsequently, a proposal published as an annex to the National Plan was developed, followed by a consultation process aimed at reaching consensus. Once the list was ready, ministries were called upon to formalize it, and it is currently pending final approval through an executive decree, although some inspectors are already using it as a work tool.
- In Dominican Republic the Project provided technical support to prepare the lists in the framework of building the National Plan for the Eradication of Child Labour in a tripartite manner. Through Resolution 5206 of the State Secretariat of Labour (SET), listings of hazardous labours, according to their nature and condition, were approved in 2006. The approval process only took approximately two months, a very short time, due to the inputs made by the ILO-IPEC consultant and previous experiences in Central America. Despite training received by inspectors, however, it has not been possible to determine whether or not they are applying criteria in the appropriate fashion. Moreover, the lists have not been reviewed since their creation, which violates provisions in ILO C182.

Procedural Mechanisms/Institutional Guidelines

The Project developed similar processes in building procedures in all of the countries, and was conducted in parallel with the development of hazardous lists. Capacities in each country were taken into account to prevent applying standard procedures.

Procedures building faced frictions and tensions, and in some cases the apathy of some sectors, particularly employers and unions, on account of interests being at stake. Procedure implementation made it clear that a lot of support is required to install capacities and that established procedures should be effectively followed, in line with the action strategy defined for building procedure mechanisms.

In spite of these challenges, the procedure mechanisms development process helped rebuild the procedures used in the different countries to address child labour complaints, since in some countries these procedures had been documented, while in others procedures remained in implementers' memory. Bases established by the Time-Bound Program (TBP) were an important groundwork on which procedures were built. Given the Project assumed legal instruments were already in place in each country, it was primarily based on compliance with existing legislation and on training activities.

Procedures were developed with Project technical and financial support through separate workshops for employers, government, and workers because these stakeholders have different interests. The Project provided technical advice hiring a consultant to provide support in writing a valid procedure with legal backing.

In the particular case of inter-institutional mechanisms, channels of coordination among entities were improved by providing standard procedures in case of complaints. This way, networks in support of underage persons were maximized, in terms of identifying the reasons why they are working and how they can be assisted through other state-owned and/or private, national or international, welfare institutions.

The development of intra-institutional guidelines managed to produce an agreement over the concepts, fastest procedures, and ways of caring for this target audience in the Ministries of Labour in the Project target countries. In addition, a more fluent dialogue between officials and the inspection unit was strengthened, thus improving services provided to underage persons through all the workshops that were held.

Specifics on Procedural mechanisms

- Procedures are not being developed in El Salvador, which was lagging behind in building child labour lists, because the hazardous labours lists had not yet been formalized, although they were already developed.
- Despite Costa Rican business and trade union apathy in relation to procedure development, the country already had experience in enforcing them. However, they have not been officially approved.
- In Nicaragua, procedures are waiting for MINTRAB's approval in a Government Agreement. Their officialization coincided with the change of government, resulting in a delayed process. Their contents and wording were also carefully revised because they were in need for improvement.
- In Guatemala, the first versions of the procedures had many shortcomings in terms of substance and style, thus taking additional time for editing in order to create a product suitable to requirements. On the other hand, the Inter-ministerial Procedure proposal to be built as a Government Agreement was edited in contents and style, while retaining its substance, since the document resulted from consultations with several state institutions. This inter-ministerial Procedure proposal was filed with the Ministry of Labour at the time a government change was taking place in this country. As a result, the new Government decided to review the legacy documentation again, which together with the creation of four Department Directorates as part of a decentralization process meant new officials in these new agencies, had to get acquainted with the matter, thus entailing investments of time and resources to define a new roadmap.
- In Honduras, the procedure building process suffered from delays due to discontinuous involvement by ministerial sector stakeholders. Ultimately, a preliminary version was produced to be submitted at the meeting scheduled for May 15.¹³

One of the main obstacles identified in guideline development was the small number of court decisions made in the countries on the matter, which made it difficult to give a proper treatment to existing legislation on CL and its worst forms. Additionally, some guidelines faced special problems dealing with wording and contents and had to be reworked, with the resulting delays in the process (Guatemala and Nicaragua). Nevertheless, the Project lent the technical support required to address these weaknesses, and both guidelines came out with a high quality.

In the specific case of Intra-institutional Procedures, one difficulty was that some Ministries of Labour had very few financial and human resources to carry out an adequate supervision of procedure development. In the case of Nicaragua there was no national budget for this activity, which had to rely entirely on funds from international cooperation organizations. Another limitation in the case of MINTRAB was that human capital responsible for this issue was made up of just one official and one assistant, in addition to support from the Director's Office. To boot, there are few resources available to provide a practical follow-up of developed procedures mechanisms. In the case of Inter-institutional Procedures, the slow approval process by advisory teams in the various countries was identified as a problem.

On the other hand, some judges did not know about CL-related court decisions or enforcement of international conventions. In order to fill this gap, the ILO Labour Justice Program conducted a series of trainings on ILO functions and the Declaration of Fundamental Principles and Rights at Work. The current Project trained on child labour issues. These workshops were also held in the Dominican Republic.

List and procedure development in Nicaragua was strengthened by the signing of an *Agreement for Joint Action on Fishing Activities in Nicaragua, Free from Child and Adolescent Labour* subscribed by MINTRAB, FENICPESCA, CAPENIC, and CUS representatives. In addition, the *Agreement for Joint Action on Agriculture Free from Child Labour: The Future Harvest* was

¹³ Since interviews were conducted before this meeting there are no results available.

signed by MINTRAB, MAGFOR, MARENA, Rural Development Institute (IDR), UNAG, Union of Agricultural and Ranching Producers of Nicaragua (APEN), ATC, and ANDEN representatives.

In brief, all of the countries have developed lists of hazardous labour and chose regulations as a formalization instrument; however, only Guatemala, Nicaragua, Dominican Republic, and Panama have approved them.¹⁴ Costa Rica decided in favor of a C182 approval law as the vehicle for formalization. On the other hand, all target countries, except for El Salvador and Dominican Republic,¹⁵ have built their procedures. Table 3 shows summarized results concerning development and approval of both lists and procedures by country:

Table 3. Processes Related to List and Procedure Development by Country, 2008

Country	List on hazardous CL		Inter-institutional Procedure		Intra-institutional Procedure	
	Off. App.	No Off. App.	Off. App.	No Off. App.	Off. App.	No Off. App.
Costa Rica		√		√		√
Guatemala	√			√		√
Nicaragua	√			√		√
Honduras		√		√		√
El Salvador		√	X		X	
Dominican Republic	√		X		X	
Panama	√			√		√

Legend

- √ Document developed
- X Document not developed
- Off. App. Official approval
- No Off. App. No official approval

3.4 Good Practices Corporate Social Responsibility

Conclusion. Despite the Project’s short life span (slightly less than two years), there were innovative and replicable initiatives that were relevant to child labour eradication and respond to actual interests and realities of people involved, within the framework of international agreements and ILO codes of social and professional conduct (ethics and responsibility criterion). However, starting with the definition of “impact” from the programmatic evaluation point of view, it was impossible to identify positive impacts in such a short term (although positive effects were indeed found) based on their application. Additionally, it is hard for good practices to be sustainable because they need to be further consolidated to continue without the Project’s financial and technical support.

The evaluation question guiding this assessment in the terms of reference was:

What was the role played by the Project in developing good social responsibility practices with workers’ organizations (Honduras, Nicaragua) and good corporate social responsibility practices with employers’ organizations (Costa Rica, Nicaragua, Guatemala)?

Cases known as good corporate social responsibility practices consist of experiences that are wholly or partially useful in child labour prevention and eradication. These initiatives have been effectively developed and have been proven to work. Besides, they meet the criteria established by ILO, in the sense they should be innovative and creative, evidence a positive effect from its

¹⁴ Dominican Republic and Panama were not part of the Project at inception.

¹⁵ El Salvador and Dominican Republic were not either part of the Project at inception.

application, be replicable in other contexts, be sustainable (continue to produce benefits even after support from the project fostering them has ended), be relevant to child labour eradication, respond to actual interests and needs of people involved, and be framed within the spheres of action of international agreements and ILO codes of social and professional conduct.

The Project supported implementation, identification, and systematization of good corporate social responsibility practices as a way of learning from successful experiences and replicating them in other contexts. This learning process involves a greater guidance and clarity as to the most adequate way of implementing these experiences, as well as the most important aspects that could affect success or failure of the activity.

Good Social Responsibility Practices with Workers' Organizations

This evaluation did not identify any good social responsibility practices with workers' organizations in Honduras. Nevertheless, it has been recognized that the creation of workers' Commissioners to prevent and eradicate CL has supported this Project goals. These Commissioners operate at the national, regional, and local levels, and are made up of the following organizations: Confederación de Trabajadores de Honduras (CTH), Central General de Trabajadores (CGT), Confederación Unitaria de Trabajadores de Honduras (CUTH), three rural wage earners' organizations (Coordinadores de Sindicales Bananeros and Agroindustrial de Honduras), and rural workers on their own (Coordinadora de Organizaciones Campesinas de Honduras and Confederación Nacional Campesina). The Project has strengthened these commissioners through awareness-raising, socialization, and advocacy processes.

On the other hand, a good social responsibility practice was identified in Nicaragua with workers' organizations in the successful experience of *Asociación de Trabajadores del Campo's Child Labour Monitoring Plan*. This initiative was primarily furthered by Asociación de Trabajadores del Campo (ATC) through its special secretariat, together with CENEPTI. A source of important inputs to replicate the activity in the municipalities of Santa Teresa and El Crucero was the previous project developed by ATC in the Jalapa area, where they managed to reach children that joined their parents in coffee-growing and cattle-raising tasks to instead attend schools.

The Project due to its practical experience was able to provide technical and financial support in organizing social gatherings, meetings, lobbying, dissemination spaces, and travels. Additionally, the Project lent technical assistance in the signing of a document with trade union confederations, such as Central de Unidad Sindical (CUS), Confederación de Acción y Unidad Sindical (CAUS), Frente Nacional de los Trabajadores (FNT), and Asociación de Trabajadores del Campo (ATC), through which all entities committed themselves to join in child labour community monitoring. Subsequently, this document was validated with these stakeholders. Moreover, the ILO's positive image has managed to give the initiative even more credibility and make it easier for the various local levels of society to support this activity.

This pilot experience took place at the municipalities of Santa Teresa and el Crucero (a coffee growing area) in the Department of Carazo, because families living there were not aware of CL and schools remained empty. This initiative, which coincided with the beginning of the school cycle, was meant to make the CL dimension known, raise awareness among community members and state institution officials, and systematize the experience. Community monitors affiliated to ATC were selected among teachers, citizen council members, and parents. Each municipality chose 25 monitors. This good inter-institutional coordination practice emerged within the framework of inter-institutional procedure development to create and strengthen alliances.

The Project offered training to inspectors on the way report slips should be filled out and the procedures to be followed with children in case they are found working, and another report slip

for children at high risk. After training, some field work and four meetings took place. At the first meeting a first report stating that over one hundred children were found performing dangerous work was submitted. This report was delivered to the relevant authorities. At the second meeting, they were trained on a program known as SCREAM (Supporting Children's Rights through Education, the Arts and the Media); additionally, inspectors were trained on the issue of "collage" and its products, with messages about the negative effects of child labour being posted at key points, such as neighborhood stores, ministries, and others. The third meeting consisted of presenting a report on findings, where communities used such techniques as role playing, drama, creative writing, and music to present CL-related plays, poems, and songs. The last meeting was a forum of the two municipalities, attended by the mayor, deputy mayors, local organizations, and parents who at first were not interested in participating.

The final outcome of this initiative was the identification of 261 working children, of which, 62 joined educational centers and continue to go to school. Additionally, inter-institutional coordination was strengthened and people's awareness was increased, thus contributing to consolidate a local strategy to address the issue. In spite of these achievements, trade unions perceive the little space they have to negotiate with employers as one weakness. Trade union representatives think employers should have been involved in actions developed within the child labour monitoring framework, where communities, local leaders, families, the educational sector (representing the State), and unions primarily participated. The trade union sector recommended to engage employers in a more active manner through agreements and other actions led by the Ministry of Labour.

Good Corporate Social Responsibility Practices with Employers' Organizations

In spite of the Guatemalan coffee-growing sector's resistance to CL, where there C&A are still involved, ANACAFE made major efforts on this issue since 1998 by publishing a newsletter and pamphlets, among other things. Additionally, the ILO-IPEC program launched in 2001 a child labour prevention and elimination project in the coffee area of San Marcos and in Salamá, where broccoli is grown.

Later on, ANACAFE and FUNCAFE submitted a rather ambitious proposal to ILO about developing a baseline for C&A working in the coffee crop throughout Guatemala, within the framework of the Project under evaluation. Since this proposal went beyond the parameters for collaboration agreements, it was redeveloped using feedback from both parties to produce a second version that included research as a perception diagnosis. This diagnosis had Project financial support for technical advice provided by a hired consultant and for its implementation. This research was meant to determine employers' knowledge of CL and its worst forms, among other related issues. Planning took two months and field implementation lasted one month. One of the results of this diagnosis was some recommendations given to the sector by the Project, such as signing an agreement between the coffee sector and the State, something that is currently being analyzed by the coffee sector.

The union of ANACAFE–FUNCAFE and ILO was a major milestone in the latter institution's cooperation with the Guatemalan employers' sector. It opened up the possibility for ANACAFE–FUNCAFE and ILO to work together, which resulted in ANACAFE–FUNCAFE's developing a nation-wide sampling for seven regions in the country. Thus, this sector is beginning to view ILO as an ally, understanding its position concerning CL issues, and giving rise to significant conceptual feedback between both parties. ANACAFE was willing to cooperate, despite the caution shown while the experience was taking shape, given its interests. ANACAFE was fully involved as a business sector, with some officials of this institution becoming deeply involved in the diagnosis, which contributed to decision making, implementation, and final report development. ANACAFE–FUNCAFE international image also benefited from working together with an organization such as ILO. It was also possible for ILO to gain a deep knowledge of the coffee production system and the sectorization into small,

medium, and large coffee producers, and the way the coffee growing community took on child labour.

Another example of good corporate social responsibility practices with employers' organizations took place in Costa Rica. A previous experience had been the Action Program (AP) known as *Progressive Prevention and Elimination of Hazardous Adolescent Labour in Agriculture Through Adolescent Integration in Technical Training Processes and Sustainable Business Projects to Remove Them from Hazardous Labours*, which took place in the counties of Turrialba and Jiménez of Cartago. This initiative was implemented by the Feminist Information and Action Center (CEFEMINA) from April 2005 through June 2006, with financial support from the United States Department of Labour (USDOL) and technical support from ILO-IPEC. Several national entities were involved, including MTSS, OATIA, INA, IMAS, PANI, and IAFA. This initiative had the purpose of contributing to eliminate hazardous adolescent work through training to encourage employability and/or entrepreneurship in rural working children and adolescents. This AP targeted adolescents aged 15-17 years who worked in the agricultural sector, lived in poverty conditions, were excluded from the formal education system, were engaged in hazardous labours, and came from the above mentioned counties. This AP had numerous results, including working with 240 rural working adolescents with whom an analysis of human strengthening and business vocation was conducted, and who were encouraged to go back to school.

Yet another major result of the project mentioned in the previous paragraph was the replication of this AP in the Brunca Region (Golfito and Corredores counties) by means of the Action Program *Contribution to Hazardous Child and Adolescent Labour Eradication Through the Development of Production Alternatives*. This initiative aimed at contributing to eradicate child labour, hazardous adolescent labour, and their worst forms by implementing production projects for families living in these counties. This AP was executed by Fundación para el Desarrollo Sostenible de Osa and took place from June 2005 to August 2006. As a result, 60 working adolescents were benefitted, their families were made aware, and coordination was achieved among public agencies, including: IMAS, INA, MTSS, UCR, PANI, and IAFA, among others.

The specific example of good corporate social responsibility practices with employers' organizations in Costa Rica took place in San Carlos, with a project called *Integral-Vocational, Formal, and Human- Training of Rural Working Adolescents to Help Eliminate Hazardous Adolescent Labour in the North Huetar Region*. This project is being implemented since May 2007 by Fundación Unión y Desarrollo de las Comunidades Campesinas (FUNDECOCA) and is targeted on eradicating hazardous adolescent labour through comprehensive training to develop and strengthen skills and abilities that enhance employability and/or entrepreneurship in rural working children and adolescents. The idea is to elicit a joint response from public agencies, non-government organizations, private businesses, and rural communities. Unlike the two above mentioned initiatives, this project has the participation of a private business, Reforestación Grupo Internacional (RGI), as provider of the main financial support. This Dutch-capital company is in the teak (*Tectona grandis*) plantation business with technically managed plantations that produce quality lumber for international markets. Additionally, OATIA-MTSS, INA, CEFEMINA, Agencia para el Desarrollo de la Región Huetar Norte, Estrategia Zona Económica Especial (ZEE) are also involved. The ILO-IPEC program provides technical assistance in building and strengthening the institutional service platform.

As of February 2008, this project has successfully implemented an AP on the elimination of hazardous child labour in Turrialba and Jiménez counties of Cartago (mentioned above). Additionally, 80 rural working adolescents age 15-17 years were trained in intensive workshops on human training, formal training, and business management; coordination among relevant public, private, and business entities in the area was also started. In particular, the innovative inclusion of the CSR component through RGI's economic and technical contribution is worth

mentioning. Just as innovative was the fact of coordinating the struggle against hazardous child labour with economic development in the region.

A third example of good corporate social responsibility practices with employers' organizations was also found in Nicaragua. Some Nicaraguan businesspeople from the fishing (FENICPESCA, CAPENIC) and agricultural (Unión de Productores Agropecuarios de Nicaragua) sectors committed themselves in writing not to hire child labour. In the case of the coffee growing sector, ATC developed a camp during the last harvests in 2007 and 2008 where they provided various activities for the children of coffee pickers, in order to keep them away from the harvest. Currently, this experience is an example, and resulted in ten of the biggest coffee growers signing this commitment, where the Ministry of Education, the Ministry of Health and, of course, the Ministry of Labour are also involved.

Other Issues Worth Mentioning Beyond the Initial Question

Honduras: While this evaluation did not find evidence of good social responsibility practices with **workers' organizations** in Honduras, there was an experience with the employers' sector. The Honduran Private Enterprise Council (COHEP) represents private businesses here. COHEP has been actively involved in CL issues, although dissenting over some points about building the lists of worst forms of child labour. Despite this resistance, COHEP has developed the "Coaching Scholarship" program and has committed to abide by decisions made within the Project framework, such as raising awareness among different sectors through the press.

Major previous events include COHEP's participation in the regional 1997 Consultation to Eliminate Child Labour, which took place in Brazilia, ILO C182 approval, the Child and Adolescent Code (May 2001), the development of general child labour diagnosis in Honduras (November 2001), and the making of the National Action Plan for Gradual and Progressive Child Labour Elimination in Honduras (December 2001). Additionally, COHEP has developed awareness-raising campaigns targeted to businesspeople, and has been actively involved in the National Commission for Gradual and Progressive Child Labour Elimination. It has had representation in the Young Entrepreneurs Program launched in 2002 and has co-organized the "first subregional business summit". It took part in the discussions over the list of hazardous labours by their nature and conditions (C182).

Based on its sensitivity on CL issues, COHEP started the "Coaching Scholarship" program in 2003, which has been supported with their own contributions and the support from such agencies as GTZ, through the PROEFA program, World Vision, CARE, CRS, and the agreement with the Jóvenes en el Umbral de la Vida program, among others. The program includes providing specific training on educational subjects and values, furnishing teaching materials and guides, and working together with educators, C&A, and local communities. The purpose is to reduce the percentage of C&A grade repeaters and school dropouts through coaching or school reinforcement on Spanish and Math, provided by students in higher grades with a 91% or higher performance index. The methodology followed in this program included a diagnosis at the educational center level, an introduction for the teachers' council, assemblies with parents, training for coaches, and the beginning of coaching.

The Project provided technical and financial assistance, particularly for the coming publication of a book to disseminate lists. The Project has supported COHEP through financial and technical advice to develop their operations.

3.5 Training of Law Enforcement Agents

Conclusion. The Project financed a training program focused on Law enforcement agents in all the countries by hiring a local and a regional facilitator. Workshops targeted on Law enforcement agents were often jointly conducted with the Labour Justice Program, another ILO program. Thus, the Project under evaluation contributed with some CL-related inputs. Project technical support was also provided to build a Law enforcement agent Training Manual on Child and Adolescent Labour, which has already been published and is pending distribution in the countries, courts, and judicial schools. Additionally, the Project provided inputs to the child labour section of this Methodological Guide developed by the Labour Justice Project, which will be used for local training.

Evaluation questions posed in the terms of reference that guided this assessment were the following:

What efforts has the Project made to train Law enforcement agents on proper legislation enforcement?

How will sustainability be supported?

What were the results of training?

All law enforcement agents training processes were homologous, took place in parallel, and were taught by external consultants hired in this Project framework. Training was first targeted on employers, chamber employers, trade unions, government, and judges. Although the judiciary sector was not included in the initial target audience for these trainings, they made the request (in the different countries) to be included in training, on account of knowledge shared during workshops. Thus, children's and adolescent's court judges, labour judges, family judges, and prosecutors were included.

The Project financed the training process for the law enforcement agents either directly or through alliances with other ILO programs. The Project directly developed the *Training Manual for Law Enforcement Agents on Child and Adolescent Labour* in August 2007. The idea of creating this manual stemmed from a diagnosis of existing court decisions, carried out by ILO-IPEC in 2005 and based on the need for having materials explaining proper enforcement of C138 and C182, a need expressed by judiciary operator during workshops.

Indirectly this Project joined efforts with other ILO initiatives, such as a Spanish project (AECI) that financed all workshops on general labour principles, including CL issues. Additionally, numerous training events were conducted along with ILO's two-year project "Strengthening Labour Justice for Central America and Dominican Republic" within the CAFTA-DR framework, which is financed by the U.S. Department of Labor. This joint work strategy benefited the Project by expanding its target audience and increasing thematic contents at a lower cost, since the Labour Justice project took on many travel-related expenses. This was a non-deliverable of the project. The Labour Justice project developed a Methodological Guide that will be subsequently used for training in the different countries.

The Labour Justice project framework has included four courses in Honduras, Guatemala, and Nicaragua, as well as three in El Salvador and Dominican Republic, for a total of 561¹⁶ trained persons from various sectors: judges, employee and employer legal advisors, officials of Ministries of Labour, prosecutors, and university professors who will become multiplying agents to foster a change in the culture. Workshops were conducted by both a local and a regional legal advisors. The latter had also developed the regional diagnosis of court decisions and the training manual. Themes covered included such concepts as ILO, IPEC, C138, C182, WFCL, and case studies of court decisions. An exhaustive analysis of each country's national

¹⁶ Project on Strengthening Labour Justice for Central America and the Dominican Republic.

reality and problems was also done by the IPEC team. Since the Labour Justice project is framed within a broader context of international standards (CAFTA-DR), workshop participants got additional information besides CL. However, the Project under evaluation addressed the CL component.

The Teaching Guide developed by the Labour Justice project is in DVD format and is aimed at law students. This teaching material was complemented with videos and CL-related materials developed by the Project being evaluated. The Guide explains what is ILO, the Declaration of Fundamental Principles and Rights at Work, including child labour. Guides would be used by educators in developing 2- to 6-hour work sessions with students as a complement to their classes.

The Methodological Guide is currently being validated. Once this is done, a 2000-copy run will be printed and distributed in the different countries and some of their universities. This guide will be used as distance education material because it has a student manual and a professor manual. Other target audiences of these guides are Ministries of Labour, courts, judicial schools, employers' and workers' unions.

In the case of Guatemala, the Project provided a crucial technical and financial support to develop a Training Module targeted on all judges and senior judges. This Training Module is part of a long-term academic proposal aimed at this target audience for 2007 – 2008. Annex 4 shows the workshops to be conducted in 2008 after the Module is approved by this country's Judicial Studies School.

Efforts were also made in Guatemala to reach training objectives while rationally using available economic resources.

Training events gave participants the opportunity to learn about responsibilities and voice their needs and requirements, in order to share plans for a better joint work.

In Dominican Republic the Project also had an impact through building the CL subject into the curriculum of the Judicial School. Additionally, the Project provided technical and financial advice transferring a Honduran consultant to design and teach a CL course, together with Dominican Republic's Judicature School and Attorney General's Office. The process will include a law enforcement tool kit.

The Project favored sustainability by strengthening installed capacity in the different countries, developing the *Training Manual on Child and Adolescent Labour for Law Enforcement Agents*, and producing the Methodological Guide to be used in local training processes. Although this guide was created under ILO Labour Justice project, the Project consolidated the possibility of using it to facilitate reaching its immediate objective.

Value added included the study on court decisions in each country, child labour information gathering, and systematization of the experience for all target countries. Overall, the Project either directly or indirectly trained 1263 key stakeholders from government, employers', workers', and civil society sectors (Annex 5).

3.6 South-South and Horizontal Cooperation

Conclusion. The Project has produced important results concerning hazardous labours list development, building of results, and systematization of some good social responsibility practices that could be shared with other actors. The Project managed to conduct a workshop –attended by inspectors from all target countries– that developed a list of specific needs on the South-South cooperation issue, which are very valid in view of Project completion.

The evaluation question posed in the terms of reference that guided this assessment was:

What was the role played by the Project in encouraging South-South and/or horizontal cooperation and fostering similar processes in all countries in the region?

During Project operation very valuable innovations were found in the Central American region in a short period of time, although few of them could be perceived as good practices in the strict sense defined by ILO. These achievements, namely, hazardous work list development, developing lists, and systematization of good social responsibility practices, may be shared with other stakeholders to make Project-driven experiences known.

The Project provided technical assistance and financing to carry out the *Workshop on Good Practices and Lessons Learned from Labour Inspection Units of the Central American Subregion on Child Labour* in Tegucigalpa, Honduras, on March 12-13, 2008. Similarly, it facilitated the means for its proper systematization. The workshop was targeted on promoting horizontal cooperation through an exchange of experiences among sub-regional Ministries of Labour's inspection units on the subject of CL, and on strengthening their capacities. Participants included inspectors from all target countries, as well as experts from Brazil and Chile (to a lesser extent). Brazil has experience in developing methodologies to identify CL, particularly a novel initiative where fines imposed for this reason are ploughed back in programs to combat CL. In addition, this country has a Labour Attorney General's Office that operates in an innovative manner. On the other hand, Chile's experience consists of the way they keep their records.

Workshop participants thought there is a lack of sufficient funding for labour inspection units to operate efficiently, despite significant progress made in strengthening labour inspector knowledge. An additional and equally valuable workshop outcome was the following cooperation needs expressed by countries:

- Follow-up and monitoring systems (Chilean experience).
- State system for using money from fines in developing various actions tending to eradicate child labour.
- Exchange of experiences in developing procedure mechanisms.
- Training on how to enforce hazardous work lists and procedure mechanisms.
- Greater knowledge of experiences developed in Dominican Republic concerning the struggle against CL in agriculture.
- Developing an awareness-raising campaign to eradicate CL (Brazilian experience).

Since the workshop took place before procedures were reviewed in Guatemala, its inputs were used as an example in analyzing components of the network that is triggered when an underage person is found working.

Some exchanges on such issues as migration and labour rights have been made in Nicaragua with OAS support.

3.7 Relevance of Commitments Made under the Hemispheric Agenda¹⁷ and the White Paper¹⁸

Conclusion. Through financial and technical support the Project has contributed to list development, building procedure mechanisms, and strengthened capacities in different sectors, which match some of the commitments made under the Hemispheric Agenda and White Paper. On account of the Project's nature and short life span, it cannot entirely fulfill commitments made in these documents at the country or subregion level.

Evaluation questions posed in the terms of reference that guided this assessment were the following:

What were the commitments made and goals set in ILO Hemispheric Agenda and national defense White Paper?

What has been the Project contribution to fulfillment of commitments made under the White Paper?

The Hemispheric Agenda agrees with and complements the Project because it sets a regional agenda (ministries, presidential agendas, country agreements), a subregional agenda, and a national agenda

Within the framework of the Project under evaluation, one CL-related goal proposed by the Hemispheric Agenda consists of eliminating the worst forms of CL in a 10-year term, i.e., by the year 2015. By and large, the Project target countries think this is a relatively short time to achieve this goal, considering a significant share of the population live under extreme poverty conditions, coupled with this population segment's failure to access a quality education system and the impending food crisis. As to the Hemispheric Agenda goal of eliminating CL entirely in 15 years, that is to say, by 2010, countries will have to resolve their poverty and education conditions limiting this endeavor. However, in analyzing specific CL-related actions proposed by the Hemispheric Agenda, countries have shown full or partial compliance, given that:

- Some of them have adapted or are in the process of adapting their national laws to their obligations under C138 and C182.
- All of the countries have strived to train authorities and agents in charge of enforcing national legislation on the matter.
- All of the countries have developed consensus-based hazardous labours listings and have identified the physical location of the worst forms of child labour to start rescuing and rehabilitating, among other measures, C&A found in these situations.
- All of the countries have tried to build CL issues into social and economic development policies and programs, particularly those aimed at children, adolescents, and poverty reduction, through National Commissions for the Eradication of Child Labour, Decent Work Programs, and agreements or decrees to officialize listings and procedure mechanisms.

At the time of this evaluation, all the Central American countries and the Dominican Republic were developing a road map consisting of a strategy to define the way they will honor their commitments. Guatemala reported hiring four additional people to provide services to underage persons, and there are plans to assign one specialized inspector in each region, in response to a White Paper commitment calling for an increase in the number of inspectors. In Honduras a work plan has been developed with National Action Plan commitments that include actions to

¹⁷ Articulated strategy of policies combining actions in the economic, legal, institutional, and labour market areas with the purpose of making progress in the promotion of decent work throughout the Americas. Document found on May 9 at the following URL: http://www.oit.org.pe/portal/index.php?option=com_content&task=view&id=997&Itemid=979

¹⁸ Report with recommendations aimed at improving enforcement of and compliance with labour rights, as well as strengthening labour institutions in countries in the region.

eradicate CL by 2010. A second National Action Plan, child labour listings, and procedure mechanisms were developed.

As to the White Paper, the extent to which the Project contributed to country fulfillment of commitments is detailed below:

Costa Rica

- Some inspectors and conciliators were reported to have taken training courses on how to improve labour law enforcement.
- From August 2007 through January 2008, the Steering Committee for the prevention and eradication of child labour and protection of working adolescents held three meetings attended by various government institutions, representatives of employers' and workers' sectors, NGO's, and local governments.
- Three meetings took place between OATIA and the vice-ministers of Education, Social Development, and MTSS, with support from an ILO-IPEC consultant to coordinate ministerial policies related to these issues.
- Six meetings were held with ILO-IPEC consultant support to redevelop the Plan.
- The National Plan was redeveloped in 2007, although it does not have a specific financing.
- Hazardous labours lists were developed, and a Bill was submitted to the Assembly on prohibiting hazardous and unhealthy labours for working adolescents, file No.15929 of July 21, 2005, although currently it is still on the agenda of the Special Standing Commission on Youth, Children, and Adolescents to be studied. It will be analyzed until the required CAFTA-DR Implementation Agenda is approved.
- Meeting to analyze progress made by countries regarding child labour elimination.
- Participation in the workshop on *Good Practices and Lessons Learned from Labour Inspection Units of the Central American Subregion on Child Labour* in Tegucigalpa, Honduras, March 12-13, 2008.

Guatemala

- Intra and inter-ministerial procedures were developed in 2007 for the provision of services to underage working persons. Official approval through a ministerial agreement is pending.
- Participation in the workshop on *Good Practices and Lessons Learned from Labour Inspection Units of the Central American Subregion on Child Labour* in Tegucigalpa, Honduras, March 12-13, 2008.
- Development of the Judge Training Module on Child Labour approved by the School of Judicial Studies, Guatemalan Judicial Body. Three workshops were scheduled to be developed in June, July, and August of the current year.
- Meeting to analyze progress made by countries regarding child labour elimination.

Nicaragua

- MINTRAB, Ministry of Education, Ministry of Health, Ministry of the Interior, and Ministry of Family have included actions related to child labour prevention and eradication in their operations.
- Development of a Second Strategic Plan is underway, and information to build it through a consultancy is being gathered.
- Child labour has been ranked as a priority in Government strategies and the labour agenda.
- The National Plan, built with Project assistance, has partial financial support from UNICEF and Save the Children.
- In 2006, 13 hazardous labours in twelve municipalities were identified and characterized through multisectoral and inter-institutional workshops. The process was led by CENEPTI.
- Regional meetings to encourage knowledge and exchange of information on lessons learned about eliminating child labour and its worst forms.
- Meeting to analyze progress made by countries regarding CL elimination.
- Participation in the workshop on *Good Practices and Lessons Learned from Labour Inspection Units of the Central American Sub-region on Child Labour* in Tegucigalpa, Honduras, March 12-13, 2008.

Honduras

- Under the Project, various training events have been developed on labour inspection procedures, child labour procedure, proper management of labour conflicts, and international labour standards.
- The Second National Action Plan Against Child Labour, to enter into force until 2008, was approved by the Inter-institutional Technical Committee in August 2007, but the National Plan is right now in the process of being elevated to public policy.
- List of hazardous labours (by condition and nature) were approved and are now pending official endorsement (executive agreement).
- The document titled “Procedure for Comprehensive Care of Working Children and Adolescent at STSS” was developed in October 2007.
- Participation in the workshop on *Good Practices and Lessons Learned from Labour Inspection Units of the Central American Subregion on Child Labour* in Tegucigalpa, Honduras, March 12-13, 2008.

El Salvador

- Training events aimed at inspectors, mediators, and conciliators were conducted.
- The Decent Work Program was signed in the last quarter of 2007. There is, however, some uncertainty as to the way follow-up will be done, because countries find it difficult to do this by themselves without external support.
- The following state institutions have built CL prevention and eradication activities into their annual operating plans: MINTRAB, Ministry of Education, Ministry of Public Health and Welfare, Ministry of the Interior, Ministry of Agriculture and Ranching, Ministry of Foreign Affairs, Ministry of Tourism, Ministry of Economy, National Secretariat of Family, Secretariat of Youth, Salvadoran Institute for Comprehensive Development of Children and Adolescents, National Civil Police, and Attorney General’s Office.
- The National Plan will be subject to an interim evaluation with ILO-IPEC support.
- Meeting to analyze progress made by countries regarding CL elimination.
- Participation in the workshop on *Good Practices and Lessons Learned from Labour Inspection Units of the Central American Subregion on Child Labour* in Tegucigalpa, Honduras, March 12-13, 2008.

Dominican Republic

- Some training events aimed at inspectors, mediators, and conciliators were conducted.
- The Project approved the design and implementation of a Child Labour Monitoring System.
- A 2006-2016 National Strategic Plan against WFCL was adopted defining priority intervention sectors and sites, and clear and specific goals about the role and commitment of the different government agencies involved. This plan is currently being executed.
- The policy framework was improved.
- CL problems were included in training programs of relevant government bodies.
- An ILO consultant was hired to determine what were the requirements for SET to play its CL-related role.
- Six ILO-supported training activities were carried out with the participation of 229 representatives of government, employers, workers, and civil society.
- Meeting to analyze progress made by countries regarding CL elimination.
- Participation in the workshop on *Good Practices and Lessons Learned from Labour Inspection Units of the Central American Subregion on Child Labour* in Tegucigalpa, Honduras, March 12-13, 2008.

Countries have met much of their commitments pursuant to the White Paper, and many of them say it is a good means of verification. They suggest, however, that feedback should be made available to all Project members that provided information, in order to keep them posted on compliance status (ILO-IPEC National Coordination in Nicaragua and a representative of the employers’ sector at the time interviews were held). Some Project stakeholders were not entirely aware of the links between the Project and the Hemispheric Agenda and White Paper.

3.8 Decent Work Plans and Programs

Conclusion. The Project encouraged national decent work Plans and Programs in target countries through technical and financial assistance to develop different activities. Additionally, the Project facilitated an assessment of internal needs at ministries of labour through a Workshop conducted in Honduras. Because of Project nature, providing inspection units with the equipment they require is not possible, in spite of all Project contributions.

The evaluation question posed in the terms of reference that guided this assessment was:

How did the Project encourage national Decent Work Plans and Programs adopted or being negotiated in the different Project target countries?

Concerning Decent Work Country Programs, one goal proposed by the Hemispheric Agenda for the next ten years is that countries should strive to:

- *Improve labour policy management capacity:* The Project has provided technical competence in designing and enforcing public policies through training workshops. Additionally, it has lent technical support during list and procedure mechanisms development, even if some countries lacked juridical backing.
- *Strengthen and develop social player organizations and consolidating social dialogue:* The Project has fostered such spaces as hazardous labour list development and validation, where representatives of government, employers', and workers' sectors have been involved, thus strengthening dialogue among them. It should be acknowledged, however, that no investments have been made in equipment or properties on account of Project nature, although the Project has indeed provided financial support to develop activities. For this reason, countries should enter agreements or other initiatives with other entities, either national or international cooperation agencies, to supply these requirements. ILO finances some social partners' participation in the six-month Labour Law Course taught at UCA and targeted on private businesses, workers, and the government.
- *Install a sound labour authority with the potential to detect violations:* Implementing an articulated conflict resolution system falls beyond Project scope. Nevertheless, the workshop developed in Honduras facilitates South-South cooperation, in such a way Project target countries are able to maintain cooperation with, for instance, Brazil and Chile, or among themselves.
- *Perform 50 per cent over their current potential:* The same as in the previous paragraph, except that Chile is the country with a successful experience in terms of the inspection record system.
- *Increase knowledge of labour market operations and work conditions through integrated and modern labour statistics systems.* This goes beyond the scope of the Project under evaluation.

The Project allowed Ministries of Labour in the different target countries to evaluate their own political and technical capacities through a SWOT analysis developed in the workshop on *Good Practices and Lessons Learned from Labour Inspection Units of the Central American Subregion on Child Labour*, Tegucigalpa, Honduras (March 12-13, 2008). Additionally, the Project has contributed to systematizing this experience; however, designing and enforcing policies to get the required resources and technical capacities remains in the hands of countries. International cooperation will play a major role since most labour inspection units lack the financial resources for such a purpose.

3.9 Sustainability

After practically two years of implementation it can be said that the Project has developed effective actions to prevent and eliminate CL and its worst forms and that these actions can be performed in a sustained fashion after Project completion thanks to:

1. Hazardous work listings developed through tripartite processes in all target countries, and in countries where lists have not been officially legitimized, they are in the process of doing it.
2. Procedure mechanisms have been created and validated with relevant stakeholders, so they are either approved or in the process of becoming approved.
3. Various Project key stakeholders have been made aware of the negative effects caused by child and adolescent labour, as well as their worst forms, through constructive processes open to interlocution. The Project managed to include sectors that would otherwise have found it difficult to participate, such as C&A and community members.
4. Tripartite advisory processes involving sectors with quite diverse interests, such as government, employers, and workers, have managed to reach important agreements in terms of eliminating CL and its worst forms. The Project was successful in fostering and maintaining a dialogue, despite strong opposition from some sectors. Currently, this communication channel is kept open as one essential component of Project strategy.
5. Training processes on CL-related court decisions, C138, C182, and labour and children's laws, among many other subjects, have reached a significant number of inspectors at Ministries of Labour, judges specialized in various matters, children's and adolescent court judges, senior judges, and other stakeholders, in both cities and rural areas of target countries.
6. Trade union organizations have joined as major social partners to develop proposals aimed at preventing and eradicating the worst forms of child labour. This has facilitated closer ties with other local actors, who have turned into important allies in the struggle against CL. One such example is the successful experience by Nicaraguan trade unions with monitoring child labour.
7. Practically in all target countries CL-related issues were successfully built into training programs of relevant government organizations and National Plans.
8. As a result of inter-ministerial procedure mechanisms development, various government institutions, such as the different ministries, have managed to identify action paths to be followed in case of reports of violations on the matter. Additionally, the different agencies have managed to gain a better grasp of the work performed by the other institutions, which will result in more effective operating processes.

It can be said the Project has strengthened installed capacity in target countries, so they will continue developing actions to prevent and eradicate CL.

IV. Conclusions

1. Strong commitment, organization, technical mastery, and implementation capacity were all found in the executing team, who have a strategic vision, bargaining capacity, and the institutional platform required to efficiently develop the Project.
2. Project design had a logical structure and internal coherence demonstrating a deep knowledge of the context found in Project target countries, as well as the subjects themselves. Only government sector response time in some countries was overestimated, with the consequent delay in reaching some of the proposed goals.
3. The development of an official hazardous labours list through tripartite and participatory processes in all countries was consolidated, although it is not officially formalized in all of them.
4. Both intra and inter-ministerial procedure mechanisms were built through advisory processes validated by the main stakeholders, even though not all target countries have managed to make them binding through agreements or decrees.
5. The Project pursued the right strategy because it managed to strengthen institutional capacity of national entities. Thus, their knowledge base is enhanced and clear guidelines are established to implement policies and programs aimed at preventing and eradicating the worst forms of child labour. In addition, the Project promoted and strengthened horizontal cooperation mechanisms through identifying South-South cooperation needs and promoting an exchange of knowledge, technologies, skills, good social responsibility practices, and other experiences among countries.

6. Given efficient Project resource administration and management it was possible to benefit Dominican Republic, El Salvador, and Panama, which were originally not included in the Project.

7. The target audience initially defined for knowledge management was expanded on account of alliances with other ILO projects, in order to join efforts in reaching proposed objectives. This way, a more efficient use of the budget was made, decreasing operating costs and, in the case of training jointly developed with the Labour Justice Program, thematic contents covered was also broadened.

V. Achievements

1. The Project promoted capacity building of state institutions, local grassroots organizations, and national and international NGO's, and managed to have the subject of child labour and its worst forms included in the agendas of these entities. Thus, the WFCL issue became visible in the seven target countries.

2. A consensus-based and tripartite design of hazardous work lists was achieved in all target countries (although final approval is needed in some of them), which contributed to sustainability of the subject.

3. Policy revisions were promoted and facilitated through inter-institutional and intra-institutional procedure mechanisms, which had an impact on long-term Project sustainability. Technical assistance provided, as well as an exchange of experiences, facilitated the production of high quality case documents that furthered the building of causes of action against WFCL at different levels. Moreover, consultation processes in developing inter-institutional and intra-institutional procedures reduced the likelihood of duplicated efforts and encouraged better communications.

4. Numerous initiatives were developed for research on the worst forms of CL and the number of court decisions on the matter in the different countries. This provided the basis for establishing minimum national-level conditions concerning this subject.¹⁹

5. Issues related to CL and the scope of national and international regulations were clarified in the different target countries. In the particular case of Guatemala, a clear interpretation was given of Labour Code's Article 250– 2006, which had some revisions made, such as reducing inspector power to enforce the law at their discretion, which thus prevented granting underage persons the permit to work. Agreement 250– 2006 was socialized at the national level, and “pamphlets” were issued on child labour and Regulations 250 in a popular edition for adolescents.

6. The Project made it possible to consolidate training actions and document systematization to share and replicate these experiences with different actors, after making the necessary adjustments. For instance, developing the *Training Manual on Child and Adolescent Labour for Law Enforcement Agents* in August 2007. This manual explains how Law enforcement agents should properly enforce C138 and C182; it has been published already and is expected to be distributed in countries, courts, and judicial schools. Additionally, the *Methodological Guide* in CD format was developed as part of the Labour Justice Project and includes CL and its worst forms, among other subjects. A Training Module targeted on all judges and senior judges was developed as part of an academic proposal for 2007 – 2008; currently, the module has been approved by one of Guatemala's Judicial Studies School, which is the entity in charge of formal training in this sector.

7. Based on country experience and strengths, and Project technical support, a systematization was made of good corporate social responsibility practices, good social responsibility practices with workers, and subregional labour inspection unit good practices dealing with CL. Examples were actions with the Guatemalan coffee sector, *Asociación de Trabajadores del Campo's Child Labour Monitoring Plan* in the municipalities of Santa Teresa and El Crucero, Nicaragua and the “Coaching Scholarship” Program developed by COHEP in Honduras, among other

¹⁹ Antezana Rimassa, Paula. 2006. *Reflexiones sobre la aplicación de los convenios de la OIT sobre trabajo infantil y sus peores formas en América Central y República Dominicana*. San José, Costa Rica. Oficina Internacional del Trabajo.

important experiences.

8. Country national plans are already approved, and in the case of Nicaragua, Guatemala, and Honduras they are in the process of proposing the second national plan.

9. The Project has involved important organizations of civil society in the different target countries, such as trade union organizations, private enterprise, national and international NGO's, high schools and primary schools, local communities, and experts in various fields. These stakeholders possess a strong commitment allowing these groups to become aware and involved, either directly or indirectly, in activities meant to prevent, identify, and report CL and its worst forms. Additionally, the Project scope was expanded, and organized group capacities were furthered on matters related to CL prevention and eradication. In some cases, these activities were in addition to the tasks regularly performed by these actors, as well as government sector stakeholders. This is evidenced in the two agreements signed for Nicaraguan fishing and agricultural activities to take place 'free of child labour'. Government, trade union, and employers' sectors were involved in both agreements.

10. Alliances entered with other ILO initiatives resulting in enlarged original target audiences, as well as expanded Project overall scope. These included the "Project on Strengthening Labour Justice in Central America and Dominican Republic" and the "AECID Spanish Project". These actions facilitated materials publication and dissemination, which initially had low allocations in the Project budget.

VI. Challenges

1. Although human resources in the Project executing team are very valuable, committed, professional, and quite knowledgeable of the topic, there was a short time to reach such high objectives as legal formalization of inter-ministerial and intra-ministerial procedure mechanisms. This was evidenced by delays caused by some unavoidable political processes, such as the government changes in Nicaragua and Guatemala, and the minister change in Costa Rica, which postponed the official approval of lists and/or procedures.

2. Lists produced in tripartite processes should be updated by the stakeholders that created them, as required by changing circumstances in the different target countries. This requirement is a challenge for Costa Rica, where lists have a legally binding force and can only be revised through the Legislative Assembly, which currently has as a priority to approve the Complementary Agenda, required to set CAFTA-DR into motion.

3. Hazardous labours lists and inter-ministerial and intra-ministerial procedures must be officially endorsed; otherwise, their implementation or enforcement will be very limited. Once the critical path has been developed by countries in the sub-region, their ownership should be favored through a similar consensus-based process.

4. It has been found that few cases reach the courts as labour complaints and/or conflicts. This situation could be the result of violations not being reported or the absence of the proper routing for these complaints. Hence, in the future, once a case comes to a judge's attention, he/she should provide the proper follow-up.

5. Training processes for inspectors in charge of enforcing the procedures should not be isolated but ongoing. This will facilitate enforcement of procedures in public institutions and will provide new inspectors with clear guidelines concerning procedures.

6. Scarce financial and economic resources in target country Ministries of Labour. The equipment required for adequate follow-up of complaints, including automobiles, computers, printers, Internet connections, and statistical software programs, should be provided, along with training on their operation. This way the issue of child labour prevention and eradication, inserted in all discourses, will be put into practice. While this challenge falls beyond this Project capacity and scope, it is a major element that could ultimately have an impact on achievements.

7. Numerous initiatives have been developed under the Project and are viewed as good practices. In addition, hazardous labours listings defined by target countries are a valuable contribution that should be extensively disseminated among the different stakeholders, i.e., judges, inspectors, ministry officials in charge of the process, civil society, educational sector,

Ministries of Health, Ministries of Welfare, and even C&A. Both systematizations should be taken on by ILO-IPEC.

VII. Recommendations

1. In view of the nature of international cooperation projects, both ILO and the Donor Agency should consider that political issues and target country government's terms of office may have an impact on achieving objectives and deliverables of this kind of projects. Thus, time scheduled to reach objectives and goals, particularly for official approval of inter-ministerial procedures, could be affected by government agency response times and by inevitable events, such as a change of government authorities.
2. Notwithstanding the Project's major progress in strengthening ministerial institution capacities, one recommendation is to consolidate an ongoing sustainable training program. Thus, this target group will be able to keep abreast of the latest trends in legal matters related to C138 and C182 enforcement, international and national regulations, and experiences developed in other countries that are farther ahead on this subjects.
3. Keeping an automated registry prevented and/or *withdrawn* cases, in order to allow a faster decision making is recommendable. To do so, a system needs to be established with institutional approval, compatibility with ministerial institution organizational structure, capacity for a certain information volume, capacity for interaction and fast response, and possibilities of expansion and updating. Likewise, people in charge of gathering, entering, and managing the information should be given training. Database compatibility should be analyzed, in case of using different databases that compile and analyze information in the various government agencies.
4. Good practice systematization on the issues of corporate social responsibility, subregional labour inspections, and good social responsibility practices with workers, as well as the successful trade union experience in monitoring child labour, should be continued and disseminated among various target audiences. Although many experiences are not good practices, under the strict ILO definition, documenting them is recommended as a way of recognizing the work of these implementers and because they could potentially become good practices.
5. Providing continuity to the articulation started with the Project, in such a way that pursued strategies will be built into national and subregional plans. Additionally, continuing with new alliances among ILO programs dealing with child labour prevention and elimination, in order to maximize human and financial resources and prevent duplication of functions.
6. Awareness-raising processes should be continued in the framework of Project strategy as a first convergence to position CL and its worst forms in the agenda and activities of different civil society target audiences, since CL also has deep cultural roots.
7. The Project enabled an important dialogue with such critical sectors as trade unions. Consequently, future projects should take actions and agreements developed by trade unions as a reference. This way, they will continue to be key social partners in CL prevention and eradication. These sectors should also be taken into account in sustained training processes, such as the case of Nicaragua through the Labour Law Course taught at UCA.
8. It is important to have awareness-raising campaign and training process results evaluated in the short-term (for adjustment purposes), as well as in the medium- and long-terms, in order to establish the impacts they have had on target audiences.
9. Continuing with assistance for printed materials, compact disks, and videos to support good practice dissemination, as well as other important products, such as hazardous works lists, that can be important inputs to various sectors if they are disseminated.
10. Following up on C&A that joined ministerial welfare programs would be desirable to evidence the impact of Project-driven policies and actions.
12. A follow-up should be done on ILO-IPEC's ongoing updating of hazardous labours lists.
11. A multicultural approach should be ensured in developing processes that involve indigenous communities, such as Guatemala, where over half of the population has indigenous roots, or in

Honduras, which also has a significant indigenous representation. This assessment should be considered in the specific country strategy.

13. The issue of child labour prevention and eradication should be further researched, in order to promote a deeper knowledge of its status in sectors or activities where it is found in the different countries. Similarly, this research should revolve around successful CL elimination initiatives developed in other parts of the world that can be implemented in target countries after the required adjustments.

14. Given the main reasons why families send their underage children to work include poverty, access difficulties, problems associated with permanence in the educational system, poor education quality in the areas where the people live, and little identification with education, it is advisable to encourage national, local, and sub-regional processes that promote attacking the problem at its roots.

15. Indicators could be enhanced by including some alternative indicators. Indicators should be participatory to the extent possible, with the purpose of building different stakeholder points of view into their design.

16. Strengthening of capacities should be complemented with procurement of equipment and technologies, so that ministries of labour are able to properly follow-up on reported complaints. Since the nature of the Project does not allow for meeting these needs, searching for alternatives with other donors in the international community is recommended.

VIII. Lessons Learned

1. Child labour and its worst forms can be eradicated through education, which is the prime development strategy. Children's return to education is related to the building of state, private, or international strategies to promote decent work in the countries. Additionally, there is a need for linking children's protection with the articulation of proper jobs for older adolescents for the sake of sustainability.

2. Actual assumptions should be made concerning national public institution responsiveness, in terms of both time and human resources, in order to achieve adequate management.

3. Technical advice in developing hazardous work listings and inter-ministerial and intra-ministerial procedure mechanism was very important. Nevertheless, criteria should be established for consultant technical profile, so they are capable of producing deliverables and facilitating implementation of Project strategy. This shortcoming was found during development of procedures in Guatemala and Nicaragua, although it was overcome by Project technical staff.

4. It is not enough for countries to have the proper legislation; they should also develop coordination with national state institutions. This is done through the inter-ministerial procedural development process and the definition of complaint-processing procedures specifying which authorities should be resorted to, as well as other valuable information. This process allowed the different entities to recognize their gaps and the way these could be filled.

5. Strengthening the capacities of state institutions included in the Project strategy meant a convergence towards sustainability. Once the Project is completed, knowledge and skills will remain in ministerial officials.

6. Project technical and financial support provided through its different components during almost two years of implementation could create a reliance effect in counterparts of this initiative. That is to say, some stakeholders might become dependent on this technical and financial support lent by the Project, in such a way that after Project completion some actions might stop, to the detriment of sustainability. It is important to make sure information concerning the temporal nature of Project scope and actions is shared by all stakeholders, so they can be aware of issues the Project can solve and others they would have to resolve by themselves or through other means.

IX. Good Practices

1. Work done by labour inspection units in the different countries has produced good practices and effective strategies that may guide the approach to children and adolescent labour issues in other contexts. These successful experiences have a series of common features, namely, their comprehensive approach, targeting as a consequence of scant resources available, inter-institutional and intra-institutional coordination, participation of various stakeholders, such as trade unions, communities, etc., among many other elements in common. This information is properly systematized.
2. Adequate Project strategy based on a deep knowledge of the subject and on each country's own context characteristics. Long-term sustainability was targeted in defining strengthening of national institutional capacities. Additional contributors of sustainability were: workshops where lists and procedures were built in a participatory manner, as well as South-South cooperation.
3. Efforts made to raise awareness and strengthen knowledge of various local actors (community leaders, teachers, directors, staff of state agencies, such as Ministries of Health, and others) on the worst forms of child labour, coupled with efforts of other initiatives on this matter. This led to higher involvement of these sectors to spot child and adolescent labour in their own communities and take relevant actions.
4. Developing teaching materials with high technical quality and contents, such as brochures, videos (good practice jointly developed with ATC), the *Training Manual on Child and Adolescent Labour for Law Enforcement Agents*, the *Strategy to Eliminate Hazardous Work by Rural Working Adolescents: One Way of Developing Corporate Social Responsibility*, and the *Methodological Guide* in compact disc format (together with ILO's Labour Justice Project) aimed at different sectors of society provided clear and first-hand information on the importance of preventing, detecting, and properly following up on the worst forms of child labour.
5. The Project supported strengthening of existing relationships between state institutions and non-government organizations (employers and workers), which influenced Project scope expansion and the inclusion of various interests that were built into the lists of worst forms of child labour. Additionally, joint work strategies in these entities were strengthened.
6. The team that set the Project into motion kept a strong commitment and motivation behind fast implementation of the different Project components.
7. Research conducted in parallel with or prior to the Project, such as the situation of court decisions in the countries, contributed to better understand the dimensions of the worst forms of child labour in these countries. This also made it easier to develop awareness-raising and training processes that were more relevant to each country's socio-cultural context.

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Annex. Terms of Reference

Anexo 1. Términos de referencia de la Evaluación Final de OIT/IPEC “Prevención y Eliminación de las Peores Formas de Trabajo Infantil en Honduras, Nicaragua, Guatemala, y Costa Rica.

OIT Código de Proyecto	P26008200008
OIT Número de Proyecto	RLA/05/08/CAN
OIT Código Iris	100486
Países	Honduras, Nicaragua, Guatemala, y Costa Rica
Duración	36 meses
Fecha de inicio	1 junio, 2006
Fecha de cierre	31 mayo, 2008
Localidades	América Central
Lengua	Español
Agencia Ejecutora	ILO-IPEC
Agencia Financiera	Canadá
Contribución del donante	US \$3,380,000
Preparación de los TdR	Febrero 2008
Evaluación	Mayo 2008
Línea presupuestaria	16.01

I. Introducción/Justificación

1. El propósito del Programa Internacional para la Erradicación del Trabajo Infantil (IPEC) es la eliminación progresiva del trabajo infantil, dando prioridad a la eliminación urgente de sus peores formas. La voluntad política y el compromiso de los gobiernos en contra del trabajo infantil – en colaboración con organizaciones de trabajadores y de empleadores, organizaciones no gubernamentales y otros actores sociales – constituyen la base para la acción del IPEC.
2. Desde la perspectiva de la OIT, la eliminación del trabajo infantil forma parte de su mandato sobre estándares y los principios y derechos fundamentales del trabajo. El cumplimiento de estos estándares debe garantizar el trabajo decente para todos los adultos. En este sentido la OIT proporciona asistencia técnica a sus tres componentes: gobierno, trabajadores y empleadores.
3. Esta estructura tripartita es la llave característica de la cooperación de la OIT y es dentro de este marco que las actividades que se desarrollan por el proyecto deben ser analizadas. Los programas de trabajo decente de la OIT (PTDPs) se están introduciendo en los diferentes países para proveer de un mecanismo a través del cual se gestionen las prioridades convenidas entre la OIT, los socios nacionales; y otros componentes dentro de un contexto más amplio de desarrollo internacional por parte de la O.N.U. Para información adicional por favor vea <http://www.ilo.org/public/english/decent.htm>
4. Los PTDP define un foco corporativo en prioridades, las estrategias operacionales así como un recurso y plan de la puesta en práctica que complementan y apoyan los planes de las contrapartes para las prioridades nacionales en materia de trabajo decente. Tales PTDP son modelos más amplios a los cuales los proyectos individuales de la OIT se ligan y

contribuyen. Los PTDP están comenzando a ser introducidos gradualmente en el planeamiento variado de los países en base al modelo puesto en ejecución en América Central.

5. El apoyo que IPEC proporciona a los países se basa en una estrategia multisectorial que se desarrolla por fases. Esta estrategia comprende la sensibilización sobre las consecuencias negativas del trabajo infantil, la promoción de la movilización social contra este fenómeno, el fortalecimiento de las capacidades nacionales para combatir el trabajo infantil y la implementación demostrativa de Programas de Acción (PA) directos para prevenir el trabajo infantil, retirar a niños, niñas y adolescentes trabajadores de ocupaciones nocivas y proporcionarles alternativas adecuadas.

El proyecto para prevenir y eliminar las peores formas de trabajo infantil (PFTI) en América Central.

6. En América Central todos los países han disfrutado de avances con respecto a los acuerdos tripartitos para preparar planes nacionales para la prevención y erradicación de trabajo infantil y para definir ocupaciones peligrosas. Guatemala aprobó un acuerdo ministerial para definir ocupaciones peligrosas en mayo, 2006. Por el contrario, debido al cambio en administración, Costa Rica ha demorado la aprobación de la legislación sobre ocupaciones peligrosas que fue introducida en el 2005.
7. Dentro de este contexto, es necesario señalar las debilidades por la falta de herramientas y protocolos a disposición de los Inspectores de Trabajo en todos los países para supervisar y prevenir las ocupaciones identificadas como peligrosas.
8. Para facilitar el proceso de definición de ocupaciones peligrosas, la OIT desarrolló un proyecto para apoyar a Guatemala, Nicaragua, Honduras, y Costa Rica en la preparación, aprobación, y diseminación de una lista oficial de ocupaciones peligrosas a la C. 182, art. 3d. También apoya estos países en la capacitación de los miembros tripartitos para fortificar y monitorear la implementación de legislación y reglas relevantes.
9. El objetivo de desarrollo es contribuir a la prevención y eliminación de las formas peores de trabajo infantil en América Central. Los Objetivos Inmediatos son:
 - Al finalizar el proyecto, la capacidad de instituciones nacionales y los mecanismos de cooperación horizontal entre constituyentes en Costa Rica Guatemala, Honduras, y Nicaragua para la prevención y eliminación del trabajo infantil en el trabajo peligroso habrá sido fortalecida.
10. Para lograr los objetivos el proyecto empleó la estrategia de promover y divulgar las lecciones aprendidas. Otro aspecto de la estrategia fue la coordinación de las acciones entre los países Centro Americanos. Esto permitió maximizar las experiencias exitosas y las buenas prácticas generadas por los proyectos IPEC y otras instituciones. Por ejemplo, en el sector judicial de Guatemala y Honduras, se ha dado retroalimentación entre países intercambiando planes de estudio, entre otros; otra acción que ha permitido el intercambio entre países ha sido la experiencias de trabajo de los protocolos
11. La estrategia consiste en sacar provecho de las capacidades particulares desarrolladas previamente en cada uno de los países para crear sinergias que ayuden con el desarrollo de los cambios de regulaciones y estructuras de política pública de trabajo con respecto a niños. Estas acciones apenas han empezado. Sin embargo, IPEC ha trabajado extensamente y se puede ver el progreso de sus esfuerzos.

12. Durante los primeros meses del proyecto, las actividades se enfocaron en la implementación de la legislación acerca de ocupaciones peligrosas por medio de un proceso amplio y participativo de consultación. El proceso de consultación involucró actores estratégicos, tales como; miembros del gobierno, empleadores, trabajadores, miembros de la sociedad civil, y representantes de trabajadores menores de edad. Este proceso de consultación tuvo como objeto identificar las ocupaciones peligrosas y ayudar a las Unidades de Inspección del Trabajo a desarrollar protocolos para trabajadores bajo la edad legal.
13. Gracias a los esfuerzos y a otros proyectos del IPEC, el proceso participativo de consultación para definir las ocupaciones peligrosas se había ya comenzado en Honduras. Igualmente, Nicaragua empezó un proceso participativo para identificar las formas peligrosas de trabajo infantil bajo la coordinación de la comisiones nacionales para la erradicación y prevención del trabajo infantil (CNEPTI) y el apoyo de la OIT, y su programa OIT-IPEC, UNICEF, y Save the Children—Norway. Esto permitió la preparación del borrador de un Acuerdo Ministerial que incluyó la lista de ocupaciones peligrosas.
14. Como parte de la estrategia para la validación del acuerdo, un taller fue realizado en Nicaragua con la participación de 30 inspectores de trabajo y actores claves para obtener sus opiniones y para entender mejor las estrategias potenciales para su implementación. En Guatemala, donde se han definido las ocupaciones peligrosas, las acciones del proyecto han enfocado en la implementación del Acuerdo Gubernamental sobre Ocupaciones Peligrosas y la búsqueda de oportunidades para dialogar entre los sectores sociales.
15. En Costa Rica, las acciones se han enfocado en el consenso entre los sectores para promover la aprobación de legislación por el Congreso Nacional. En adición, se está asegurando la participación del gobierno en este proceso. En este sentido, el Ministerio de Trabajo ha tomado pasos importantes, tales como la reactivación de la Comisión Nacional.
16. En todos los países, los sectores sociales están de acuerdo sobre la necesidad de definir las ocupaciones peligrosas pero tienen una preocupación acerca de la complejidad de su implementación. Hacia este fin, se está preparando los protocolos para el uso de Inspectores de Trabajo en Nicaragua y Guatemala. En Guatemala, un protocolo para coordinación interinstitucional fue preparado con amplia participación de la Comisión Nacional sobre Trabajo Infantil.
17. En adición, para cumplir con un pedido de las autoridades jurídicas, se ha elaborado un protocolo para Jueces de Paz. En coordinación con UNICEF y la Secretaria de Trabajo y Seguridad Social, se realizaron varios talleres para inspectores de trabajo para analizar la implementación del acuerdo gubernamental sobre las ocupaciones peligrosas.
18. En Honduras, el proyecto ayudó en la preparación de un protocolo que permitió la implementación de un Manual Básico para la Incorporación Plena de Inspección en las funciones del Inspector General de Trabajo del Secretaria de Trabajo. Se preparó un protocolo interinstitucional para la Comisión Nacional (CNEPTI).
19. En Costa Rica, donde los protocolos ya existen, el proyecto trabajó con el Ministerio de Trabajo en el desarrollo de herramientas que permitieron su implementación. Estas herramientas incluyeron la construcción de una base de datos en la cual todas las oficinas del ministerio pueden agregar datos acerca de sus casos. Esto permitió el seguimiento de las denuncias y los procedimientos de los tribunales.
20. El desarrollo de los protocolos en los cuatro países se está realizando con la cooperación con los Ministerios de Trabajo. Por lo tanto, los talleres fueron organizados para los

inspectores de todos los países. Estos inspectores expresaron su interés en recibir capacitación en las ocupaciones peligrosas y en tener herramientas simples a su disposición.

21. Simultáneamente a este proceso, se proveyó asistencia técnica a las CNEPTI en Honduras, Guatemala, y Nicaragua para ayudarlos a revisar y a preparar planes nacionales nuevos para la eliminación de trabajo infantil basado en los resultados de las evaluaciones de los planes anteriores. Estos procesos fueron llevado a cabo en coordinación con organizaciones de trabajadores y empleadores y otros sectores sociales. En Costa Rica, el Plan Nacional de Acción para la Prevención y Erradicación de Trabajo Infantil no ha sido involucrado en el Plan Nacional de Desarrollo.
22. Se ha realizado muchas actividades para promover la participación de organizaciones de trabajadores y empleadores en la implementación de planes nacionales de acción en contra trabajo infantil. En Costa Rica se esta monitoreando el Plan Intersindical que fue promovido como parte del Programa de Duración Determinada (PDD) financiado por Canadá. En Guatemala, las organizaciones de empleadores, en cooperación con el OIT, empezó un proceso para analizar responsabilidades sociales en el país.

Estatus Actual

Honduras

23. En Honduras, la asistencia técnica brindada de forma permanente al Consejo Técnico (CT) de de la Comisión Nacional para la Erradicación Gradual y Progresiva del Trabajo Infantil y a la Secretaria de Trabajo (STSS) ha permitido fortalecer la consolidación de un espacio cuatripartito desde donde se toman decisiones y se impulsan acciones consensuadas lo que ha posibilitado el fortalecimiento progresivo de esta Secretaria en su rol de coordinación de los procesos orientados a combatir el trabajo infantil. De esta forma y debido al interés creciente de actores claves en la temática, se ha visto incrementado el impacto de las acciones del proyecto.
24. De la misma forma, el trabajo de fortalecimiento de las capacidades de las organizaciones de trabajadores y empleadores ha dado lugar a una mayor participación de ambos sectores en las acciones para prevenir y erradicar el TI, generando el desarrollo de iniciativas en ambos sectores. El país está avanzando en el cumplimiento de sus compromisos encaminados a erradicar el TI, concluyendo con procesos como el de la determinación del trabajo infantil peligroso y la elaboración de un nuevo plan para el combate del trabajo infantil.
25. Se han revisado y finalmente validado los listados de Trabajo Infantil Peligroso, se han elaborado y aprobado los protocolos de atención de los casos de TI y se ha entregado al Congreso Nacional el decreto para elevar el Plan de Acción Nacional para el combate al TI a política de estado a la vez que se ha trabajado en la formación de los sectores claves en el monitoreo y la prevención del TI y de los funcionarios y empleados de la STSS a nivel nacional para el abordaje de casos de trabajo infantil, trabajo infantil peligroso y peores formas de trabajo infantil.
26. Además, se cuenta con un protocolo de atención de casos de trabajo infantil y adolescente para el Ministerio de Trabajo y se está sistematizando una buena práctica sobre los Comisionados Sindicales en el campo del trabajo infantil para ser divulgada entre los países de la región.

Guatemala

27. En Guatemala, la Comisión Nacional de Erradicación del Trabajo Infantil presidida por el Vicepresidente de la Republica y el Ministerio de Trabajo y Previsión Social (MTPS) han

establecido procedimientos que permiten, al propio MTPS y las instituciones representadas en la Comisión, la aplicación efectiva del Reglamento 250-2006 para aplicación del Convenio 182° sobre las peores formas de trabajo infantil en lo relativo al trabajo peligroso. (Existe también otro protocolo de actuación de una coordinación interinstitucional.)

28. Un 95% de los inspectores y jefes de sedes de la Procuración General de la Nación, el sector empleador y sector trabajador, han sido capacitados en el uso de protocolo y principios técnicos. Paralelo a este proceso se ha logrado ampliar la información sobre el trabajo infantil en pueblos indígenas.
29. La diseminación de las leyes 250-2006 en los niveles locales y regionales ha generado una gran demanda por parte de las autoridades locales, quienes intentan incorporarlas. La inversión del proyecto en este proceso ha obtenido resultados favorables en la búsqueda de soluciones que puedan restaurar los derechos de los niños, niñas y adolescentes trabajadores.
30. El proyecto ha sido relevante en la Corte Suprema de Justicia ya que ha sensibilizado a la mayoría de los jueces en la labor de las convenciones de la OIT sobre el trabajo infantil. La escuela de estudios jurídicos a cargo de la currícula para la actualización de los jueces y de la justicia ha expresado su interés en especializar a los jueces en materia de niños y adolescentes e instruirlos en la temática del trabajo infantil. De la misma forma, también se instruirá a los jueces de paz a nivel provincial con la misma currícula.
31. El año 2007 ha sido el último de la gestión administrativa del actual gobierno. Los tres partidos políticos con altas probabilidades de ascender han incluido acciones para la erradicación del trabajo infantil en sus plataformas y han pedido a la OIT/IPEC de detallar información en la temática. La administración actual ha considerado importante de incluir las acciones tomadas por el Ministerio de Trabajo en el apoyo a la OIT/IPEC en la transición de la agenda para que el nuevo gobierno las continúe.

Nicaragua

32. Nicaragua ha tenido elecciones en el año 2006 y la nueva administración ha asumido en Enero del 2007. Durante el período de transición el programa IPEC ha podido ser más efectivo ya que la nueva administración posee los mismos objetivos que el programa.
33. Sin embargo, ha sido importante para el proyecto el hecho de continuar proveyendo de asistencia técnica para seguir progresando y sostener lo logrado hasta el presente. Se ha destacado la necesidad de entrenar a los nuevos oficiales. Las nuevas autoridades han priorizado el fortalecimiento de los inspectores laborales como una de sus prioridades. A su vez, se espera incrementar el trabajo con la CNEPTI para desarrollar un plan nacional.
34. La nueva administración ha facilitado el desarrollo de un plan borrador de estrategia nacional para 2007-2016. La evaluación del piloto ha demostrado su coherencia y la alta participación de los diferentes interlocutores sociales en el proceso de determinación de las peores formas de trabajo infantil a través de una consulta nacional y local.
35. Ha sido completado el proceso de preparación para adoptar el título VIII del código de trabajo. Este proceso ha contado con el importante apoyo de la Asamblea Nacional y la consulta del CNEPTI. Es también relevante la mención del Título VIII relacionada al trabajo doméstico de adolescentes que ha sido identificado como trabajo peligroso.
36. Se cuenta con dos protocolos de actuación, uno del Ministerio de Trabajo y otro de coordinación interinstitucional, que serán validados próximamente para luego ser

oficializados por la Ministra de Trabajo. Además, se está desarrollando un material de sensibilización para el sector empresarial. Con los sindicatos de educadores, se está desarrollando una experiencia de monitoreo de trabajo infantil que será sistematizada.

Costa Rica

37. En Costa Rica, las prioridades han sido enfocadas en la coordinación institucional y el fortalecimiento de una Comisión Nacional, especialmente su secretaría técnica, y en la reformulación del plan nacional. Se han aprobado oficialmente dos protocolos de actuación: uno interno para el Ministerio de Trabajo y otro de coordinación interinstitucional. Ambos han sido aprobados oficialmente y tienen plena vigencia en el nivel nacional. El Proyecto de Ley que contiene los listados de trabajos peligrosos aun espera su turno en la Asamblea Legislativa.

II. Objetivos de la Evaluación

38. **Objetivo general:** desarrollar el proceso de evaluación del Proyecto Peores Formas de Trabajo Infantil.

39. Objetivos específicos:

- (a) analizar la validez del diseño del proyecto, especialmente en el contexto de cada país;
- (b) documentar y analizar las actividades, los procesos participativos desarrollados, las estrategias que han sido puestas en acción como parte de la implementación;
- (c) investigar la cooperación con otras iniciativas y organizaciones que luchen contra el trabajo infantil; y
- (d) proveer recomendaciones para el futuro.

III. Alcance y Propósito de la Evaluación

40. De acuerdo con el documento de proyecto original, la naturaleza del proceso de evaluación será decidida en consulta con los actores y distintas partes interesadas incluyendo el gobierno de Canadá. La sección de Diseño, Evaluación, y Documentación (DED) de OIT-IPEC será la responsable para la planificación, contratación de los consultores, y la coordinación de los procesos. Las partes interesadas recibirán copias de todos los productos de la evaluación.
41. Al principio del proceso de la evaluación final, fueron solicitados comentarios de las partes interesadas. Basado en los comentarios, DED ha decidido que el alcance será los subcomponentes del proyecto en Honduras, Nicaragua, Guatemala, y Costa Rica.
42. Los propósitos de la evaluación deberán ser: a) analizar la validez del diseño del proyecto, especialmente en el contexto de cada país; (b) documentar y analizar las actividades, los procesos participativos desarrollados, las estrategias que han sido puestas en acción como parte de la implementación; (c) investigar la cooperación con otras iniciativas y organizaciones que luchen contra el trabajo infantil; y (d) proveer recomendaciones para el futuro.
43. Además, la evaluación debe también revisar y documentar la coordinación entre el proyecto y cualquier reciente PTDP en el país.

IV. Aspectos a ser abordados por la evaluación

44. La evaluación debe abordar asuntos como relevancia, eficiencia, efectividad y sostenibilidad como son definidos en las guías de la OIT en inglés tituladas: *Planning and Managing Project Evaluations* 2006. Para mas información vea el documento de la OIT; *Preparation of Independent Evaluations of ILO Programmes and Projects* 1997. Para asuntos de genero vea: *ILO Guidelines for the Integration of Gender Issues into the Design, Monitoring and Evaluation of ILO Programmes and Projects*, January 1995.
45. La evaluación debe llevarse acabo dentro del marco y estrategia de evaluación de la OIT, de la guía de la OIT, de las guías y notas de OIT-IPEC, de los estándares y normas para evaluación del sistema de evaluación ONU, y de los estándares de calidad para la evaluación de OECD/DAC
46. De acuerdo con el marco basado en los resultados utilizado por la OIT-IPEC para la identificación de resultados a nivel global, estratégico, y de proyecto; el foco de la evaluación será la identificación y análisis de resultados por medio del abordaje de preguntas claves relacionados a los asuntos de la evaluación y el alcance de los objetivos inmediatos del proyecto usando los datos de los indicadores del marco lógico.
47. Los siguientes son algunos de los aspectos que han sido identificados hasta el presente y que se deben abordar en el contexto de los temas de evaluación y los objetivos inmediatos del proyecto. Otros temas podrán ser añadidos por el equipo de evaluación siempre y cuando se respeten los propósitos esenciales del ejercicio y en consulta con la Sección de Diseño, Evaluación y Documentación del IPEC en Ginebra (DED). El instrumento de evaluación preparado por la evaluadora debe indicar si el mismo aborda aspectos adicionales específicos. El instrumento de evaluación debe identificar las prioridades para tratar en la evaluación.
48. Puntos sobre los que debería centrarse la evaluación, de acuerdo con el contenido del proyecto:
- ¿Cuales fueron los resultados de los procesos tripartitos de consultas llevado a cabo en los países? ¿Cuántas iniciativas fueron desarrolladas?
 - ¿Que papel tuvo el proyecto en los listados de trabajo infantil peligroso y los instrumentos jurídicos (e.g., Decretos Presidenciales, Decretos Ministeriales) que han sido aprobados?
 - ¿Que papel tuvo el proyecto en la creación de los instrumentos (protocolos internos del Ministerio de Trabajo y protocolos de coordinación interinstitucional) que van a posibilitar la aplicación efectiva de esta legislación (listados de trabajo infantil peligroso)?
 - ¿Que papel tuvo el proyecto en desarrollar buenas prácticas de responsabilidad social empresarial con organizaciones de trabajadores (Honduras, Nicaragua) y organizaciones de empleadores (Costa Rica, Nicaragua, Guatemala)?
 - ¿Cuales esfuerzos ha realizado el proyecto para capacitar los Operadores de Justicia para la correcta aplicación de la legislación? ¿Como se apoyará la sostenibilidad? ¿Cuales fueron los resultados de la capacitación?
49. Resultados no esperados
- ¿Que papel tuvo el proyecto en fomentar la Cooperación Sur-Sur y/o cooperación horizontal y en propiciar procesos similares en todos los países de la región?
 - En el apartado de la pertinencia habría que reflejar los compromisos adoptados y las metas establecidas en la Agenda Hemisférica de la OIT y el Libro Blanco de la defensa nacional, y en función del mismo saber cual ha sido la contribución del proyecto.

- ¿Como fomentó el proyecto los Planes y Programas nacionales de trabajo Decente que han sido adoptados o están siendo negociados en los diferentes países que cubre el proyecto?

V. Metodología de Evaluación

50. Los siguientes párrafos presentan la metodología sugerida para la evaluación. Esta metodología puede ser ajustada por el equipo de evaluación si se lo considera necesario, manteniendo la coherencia con los objetivos del ejercicio y en comunicación constante con IPEC DED.
51. La evaluación se llevará a cabo comenzando con una revisión documental de materiales apropiados. (Las fuentes de documentos se encuentran en la tabla siguiente.) Durante la etapa de revisión documental, la evaluadora deberá entrevistar a representantes del gobierno de Canadá a través de una conferencia telefónica al inicio del proceso. También entrevistará a personas claves del equipo IPEC en la oficina regional en San José, el punto focal de la oficina para evaluaciones, y el personal de ejecución del proyecto, y contrapartes claves.

Se encuentra en Ginebra y será otorgado por DED	Documento de Proyecto Guías de la OIT y de DED
Se encuentra en la oficina del proyecto y será otorgado por la administración del mismo	Informes de estado y progreso Síntesis de los talleres nacionales y sus procedimientos Documentos de planificación a nivel nacional Documentos SPIF
Para ser otorgado oportunamente	Documentos de políticas y de relevancia para el desarrollo del proyecto. Documentos como estrategias, monitoreo, planes de monitoreo, informes y presupuestos Documentos relevantes al desarrollo de la situación en América Central y el contexto del trabajo infantil

52. Debido a recursos limitados, no habrá colección de datos en el campo. Los datos serán coleccionados durante una reunión de Comisiones Nacionales de América Central que se realizará en San José (6-8 Mayo) a la cual vendrán representantes del proyecto de toda Centroamérica. Se visitarán dos países: Guatemala y Nicaragua. Allí se entrevistarán a actores clave que serán propuestos por la Coordinadora del Proyecto; la decisión final acerca de las personas por entrevistar será de la evaluadora a partir de la lista propuesta. Se hará entrevistas telefónicas a contrapartes clave que no puedan asistir a la actividad o que ya no se encuentren en sus cargos y no puedan ser entrevistados en los países –para el caso de Nicaragua y Guatemala-.
53. La evaluadora tendrá la oportunidad de proveer insumos a la agenda de la reunión de Comisiones Nacionales. De esta forma se confirma que habrá oportunidades suficientes para entrevistas, grupos focales, etc. Durante las actividades para coleccionar datos la evaluadora puede reunirse con funcionarios nacionales, sindicatos, empleadores y otras organizaciones asociadas.
54. Se espera que la evaluadora prepare un breve documento metodológico indicando el “plan de evaluación”, que deberá ser discutido y aprobado por DED con anterioridad al comienzo de las visitas al terreno.

VI. Resultados esperados y calendario de la evaluación

55. Los productos serán los siguientes:

Producto No. 1: un plan de evaluación.

Producto No. 2: un informe borrador de evaluación.

Producto No. 3: informe final de evaluación.

56. El informe borrador de evaluación en español deberá ser presentado a DED para su circulación dos semanas después de la finalización de la visita al terreno. Este informe no deberá superar las 30 páginas (excluyendo anexos). Se recomienda la siguiente estructura para el informe:

- El Resumen ejecutivo con resultados, conclusiones y las recomendaciones
- Descripción resumida del proyecto
- Los resultados claramente identificados
- Las conclusiones y las recomendaciones claramente identificadas
- Las lecciones aprendidas
- Las potenciales buenas prácticas y los modelos efectivos de la intervención
- Anexos adecuados incluyendo el TDR
- Matriz uniforme del instrumento de evaluación

57. El informe incluirá recomendaciones específicas y detalladas, sólidamente basadas en el análisis, y de ser necesario se referirán a la organización, institución responsable de la implementación. El informe incluirá una sección especial de lecciones aprendidas y buenas prácticas de este proyecto que pueden ser repetidas o aquellas que deben ser evitadas en un futuro, para el mismo u otros proyectos de IPEC.

58. El informe borrador será circulado por DED a todas las partes interesadas para sus comentarios. Los consultores de evaluación deberán considerar los comentarios del informe borrador para la preparación de la versión final del informe de evaluación. El informe debe cumplir con las normas y los estándares de evaluación de la Organización de las Naciones Unidas (ONU).

59. El registro de propiedad de la evaluación es de la OIT-IPEC. Los derechos de reproducción del informe de evaluación son exclusivos de la OIT. El uso de la información de la publicación y de otras presentaciones puede ser utilizado sólo mediante un acuerdo escrito con la OIT-IPEC. Las principales partes interesadas pueden hacer uso apropiado del informe siempre y cuando esté en línea con el propósito original y el reconocimiento apropiado.

VII. Recursos y Administración

60. La evaluación será llevada a cabo por una evaluadora nacional con experiencia amplia en evaluación de intervenciones sociales y de desarrollo, preferentemente con experiencia práctica en la valoración de marcos comprensivos o planes nacionales. Ella debe poseer un título avanzado en ciencias sociales, economía o similar y formación específica en teoría y métodos de evaluación. Se valorará la experiencia de trabajo en temas vinculados con el trabajo infantil y los derechos de la infancia. La evaluadora debe ser capaz de trabajar en Español (por escrito y oralmente). La selección final será realizada por DED.

Evaluador Nacional	
Responsabilidades	Perfil
<ul style="list-style-type: none"> • Revisión documental • Preparar un plan de evaluación • Coleccionar datos durante la reunión de Comisiones Nacionales • Conducir entrevistas telefónicas con contrapartes clave • Entrevistar a actores clave en Guatemala y Nicaragua • Analizar datos y preparar un informe de la evaluación 	<ul style="list-style-type: none"> ▪ Amplia experiencia en la evaluación de proyectos de desarrollo, en el detalle con proyectos locales de desarrollo ▪ Experiencia regional pertinente en la región ▪ Familiaridad con el conocimiento de áreas temáticas específicas tales como trabajo infantil, movilización social, derechos humanos, género o similares ▪ Experiencia en el sistema de NNUU o similar experiencia internacional desarrollada. ▪ Experiencia en la evaluación de temas de género.

61. Los siguientes son los recursos necesarios para esta evaluación:

- Estimación para un consultor nacional por 20 días hábiles.
- Costos de traducción del informe de español a inglés.

62. El funcionario responsable de DED en IPEC Ginebra será el encargado de gestionar el proceso de evaluación. El equipo del IPEC en el terreno asegurará el apoyo logístico de evaluación.

VIII. Duración y forma de pago de la consultoría

63. Esta consultoría se extenderá del 28 de abril al 30 de junio de 2008.