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Independent evaluation of the ILO's strategies on Fundamental Principles and Rights at Work

Revised edition 2015

EVALUATION
OFFICE

Independent evaluation of the ILO's strategies on fundamental principles and rights at work

Editor's note

Volume II of this report contained an annex entitled "Country case study: Brazil" which reproduced without prior permission and attribution large portions of the thesis published by **Ms Ana Gomes** in 2009 at the University of Toronto entitled *The Effect of ILO's Declaration on Fundamental Principles and Rights at Work on the Evolution of Legal Policy in Brazil: An Analysis of Freedom of Association* (https://tspace.library.utoronto.ca/bitstream/1807/18895/5/Gomes_Ana_VM_200911_LLM_thesis.pdf) and also several passages from the article "Flawed freedom of association in Brazil: How unions can become an obstacle to meaningful reforms in the labor law system" authored by **Ms Ana Gomes** and **Ms Mariana Mota Prado** and published in 2011 in the *Comparative Labor Law & Policy Journal* (http://www.law.illinois.edu/publications/cllpj/archive/vol_32/).

The International Labour Office regrets this isolated instance of plagiarism and offers its apologies to the authors.

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Evaluation Office

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ABBREVIATIONS

1998 Declaration	ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up
2008 Declaration	ILO Declaration on Social Justice for a Fair Globalization
ACI	Area of critical importance
AR	Annual Review under the Follow-up to the 1998 Declaration
CCAS	(International Labour) Conference Committee on the Application of Standards
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CFA	Governing Body's Committee on Freedom of Association
CL	Elimination of child labour
CO	Country office
CPOs	Country programme outcomes
CPR	Country programme review
CTA	Chief technical adviser
DAC	Development Assistance Committee (of the OECD)
DECLARATION	Programme for the Promotion of the Declaration on FPRW (pre-2014)
DISC	Elimination of discrimination
DWA	Decent Work Agenda
DWCP	Decent Work Country Programme
DWT	Decent Work Technical Support Team
EIP	Employment intensive programme/policy
EO	Employers' organization
EPZ	Export processing zone
FACB	Freedom of association and collective bargaining
FL	Elimination of forced labour
FPRW	Fundamental principles and rights at work
GB	Governing Body
GP	Global product
GR	Global Report under the Follow-up to the 1998 Declaration
HIV/AIDS	Human immunodeficiency virus infection/acquired immunodeficiency syndrome
HLE	High-level strategy evaluation
HQ	Headquarters
ILC	International Labour Conference
ILO	International Labour Organization/Office
ILS	International labour standard(s)
IOE	International Organization of Employers
IPEC	International Programme on the Elimination of Child Labour
IR	Implementation report
ITUC	International Trade Union Confederation
NGO	Non-governmental organization
NORMES	International Labour Standards Department
OBW	Outcome-based work plan
OCs	Outcome coordinators
ODA	Official Development Assistance

OECD	Organization for Economic Cooperation and Development
OSH	Occupational Safety and Health
P&B	Programme and Budget
PAMODEC	Programme to Support the Implementation of the ILO Declaration on FPRW
PARDEV	Partnerships and Field Support Department
RB	Regular budget
RBM	Results-based management
RBSA	Regular Budget Supplementary Account
RBTC	Regular Budget Technical Cooperation
SAP-FL	Special Action Programme – Forced labour
SECTOR	Sectoral Activities Department
SPA	Special Programme Account
SPF	Strategic Policy Framework
TA	Technical assistance
TBP	Time-bound programme
TC	Technical cooperation
ToR	Terms of Reference
UN	United Nations
UNDAF	United Nations Development Assistance Framework
UNEG	United Nations Evaluation Group
WFCL	Worst forms of child labour
WO	Workers' organization
XBTC	Extra-budgetary technical cooperation

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The draft report of the evaluation benefited from helpful and constructive suggestions from numerous stakeholders.

Any errors or omissions are the responsibility of the Evaluation Office.

EXECUTIVE SUMMARY

Purpose of the evaluation

This evaluation, covering the period from 2008 to 2014, reviews the achievements of the respective Fundamental Principles and Rights at Work (FPRW) strategic objectives, namely:

a) the right to freedom of association and collective bargaining is widely known and exercised (Outcome 14);
b) forced labour is eliminated (Outcome 15);
c) child labour is eliminated, with priority to the worst forms of child labour (Outcome 16); and
d) discrimination in employment and occupation is eliminated (Outcome 17).

The evaluation draws on the findings of 17 case studies which enable a more in-depth analysis at the country level[1] with particular attention being given to the achievement of country programme outcomes (CPOs) and global products (GPs) to determine how these had contributed to the realization of FPRW. A survey soliciting quantitative and qualitative assessments was sent out to national constituents in selected countries as well as to relevant ILO headquarters (HQ) staff, decent work technical support teams (DWTs), country office (CO) programmes and project staff.

Operational approach

For this evaluation, two aspects of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow up (1998 Declaration) are particularly significant. The first is its statement that all ILO Member States "have an obligation to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights". The second is the recognition of "the obligation on the Organization to assist its Members, in response to their established and expressed needs, in order to attain these objectives to support these efforts:

a) by offering technical cooperation and advisory services to promote the ratification and implementation of the fundamental Conventions;
b) by assisting those Members not yet in a position to ratify some or all of these Conventions in their efforts to respect, to promote and to realize the principles concerning fundamental rights which are the subject of those Conventions; and
c) by helping the Members in their efforts to create a climate for economic and social development."

Although this evaluation does not cover the 2008 Declaration on Social Justice for a Fair Globalization (2008 Declaration), two aspects of it are significant in evaluating ILO strategies and action for the realization of FPRW. The first is its statement that the four strategic objectives of employment, rights, protection and social dialogue are "inseparable, interrelated and mutually supportive". The synergistic character of these objectives is repeatedly referred to in the 2008 Declaration. The second is that the 2008 Declaration reiterates the relevance of the 1998 Declaration

[1] Asia: The People's Republic of China, *India*, *Indonesia*, the Philippines, Sri Lanka; Arab States: Jordan; Africa: Egypt, *Senegal*, South Africa, *Zambia*; Europe: Armenia, Azerbaijan, Georgia; Latin America: *Brazil*, El Salvador, Guatemala. Only those in italics were visited, the rest were desk-based reviews.

and says that FPRW are "both rights and enabling conditions" and that the freedom of association and right to collectively bargain is "particularly important to enable the attainment of the four strategic objectives".

Lastly, the evaluation is rooted in the ILO's resulted-based management (RBM) framework. The strategies and indicators of the four FPRW Strategic Policy Framework (SPF) outcomes provided the evaluation with the background against which the various actions were assessed. The Programme and Budget (P&B) was critically important to this evaluation because it provided the basis for global outcome strategies, outcome-based planning, implementation management and reporting tools developed by the Office to document what the ILO intended to do and has done in supporting its Member States to realize FPRW.

SUMMARY OF FINDINGS

Relevance

The strategies and actions reviewed are largely relevant to the global needs articulated in the annual reviews (ARs) and global reports (GRs), as well as to national needs expressed in Decent Work Country Programmes (DWCPs). This occurs despite some inconsistencies in high-level strategy statements orienting action towards the gaps identified through supervisory mechanisms.

The assessment of relevance focused on a comparison of strategies and actions on the one hand with expressions of constituents' global and national needs on the other. A second measurement compared strategies and actions on the one hand with gaps identified by ILO's supervisory bodies on the other.

On examination, it was found that not all global outcome strategies are oriented to the needs expressed by constituents globally or to the gaps identified through supervisory mechanisms. However, alignment with these mechanisms does occur, although it is neither automatic nor comprehensive.

The tripartite dialogue component of the DWCP programming process provides greater relevance because it enables FPRW-related needs to be voiced. Where this does not occur, the relevance of the DWCP could be compromised. However, broad descriptions of non-FPRW priorities could give the Office the opportunity to fill in gaps in order to mainstream FPRW as pivotal elements for realizing decent work. The country case studies point out that:

a) The technical assistance (TA) and technical cooperation (TC) needs identified by the AR appear to be generally met;
b) TA and TC are relevant to the global priorities set by the 2012 International Labour Conference (ILC) Resolution and in the pre-2012 plans of action;
c) Gaps in FPRW identified by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) are taken up by TC activities, although the linkages appear not to be entirely causal and outcome results reported in the implementation reports only sometimes correlate with the level of satisfaction recorded by the CEACR; and
d) Office support is relevant in responding to the gaps identified in FPRW categories that are inherently progressive in realization. These include principles and rights dealing with child labour and discrimination.

Coherence and value added

Examples of activities combining the four principles of the 1998 Declaration, as set out in the 2008 Declaration can be cited. However, as long as the FPRW outcomes are mirrored in separate organizational units, the 2008 Declaration's policy call for synergy is the only overriding incentive for managers to blend and combine outcome-linked regular budget (RB) financing. Similar constraints do not exist for the use of extra-budgetary resources with various projects combining the principles within one project framework.

Projects linked to non-FPRW outcomes are supporting constituents' efforts to realize FPRW. These vary in depth and scope from project to project. There is no comprehensive strategy for mainstreaming FPRW into all of the Office's work despite the policy mandate in the 2008 Declaration.

Observed activities in non-FPRW strategies and actions do have positive effects on FPRW areas. For example, HIV/AIDS discrimination in the workplace (Outcome 8) is very clearly related in all instances to Outcome 17. These linkages are not uniform and are not always monitored or acknowledged, but they either do occur or have the potential to occur.

The country cases studies and survey results show mixed results in terms of the integration of FPRW principles into United Nations (UN) programming documents. Although UN personnel demonstrated limited knowledge of the 1998 Declaration as such, they are aware of the four FPRW category areas and their importance for the ILO. Synergies and coordination does occur, but this is probably more the exception than the rule. Institutional factors are reported to limit real operational synergy and successful cases may be unique.

There is significant variation in the treatment of FPRW in DWCPs. There is no coherent strategic justification for the prioritization of different FPRW principles, nor should there be since ILO policy sees constituent demand as the main driver of DWCP content, despite the obligations in the 1998 Declaration.

Effectiveness

The closing of gaps in the realization of FPRW as a result of the Office's support to constituents has been noted in cases of progress by the CEACR. Case studies conducted by the evaluation suggest that the supervisory body's ability to capture all this information is limited. Positive developments reflecting the Office's support for improvements in the realization of FPRW may well occur at a level that is not suited to supervision in terms of ratified conventions.

A review of project evaluations reveals generally satisfactory levels of effectiveness. Ratings in the evaluation's survey of office directors and constituents are more mixed, with some unsatisfactory levels.

Common factors are cited that contribute to the effectiveness of activities and these could be seen as good practice. Evidence of the Office consistently using these factors in their activities to support constituents in realizing FPRW is mixed. Some factors reflect organizational effectiveness, others operational effectiveness. They include staff physically located in countries which increase awareness of constituents' needs and perspectives on the realization of FPRW and enables the results to be embedded in those countries' institutions.

It is not possible to measure the effectiveness of the AR mechanism in channelling TA/TC because there are no strategic indicators that measure TA/TC delivery against AR requests.

Efficiency

The Office's system of outcome-based work planning is meant to make it possible for field units to supply constituents with support throughout the Office. Efforts have also been made to delink the management and reporting of results from organizational units by creating outcome coordinators who are responsible for results and (not always) organizational units. These efforts are constrained where P&B outcomes and RB resources that flow with them correspond with organizational units.

Since the realization of FPRW is closely connected to the supervision of the application of the fundamental conventions, the Director-General's decision to create the FPRW branch with coordination responsibility for FPRW outcomes is fitting, provided that close substantive collaboration continues with other units.

It may be better practice to align CPOs to several P&B outcomes, but this needs to be done with caution to avoid a proliferation of CPOs, which has efficiency implications. In fact, resources are being allocated to FPRW support but are not recognized as such because of the way projects are linked to CPOs.

The movement towards areas of critical importance (ACIs) and 10 outcome areas as a programming framework helps to break down the divide between organizational units, and gives more opportunity for broader results reporting.

There are clear imbalances in extra-budgetary resources, with those available for the elimination of child labour leading other FPRW categories, although child labour has attracted substantially less resources in recent years. This assessment is very obvious when resources are presented in terms of outcomes 14, 15, 16 and 17.

Currently, global products are infrequently used as a mechanism for improving efficiency, i.e. providing common FPRW support to constituents globally. They appear to be used as a mechanism for resource mobilization when resources are scarce. Multi-country projects are being used for the efficiencies they offer.

The evaluation has noted examples of synergies with UN agencies and other actors, but they are the exception rather than the rule, and evidence of shared resources is weak. Collaboration is possible but is based on the pragmatic self-interest of the organizations involved.

Impact

ILO actions have contributed to constituents' efforts to reduce gaps in realizing FPRW. For freedom of association and the effective recognition of the right to collective bargaining (FACB) and forced labour, particularly where gaps need to be remedied by legislative changes, actions may be real but their impact shown in results can be slowed or blocked by the politics inherent in national legislative processes.

Measuring the longer term, ultimate impact of ILO's support to constituents' realization of FPRW presents a challenge that has been met directly by the International Programme on the Elimination of Child Labour (IPEC) whose efforts are admirable, and should be examined and validated for use in the other FPRW categories. This would be consistent with the strategy of building the knowledge base for each of the FPRW.

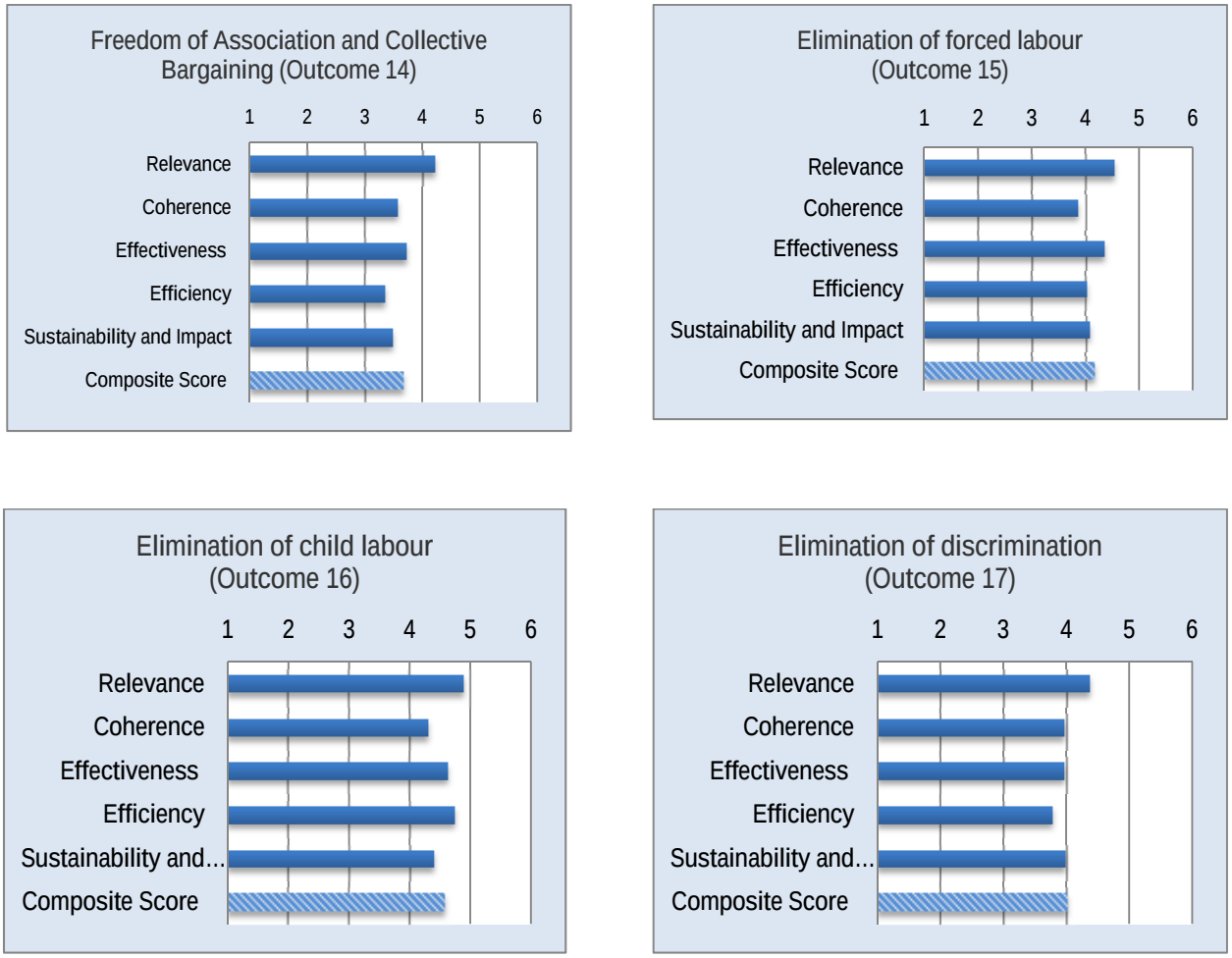
Sustainability

The development of adequate legal frameworks and institutional capacities for implementing FPRW is critically important for sustainability. It is broadly recognized that both have to be in place if there is to be any hope of sustaining the results. However, the fact that elements are developed individually to comply with monitoring requirements does not necessarily respond to this prerequisite, as it does not transmit the deeper understanding needed to strengthen sustainability.

Overall performance

The graphs below (Figure 1) depict the overall assessments of each evaluation criteria in all four P&B outcomes related to FPRW (14–17). The evaluation found that overall performance has been 'somewhat satisfactory' but the graphs show some variances in each criterion (in the range of 'somewhat unsatisfactory' and 'somewhat satisfactory') with the exception of Outcome 16, which leans towards the 'satisfactory' range.

Figure 1. Overall performance by evaluation criteria and by outcome



Note: 1=Highly unsatisfactory; 2=Unsatisfactory; 3=Somewhat unsatisfactory; 4=Somewhat satisfactory; 5=Satisfactory; 6=Highly satisfactory.

Lessons learned

1. Evidence collected by the evaluation team suggests that generally the 1998 Declaration is not well understood, even among the partners. This issue could be addressed by an all-encompassing FPRW strategy that includes all four categories as the basis for the Decent Work Agenda (DWA). Such a strategy would serve two purposes: (i) help brand FPRW to ensure easier and wider recognition; and (ii) provide a framework for constructing interrelated and complementary operational strategies for each of its four principles.

2. Strengthen the capacities of established follow-up and supervisory mechanisms to capture follow-up activities and compliance. However, distinction between the implementation of conventions and the promotion of principles should be maintained and strengthened, although they must continue to be mutually reinforcing.

3. The 'entry-point strategy' is a pragmatic and viable approach to improving the realization of rights. This was demonstrated repeatedly in case studies and the DWCP analysis. Programme and project designers' use of relevant entry-point strategies is important both in addressing the identified FPRW priority areas, and in advancing rights when it is tactical to do so.

4. Office support for ILO constituents' efforts to realize FPRW can be fragmented, project oriented and drawn out, potentially undermining its effectiveness, impact and sustainability. This is because the implementation of FPRW takes time and effort. The Office's RBM system helps counter any lack of understanding of where action fits into the broader FPRW picture. However, the OBW one-to-one restrictions that focus on action during a biennium have added to the complexity of strengthening linkages across P&B outcomes.

5. Local interest in closing gaps in FPRW activities encourages local action, naturally enhancing the relevance of ILO's support, but also potentially facilitating the effectiveness, impact and sustainability of their results. It would benefit the Office to identify local champions—individuals or institutions—with clear interests in prioritizing, realizing and supporting FPRW work at country level. The Office should strengthen its efforts to recognize this dynamic, and design and implement its strategies and actions accordingly. This lesson has also been seen in regional organizations or bodies, where there is mutual interest in realizing FPRW. Thus, it could also be applied at the regional level.

Recommendations

Recommendation 1: Establish a strategy that strengthens the 1998 Declaration's concept and programme using methodologies that operationalize incentives in support of FPRW outcomes in the non-FPRW work/projects.

Recommendation 2: Develop and implement a capacity-building strategy to increase technical, programming and operational personnel's knowledge of the importance of FPRW as a basis for achieving CPO, DWCP and P&B outcomes.

Recommendation 3: To better understand and ultimately address challenges in the AR under the follow-up to the 1998 Declaration, develop and implement entry strategies with performance criteria that measure performance and put in place the systematic monitoring of AR requested for TA/TC to support the realization of FPRW.

Recommendation 4: Develop additional promotion approaches for the 1998 Declaration applicable to ratifying and non-ratifying countries.

Recommendation 5: The FPRW Branch should work with the Bureau of Programming and Management (PROGRAM) to ensure that the development of ACIs/outcome areas will include specific indicators on the realization of the FPRW.

Recommendation 6: Work with the Partnerships and Field Support Department (PARDEV) to develop, at HQ and in the field, a strategy and capacity for preparing tender documents to meet the apparent trends by donors to use competitive bidding.

Recommendation 7: Develop and use national and local expertise to ensure sustainability and reduce support costs.

1. INTRODUCTION

The ILO adopted its Declaration on Fundamental Principles and Rights at Work and its follow-up (1998 Declaration) in June 1998. The 1998 Declaration identified four categories of fundamental principles and rights at work (FPRW). These categories were proclaimed as being grounded in international labour standard (ILS) conventions on the same subjects, seven at the time, and currently eight in all. The 1998 Declaration is a standard in the limited sense in that it clearly established and stated that,

> *"…all ILO Members, even if they have not ratified the Conventions in question, have an obligation, arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely*
>
> *(a) freedom of association and the effective recognition of the right to collective bargaining;*
>
> *(b) the elimination of all forms of forced or compulsory labour;*
>
> *(c) the effective abolition of child labour; and*
>
> *(d) the elimination of discrimination in respect of employment and occupation."*

The 1998 Declaration is a promotional instrument in the sense that its follow-up procedure identifies gaps in the realization of FPRW within individual Member States, in those cases where the ILO's system of supervision of ratified Conventions does not do so, that is, in the absence of a ratification.

The 2008 Declaration on Social Justice for a Fair Globalization (2008 Declaration) added as a matter of Organization policy, the dimensions of interrelatedness between each of the four areas and the vision of freedom of association and collective bargaining rights (FACB) as essential enabling rights for the achievement of all others.

1.1 Objectives and scope of the evaluation

This is a high-level strategy evaluation of ILO's action on fundamental principles and rights (FPR) during the six-year period 2008–2014. Its purpose, as stated in the terms of reference (ToR), is to "assess the relevance, effectiveness, efficiency, impact and sustainability of the ILO's strategies and actions to support member states and social partners to promote and realize the core labour principles and rights at work as enabling conditions for the achievement of the respective FPRW strategic objectives, namely:

a) The right to freedom of association and collective bargaining is widely known and exercised (Outcome 14);
b) Forced labour is eliminated (Outcome 15);
c) Child labour is eliminated, with a priority on the worst forms of child labour (Outcome 16);
d) Discrimination in employment and occupation is eliminated (Outcome 17).

The evaluation will assess the strategies, and global and country-specific instruments and actions aimed at realizing the objectives of the 1998 Declaration during the 2008–2014 period.

1.2 Evaluation methodology

The methodology was designed in order to measure the ILO's performance in implementing its strategy and actions to support Member States and social partners to promote and realize the core labour principles and rights at work. All aspects of the evaluation were guided by the ILO evaluation policy, in particular the *High-level evaluation protocol for outcome strategy evaluation*, which adheres to the Organisation for Economic Co-operation and Development/Development Assistance Committee (OECD/DAC) principles and the United Nations Evaluation Group (UNEG) norms and standards.[2] The evaluation terms of reference (ToR) appear in Annex I.

The evaluation criteria were transformed into questions to guide desk reviews, interviews and surveys.

a. Relevance: To what extent is ILO strategy and action relevant to global and national policy dialogue addressing FPRW?

b. Effectiveness: How effective is ILO strategy and action in helping Member States' realize FPRW?

c. Efficiency: To what extent do ILO strategy and action as operationalized lend themselves to efficient implementation?

d. Coherence: To what extent is ILO strategy and action coherent and complementary, and does it promote synergies with other strategic outcomes, national constituents' and partners' priorities, to support realization of FPRW?

e. Impact: What impact has ILO strategy and action had on policy, legal frameworks, and awareness regarding FPRW?

f. Sustainability: To what extent is ILO strategy and action designed and implemented to maximize the sustainability of their results?

Performance criteria were framed and aligned with these six questions, and in combination guided the data collection process using the methods below.

a. Desk review – documents were reviewed pertaining to the implementation, progress reporting, and evaluation of technical cooperation (TC) and technical assistance (TA) activities carried out to support the achievement of country programme outcomes (CPOs) and global programme outcomes at the country and global levels.

b. Interviews – the evaluation team carried out face-to-face interviews and telephone interviews with staff at the ILO headquarters (HQ) in Geneva, plus interviews with representatives of United Nations (UN) agencies and other actors, including representatives of employers' and workers' organizations.

[2] *High-level evaluation protocol for outcome strategy*, ILO, 2012:23–24, www.ilo.org/wcmsp5/groups/public/---ed_mas/---eval/documents/publication/wcms_215858.pdf [accessed 4 July 2014].

c. Surveys – survey questionnaires were prepared for: (i) national tripartite constituents; (ii) ILO staff at HQ and decent work technical support team (DWT) members; (iii) TC staff; and (iv) ILO country office (CO) directors.

Case studies were prepared on 16 countries drawing on the data collected using the above methods. The aim of the case studies was to enable a more in-depth analysis of the implementation of outcomes 14, 15, 16 and 17 at the country level. Particular attention was paid to the achievements of CPOs, and global programme outcomes to determine how these had contributed to realization of FPRW. The countries were selected on the basis of geographic representation volume of TC and TA related to FPRW, and regional distribution. Account taken of resource constraints, visits were made to eight countries (appearing in *italics*):

a. Asia: China, India, Indonesia, Philippines, Sri Lanka

b. Arab States: Jordan

c. Africa: Egypt, Senegal, South Africa, Zambia

d. Europe: Armenia, Azerbaijan, Georgia

e. Latin America: Brazil, El Salvador, Guatemala.

Internet surveys were conducted. The four survey instruments used gathered a wide range of assessments closely coordinated with the evaluation criteria. Questions were in many instances disaggregated by outcome. The questionnaire for constituents was offered in English, French and Spanish. See data on survey participation in Table 1 below.

Table 1. Internet survey invitation and response data

Status	Constituents	CTA/ project staff	DWT/ HQ staff	Country office directors
Invited	86	48	63	12
No response	62	19	25	4
Entered survey	24	29	38	8
Partially completed survey	2	7	12	4
Completed survey	22	22	26	4

Following the *High-level evaluation protocol for outcome strategy evaluation*,[3] this evaluation has relied on documentary evidence including:

- the Strategic Policy Frameworks (SPF) and programme and budgets (P&Bs) for the period covered by the evaluation;
- outcome-based work plans (OBWs) and TC portfolios for the visited case study countries;

[3] *High-level evaluation protocol for outcome strategy*, ILO, 2012, www.ilo.org/wcmsp5/groups/public/---ed_mas/---eval/documents/publication/wcms_215858.pdf [accessed 4 July 2014].

- implementation planning, management and reporting reports for the outcome being evaluated (information from the IRIS Strategic Management Module);
- relevant global reports[4] (GRs) and meta evaluations;[5]
- Decent Work Country Programme (DWCP) design document and logic model and the high-level evaluation (HLE) of DWCPs;
- the country programme reviews;
- relevant individual programme monitoring and evaluation (M&E) reports, particularly for the case study countries visited;
- relevant national strategic plans and reports related to the world of work and social justice; and
- other relevant national and UN policy and strategy documents.

The evaluation was challenged by its large scope. It involved two SPFs, four SPF outcomes and respective strategies over a six-year period at the global level, four P&Bs, three implementation reports (IRs), and thousands of pages of relevant documents. Documentation included reports of the Committee of Experts on the Application of Conventions and Recommendations (CEACR), annual reviews (ARs) and GRs under the 1998 Declaration, DWCPs, project evaluations, project documents, etc. Thus, particular efforts have been made to quantify observations in order to determine when observed patterns reflect general practice.

Ratings have been established in accordance with the *High-level evaluation protocol for outcome strategy evaluation*.[6] Ratings are based on perceptions as reflected in survey results and perceptions of the individual evaluation team members, following the Evaluation Unit's *Guidance note 8: Evaluation rating practices*.[7] They are based on survey results and independent ratings of the evaluation team, evenly weighted. Evaluation team ratings were made independent of survey results. They appear at the conclusion of each section discussing evaluation criteria findings in Part 3 on page 32.

1.3 Conceptual framework

This evaluation is unique in that it looks at ILO performance in respect of four diverse subject areas joined by certain policy declarations. Thus, an explicit statement of its conceptual framework is needed.

The focus of this evaluation is the ILO's four strategies and actions taken to support tripartite constituents' actions to promote and realize the 1998 Declaration. In addition to the 1998 Declaration, its reference points include the 2008 Declaration and the ILO's system of results-based management (RBM), which sets up the strategic outcomes related to FPRW, namely Outcomes 14, 15, 16 and 17. These three reference points establish the conceptual foundation for the evaluation.

For this evaluation, two aspects of the 1998 Declaration are of particular significance. The first is its statement that all ILO Member States "have an obligation arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the

[4] See part 2.3, Overview of FPRW strategies and actions starting on page 12.
[5] Referenced throughout this report.
[6] *High-level evaluation protocol for outcome strategy*, ILO, 2012, www.ilo.org/wcmsp5/groups/public/---ed_mas/---eval/documents/publication/wcms_215858.pdf [accessed 4 July 2014].
[7] *Guidance Note 8: Evaluation rating practices*, ILO, 2014, www.ilo.org/eval/Evaluationguidance/WCMS_165978/lang--en/index.htm [accessed 13 August 2014].

Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely:

a) freedom of association and the effective recognition of the right to collective bargaining;
b) the elimination of all forms of forced or compulsory labour;
c) the effective abolition of child labour; and
d) the elimination of discrimination in respect of employment and occupation."

The second is the 1998 Declaration's recognition of "the obligation on the Organization to assist its Members, in response to their established and expressed needs, in order to attain these objectives by making full use of its constitutional, operational and budgetary resources, including by the mobilization of external resources and support, as well as by encouraging other international organizations with which the ILO has established relations, … to support these efforts:

a) by offering technical cooperation and advisory services to promote the ratification and implementation of the fundamental Conventions;
b) by assisting those Members not yet in a position to ratify some or all of these Conventions in their efforts to respect, to promote and to realize the principles concerning fundamental rights which are the subject of those Conventions; and
c) by helping the Members in their efforts to create a climate for economic and social development."

Two aspects of the 2008 Declaration are significant for evaluating ILO strategies and action for the realization of FPRW.[8] The first is its statement that the four strategic objectives of employment, rights, protection, and social dialogue are "inseparable, interrelated and mutually supportive." The synergistic character of these objectives is repeatedly referred to in the 2008 Declaration. The second is that the 2008 Declaration reiterates the relevance of the 1998 Declaration and says that FPRW are "both rights and enabling conditions" and that the freedom of association and right to collectively bargain is "particularly important to enable the attainment of the four strategic objectives."

Lastly, the evaluation is rooted in the ILO's RBM systems. The strategies and indicators of the four FPRW SPF outcomes provide the evaluation framework against which the various actions taken would be assessed. The P&B system is critically important to this evaluation because it provides the basis for outcome-based planning, implementation management and reporting tools developed by the Office to document what the ILO has intended to do and done in supporting its Member States in realizing FPRW.

[8] This evaluation does not cover the 2008 Declaration.

Box 1. Explanation of OBWs

Following the adoption of the 2008 Declaration, the strategic framework of the Office was "redesigned to encourage joint Office-wide action within the framework of a limited number of outcomes linked to the highest priorities of constituents."

To focus the work of the Office and to give effect to the new methods of work, "outcome-based work plans" (OBWs) are developed for the duration of a biennium for each of the 19 substantial ILO outcomes. OBWs are high-level work plans that set out how the Office will implement the strategy for each outcome and how the different resources will be allocated accordingly.

Each OBW is composed of:

- an updated outcome strategy, stated in the P&B;
- CPOs that are linked to indicators set out under the global outcomes, reflect measurable results in a country as part of a global target, and are directly derived from the DWCPs;
- global products (GPs) which capture deliverables of a global nature for the Office, either by advocating different elements of the Decent Work Agenda (DWA) at global level or by supporting the achievement of results in Member States through the development of tools and services.

An OBW thus provides a basis for the different ILO units at HQ, the field offices as well as the International Training Centre of the ILO, Turin (ITC-ILO) to plan their own work in terms of contributing to the achievement of prioritized CPOs and the delivery of the GPs. They allow, and transparently encourage and reward, collaboration across units, sectors and regions as well as the Turin Centre.

As the OBWs specify the priorities for the Office, they also guide the allocation of resources to these priorities, not only of the regular budget (RB) but also the extra-budgetary resources. Based on an estimate of the resources required, ILO units and offices commit their resources to deliver certain outputs. Resource mobilization from donors is similarly guided by the priorities set out in OBWs, especially the allocation of funds from the Regular Budget Supplementary Account (RBSA), which are decided on the basis of resource gaps identified through the OBWs.

The development, implementation, monitoring and reporting on the OBWs is led by outcome coordinators for each of the 19 outcomes. The IRIS system is used to support the preparation of the plans, the dialogue across units and offices, and the monitoring of resource commitments and progress on results.

Source: Adapted from: International Labour Office. 2014. *Outcome-based work plans* (Geneva). Available at: www.ilo.org/public/english/bureau/program/ [2 October 2014].

2. THE ILO'S FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK AND OUTCOME STRATEGY FRAMEWORK

The 1998 Declaration is directed first to ILO Member States and second to the Organization and its Secretariat (the Office). In the first case, the Member States are said to be obliged "to respect, to promote and to realize, in good faith and in accordance with the Constitution" FPRWs and, in the second case, the Office is told to support its Members to fulfil its obligations. This part of the report provides necessary background elements to the findings, based on these statements to ILO Member States and the Office.

In order to comprehend the meaning of the 1998 Declaration, it would be useful at the outset to understand why the Organization adopted both the concept of FPRW and a Declaration concerning them. In short, the Organization's Members decided that the processes of globalization called for a reiteration and reaffirmation of the Organization's mandate and the creation of a promotional mechanism for strengthening Member States' realization of social justice – encapsulated in 2000 in the concept of 'decent work' – in the context of the globalized world of work.

The end of the Cold War and emergence of a universal – global – market economy for the first time since 1914 gave impetus for debate about labour standards. The debate intensified globally as it became apparent that economic growth alone was not always enough to improve peoples' well-being. The central argument was that there ought to be some inviolable minimum based on globally accepted fundamental values. The ILO was the logical locus of this debate. It is, after all, the international forum where international labour standards (ILS) are made. The debate peaked in April 1994, during discussion in Marrakesh on the agreement to establish the World Trade Organization (WTO). The idea of making provisions in the WTO—notably outside of the ILO—for a direct link between international rules for trade and respecting labour standards was rejected and the debate was placed squarely at the ILO's doorstep.

Further movement in the debate came in 1995 at the UN World Summit on Social Development. The government leaders there committed themselves, *inter alia*, to safeguarding the basic rights of workers. The four categories of FPRW were set down there, for the first time in an international forum.[9] Further international developments included renewal of the commitment of WTO member states' ministers to "the observance of internationally recognized core labour standards" and acknowledgment of the ILO as the "competent body to set and deal with these standards."[10] Against this backdrop, ILO constituents negotiated an approach both to confirm these categories of FPRW, and a method for promoting their realization in practice. The result is the 1998 Declaration.[11]

The Declaration recalls that all ILO Member States, on account of their membership, endorse the principles and rights set out in the ILO Constitution and in the Declaration of Philadelphia. This is important because it validates the idea of an existing obligation in the absence of ratification of conventions that establish specific rights and obligations. The statement of the four categories of principles—to the exclusion of others—answered the question posed by the debate: Which labour standards should be considered core, essential, and fundamental? The commitment of the

[9] *Copenhagen Declaration on Social Development: Commitment 3 (i)*, UN, 1995, www.earthsummit2002.org/wssd/wssd/wssd1.html [accessed 4 July 2014].
[10] *Singapore Ministerial Declaration*, WTO, 1996, www.wto.org/english/thewto_e/minist_e/min96_e/wtodec_e.htm [accessed 4 July 2014].
[11] Adapted from: *Background*, ILO, 2014, www.ilo.org/declaration/thedeclaration/background/lang--en/index.htm [accessed 4 July 2014].

Organization to support its Members in efforts to more fully realize the FPRW comprised a final essential element, addressing the fact that FPRW are not fully respected or realized globally, and that the ILO should support its Members in their efforts to better realize them. With the 1998 Declaration adopted, the Organization swung into action to achieve its purpose, in accord with its terms.

The 1998 Declaration can be seen in the context of the five other declarations adopted by the ILO.[12] All can be said to mark transitional moments for the Organization: The Declaration of Philadelphia (1944) further articulating the aims and purpose of the Organization at the end of the Second World War – and the start of the Cold War; the Declaration concerning the Policy of "Apartheid" of the Republic of South Africa (1964), addressing a policy repugnant to the ILO's fundamental principles; the Declaration on Gender Equality, dealing with that fundamental principle; and most recently the 2008 Declaration, expressing the contemporary vision of the ILO's mandate in the era of globalization. Brief histories of the ILO[13] reaffirm that the 1998 Declaration was not a unique initiative insofar as it represents one of the tools available to the Organization that enables it to keep in touch with the ever-evolving world of work. Seen in this light, the use of a declaration situates the promotion of core labour standards in this very significant place, among these other declarations.

2.1 The follow up: A method for identifying needs globally then and now

The 1998 Declaration included a follow-up designed, *inter alia*, to "allow the identification of areas in which the assistance of the Organization through its technical cooperation activities may prove useful to its Members to help them implement" FPRW.[14] From 2000, an annual follow-up made it possible for non-ratifying Member States to report on their efforts to realize and respect FPRW. These non-ratifying Member States send reports of this information to the ILO Director General each year. Countries that had ratified the conventions related to individual FPRW are not asked to report under the Declaration follow-up because they are already obliged to report on the measures they take to implement the ratified conventions.[15] Drawing on this and other information, the Director-General was charged with producing a document that gave a "dynamic global picture relating to each category of FPRW" during the preceding four-year period. The document was called a Global Report under the Follow-up to the 1998 Declaration (GR). The GRs would give a basis for assessing the effectiveness of assistance provided by the Office and for determining priorities for the following four-year period. From 2000 to 2011, the Director-General submitted GRs for discussion by the ILC, which would then give guidance on priorities for TC and assistance, in the form of a global plan of action for the relevant category of rights. The cyclical character of GRs is shown by report subject and title in Table 2.

[12] *ILO Declarations*, ILO, 2013, www.ilo.org/public/english/bureau/leg/declarations.htm [accessed 18 July 2014]. .

[13] Listing available at: *History of the ILO – a selective bibliography*, ILO, nd, www.ilo.org/public/english/support/lib/resource/subject/historybibl.pdf [accessed 18 July 2014]. See also: *ILO between the two world wars, 1919*, ILO, 2012, www.ilo.org/public/english/support/lib/century/index.htm [accessed 18 July 2014].

[14] See: *ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up* (Annexes), ILO, nd, www.ilo.org/public/english/standards/relm/gb/docs/gb277/pdf/d1-annex.pdf [accessed 5 May 2014].

[15] This is important because it gives a basis for relying on the supervision of ratified conventions to know the needs of Member States in fulfilling the obligations under the 1998 Declaration.

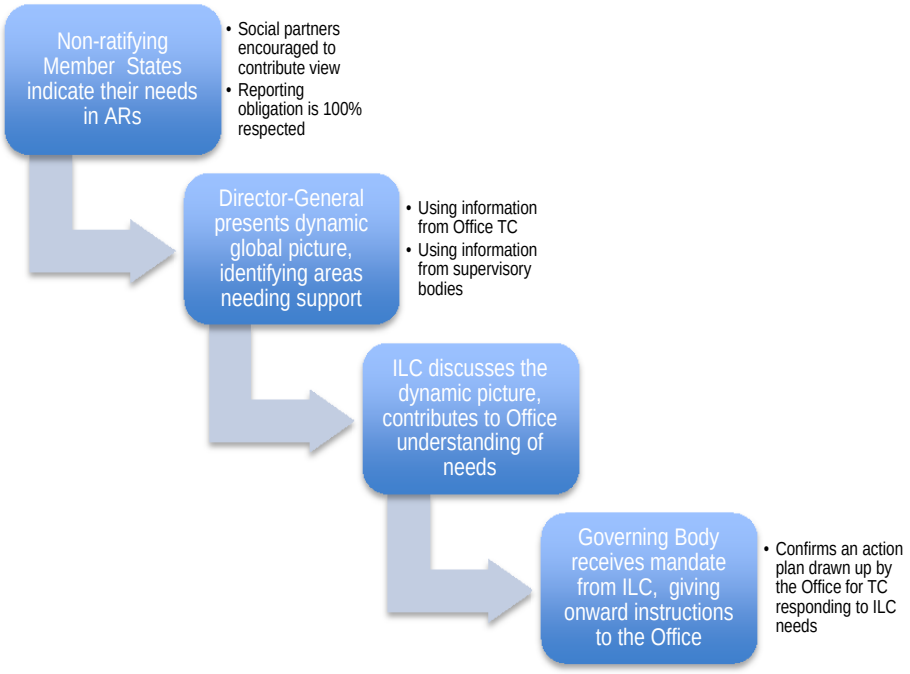
Table 1: Titles of GRs to the ILC under the FPRW Declaration follow-up, 2000–2011

FACB	FL	CL	DISC
2000: Your voice at work	2001: Stopping forced labour	2002: A future without child labour	2003: Time for equality at work
2004: Organizing for social justice	2005: A global alliance against forced labour	2006: The end of child labour: Within reach	2007: Equality at work: Tackling the challenges
2008: Freedom of association in practice: Lessons learned	2009: The cost of coercion	2010: Accelerating action against child labour	2011: Equality at work: The continuing challenge

The Office compiled the reports sent by Member States under the AR, with an introduction prepared by a group of seven expert advisers, and submitted it to the Governing Body (GB) for a discussion that would then be taken into consideration by the Director-General in preparing that year's GR.

The logic and process of the 1998 Declaration follow-up is illustrated in Figure 2 below.

Figure 2: Process for identifying Member States' needs under the follow-up



The follow-up to the 1998 Declaration was modified following the adoption of the 2008 Declaration. The modifications effectively merged the GR process into the cycle of recurrent discussions, starting in 2012.[16] The AR process was modified to bring compilations of national annual reports directly to the GB for its consideration without review or introduction by a group of expert-advisers. The GB now normally receives a review of ARs under the follow-up to the 1998 Declaration at its March

[16] Decision taken in March 2009.

meeting.[17] To date, there has been one recurrent discussion on the FPRW, which was in 2012. Table 3 below shows how the GR mechanisms have been integrated into the International Labour Conference (ILC) recurrent discussions under the 2008 Declaration. There were independent discussions under the 1998 Declaration and 2008 Declaration follow-up mechanisms during ILC sessions in 2010 and 2011.

Table 3: Integration of FPRW GR into ILO recurrent discussions, 2010–2017

Strategic objective under 2008 Declaration			
Employment	Social protection	FPRW	Social dialogue
2010 ➔	2011 ➔ (social security)	2012 ➔ (all 4 FPRW categories)	2013 ↙
2014 ➔	2015 ➔ (labour protection)	2017 ➔... (deferred from 2016)	

The process and logic of the follow-up to the 1998 Declaration at the global level is shown above in Figure 2. The process and logic today remains intact, despite the fact that the Director-General's dynamic picture is delivered now in a recurrent discussion report rather than a GR, and that the report covers all four categories of FPRW instead of one.

2.2 Ratification: Then and now

Why is ratification of fundamental conventions relevant for this evaluation? First, the 1998 Declaration, as well as action plans discussed below, set the promotion of ratification of the relevant fundamental conventions as a task for Office TA and TC.

Second, international supervision of ratified conventions identifies gaps in fully realizing FPRW. The 1998 Declaration says that the FPRW "are the subject of those Conventions", namely those that concern fundamental rights which are the subject of the four categories.[18] The regular supervisory mechanisms, including the outputs of the CEACR and the ILC's tripartite Committee on the Application of Standards (CCAS), thus pinpoint FPRW gaps. The supervisory mechanisms also help identify when there is progress in closing gaps and when they are closed.[19]

[17] The most recent at the Governing Body, 320th Session, Geneva, Mar. 2014, GB.320/INS/4.

[18] 1998 Declaration, para. 2. The tautology here is a matter that goes beyond the scope of this evaluation.

[19] This was specifically noted in the SPF 2006–2009, para. 99: " The fundamental principles and rights at work laid down in the 1998 Declaration are now firmly established as a universal set of minimum requirements for a "social floor" in a globalizing economy. This has resulted in a sharp increase in the ratification of fundamental Conventions. By implication, more countries now require assistance to apply the standards they have ratified and adopted. Supervisory dialogue with tripartite participation is a constructive way of identifying solutions to problems and monitoring progress."

Box 2: ILO supervisory mechanism

The ILO has various means of supervising the application of conventions and recommendations in law and practice following their adoption by the ILC and their ratification by Member States. There are two kinds of supervisory mechanism: (i) the regular system of supervision; and (ii) special procedures. The regular system of supervision comprises the two ILO bodies, which operate on the basis of reports required from Member States that have ratified ILO conventions. Special procedures are based on *ad hoc* allegations of failure to implement ratified conventions and on cases involving violations of principles of freedom of association.

The regular system comprises two bodies. The first is the CEACR, which examines the application of the ratified convention by a Member State and makes observations and direct requests. Observations contain comments on important questions raised by the application of a particular convention by a Member State. Direct requests relate to more technical questions or requests for further information. The report of the CEACR is adopted following the Committee's annual meeting held in December each year. It is submitted to the ILC the following June, where it is examined by the CCAS. CCAS is a standing committee of the Conference made up of government, and employers' and workers' delegates. It examines the CEACR report in a tripartite setting and selects from it a number of observations for discussion. The governments referred to in these observations are invited to respond before the CCAS and to provide information on the situation in question. The CCAS typically draws up recommendations so that governments can take specific steps to remedy a problem; it can also invite the Member State to accept ILO missions or TA.

The special system of supervision offers three procedures for treating specific allegations. Two procedures are found in the ILO Constitution and are available to industrial organizations of employers or workers, and to governments alleging violation of ratified conventions. The procedures are found in Articles 24 and 26 of the ILO Constitution. The third procedure is exceptional in that it receives allegations only concerned with the violation of freedom of association principles regardless of the ratification of an ILO convention by the Member State concerned. The GB's tripartite Committee on Freedom of Association (CFA) convenes four times a year to hear allegations. The CFA examines the allegations, makes conclusions and recommendations to the government involved, and follows up on actions taken in response to its recommendations.

Source: Adapted from: International Labour Office. 2011. *Independent evaluation of the ILO's strategy for the elimination of discrimination in employment and occupation* (Geneva, Evaluation Unit), p. 6.

When the 1998 Declaration was adopted, 37 ILO Member States had ratified all seven of the core labour conventions then associated with the principles. Today, that number is 138, including ratifications of Convention No. 182, which was adopted in 1999.[20] Ratification is not obliged by the 1998 Declaration. Reports of the CEACR, CFA and CCAS show that ratification gives no assurance of implementation of the provisions of the conventions concerned. Ratification of the fundamental conventions carries only two certainties: (1) of international supervision of the implementation of their provisions (and, inherently, the principles that underlie them); and (2) of recourse to Constitutional supervisory mechanisms in case of alleged failure to apply obligations under the ratified convention.[21]

The Office has the objective of universal ratification of all fundamental conventions by 2015; 129 ratifications are still needed.[22] Figure 3 shows the progress of ratification of the fundamental conventions since the 1998 Declaration was adopted, comparing current figures with those at adoption in 1998. In terms of average annual ratification rate, Convention Nos. 111 and 138 have experienced an increase since 1998. The other five conventions for which this statistic is relevant had, on average,

[20] C. Fenwick and T Kring: *Rights at work: An assessment of the Declaration's technical cooperation in selected countries*, Geneva, ILO, 2007, p. 5, www.carnegieendowment.org/files/Declaration_report.pdf [accessed 6 May 2014].
[21] Representations and complaints under articles 24 and 26 of the ILO Constitution.
[22] GB.320/INS/4, Executive summary.

fewer ratifications annually in the period since the 1998 Declaration was adopted.[23] Taking into account ratifications made since the 2012 ILC recurrent discussion on the 1998 Declaration, there has been only a minor increase in the percentage of the world population covered by ratification of the fundamental conventions. See Table 4 below.

Figure 3: Number of ratifications at time of adoption of 1998 Declaration and at present

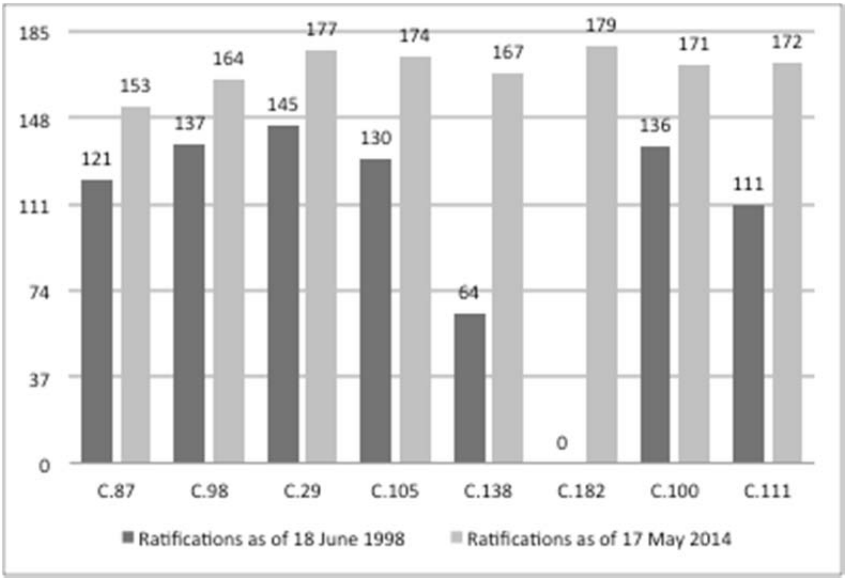


Table 4: Percentage of working population covered by fundamental conventions, 2014[24]

	Convention No.							
	C87	C98	C29	C105	C138	C182	C100	C111
Percentage of world population covered by ratification	46.1%	49.8%	74.6%	75.2%	70.9%	81.9%	94.6%	91.3%
As of 2012 recurrent discussion[25]	*45.9%*	*49.6%*	*74.6%*	*75.2%*	*70.3%*	*81%*	*94.4%*	*91.3%*

2.3 Overview of FPRW strategies and actions

This evaluation is tasked to "assess the relevance, effectiveness, efficiency, impact and sustainability of the ILO's strategies and actions to support member states and social partner to promote and realize" FPRW. What are these strategies and actions? What connection is there between strategies and actions?

[23] C87: on average 2.42 ratifications per year before 1998, 2 after; C98: 2.8 before, 1.69 after; C.29: 2.13 before, 2 after; C105: 3.17 before, 2.75 after; C138: 2.56 before, 6.44 after; C100: 2.89 before, 2.19 after; C111: 2.78 before, 3.81 after. A more complete and complex analysis, taking into account membership of the organization each year, the number of ratifications remaining to be secured, etc., is not deemed justified for the purposes of this evaluation.

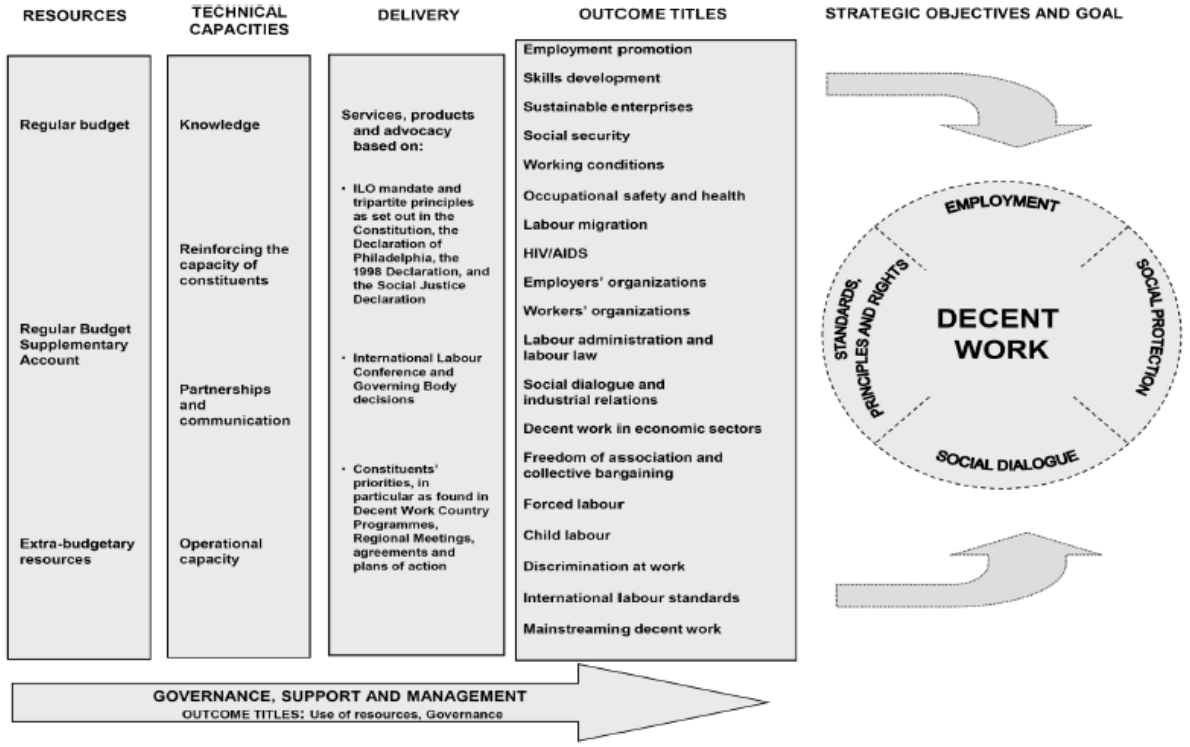
[24] For States that have ratified fundamental conventions since 2012, see Table 2.3 of 2012 Recurrent Discussion Report, using world population figures taken from *World population prospects: The 2010 revision*, UN, 2010, www.un.org/en/development/desa/publications/world-population-prospects-the-2010-revision.html [accessed 2 October 2014].

[25] Table 2.3, page 18.

The ILO's *strategies* for assisting its Member States in increasing decent work are found in the Organization's SPF which is the strategic orientation of the Organization, what it aims to achieve and how.[26] Two SPFs – covering 2006–2009 and 2010–2015 – are relevant to this evaluation.[27] Each SPF identifies the desired outcomes of the Office's action and attaches a strategy for achieving that outcome. The SPF 2006–2009 grouped three of the four FPRW categories together in one outcome (Outcome 1(a) 1), leaving the category of elimination of child labour as one outcome (Outcome 1(a) 2). The 2010–15 strategic framework outcome for freedom of association and collective bargaining is Outcome 14, for the elimination of forced labour (FL) it is Outcome 15, for the elimination of child labour it is Outcome 16, and for the elimination of discrimination it is Outcome 17. The Office illustrates the operation of the current SPF in Figure 4 below.

Each P&B – one under the SPF for 2006–2009 relevant to the evaluation and three under the SPF for 2010–2015 – contains a statement of strategy relevant for each category of FPRW. There is, thus, potential for development or deviation between a P&B and its SPF.

Figure 4: The SPF for 2010–15



Source: International Labour Office. 2009. *Strategic policy framework 2010–15*. Governing Body, 304th Session, Geneva, Mar. 2009 (Geneva), GB.304/PFA/2 (Rev.), p. 7.

The ILO's *actions* mean actions available to the Office in giving effect to its strategy. They include "standards related action, technical cooperation, and the technical and research capacity of the Office."[28] Actions taken within these rubrics should align with the strategies set down in the relevant

[26] GB.304/PFA/2(Rev.).
[27] SPF (2006–2009), GB.291/PFA/9 and SPF 2010–15, GB.304/PFA/2(Rev.).
[28] ILO: *ILO Declaration on Fundamental Principles and Rights at Work*. Section II. *Action by the Organization to assist its Members*. Geneva, 2008, para. B (i).

SPF and P&Bs; this is how strategy connects with actions. This entire framework is a system of RBM, with OBWs in ILO.[29]

The 1998 Declaration follow-up mechanism is separate from, but related to the outcome-based management system outlined above. Since that mechanism was set up to identify needs and orient TC, its results should inform the programme and budgeting processes. Virtually all of the strategy statements in P&Bs do, in fact, refer to the follow-up mechanism and its outputs.

Action plans resulting from the 1998 Declaration follow-up mechanisms provide detailed guidance on the Office's actions. These are presented to the GB following ILC discussions of GRs and in the recurrent discussion on FPRW in 2012, as described above in section 2

The follow up: A method for identifying needs globally then and now. The Office's report to the 101st Session of the ILC (2012) for the recurrent discussion, recaps in detail the evolution and current framework for ILO action on FPRW.[30] In addition to recalling the role of the SPF and P&B documents,[31] it notes that Outcome 18 (international labour standards) "is also relevant to the promotion of FPRW in view of their inherent linkage with the fundamental Conventions,"[32] and outlines the then current state of play of FPRW action plans.[33] That situation is relevant to this evaluation in light of the period it covers. The citation below constitutes necessary background to this evaluation. Citations have been omitted.

> *Action plans for each category of FPRW*
>
> 141. Prior to the revision of the follow-up to the 1998 Declaration in June 2010, Global Reports on each category of FPRW were submitted to the Conference. Based on the Conference discussion, the Governing Body examined and approved an action plan of activities in relation to the corresponding category of FPRW. These action plans determine for each category of FPRW the priorities over the next four years. Three full cycles of Global Reports were completed with the most recent one on discrimination in address synergies between the different categories of FPRW, or linkages with the other strategic objectives.
>
> 142. The current situation concerning the action plans is as follows:
>
> - for freedom of association and collective bargaining, the action plan covers the period 2008–12;
> - for forced labour, the 2009 action plan was adopted for a four-year period, but acknowledges that the global alliance against forced labour called for by the Director-General, with a view to

[29] Generically called results-based management: www.ilo.org/public/english/bureau/program/ [accessed 3 October 2014]. See, for example, as it is applied to UNDAF and UN system management: www.undg.org/content/programming_reference_guide_%28undaf%29/un_country_programming_principles/results-based_management [accessed 3 October 2014].

[30] *Fundamental principles and rights at work: From commitment to action*, ILO, 2012, para.138–142, www2.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_176149.pdf [accessed 3 October 2014].

[31] Ibid., para. 138. "In recent years, the framework for the programming and evaluation of ILO action on FPRW has mainly consisted of: the ILO Strategic Policy Framework and the related programme and budget documents; the action plans on each category of FPRW, endorsed by the Governing Body following discussion by the Conference of the Global Reports hitherto presented under the follow-up to the 1998 Declaration; and the various evaluation tools."

[32] Ibid., para. 140.

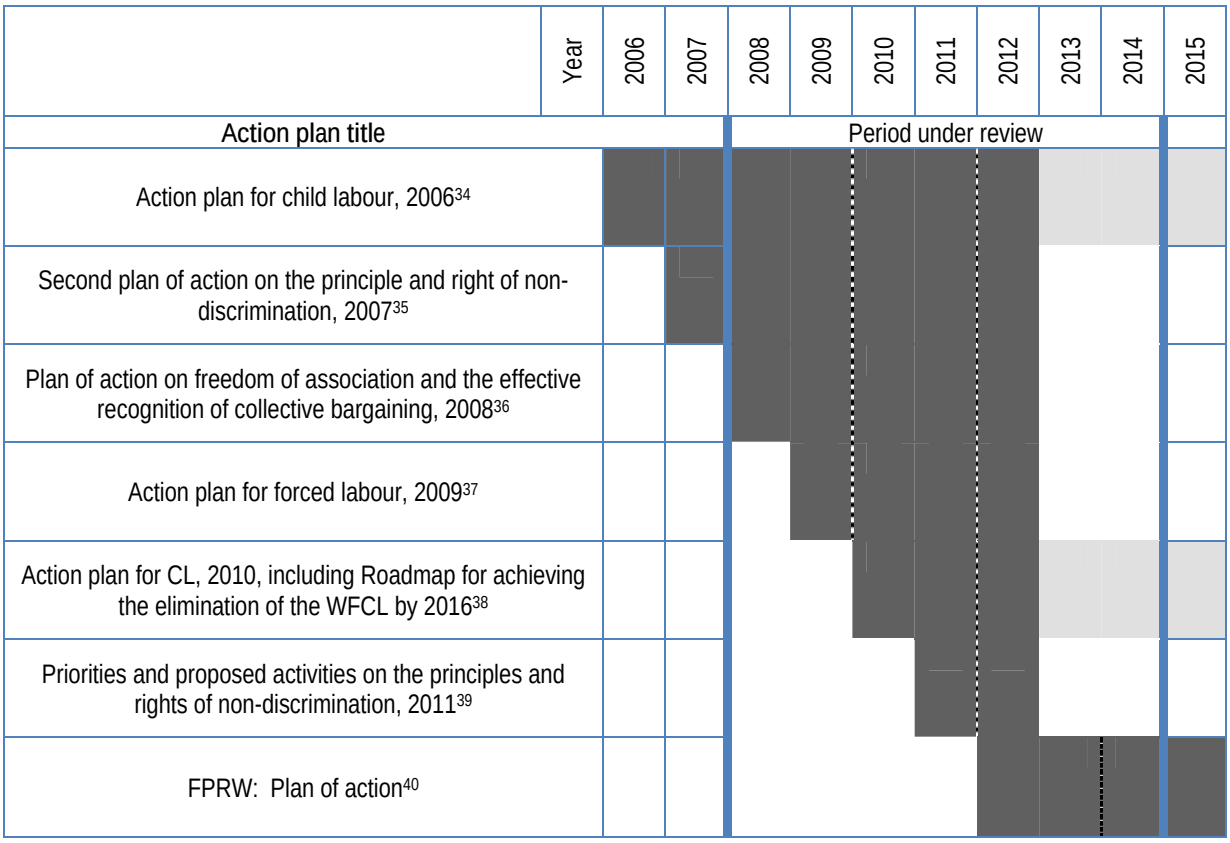
[33] It may be noted that terminology is not uniform in GB documents setting out "plans of action", "action plans", "priorities and planned activities," flowing from the need-identification process described above. Here, actual terms are used here, with references provided to the relevant GB documents.

eliminating all forms of forced labour worldwide by 2015, will continue to be the umbrella for the activities of the Special Action Programme to Combat Forced Labour (SAP–FL);

- for child labour, the 2006 global action plan remains the framework guiding ILO action until 2016, the target date for eliminating the worst forms of child labour: it was endorsed again by the Governing Body in 2010, alongside the 2010 action plan, to which was appended the Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016, approved by the Global Child Labour Conference 2010 in The Hague; 7 and
- the action plan on non-discrimination was endorsed by the Governing Body in November 2011 to guide the work of the Office for the next four years, subject to the outcome of the present recurrent discussion.

Figure 5 below shows the duration of each action plan, as well as the P&B period over which each runs (two vertical dashed lines). The lighter grey periods in respect of child labour illustrate the sustained focus of the action plan documents.

Figure 5: Periods covered by FPRW action plans, 2006 to present



Thus, since 2010, TA and TC administered in connection with the four categories of the principles and rights have operated in line with separate strategic objectives, strategic outcomes, and action plans. This was acknowledged in the 2012 report.[41]

[34] GB.297/TC/4, para. 12.
[35] GB.300/TC/4, para. 20.
[36] GB.303/TC/3, para. 29.
[37] GB.306/TC/3, para. 27.
[38] GB.209/TC/3, para. 31.
[39] GB.312/POL/12, para. 23.
[40] GB. 316/INS/5/3, para. 37.

Continuing the logic of the follow-up mechanism to the 1998 Declaration,[42] the GB approved a plan of action following on the recurrent discussion on FPRW held at the 101st Session of the ILC in May 2012. This is discussed in detail below in section 2.3.5 on page 26. It is sufficient to note that the plan of action for 2012 presents the four categories in a consolidated way, despite the fact that the current SPF presents each FPRW category as a separate strategic objective.

Below, is a brief description of the strategies and actions for each FPRW category to inform the discussion of the evaluation criteria in Part 3.

To begin, however, the very limited strategic character of the SPF 2006–2009 must be noted. The relevant paragraphs in the document describe what the ILO expects Member States to do, or the situation it expects Member States to be in as a result of ILO action,[43] but hardly mentions how the Member States or the Office will go about seeing that the situation becomes a reality.[44] For this reason the focus below is on the SPF 2010–2015.[45]

2.3.1 Strategies and actions supporting freedom of association and the right to collective bargaining (current Outcome 14)

The extension of the FACB rights is at the core of the Office's strategy for promoting this category of rights. Having taken account of the lack of ratification of Convention Nos. 87 and 98, the 2008 GR nevertheless noted its importance and found that, "some countries with large economics and populations have yet to ratify and, in many of them, no active efforts appear to be under way to bring about ratification."[46] Thus, there is a need for deeper and broader implementation of rights in ratifying countries and of principles in those countries that have not ratified them.[47]

The 2008 action plan on freedom of association and effective recognition of the right to collective bargaining sets out six areas of concern:

- labour law reform
- building capacity of labour administration
- strengthening employers' and workers' organizations
- developing tripartism and institution building
- dispute prevention and settlement
- advocacy and information dissemination.48

[41] ILO: *Committee for the Recurrent Discussion on Fundamental Principles and Rights*, International Labour Conference, 101st Session, Geneva, 2012, para. 137. "Up to now, ILO action in this field has mainly been designed to promote each category of FPRW individually. Indeed, there are noticeable differences between the action in relation to each of the four categories of FPRW."

[42] See

Figure 2: Process for identifying Member States' needs under the follow-upfollow-up on page 9.

[43] Paras 99–103. "Member States are increasingly aware of the content of FPRW" … "and undertake progressive steps to respect, promote and realize them, …"

[44] "Constituents are provided with practical tools and guidelines based on accumulated operational experiences on gender-sensitive and effective action to support implementation of fundamental principles and rights at work."

[45] Some of the TC results observed in the period evaluated are derived from projects implemented during the SPF 2006–09.

[46] *Freedom of association in practice: Lessons learned, global report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, ILO, 2008 [accesssed 3 October 2014] www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_096122.pdf [accessed 7 Oct. 2014], para. 321.

[47] GB.303/TC/3, para. 21.

[48] GB.303/TC/3, paras. 6–17.

Supportive activities identified in the plan of action included:[49]

- identification of issues and priorities by the field offices in close consultation with tripartite constituents in Member States;
- research and knowledge development;
- the promotion of this category of FPRW by multilateral organizations and international actors in their policies and approaches, citing development financial institutions, regional and bilateral trade agreements, international framework agreements and corporate social responsibility schemes;
- the training and capacity building of stakeholders;
- maintenance of a sectoral approach in extending rights, citing rural and migrant workers, those in the informal economy and export processing zones (EPZs).

In terms of resources, the 2008 action plan noted that large-scale single or multi-country projects could include a combination of the listed modalities, provided that funding beyond the ILO's RB was available. In this context, the plan noted that:

> "[s]ince the establishment of the Declaration Programme, about US$58 million have been received to implement projects related to freedom of association and the effective recognition of the right to collective bargaining. The bulk of these funds were received between 2000 and 2003. Since then, there has been a gradual decline in expenditure on activities directly linked to freedom of association and collective bargaining, from a peak of some US$10 million in 2003 to about US$2.5 in 2007. The figures suggest that, while donors recognize the overall importance of ILO technical cooperation projects, promoting freedom of association and collective bargaining is rarely expressed as a separate or specific goal, despite the consensus that freedom of association and collective bargaining contribute to the establishment of good governance and democracy."[50]

The plan of action also noted that the International Labour Standards Department (NORMES) would, in the first instance, follow up on responding to "requests arising directly out of work of the Conference Committee on the Application of Standards and the Governing Body Committee on Freedom of Association … supported as required by other units in the Office and the field offices responsible for the countries concerned."[51]

The SPF 2010–2015 conforms to the 2008 plan of action, which remained in effect until 2012. The strategy of the SPF for Outcome 14 calls for the consolidation of progress made in realizing this FPRW.

- Further advances are to be achieved through:
  - advocacy,
  - legal reform
  - capacity building of constituents;
- based on priorities set by the:
  - ILO supervisory bodies
  - the 1998 Declaration follow-up mechanisms (AR and GR)
  - two action plans approved by the GB (to enhance the impact of the standards system and to realize the fundamental principle of freedom of association and the right to collective bargaining).

[49] GB.303/TC/3, paras. 18–28.
[50] GB303/TC/3, para. 27.
[51] GB303/TC/3, para. 19.

Implied in the SPF statement is an emphasis on work in areas of "significant weakness", i.e. vulnerable workers in EPZs, in agriculture, domestic and migrant workers, and an observation that achieving full respect of these rights requires "long-term commitment and support"..

Table 2: Budget resources for Outcome 14, 2010–2015 (US$)

	RB	RBTC	RBSA	XBTC		Total
				Actual	Estimated	
2010–11	14 685 057	192 000	229 620	4 926 137	3 900 000[52]	20 032 814
2012–13	18 321 731	91 825	367 600	4 552 500	3 500 000[53]	23 333 656
2014–15	18 600 000	111 552	26 288	0	3 900 000[54]	18 736 840

The scarcity of resources noted above in paragraph 49 has continued. The P&B for 2008–2009 allocated US$18.1 million of RB funds, US$15 million of extra-budgetary funds, and an estimated US$5 million of RBSA funds for "increasing member State capacity to develop policies or practices reflecting FPRW," excluding child labour.[55] Table 2 5 shows the budget resources for Outcome 14 (2010–2015) where SPF outcomes were aligned with the FPRW category of freedom of association and respect for the right to collective bargaining. The figures there and in similar tables that follow for outcomes 15, 16, and 17 are based on actual expenditures from 2010–2013, and budgeted/estimated figures for 2014–2015.

Several of the Office's units have been providing support to constituents in realizing this category of FPRW. NORMES has taken the lead whenever support has been requested to supervise the FACB FPRW. Until recently, the reorganized Programme for the Promotion of the Declaration on FPRW (DECLARATION), now the FPRW Branch of the Governance and Tripartism Department, and units responsible for promoting social dialogue, labour administration and inspection, employers' and workers' activities, sectoral activities, multinational enterprises, and others, have all been involved in delivering supports. In the past, DECLARATION often formally administered projects, although there was never a group responsible for working solely with this category of FPRW, as had been done with forced labour in the Special Action Programme to Combat Forced Labour (SAP-FL).

2.3.2 Strategies and actions supporting the elimination of forced labour (current Outcome 15)

The SAP-FL was established in November 2001,[56] following the ILC's discussion of the first GR on FL, which preceded the SPF. Support for the SAP-FL was found originally in a mix of extra-budgetary and RB resources.

The SPF 2010–2015 clearly enunciates the ILO's strategy, which includes:

- promoting universal ratification of Convention Nos. 29 and 105;
- providing TA for the:

[52] P&B 2010–2011, p. 10.
[53] P&B 2012–13, p. 14.
[54] P&B 2014–15, p. 7.
[55] P&B 2008–2009, p. 8.
[56] GB.282/TC/5 and GB.282/11.

    - application of these conventions
    - establishment and effective enforcement of sound legal frameworks
    - design and implementation of policies and action plans against forced labour;
- giving special attention to:
    - knowledge generation
    - awareness raising of the need to prevent forced labour
    - strengthening the capacity of governments and social partners to take action against forced labour.

According to the SPF, ILO action should "fully capitalize on the mutually reinforcing nature of the four" FPRW, and "ILO supervisory bodies will provide value added through the identification of specific problems and appropriate solutions." Lastly, the ILO would promote the inclusion of measures to combat forced labour and human trafficking in DWCPs, focusing on the needs and circumstances of different vulnerable groups in the specific country context. No mention is made of the 1998 Declaration follow-up mechanism.

The 2009 Action Plan for forced labour took into account the new SPF 2010–15, which assigned Outcome 15 to this category of FPRW.[57]

It identified four overall priorities:

- improved data collection and research;
- an intensified global awareness campaign;
- improving law enforcement and labour justice responses;
- strengthening the engagement of employers' and workers' organizations to take action against forced labour and trafficking.

In addition, topical or thematic priorities were identified:

- a focus on prevention, developing and promoting appropriate strategies;
- forced labour, migrant and contract workers, seeking cooperation between home and host countries;
- issues for industrialized countries.

The proposed plan was conditional on obtaining extra-budgetary support from donors.

The P&B for 2008–2009 allocated US$18.1 million of RB funds, US$15 million of extra-budgetary funds, and an estimated US$5 million of RBSA funds for "increasing member State capacity to develop policies or practices reflecting FPRW," excluding child labour.[58] Table 6 below shows the budget resources for Outcome 15 (2010–2015) for periods where SPF outcomes were aligned with the FPRW category of elimination of forced labour.

[57] The FL Action Plan is in GB.306/TC/3. The SPF 2010–2015 was presented two GB sessions earlier, in document GB.304/PFA/2(Rev.)
[58] P&B 2008–2009, p. 8.

Table 6: Budget resources for Outcome 15, 2010–2015 (US$)

	RB	RBTC	RBSA	XBTC		Total
				Actual	Estimated	
2010–11	4 499 777	101 000	826 203	8 157 835	14 600 000[59]	13 584 815
2012–13	5 177 880	136 300	679 200	9 964 638	6 500 000[60]	15 958 018
2014–15	5 700 000	107 000	224 500	538 204	5, 800 000[61]	6 569 704

SAP-FL has been the lead unit in the Office engaged in providing support to constituents in realizing this category of FPRW.

SAP-FL has published a document presenting "the ILO strategy to combat forced labour for 2012–2015" and providing details of the "priority areas for the period, namely research and knowledge management, elimination of forced labour from global value chains, and implementation of country-based interventions."[62]

Box 3: ILO SAP-FL priorities (2012–2015)

Research and knowledge management

- To set up a global slavery observatory with the most up-to-date statistical information
- To publish innovative research on forced labour, with a focus on economics

Elimination of forced labour from global value chains

- To support global dialogue and advocacy
- To develop industry specific initiatives in participation with the private sector

Implementation of country-based interventions

- To strengthen national capacities to empower potential victims, prevent and prosecute forced labour in line with ILO and other standards
- To document lesson learned and measure impact

2.3.3 Strategies and actions supporting the elimination of child labour (current Outcome 16)

Support to the elimination of child labour category is the most developed.[63] The International Programme on the Elimination of Child Labour (IPEC) became operational in late 1992, following a substantial financial contribution from the Government of Germany, for an initial period of five years. Six countries[64] initially signed Memoranda of Understanding (MoU) with the ILO, which was

[59] P&B 2010–2011, p. 10.
[60] P&B 2014–15, p. 7.
[61] P&B 2014–2015, p. 7.
[62] *Stopping forced labour and slavery-like practices – the ILO strategy*, ILO, 2012, www.ilo.org/global/topics/forced-labour/publications/WCMS_203447/lang--en/index.htm [accessed 15 May 2014].
[63] Survey responses have consistently rated the category of the elimination of child labour as the one that has the most well developed strategy and actions.
[64] Brazil, India, Indonesia, Kenya, Thailand and Turkey.

followed by another five in 1994–1995.[65] In 1995, Germany pledged additional substantial resources, and five other donors began supporting the programme.[66] By 1996–97, 29 countries had signed MoU; by 2012, IPEC had operations in 102 ILO Member States, plus Kosovo and the Sudan.

The 2006 Action Plan on the abolition of child labour, the first covering the period under evaluation, consisted of three pillars:[67]

1. Supporting national responses to child labour, in particular through more effective mainstreaming of child labour concerns in national development and policy frameworks, including:
   - further development of the time-bound programme (TBP) approach;
   - mainstreaming child labour concerns in national development and policy frameworks, including human rights frameworks;
   - development of knowledge, tools and capacity; and
   - resource mobilization.
2. Deepening and strengthening the worldwide movement as a catalyst, including:
   - promoting the integration of child labour concerns in the Millennium Development Goals (MDGs), Poverty Reduction Strategy Papers (PRSPs) and Education for All (EFA), among other development-related policy frameworks;
   - strengthening the human rights impact of other bilateral and external assistance frameworks, including strengthening reporting mechanisms and instruments to assess their impact on human rights, more particularly on child labour;
   - preparing a technical report and draft resolution for the 18th International Conference of Labour Statisticians in 2008 suggesting an operational statistical definition of child labour that may be universally applied for measurement and programme intervention purposes;
   - strengthening advocacy on neglected worst forms of child labour (WFCL) such as child domestic labour;
   - lobbying to place child labour on regional agendas, such as that of the European Union (EU), in a more coherent fashion; and
   - promoting dialogue and collaboration at the international level within the UN family and the regional institutions as well as with international non-governmental organizations (NGOs).
3. Promoting further integration of child labour concerns within overall ILO priorities, including:
   - account to be taken of DWCP as the ILO's main delivery vehicle at the country level, in particular more intense analysis of conceptual links between child labour and such other concerns as education, poverty and youth employment and review of TC and donor-funding modalities to facilitate DWCP integration; and
   - ensuring greater coherence between TC and normative action in the field of child labour.

Two further points were emphasized in the Action Plan: (1) for the ILO to be the centre of excellence on knowledge on child labour, all three pillars will have to be backed up by solid research, particularly in regard to the relationship between child labour and other relevant aspects, such as

[65] Bangladesh, Nepal, Pakistan, the Philippines, and the United Republic of Tanzania.
[66] Australia, France, Norway and the United States.
[67] GB.297/TC/4.

education, population growth, national employment and poverty reduction; and (2) that special emphasis would be placed on Africa. Further attention was paid to the idea that important gaps in respect of child labour in agriculture, bonded and forced labour, child domestic labour, and the special plight of girls all needed to be addressed.

The Action Plan called for major emphasis to be put on strengthening capacities and instruments at national level, and less emphasis on direct action, which would be limited to specific situations involving, for example, certain WFCL for which a knowledge basis had not yet been adequately developed.

The strategy statement of the P&B 2008–2009 explicitly refers to the 2006 Action Plan.[68] The three pillars of the Action Plan were reiterated. Three headings were then added, two amplifying points in the Action Plan and the third speaking in terms of modalities, i.e. the production of global products.

The SPF 2010–2015 strategy for assisting in the elimination of child labour is said to require complementary approaches drawing "upon the extensive experience and knowledge gained through the ILO supervisory bodies and technical cooperation in member States around the world." The strategy states that the ILO will:

- promote universal ratification of Conventions No. 138 and Convention 182;
- provide TA:
  - to implement these conventions
  - to enhance the capacity of the tripartite constituents to develop effective policies and programmes for the elimination of child labour and provision of education for all;
- giving special attention to:
  - the situation of girls
  - the situation of the African region.

The SPF goes on to indicate that capacity to take urgent measures to remove children from the WFCL would continue to be built and supported as key elements of national action plans against child labour. IPEC would continue to play a central role in the elimination of child labour in the context of the Global Action Plan endorsed by the GB in 2006. No mention is made of the 1998 Declaration follow-up mechanism.

According to the 2010 Action Plan for child labour, the 2006 Action Plan remained the framework guiding ILO activities,[69] with the following key elements:

- promoting universal ratification of child labour conventions;
- promoting public policies to tackle child labour;
- leading the knowledge agenda;
- supporting regional priorities;
- further strengthening advocacy, strategic partnerships and the worldwide movement against child labour;
- increased capacity building for workers' and employers' organizations;
- further integrating child labour into DWCPs; and
- taking forward the Roadmap agreed at the Hague Conference.

[68] P&B 2008–2009, p. 155.
[69] GB.209/TC/3, para. 3.

A summary of the ILO-IPEC strategy, published in 2013, identified 11 main elements:[70]

- underpinning action with robust and reliable statistics and data;
- understanding the economic and social causes of child labour;
- strengthening legislative frameworks and enforcement;
- developing effective child labour action plans and policies;
- integrating child labour concerns into wider development agendas and policies;
- building national and local capacities;
- strengthening social dialogue and supporting the social partners in the "real economy";
- demonstrating to children and families that life changing responses are within reach;
- developing complementary and strategic external partnerships;
- advocating, raising awareness and mobilizing societies;
- operationalizing the integrated decent work approach

Priority areas of focus are identified as:

- leveraging impact from social protection programmes;
- pursuing education as the most meaningful alternative to child labour;
- supporting families through better livelihoods;
- targeting actions to meet the needs of vulnerable and hard to reach children;
- targeting actions to eliminate the WFCL in hazardous work, especially in agriculture;
- targeting actions to meet the needs of child soldiers and children affected by conflict;
- business and human rights;
- response to ILO's supervisory mechanisms;
- refocus on Africa.

Noteworthy in IPEC's approach has been that it has evolved in broader ways than just through direct action, when seen in the light of the programmes start in 1992. Since 2003, IPEC has provided support to national TBPs, which are national strategic programme frameworks, under different names including national action plans. IPEC provided support for the development and implementation of these frameworks, including by taking responsibility for specific elements, and by focusing on assisting countries to further develop TBPs and mobilize resources for this process. IPEC's TBP-support projects focused both on improving the 'upstream' enabling environment – policy, legislation, capacity building – and on developing 'downstream' models of intervention by providing direct support to child labourers and their families. The balance between the upstream and downstream focus has always presented a challenge, particularly in reconciling donors' interest in the necessary upstream focus. Direct action was carried out but, as part of the broader TBP-support projects, it typically involved large numbers of local partners implementing individual action programmes. Recent evolution in IPEC's approach has included elements, such as increased emphasis on livelihood, the mainstreaming of child labour into national policies and programmes, and global research, policy and capacity projects providing strategic support to various phases of the National Action Plan (NAP) process.

ILO-IPEC has produced biannual IRs documenting the programme's developments, achievements and challenges. See discussion in 3.5 on page 73.

[70] *ILO-IPEC's strategies and priorities for addressing child labour and its resource needs*, ILO, 2013, www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_23475/lang--en/index.htm [accessed 4 May 2014].

Table 3: Budget resources for Outcome 16, 2010–2015 (US$)

	RB	RBTC	RBSA	XBTC		Total
				Actual	Estimated	
2014–15	13 500 000	307 094	352 418	14 578 197	77 000 000[71]	28 737 709
2012–13	13 243 851	669 000	1 321 300	98 924 593	92 400 000[72]	114 158 744
2010–11	15 365 089	404 000	1 319 902	93 734 807	118 700 000[73]	110 823 798

IPEC has been the only unit in the Office engaged in providing support to constituents in realizing this category of FPRW.

2.3.4 Strategies and actions supporting the elimination of discrimination (current Outcome 17)

The 2007 Action Plan on the elimination of discrimination, the first guiding ILO action plan during the period under evaluation, noted that the previous action plan had focused on two thematic priorities: the gender pay gap, and racial/ethnic equality and its gender dimensions.[74] It noted that the previous work, "often based on RBTC and limited extra-budgetary seed resources, carried out in close collaboration with different field and headquarters units," would serve as a platform for expanded work. This work would rely on "the combination of resources and coordinated strategies across the Office, building on and consolidating existing activities and the experiences of the past four years." Priorities from 2007 included:[75]

- better enforcement of legislation and equal remuneration between the sexes, integrating and mainstreaming initiatives at the country level into DWCPs;
- awareness-raising campaigns;
- capacity building for social partners;
- integration of equality concerns into DWCPs;
- promotion of non-regulatory measures as a complement to legal frameworks;
- technical support to trade unions to enable them to negotiate for equal remuneration, and in the development of relevant institutional mechanisms for promoting equal remuneration;
- support for the development and implementation of workplace strategies to combat discrimination based on colour, race, national extraction and religion.

The proposed plan was conditional on obtaining "considerable" extra-budgetary support to complement RB resources. An appeal to donors was made in the plan. Furthermore, the 2007 Action Plan was aligned with the ILO Action Plan for Gender Equality.[76]

The SPF 2010–2015 strategy for support in eliminating discrimination is a "focused multi-pronged" one, drawing upon experience gained over many years. The strategy includes:

[71] P&B 2014–2015, p. 57.
[72] P&B 2012–2013, p. 14.
[73] P&B 2010–2011, p. 10.
[74] GB.300/TC/4, para. 6.
[75] GB.300/TC/4, paras. 9–18.
[76] GB.300/5.

- promoting universal ratification of Convention Nos. 100 and 111;
- providing TA:
  - to implement these conventions, particularly in the context of a national equality policy.

Key elements of the SPF 2010–2015 strategy are:

- capacity building for governments and social partners
- awareness-raising campaigns
- sharing of information
- research initiatives
- gathering appropriate sex-disaggregated data.

Lastly, "to ensure that non-discrimination and equality issues are effectively address at the national level, the ILO will promote the inclusion of non-discrimination and equality in employment and occupation in Decent Work Country Programmes, with a focus on the needs and circumstances of different groups in the specific country context." No mention is made of the 1998 Declaration follow-up mechanism

The 2011 Action Plan on the elimination of discrimination and employment proposed four priority areas of action:[77]

- promoting the relevant ILO instruments, including universal ratification of the two core conventions on equality (Convention Nos. 100 and 111);
- developing and sharing knowledge on the elimination of discrimination in employment and occupation;
- further developing the institutional capacity of ILO constituents to support more effectively the implementation of the fundamental right of non-discrimination at work;
- strengthening international partnerships with major international actors on equality at work.

Once again, the proposed plan was conditional on obtaining "considerable" extra-budgetary support to complement regular budget resources. An appeal was made in the Plan, specifically asking for donors to allocate "un-earmarked resources to the ILO outcome on non-discrimination (Outcome 17) to allow all the priority themes mentioned above to be addressed." In contrast to the 2007 Action Plan, no mention was made of the most recent ILO Action Plan for Gender Equality (2010–15).[78] That Plan sets out how gender issues have been integrated across strategic objectives.[79]

The P&B for 2008–2009 allocated US$18.1 million of RB funds, US$15 million of extra-budgetary funds, and an estimated US$5 million of RBSA funds for "increasing member State capacity to develop policies or practices reflecting FPRW," excluding child labour.[80] Table 8 below shows the situation for periods where SPF outcomes were aligned with the FPRW category of elimination of discrimination.

[77] GB.312/POL/12.
[78] *ILO Action Plan for Gender Equality 2010–2015. Phase I: Aligned with Programme and Budget 2010–2011*, ILO, 2010, www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_179640.pdf [accessed 6 May 2014].
[79] The cross-cutting character of this category of FPRW was noted in the 2012 Conference Report, para. 139.
[80] P&B 2008–2009, p. 8.

During all the relevant periods here, additional resources were allocated to outcomes dealing with more equitable conditions of work for men and women (Outcome 5), migrant workers (Outcome 7), and HIV/AIDS in the world of work (Outcome 8).

Table 4: Budget resources for Outcome 17, 2010–2015 (US$)

	RB	RBTC	RBSA	XBTC		Total
				Actual	Estimated	
2010–11	6 585 038	296 000	363 179	8 256 265	7 000 000[81]	15 500 482
2012–13	12 845 127	410 700	835 300	5 600 335	4 200 000[82]	19 691 462
2014–15	13 246 575	136 659	0	688 172	3 465 000[83]	14 124 831

The cross-cutting character of this FPRW implies that several units in the Office have been engaged in providing support to constituents in realizing this category of FPRW. These includes the Gender, Equality and Diversity branch (GED), along with other branches responsible for conditions of work, HIV/AIDS in the world of work branch, labour migration branch, and the International Labour Standards Department, among others.

2.3.5 Consolidated 2012 Plan of Action

Following the first recurrent discussion on FPRW under the 1998 and 2008 Declarations in 2012, the ILC adopted a resolution including a framework for action for the effective and universal respect, promotion and realization of FPRW for the period 2012–2016. The framework for action in the resolution is organized according to five broad objectives with respect to the FPRW:

- they should be universally respected, promoted and realized
- accessible to all
- enforced at national level
- all ILO means of action should be mobilized in support of them;
- full advantage should be taken of relevant initiatives outside the ILO.

The 2012 Plan notably includes:[84]

- an overall strategic orientation favouring integration, linkages, and synergies, between the categories of FPRW, and between FPRW and other areas of ILO work;[85]
- recognition of FPRW both as rights and as enabling conditions for decent work;
- recognition of the need to prevent any violation of rights related to the four categories of FPRW, and provide legal recourse, appropriate remedies, and sanctions related to their violation;[86]

[81] P&B 2010–2011, p. 10.
[82] P&B 2012–2013, p. 14.
[83] P&B 2014–2015, p. 58.
[84] GB.316/INS/5/3, para. 4.
[85] "It will intensify collaboration within and across sectors, to ensure that fundamental principles and rights at work are mainstreamed in all ILO programmes and activities. To support this integrated approach, a training programme will be developed and implemented for members of staff to receive basic induction training on fundamental principles and rights at work, their promotion and implementation." GB-316/INS/5/3, para. 9. "Opportunities will also be sought for projects which address the four categories of FPRW in combination as well as individually, building on collaborative efforts between different parts of the Office." GB-316/INS/5/3, para. 22.

- the aim of ILO action to assist Member States to give effect to FPRW by "adopting and implementing specific laws, policies, programmes or actions for the effective application of the fundamental Conventions or improved realization of" FPRW, as measured against six specific targets, including increases in cases of progress noted by the CEACR in 2015, as compared to 2011.[87]

In contrast to earlier plans of action, a direct relation is made to ILS in the 2012 Plan of Action.[88] Numerous standards-related actions are outlined including:

- new impetus to the campaign for universal ratification;
- maintenance of annual reports under the follow-up to the 1998 Declaration as a way of learning of promotional activities and TA needs;
- tailored approaches to overcoming specific obstacles to ratification, including collaboration with relevant academic institutions;
- constituents' sharing of experiences in making progress towards ratification or greater respect of FPRW.

The Plan foresaw standard setting in respect of forced labour, which was approved at the 2014 ILC. Tripartite meetings of experts on FPRW and the informal economy, and on FPRW and non-standard forms of employment were also proposed.

The Plan's objective was to produce "a solid and in-depth knowledge base on FPRW, using sound research that enables the design and implementation of effective policies and programmes to promote FPRW and access their impact." The category of FACB would receive particular attention, although research would be undertaken to develop "a much more comprehensive knowledge base on each category of FPRW." Emphasis would also be given to categories of workers vulnerable to violations of FPRW. Migrants, ethnic minorities, tribal and indigenous peoples, rural/agricultural workers, domestic workers, and workers in EPZs were specifically named. The "impact of trade arrangements on labour would also be studied" and the collection and analysis of statistics on child and forced labour would be pursued, and strengthened.

Support to ILO constituents in the form of TA services, capacity building and TC would enable "ILO constituents at the national level to tackle gaps with respect to the implementation of FPRWs by assisting them to put in place and implement strong national institutional, legislative and policy frameworks."[89] Timely support would be provided in response to requests from Member States, drawing on "comments by the supervisory bodies, relevant expertise from headquarters, field offices,

[86] "Particular attention will be given to address and prevent violations of FPRW affecting workers in the informal economy in urban and rural areas and in non-standard forms of employment through targeted action in technical cooperation projects including research and data collection, legal and policy advice, institutional support, training, organization and action at grass-roots level." And "[t]echnical cooperation projects will address enforcement, monitoring and compliance issues, by strengthening the capacities of labour courts and other relevant courts, enforcement agencies, labour inspectors, labour officers, mediators/conciliators, police, and other institutions involved in the application of national laws and other measures related to fundamental principles and rights at work, in particular by providing training." GB.316/INS/5/3, paras. 23 and 24.

[87] "This will result in the ILO supervisory system noting, by 2015, 43 cases of progress in the implementation of Conventions Nos 87 or 98, 23 for Conventions Nos 29 or 105, 68 for Conventions Nos 138 or 182, and 41 for Conventions Nos 100 or 111." GB.316/INS/5/3, para. 8.

[88] In the 2009 FL Action Plan, there were no references to Conventions Nos. 29 or 105, either of their application, ratification, or similar. In the 2008 FACB plan, there is mention of TA being provided in response to requests arising directly out of the work of the CCAS and CFA, and the promotion of universal ratification of Conventions Nos. 87 and 98. GB.303/TC/3, paras. 19 and 21.

[89] GB.316/INS/5/3, para. 20.

decent work technical support teams and technical cooperation projects." Technical advice on labour legislation and support for establishing and strengthening tripartite social dialogue institutions and mechanisms would be provided. Due attention would be given throughout to the gender dimension of support.

Donor commitment would be needed "to support projects of sufficient scope and duration to create lasting impact." South-south cooperation and public-private partnerships were expected to be of increasing importance.

Very clear priority areas were set out for strengthening the role of the social partners, including:[90]

- strengthening capacity to (a) advocate FPRW in public policy forums, (b) provide practical advice to their members relating to each category of FPRW and the relationship between them, and (c) engage in collective bargaining, including reducing the gender pay gap and other discrimination concerns;
- identifying, documenting and sharing good practice with respect to the promotion and enforcement of FPRW;
- building networks of national focal points on FPRW, fostering coordinated action and experience sharing.

Finally, the Office would make efforts to strengthen international partnerships, including:[91]

- advocating FPRW for inclusion in agendas of UN system organizations, international and regional financial institutions, including through the development of guidelines and other tools used in the UN's operational frameworks;
- advocating "strongly for the prominent inclusion of universal respect for" FPRW in the Post-2015 UN Development Agenda;
- continuing to actively engage in partnerships and coordination mechanisms at international and regional levels;
- "efforts to strengthen the capacity of constituents" to "facilitate further the inclusion of FPRWs in national and international policy and associated budgetary frameworks" including United Nations Development Assistance Frameworks (UNDAFs);
- pursuing its mandate through engagement with business and human rights-related bodies and initiatives.

Since the GB's adoption of the 2012 Plan of Action, further statements of strategy have been published in respect of two of the four categories of FPRW. SAP-FL and ILO-IPEC strategy brochures were issued on 18 September 2012[92] and 24 October 2013, respectively.[93] At its most recent meeting in March 2014, the GB received a report on the implementation of the 2012 Plan of Action.[94]

[90] GB.316/INS/5/3, para. 27.
[91] GB.316/INS/5/3, para. 33.
[92] *Stopping forced labour and slavery-like practices – the ILO strategy*, ILO, 2012, www.ilo.org/newyork/issues-at-work/human-trafficking-and-forced-labour/WCMS_203447/lang--en/index.htm [accessed 2 May 2014].
[93] *ILO-IPEC's strategies and priorities for addressing child labour and its resources needs*, ILO, 2013, www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_23475/lang--en/index.htm [accessed 2 May 2014].
[94] GB.320.INS/3/1.

2.4 Modalities for and financing of Office support

Several discussions of the findings are based on observed modalities for supporting and financing the support given to Member States. These are not unique to FPRW-related support. They are described briefly here to avoid repetition below. This description focuses on the function served by organizational and financing frameworks. Thus, a functional description conveys an understanding of what occurs in practice because RB, regular budget technical cooperation (RBTC), RBSA, extra-budgetary technical cooperation (XBTC), and programme support income (PSI) funds are now used across organizational lines in order to achieve the outcomes.

Box 4: Definitions of ILO categories of resources used for FPRW support

Categories of financial resources

RB funds are contributions provided by all ILO Member States by virtue of their membership. Assessment is based on the UN allocations assessment. RB funds are used for the regular operating expenses of the Organization, including RB staff costs at HQ and in the field.

RBSA funds consist of voluntary contributions that are not earmarked and are used by the ILO when and where they are most needed in an independent, flexible and rapid manner, complementing other ILO resources. The RBSA is aligned with the results-based framework of the ILO.[95]

RBTC funds are a category of the RB to which all Member States contribute based on their Gross National Product (GNP). They funds are designated for direct support to ILO constituents, and intended for use primarily in the implementation of DWCP outcomes.

XBTC are funds voluntarily given and used for TC programme support to Member States in achieving the results agreed by ILO constituents in DWCPs through specific projects, with a determined timeline and pre-defined geographical and thematic focus.

PSI is income to the ILO based on a percentage of funds granted as XBTC to a project.

Sources: International Labour Office-PARDEV. 2014. *Regular budget supplementary account* (Geneva). Available at: www.ilo.org/pardev/donors/rbsa/lang--en/index.htm [4 October 2014]; International Labour Office. 2011. *Evaluation in the ILO. Director-General's announcement*, *11 November 2011* (Geneva); International Labour Office. 2013. *Regular budget supplementary account, October 2013 RBSA Information Note* (Geneva).

TA given by Office staff is the first-line modality. ILO's country offices can call upon the expertise of ILO officials stationed at ILO HQ, in the field offices, and in DWTs located around the world. The ILO's RB covers these RB staff costs. RB or extra-budgetary resources, as negotiated on a case-by-case basis, may cover travel-related mission costs.

Projects involving several countries are a second modality that is becoming more prevalent. Projects are by definition XBTC funded. Donor countries are sometimes involved in determining the benefiting countries as well as the focus of the projects, and the approaches they will take. The benefiting countries can be drawn from a single region. They may also be from different regions, sharing a common challenge in realizing the relevant FPRW. Human resources present on a full- or part-time basis in the benefiting countries often characterize these projects. Technical and/or administrative backstopping can be carried out from HQ, or at a regional office, or in other offices

[95] *Regular budget supplementary account*, ILO-PARDEV, 2014, www.ilo.org/pardev/donors/rbsa/lang--en/index.htm [accessed 9 July 2014]. Donors as of 31 May 2014 include Belgium, Denmark, Germany, Italy, Netherlands, Norway and Sweden.

located in one of the benefiting countries. A technical unit in the Office is usually designated responsibility for the project. In some instances, responsibility for a project is lodged within the ILO's regional structure, giving the opportunity for technical support to be called upon as needed from any relevant organizational unit in the Office. PSI is used to support XBTC delivery, including but not limited to staff expenditures.[96]

Single country projects typically engage a chief technical adviser (CTA) who is resident in the benefiting country, and draws on technical support, as needed, from a designated technical department.

Recent organizational restructuring has consolidated Office units responsible for FPRW support under a FPRW Branch within the Governance and Tripartism Department. Personnel and the activities of ILO-IPEC, SAP-FL and DECLARATION are unified under this Branch. Personnel working within these units may be paid from RB, XBTC or PSI resources.

Different organizational units can be involved in providing human and/or financial resources for different activities. NORMES stands out in this regard as it has acted as the *de facto* focal point for support on FACB. Other units can also request NORMES to provide support in the form of resources. In March 2013, the Director-General clarified NORMES' role as:

> …ensure the key standard setting and supervisory functions of the office and lead the current review of standards policy. Standards focal points will be established in each policy department to ensure effective mainstreaming of ILS in all areas of technical work. Technical cooperation activities to promote fundamental labour rights (including the activities of DECLARATION and IPEC) will be undertaken by the Governance and Tripartism Department.[97]

The International Training Centre of the ILO, Turin, provides FPRW-related training services. The International Labour Standard, Rights at Work and Gender Equality programme is the responsible unit at the Centre, providing regular training in Turin and the field, and through distance learning.

The Partnerships and Field Support Department (PARDEV) at HQ is tasked with liaising with donors for possible financial support for ILO's strategies and actions. PARDEV is not the only organizational unit working to mobilize financial resources. Technical units at HQ or in the field may also do so. In the ILO's country or regional offices, it is done through contacts with donors locally. Ultimately, PARDEV's role is to coordinate all such resource mobilization.

All financial resources available to the Office are allocated in accordance with the ILO's strategic outcomes and its OBWs.

[96] Internal Governance Documents System (IGDS) No. 16 (Version 1), 8 May 2008, paras. 9–10.
[97] Internal Governance Documents System (IGDS) No. 322 (Version 1), 22 March 2013, pp. 6 and14.

Box 5: ILS Special Programme Account Support for FPRW

In March 2011, the GB allocated funds of the Special Programme Account (SPA) for a limited duration to support the strengthening of programmes that will result in the better application of ILS. The time-bound assistance activities started in 2012 and will be completed in 2014. Activities comprised of two elements, TC and TA to 46-targeted countries so as to reduce the implementation gap with respect to specific ratified conventions.

Each country had "expressed their readiness and availability to collaborate with a view to overcoming the obstacles facing the application of international labour standards. In the event, support to address implementation gaps ranged across many subjects, from labour inspection to statistics, legislative analysis and compliance studies, publication of guides. FPRW matters were also addressed. See Annex XVIII in Volume II: “International labour standards Time-bound Programme finance by the Special Programme Account”.

3. EVALUATION FINDINGS

This evaluation is guided by the ILO evaluation policy, which adheres to the OECD/DAC principles and the UNEG norms and standards. This part presents findings organized in terms of the OECD/DAC evaluation criteria of relevance, effectiveness, efficiency, coherence, impact and sustainability.

Relevance

EVALUATION QUESTION 1:
To what extent is ILO strategy and action relevant to the global and national policy dialogue addressing FPRW?

PERFORMANCE CRITERIA:
1. ILO strategy and action respond to priorities and needs expressed by its constituents globally and nationally.
2. ILO strategy and action addresses identified gaps in the realization of FPRW globally and nationally.

Not all high-level outcome strategy statements are literally oriented to the needs expressed by constituents globally and/or the gaps identified through supervisory mechanisms. Analysis of the four outcomes of the SPF 2010–2015 reveals that only some orient ILO action to AR, GR, or outputs of the supervisory mechanisms. Table 9 below shows eight items of content unrelated to FPRW substance exhibited by at least one SPF outcome. Only Outcome 14 mentions orienting action to reports of the 1998 Declaration follow-up, and all but Outcome 17 mention orientation to supervision of ratified conventions. These are the two mechanisms available at the global level identifying the gaps in realizing FPRW, either expressed by constituents or identified by authoritative supervisory bodies. Ideally, all these strategic statements would be oriented to these purpose-built mechanisms. Of course, this rather rigid analysis belies the fact that orientation to these mechanisms can and does occur further down the ladder of strategic statements, i.e. P&Bs, DWCPs, projects' ToR, etc., regardless of the SPF statement. Yet this observation is consistent with others that show a less than fully automatic or comprehensive orientation of ILO action to these gap-identifying mechanisms.

The incomplete reference to GB-approved action plans and promotion of inclusion of FPRW in DWCP is also noteworthy in respect of gaps and areas of work more related to global and national policy dialogue.

Table 5: Content analysis of high-level outcomes, SPF 2010–2015

	SPF Outcome 14	SPF Outcome 15	SPF Outcome 16	SPF Outcome 17
Promote universal ratification	–	▯	▯	▯
Provide TC for application of ratified conventions	–	▯	▯	▯
Results of supervision used to identify gaps	▯	▯	▯	–
Results of 1998 Declaration follow-up used to identify gaps	▯	–	–	–
GB-approved action plan orients action	▯	–	▯	–
Synergies sought with other FPRW	–	▯	–	–
Synergies sought with other 3 strategic objectives	–	▯	–	–
Promote inclusion in DWCPs	–	▯	–	▯

= nil.

Gaps in FPRW that are identified through national social dialogue are prioritized in some DWCPs. However, where they are not, their detailed description can nevertheless enable the Office identify future areas of support for the realization of FPRW. DWCPs capture the ILO constituents' priorities at the country level. They are a critical source of data when responding to evaluation question 1 because they are by definition relevant to national policy dialogue. If the gaps identified at the global level are taken into consideration, FPRW gaps *per se* should normally be identified.[98] On the one hand, there is anecdotal evidence that both the social partners and ILO offices are reticent to emphasize FPRW by placing them in priorities,[99] and, on the other hand, there are examples of an explicit desire to do so, pointing to the unique quality of the DWCP process.[100] However, in practice, it is questionable whether FPRW-supporting activities can be found and enabled by DWCP outcomes.[101]

The evaluation studied 79 DWCPs, which included a total of 237 priorities and 676 outcomes. Twenty-three of the 79 documents (29 per cent) set at least one priority that would directly impact on the realization of FPRW.[102] Sixteen per cent of all priorities were FPRW related. In addition, another 36 documents included FPRW outcomes in the absence of a FPRW priority. Nineteen per cent of all outcomes were FPRW related, see Table 13 on page 56.

[98] The idea of "identification *per se*" is used here to signify the direct identification of an issue in terms of FPRW. Examples include "Elimination discrimination in employment and occupation" compared with "Broaden employment opportunities for men and women, with emphasis on disadvantaged groups" or "Bring law and practice in line with internationally accepted principles of freedom of association" as compared with "Extend workers' voice at the enterprise throughout global supply chains" or "Gradually eliminate child labour, with emphasis on its worst forms" to "Increase opportunities for lawful and productive livelihoods and occupations for women, men and their families in rural areas." *Per se* identification would typically be directly linked to SPF outcomes 14, 15, 16, or 17 in OBWs.

[99] India, Indonesia, etc.

[100] Explicit inclusion in India's DWCP 2013–2017, in strong contrast to that of 2007–2012, Zambia's DWCP 2013–2016 and Indonesia's DWCP 2012–2015.

[101] El Salvador, Guatemala, India, Indonesia, Sri Lanka and Zambia.

[102] That is, not counting priorities that address the improvement of social dialogue, for example,

While these data do show some important FPRW priorities and outcomes, detailed descriptions in the DWCP provide opportunities for activities on the ground that can actually further support the realization of FPRW. Examples are seen in the two phrases and Box below.[103]

> Outcome 1.3 Create employment opportunities for young men and women and handicapped persons.[104]
>
> Priority 3: Strengthening FPRW through social dialogue mechanisms at all levels with emphasis on women, young people, people with disabilities, and people infected by HIV/AIDS.[105]

Box 6: Opportunities for support to FACB through the Sri Lanka DWCP and TA/TC activities

Neither of the DWCPs reviewed for Sri Lanka set FPRW support, *per se*, as one of their three priorities. Yet, there is ample opportunity to offer support under the current *Priority 2. Strengthened democratic governance of the labour market*, which includes specific outcomes and indicators:

> 2.1 Improved labour administration and strengthened social dialogue mechanisms with following indicators:
> 2.1.1 Number of policy initiatives undertaken by the department of labour for improving the labour inspectorate
> 2.1.2 Revised national legal framework and regulations on OSH in place
> 2.1.3 Improved reporting and data analysis on labour inspection by DoL
> 2.1.4 The agenda of MoL on industrial relations, collective bargaining and dispute resolution reorganized to improve its effectiveness
> 2.1.5. The number of selected labour laws reviewed and amended to reflect interests of social partners.

The Country Programme Review (CPR) for the Sri Lanka DWCP 2008–2012, basing its analysis on CPOs offered the following analysis of the ILO's performance on FACB issues:

> – LKA 103 provided the opportunity to make amendments to the Industrial Disputes Act, which was approved by the Parliament in 2011. Six additional laws were identified for review and amendments.
> – A National Framework on Social dialogue was developed in 2009, based on the ILS.
> – LKA 104 was used to generate awareness on FACB issues in EPZs covering more than 4000 workers as also among constituent partners.
> – Dispute settlement mechanisms were revived in selected EPZs (two mediation centres established) and a workplace cooperation programme was initiated. Although 19 companies volunteered, only one of them established a workplace cooperation mechanism and two other developed action plans.
> – Taking into account the reported difficulties in organizing workers in EPZs, facilitation centres were established in three EPZs (accounting for 60 per cent of all Sri Lankan workers employed in EPZs) for better interface between trade unions (TUs) and workers. Trade unions have, however, expressed reservations about the effectiveness of these centres. They also noted the need of greater attention to Convention Nos. 87 and 98.
> – TUs also noted that the Industrial Disputes Act needs further amendments the term 'unfair labour practices', which should ideally be termed 'anti-union discrimination', an area where several observations have been made by the CEACR (see above).
> – Capacity building of employers' organizations under LKA 104 led to formation of a Human Resource Network with more than 400 members and the Employers' Federation of Ceylon set up a Human Resources Solutions Division to help members develop their skills.
> – The measures to improve social dialogue, along with improved labour administration and labour inspection directly contributed to the restoration of Sri Lanka's Generalised System of Preferences (trade benefits with the United States government).
> – In March 2011, after tripartite consultations facilitated by the ILO, the Commissioner General of Labour issued a revised circular relating to recognition of TUs in EPZs.

The CPR, quoting CEACR observations and those made by constituents during the review, noted that more resources were needed to address the gaps identified by CEACR in order to adhere to the provisions of the FACB conventions.

[103] Note that the point made here is not to do with issues of the reporting of results or financing, which are matters taken up elsewhere in the evaluation framework.
[104] Burkina Faso DWCP 2012–15.
[105] Mozambique DWCP 2011–15.

Requests for TA/TC made through the AR generally appear to have been met, although it is not possible to judge the relevance of support actually given. The evaluation studied requests for assistance made in the AR. Of 136 potential ratifications for the 17 case study countries, Brazil, India, Jordan and the People's Republic of China had not ratified all the fundamental conventions, and all had requested TA, which was recorded in the AR. In all cases, TA or TC activities in the relevant FPRW category had been provided, either in direct response to the request or generally, i.e. TC activities had been in progress. However, it is not possible to assess through the AR mechanism how relevant the TA/TC provided was to the request. The evaluation's case study countries provide insights as described in Box 7 below.

Box 4: Requests for TA via the AR mechanism, relevance of actual support in case study countries

Of the evaluation's 17 case study countries, five have not ratified all fundamental conventions. All have requested ILO support.

Each of the countries – Brazil, China, India and Jordan – has requested support in respect of FACB.

– The Chinese government has most recently requested TC in: (i) share practices of market economies on the advancement of collective bargaining systems; and (ii) increase exchange and cooperation with other Member States concerning the coordination of labour relations, the strengthening tripartite mechanisms, and in solving difficulties related to the implementation of the CPR. Support has been ongoing in China, often provided by DWT staff, in the form of workshops on collective bargaining and industrial relations issues, and promoting FACB FPRW in that context.

– India's request for a high-level analysis comparing legally and administratively similar countries that have ratified the fundamental FACB conventions and it, does not appear in the AR, although it has been made available to the Office for the last four years. A relevant expert has been identified but scheduling difficulties have impeded action by NORMES to the request.

– Jordan has asked the Office for: (i) awareness raising on the content of Convention No. 87 for the relevant public officials and Parliamentarians, in order to allow for legal reform to take place; (ii) the establishment of programmes, inside and outside the Kingdom, aimed specifically at enhancing the capacity of the officials of the Ministry of Labour; and (iii) sensitize the social partners on the content of C.87, and the experiences of countries with developed industrial relations systems, through field visits, consultation and cooperation with representatives of the social partners in those countries. In the event, the ILO has been able to muster extra-budgetary resources to promote collective bargaining and sound industrial relations practices using a sectoral approach, with work in the garment and chemicals sectors.[106] This work, which began in late 2012, does not appear in the AR.

– Brazil has requested its need for greater cooperation between itself and countries that have ratified C.87, in order to find ways to maintain the country's organization of trade unions and collective bargaining. Support has been ongoing, often provided by DWT staff.

India has for many years benefited from ILO support in respect of child labour, the other category of fundamental conventions it has not ratified.

China has not ratified fundamental conventions on the elimination of forced labour. The government's most recent request for support, in the 2012 AR, expressed its need for assistance in launching public campaigns and training on the Forced Labour Convention (No. 29) to enhance the understanding of public officials, entrepreneurs, workers and the general public on the issue of forced labour, and to increase the public awareness against forced or compulsory labour. The Office, with the support of Irish Aid, has initiated the Forced Labour Action in the Asian Region (FLARE) project, from which China is now benefiting, with support aligned to those requested in the AR.

[106] JOR/12/02/CAN.

ILO TA/TC is relevant to the global priorities set by the 2012 ILC Resolution and in the pre-2012 plans of action. The 2012 Resolution concerning the recurrent discussion on FPRW included a Framework for action for effective and universal respect, promotion and realization of FPRW 2012–16. It was organized into five broad objectives, noted in the 2012 FPRW Plan of Action.[107] Although the Plan of Action is not entirely aligned with the Resolution, it is consistent with it. Country-level activities are relevant to the Resolution's content although individual projects or their activities naturally tend to emphasize one or another of the Resolution's substantive points, as with the Plan of Action. Thus, for example, the leveraging of the impact of social protection programmes is a strong element of support on child labour in Brazil. But targeting actions to the risks of child labour, especially of vulnerable children is actually emphasized in Sri Lanka. The 2011 Outcome 17 evaluation found that ILO TC action plans regarding the elimination of discrimination in employment showed a high degree of relevance to the second GR and ILO supervisory bodies' comments. In respect of the other FPRW outcomes, the plans of action are such that it would be difficult for TA/TC not to be consistent with them.

FPRW gaps identified by the CEACR reports are taken up by TC activities. ILO technical support does address improvements in the realization of FPRW. The evaluation used several approaches to quantitatively assess how good the Office is in addressing in the TC FPRW gaps identified in the reports, and there is evidence that Office officials responsible for TC take them into account. Key informants say that the reports are consulted in programme planning, but they also commented that they are difficult to understand. This was also noted in the 2011 evaluation of Outcome 17.[108] Respondents to the survey at HQ and DWT staff felt that the reports were both relevant and used to a degree, but less so than DWCPs, which were rated as the most relevant and used documents. See Box 11 below. There is a significant declined in the average rating for documents used between DWCP reports and the second placed CEACR reports.

Since 2009, CEACR reports have listed cases where TA would be particularly useful in helping Member States to implement the ratified convention involved. See Annex in Volume II, Thematic Study: Suggestion of technical cooperation or assistance by CEACR compared with project listings.[109] Several countries benefiting from the Programme to Support the Implementation of the ILO Declaration on FPRW (PAMODEC) appear on that list.[110] TC results have been reported in IRs for countries appearing on the list, when compared with the list of CEACR satisfactions. These data suggest that TC has been suggested, and that support is being given for those areas where gaps have been identified. Data also suggest that knowledge of that fact within the CEACR could be improved.[111]

[107] GB.316/INS/5/3, para. 2.

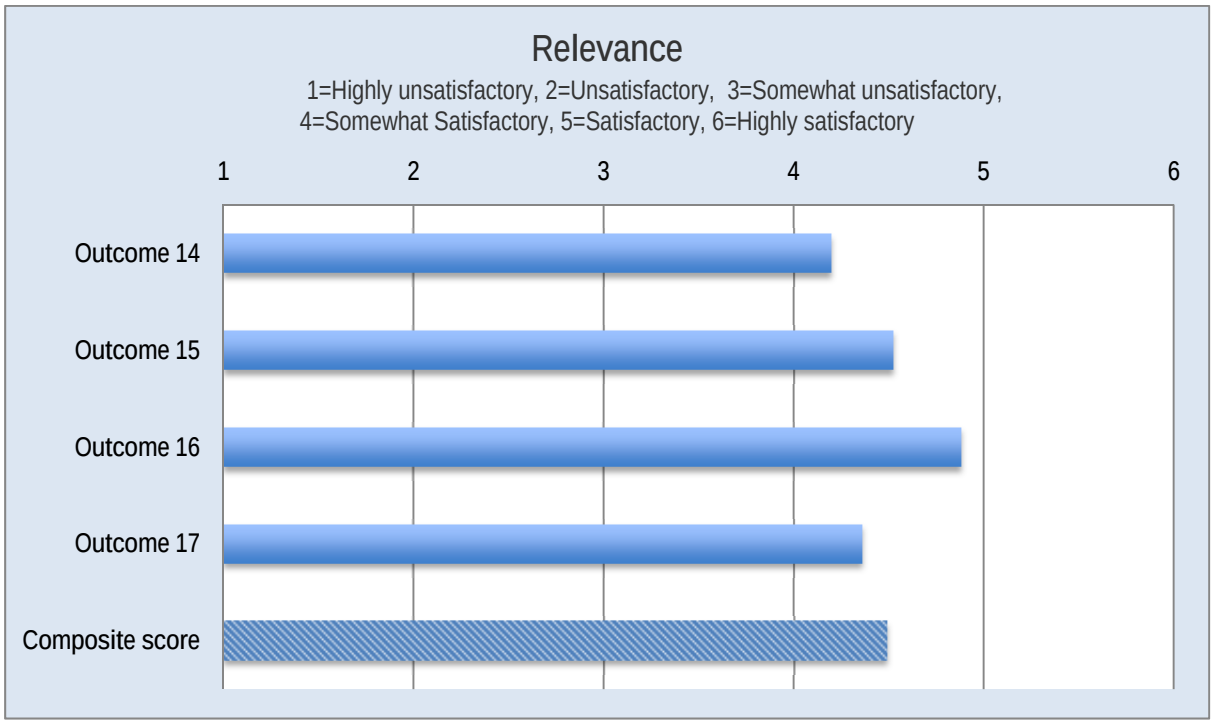
[108] *Independent evaluation of the ILO's strategy for the elimination of discrimination in employment and occupation*, ILO, 2011, www.ilo.org/wcmsp5/groups/public/---ed_mas/---eval/documents/publication/wcms_165234.pdf [accessed 4 October 2014], p. 7.

[109] This thematic study relied on the tables presented in Part I of the CEACR report; individual comments were not inspected. The text of these reports may not directly suggest TA. See, for example, the observations and direct requests for C.100 and C.111 for Jordan, published in 2014.

[110] The CEACR report typically notes information provided in government reports about PAMODEC-supported activities, for example, Morocco C.182 Observation (2013), or asks the government concerned to report on the results of PAMODEC-supported activities, for example, Côte d'Ivoire C.111 Direct request (2013). It does not specifically suggest that PAMODEC-supported activities resolve issues identified by the Committee, although this could be implied, for example, Gabon C.29 Direct request (2013).

[111] The fit may be linked to evidence on the sensitivities sometimes met by local offices in moving ILO compliance agendas forward.

Office support is relevant in responding to the gaps identified in FPRW categories that are inherently progressive in realization. The synergistic relationship between ILO supervision and TC is very significant in categories such as the elimination of child labour and, particularly, the elimination of discrimination. Progress in these FPRW categories is acknowledged to be incremental; any Office support is relevant in pushing it forward. CEACR comments can sometimes be very broadly phrased for these conventions, enabling many types of Office support to be relevant.[112]



Effectiveness

EVALUATION QUESTION 2:
How effective is ILO strategy and action in helping Member States realisation of FPRW?

PERFORMANCE CRITERIA
1. ILO strategy and actions have achieved their stated objectives and expected results needed to address identified gaps in the realization of FPRW.
2. ILO strategy and actions have assisted member States promote and realize FPRW.
3. Declaration follow-up mechanisms enable ILO support to member States efforts to promote and realize FPRW.

[112] See, for example, Malawi C.138 Observation (2014): "Expressing its concern at the number of children involved in child labour in Malawi, including in hazardous conditions, the Committee once again urges the Government to redouble its efforts to ensure the progressive abolition of child labour and the enforcement of the relevant legislation in the country. The Committee also once again requests the Government to supply information on the implementation of the NAP on Child Labour, and on the results achieved in terms of the progressive abolition of child labour, with its next report. Lastly, the Committee requests the Government to provide a copy of the results of the national child labour survey with its next report." ILO supported actions ranging from training labour inspectors, to labour law reform, to awareness-raising campaigns could be cited as responding to the CEACR comment.

The Director-General has reported the results of ILO strategies and action in biannual IRs and the evidence suggests that the results have contributed to the progress reported in the CEACR reports. Cases of progress noted by the ILS mechanism help to measure the reduction in FPRW gaps. The evaluation sought to quantify how frequently those cases occurred at the same time as the results reported by the Director-General in IRs. This would be a reasonable proxy for evaluating the effectiveness of strategies and actions. A correlation occurred in just over three-fifths of the implemented results –180 instances out of 283 reported results. These are situations where P&B implementation results had reported progress in applying a relevant ratified convention during the same approximate time period.[113] More than three-quarters of these cases involved the elimination of child labour. This is far out of proportion when compared to the proportion of category areas represented in cases of progress. See Table 10 below. Details of this study are found in Volume II. Thematic study: Outcome and ILO supervision results. This is an indicative result insofar as it has not been possible to assess in each case whether the CEACR's information on progress was obtained from the reported SPF results, although in many cases that fact is a criterion for SPF reporting.

Table10: Consistency of results and ILS supervision reporting, 2008–2014

	FACB	FL	CL	DISC
Percentage of instances of results reported that were also the subject of a notation of progress in the ILS supervisory system	8%	7%	82%	4%
Percentage of FPRW category areas represented in cases of progress	19%	15%	42%	25%

The CEACR reported progress in 15 per cent of the cases study countries. How likely is it that TA/TC produce cases of progress? The evaluation studied how many cases of progress occurred in the 17 case study countries during or following periods of TA/TC to determine whether there might be a link. See annex in Volume II, Thematic study: Relation between reduced gaps and technical assistance/cooperation for the case study countries. FPRW-related TA/TC occurred in each of these countries, as summarized in the annex. During the period under review, 128 cases of progress were reported in these countries. In 19 (15 per cent) of these cases the CEACR report specifically noted TA or TC as leading to the positive development. In many of the remaining cases, TA or TC covering the subject matter had been operating in the country during the preceding period. It is not possible for the evaluation to assess if the TA/TC led to those cases of progress,[114] or if they helped "close gaps in realizing FPRW". In other cases, TA/TC had occurred but no progress was noted by the CEACR. However, this is not to say that FPRW gaps had not been narrowed as a result of the support. These findings suggest that the CEACR may not always be able to link ILO TA/TC with progress because it lacks complete information or because its supervision does not always address the level or domain where TA/TC is targeted.

A review of project evaluations reveals generally satisfactory levels of effectiveness. The evaluation systematically summarized 12 project evaluations in terms of effectiveness.[115] All had

[113] Taking into account that results are reported in the IR by FPRW category, not fundamental convention, and that CEACR comments are made by convention, i.e. both fundamental conventions in each category needed to have been ratified to be assessed in the study.

[114] China, Colombia, Egypt, etc.

[115] The criteria for selection of these evaluations was that they should: (1) include case study countries; (2) directly relate to FPRW issues; (3) ideally be an independent final evaluation (mid-term review or internal evaluation to be avoided); and (4) fall within the time-period considered in the evaluation. GLO/09/60/SID: Promoting freedom of association and collective bargaining rights in the rural and export processing sectors, Final Independent Evaluation (Bangladesh, El Salvador, Kenya,

satisfactory findings – ranging from 'somewhat satisfactory' to 'highly satisfactory'. Similar results are observed in many of the evaluations reviewed in connection with the evaluation case study countries. None of the evaluations review effectiveness in terms of support to the implementation of ratified conventions with a direct reference to the relevant supervisory bodies, although the fact was frequently mentioned that a project worked in a subject area raised by the CEACR or other supervisory bodies. Occasionally questions are raised in respect of the depth or the optimality of effect, often with particular reference to the challenges posed in the informal economy.[116] These questions are valid considering the magnitude of change implied by FPRW realization. The challenges posed by the informal economy for the realization of FPRW are known, and are the subject of existing strategies and ongoing work. The matter raises issues for strengthening strategies based on the results of programmed work, and do not undermine the general effectiveness of strategies actually followed.[117]

Survey results are somewhat mixed on the effectiveness of ILO strategies and actions. Among the survey respondent groups, ILO country office directors mostly disagreed with the statement that "The ILO approach to TC on FPRW has been effective in the promotion and realization of FPRW," with a rating of 2.67 (between 'disagree' and 'somewhat disagree'. CTAs and national programme managers had a slightly lower rating generally across the FPRW categories (rating 4.25). HQ and DWT members as a group had the highest general rating on the question, resting between 'somewhat satisfactory' and 'satisfactory' (rating 4.4).

Surveyed ILO constituents were asked to rate the effectiveness of ILO actions to support them to overcome particular named challenges. Responses rated all types of TA/TC for all of the FPRW categories just over 'somewhat satisfactory' (an average rating of 4.11). See Table 11 below. Weakness and strengths are shown in Figure 6 below.

Morocco, the Philippines and South Africa). GLO/11/27/IRL: Promoting rights and opportunities for people with disabilities in employment through legislation (PROPEL), independent mid-term evaluation (Azerbaijan, Botswana, China, Ethiopia, Indonesia, Viet Nam and Zambia). INT/09/61/NOR, BASIC: Gender equality in the world of work in Angola, Brazil, China, India, South Africa, final independent evaluation. RER/08/05/EEC: Increasing protection of migrant workers in the Russian Federation and enhancing development impact of migration in Armenia, Azerbaijan and Georgia, final independent evaluation. BRA/08/50/USA: Support to national efforts towards a child labour-free state, Bahia-Brazil Project, final independent evaluation, Brazil and El Salvador. INT/09/62/NOR: Strengthening labour inspection services, final evaluation (Angola, Brazil, China, India and South Africa). BRA/10/01/USA: Project to combat human trafficking (Projeto de combate ao tráfico de pessoas), final independent evaluation, Brazil. CPR/07/04/NOR: Support to promote and apply ILO Convention No. 111 in the People's Republic of China, final independent evaluation. RAS/08/03/EEC: Going back-moving on: Economic and social empowerment of migrants including victims of trafficking returned from the EU and neighbouring countries, independent external final evaluation (Thailand-Philippines). CPR/09/01/CAN: Labour rights: Preventing trafficking for labour exploitation in China (CP-TING Phase II, final independent evaluation. CPR/04/01P/UKM: Preventing trafficking in girls and young women for labour exploitation within China (CP-TING), final independent evaluation. RAS/05/03/HSF: Economic and social empowerment of returned victims of trafficking, independent midterm evaluation (Philippines and Thailand).

[116] For example: GLO/11/27/IRL: Promoting rights and opportunities for people with disabilities in employment through legislation (PROPEL), independent mid-term evaluation of October 2013. INT/09/61/NOR: Gender equality in the world of work in Angola, Brazil, China, India and South Africa, final independent evaluation of BASIC, February 2011.

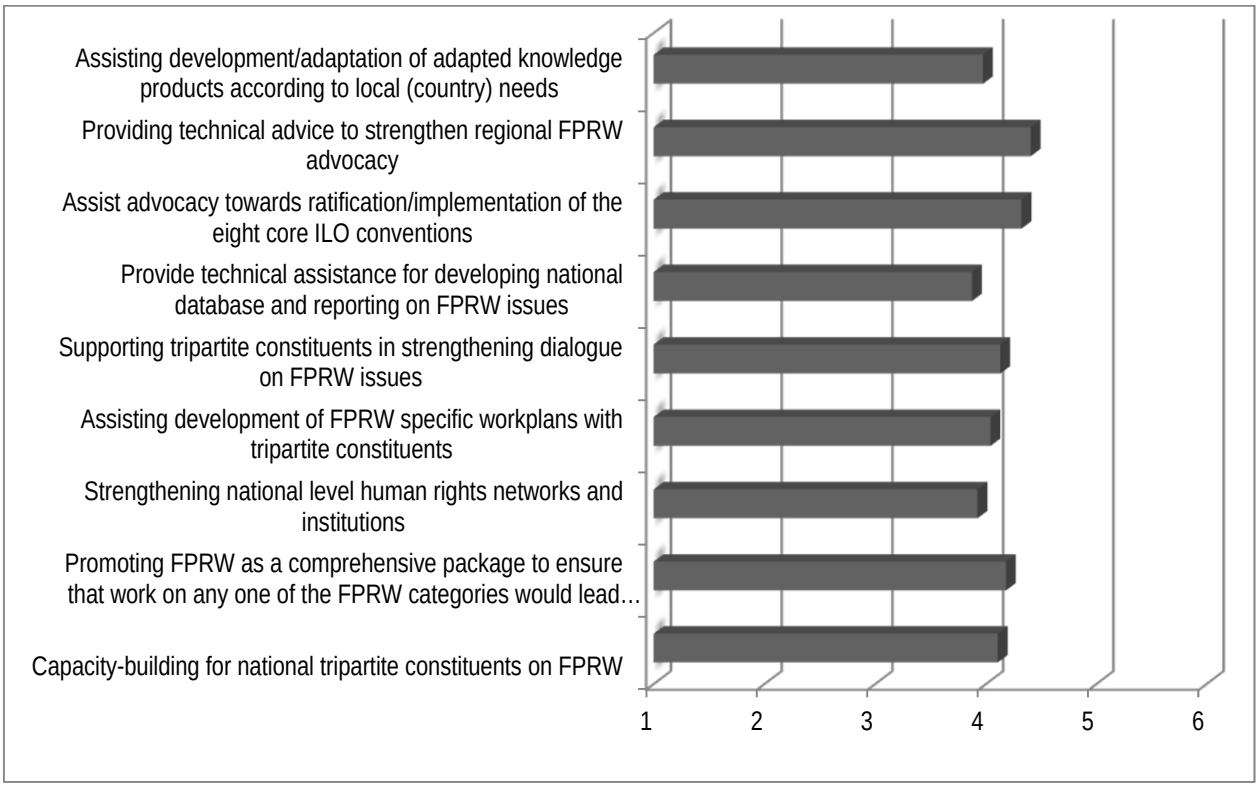
[117] See, for example in Vol. II thematic case studies: Gender discrimination and domestic workers and migration (Jordan and Lebanon); Discrimination of indigenous peoples (Philippines and Kenya); and Discrimination based on HIV/AIDS (Moldova, Ukraine, Mali, Nambia).

Table11: Constituents' rating of the effectiveness of ILO support to realization of FPRW

	FACB	FL	CL	DISC
Rated effectiveness of ILO actions in its support to help overcome challenges to FPRW realization in your country.	3.94	4.11	4.32	4.05

Highly unsatisfactory 1	Unsatisfactory 2	Somewhat unsatisfactory 3	Somewhat satisfactory 4	Satisfactory 5	Highly Satisfactory 6

Figure 6: Constituents' rating of effectiveness in respect of challenges



Effectiveness is a driver of adjustments to strategy. The ILO's strategies for support in realizing FPRW have to a certain extent shifted during the years under review. This is seen, for example, in the various action plans summarized in Part 2.3 above. Actions have also been developed. For example, strategy and action in respect of child labour has moved to more upstream support, with the focus on policy, law, institution building, and prevention as well as on the extension of education. There has been reduced emphasis on downstream withdrawal and rehabilitation support. Strategies in respect of forced labour appear, for example, to have returned in the P&B 2014–15 to greater reliance on indirect entry points, from which broader policy supports can be promoted. This was the position in the P&B 2010–2011, but may have been downplayed in the statement for slightly more direct action in the P&B 2012–2013. Examples today include promoting decent work for domestic (national and international) and migrant workers.[118] Similarly, for the area of FACB, where sectoral initiatives, actions promoting workplace dialogue and dispute resolution are perhaps more numerous than actions

[118] See P&B 2010–2011, para. 320.

of a more direct character. These too exist but only where resources are available and threshold political will exists. Mainstreaming continues to be the foundational strategy in the area of the elimination of discrimination.

Strategic developments appear to be driven by a desire to improve effectiveness, provided resources are available. The relatively well-funded and politically benign category of CL has, perhaps, had more latitude to develop a strategy with a view to enhancing effectiveness. The development of public-private partnerships as a strategy for effectively reaching FPRW gaps is likewise noteworthy.[119]

At the country level, the strategic use of diverse entry points (see Box 8 below) must be seen as an effectiveness strategy in cases where direct entry to help close a gap is not possible. The evaluation found repeated evidence of the possibilities for support opened by this strategy and no evidence of it worsening gaps, although assurance of rights as such needs to be an ultimate objective.

Box8: Diverse points of entry to enhance effectiveness

The active engagement of constituents is a requisite for effective action at the national level. Projects supporting the elimination of child and forced labour have demonstrated that constituents: (1) can be reticent to acknowledge the existence of a problem, (2) may be interested in engaging where the issue is taken up indirectly; (3) tend to come to acknowledge a problem as an indirect intervention proceeds; and (4) become more eager to engage with more direct approaches as they become acclimatized to treating the problem. Donors may also be attracted to indirect entry points.

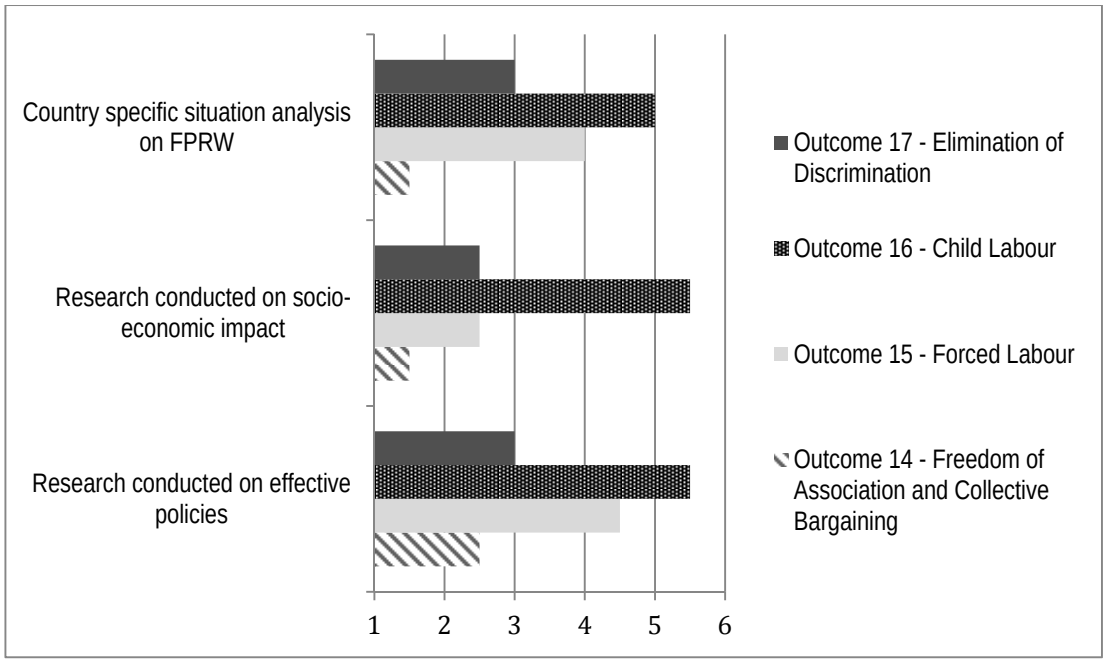
Indirect entry points are used often now in FPRW-supporting activities. Projects working broadly for decent work for domestic workers in India, Indonesia and Jordan, for example, normally involve the promotion of gender equality, the CL and the elimination of forced labour, along with other matters such as of wages, safety and health and social security. Better Work projects and Better Factories Cambodia have been used as a sectoral entry point for support to realize FACB, often being able to influence upstream policy and legal developments where the engaged sectors are important for national employment. Requests for support in China on dispute resolution offer the opportunity to share experience in democratic representation grounded in FACB principles.

Strategic orientation toward establishing a knowledge base as the foundation for support is critical and needs balanced development. The effectiveness of advice and action depends on its substance and credibility. From the beginning, IPEC has set and implemented this strategy to advantage. Its field-grounded knowledge base has contributed to the effectiveness of its support. This has been repeatedly noted in IPEC evaluations. Knowledge strategies and actions are uneven across the FPRW categories. This can be seen in the P&B outcomes, where the focus of outcomes 15 and 16 is strongly placed on "generating the quantitative and qualitative information necessary to inform policy development and awareness-raising activities" and that of outcomes 14 and 17 are more grounded in assuring dissemination of knowledge of rights.[120] Outcome indicators reflecting a knowledge-focused strategy are observed only for Outcome 16. The approaches reflected in P&Bs have evolved. They appear to be evening out to take into greater account the connection between what is known of the gaps on all FPRW category problems and potential solutions on the one hand with the approaches the Office takes in its actions on the other hand.[121] This is shown by the fact that efforts and work in the elimination of discrimination categories has been noted in a recent high-level

[119] Confidentiality arrangements for activities may hamper results reporting.
[120] Compare in 2010–2011 P&B paras. 322 and 331 with 316 and 346.
[121] Compare in 2012–2013 P&B paras. 263 and 272 with 254 and 281.

evaluation,[122] and the gap in the FACB category is acknowledged both in the 2012 strategy and by managers. See Figure 7 below.

Figure 7: ILO country directors' satisfaction with FPRW research, statistics and knowledge base-related work123



Common factors are cited for activity effectiveness. Several major factors influencing effectiveness, i.e. the achievement or non-achievement of activity objectives, are noticeable from the available evidence. They include:

- ILO country presence has been repeatedly noted;[124]
- personnel assigned specifically to the project in the beneficiary country (as compared to programming or technical personnel for which the activity is one of many within their scope of responsibility);
- local development of the activity;[125]
- technical support to the activity being in or physically close to the benefiting country.

ILO action and strategies at the country level are most effective when they address challenges directly faced by the country and known by the constituents. For example, the locally felt goal of assuring the safe return of overseas migrants for employment, cited as having motivated actions in the TRIANGLE project, ultimately helps prevent forced labour, etc. See Box 9 below. In Bangladesh,

[122] Noted repeatedly in: *Independent evaluation of the ILO's strategy for the elimination of discrimination in employment and occupation*, ILO, 2011, www.ilo.org/wcmsp5/groups/public/---ed_mas/---eval/documents/publication/wcms_165234.pdf [accessed 5 October 2014].
[123] $n = 4$.
[124] For example, see *Independent final evaluation tackling child labour through education (TACKLE) project of ILO (2008-2013)*, ILO, 2013, www.ilo.org/ipecinfo/product/download.do?type=document&id=25375 (accessed [5 October 2014], p. 75, para. xxiv.
[125] Repeated key informant response.

Jordan, Sri Lanka, Thailand and other countries, a priority has been to assure employment through increased job-creating international trade. Conditions set in bilateral trade agreements to improve working conditions help to make the need to take action to reduce the incidence of child or forced labour, discrimination or improve FACB practices felt locally.[126] The data collected in this evaluation reveal these dynamics. In European countries, social tension arising from discrimination against immigrants heightens local perception to the need to take action to reduce its incidence.[127] This fact suggests that tapping into these locally felt challenges could open entry points to partnerships between the ILO and constituents to close FPRW gaps. When asked to rate the importance of named factors for implementing the ILO's strategies on each of the FPRW categories, constituent respondents assigned the lowest importance to "assisting development of FPRW specific workplans with tripartite constituents" in respect of three of the four categories, and second to last for the fourth category. In respect of three out of four categories, "capacity-building for national tripartite constituents" was seen as the most important, and the third most important in the fourth category (child labour). These data may be interpreted as asking the Office to emphasize the development of national actors' ability to deal with issues they themselves identify.

Box 9: TRIANGLE migration projects in Asia and the Pacific

There are two "TRIANGLE" project operating in the Asian Pacific region.

The Tripartite Action to Protect Migrant Workers within and from the Greater Mekong Sub region from Labour Exploitation (GMS TRIANGLE) project (RAS/10/1/AUS) aims to significantly reduce the exploitation of labour migrants through increased legal and safe migration and improved labour protection. The Australian-funded programme (10.4 million Australian dollars – AUD$) involves six participating countries – Cambodia, Lao People's Democratic Republic, Malaysia, Myanmar, Thailand and Viet Nam. The GMS TRIANGLE is a five-year programme, which started in June 2010 and runs to June 2015. Each of the participating countries has a CPO. The CPOs are linked to SPF Outcome 7: More migrant workers are protected and more migrant workers have access to productive employment and decent work.[128] Activities supported by the project are decided within each country. They include capacity building in the form of training for labour inspectors, for workers on occupational safety and health (OSH), promoting trade unions' ability to protect migrant workers, promoting self-regulation, developing complaints mechanisms, etc. It supports migrant workers resource centres operated by national actors, the provision of pre-departure training, supports migrant workers' associations, etc. Migrant workers are a vulnerable group explicitly or implicitly identified in outcomes 14, 15, 16, and 17 strategy statements. Many of the activities, outputs, and outcomes of the project impact on FPRW outcomes, despite their not being aligned with them.

The Tripartite Action for the Protection and Promotion of the Rights of Migrant Workers in the Association of Southeast Asian Nations (ASEAN) Region (ASEAN TRIANGLE) project runs from 2012 to 2016. It is funded (approximately US$5 million) by the Canadian International Development Agency (CIDA). The project is also aligned with SPF Outcome 7. This project focuses on making and implementing law and policy nationally, in the context of supporting implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (CEBU Declaration). As with the GMS TRIANGLE project, FPRW outcomes are impacted, but not aligned with the project.

[126] E. Gravel and Q. Delpech: *Comments of the ILO's supervisory bodies: Usefulness in the context of the sanction-based dimension of labour provisions in US free trade agreements*, ILO, 2013, www.ilo.org/wcmsp5/groups/public/---dgreports/---inst/documents/publication/wcms_207860.pdf [5 October 2014].

[127] See Annex of thematic case studies: Migrants in Europe in Volume II.

[128] Compared to the Arab regional project: *Improving the governance and protection mechanisms for labour migration in the Gulf States*, which is linked to Outcome 15. The projects are not identical, but all certainly do support the involved Member States in implementing FPRW categories eliminating discrimination.

The effectiveness of the AR mechanism in channelling TA/TC cannot be measured. The evaluation's study confirmed that TA/TC is often provided in countries that have requested it through the AR mechanism. Yet, there is no way of knowing in how many cases the AR request led to the TA/TC, or if the TA/TC is occurring because the need had already been made known to the local ILO Office. The survey of ILO HQ and DWT officials ranked AR, along with the CFA reports, as the least relevant and used in their work. See Box 11 below on page 51. Interviews indicate that systematic follow-up on AR requests as such is limited, if it exists at all.[129] Organizationally, the AR has for some years been processed within NORMES, but recent reorganization may be moving the function back to the FPRW Branch.[130] It is noted that the AR mechanism pre-dates decent work country programming as a tool for learning of and responding to ILO constituent needs.

The AR mechanism cites developments, but may not have a sufficiently high profile to encourage support. The AR requests countries that have not ratified all of the relevant fundamental conventions to indicate developments in realizing FPRW. The AR Country Baseline Update forms collect data for compilation. *Policy and legal developments* along with *new initiatives and progress made in advancing the relevant principle and right* appear in the ultimate compilation document, as reported by the governments and social partners. The GB is invited to discuss and debate the document, but the results appear very limited.[131] There is no feedback on reported developments (unlike the supervision of ratified fundamental conventions by the CEACR and the CCAS), nor is there prompting in the absence of developments.

[129] The evaluation was informed that there was no document showing requests for TA/TC in the TA compilation report matched with action taken/not taken/pending, etc.
[130] That is, within the previous DECLARATION unit.
[131] For example: *Outcome of the discussion on the fourth item on the agenda: Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, ILO, 2014, http://www.ilo.org/gb/decisions/GB320-decision/WCMS_239620/lang--en/index.htm [accessed 20 July 2014].

Efficiency

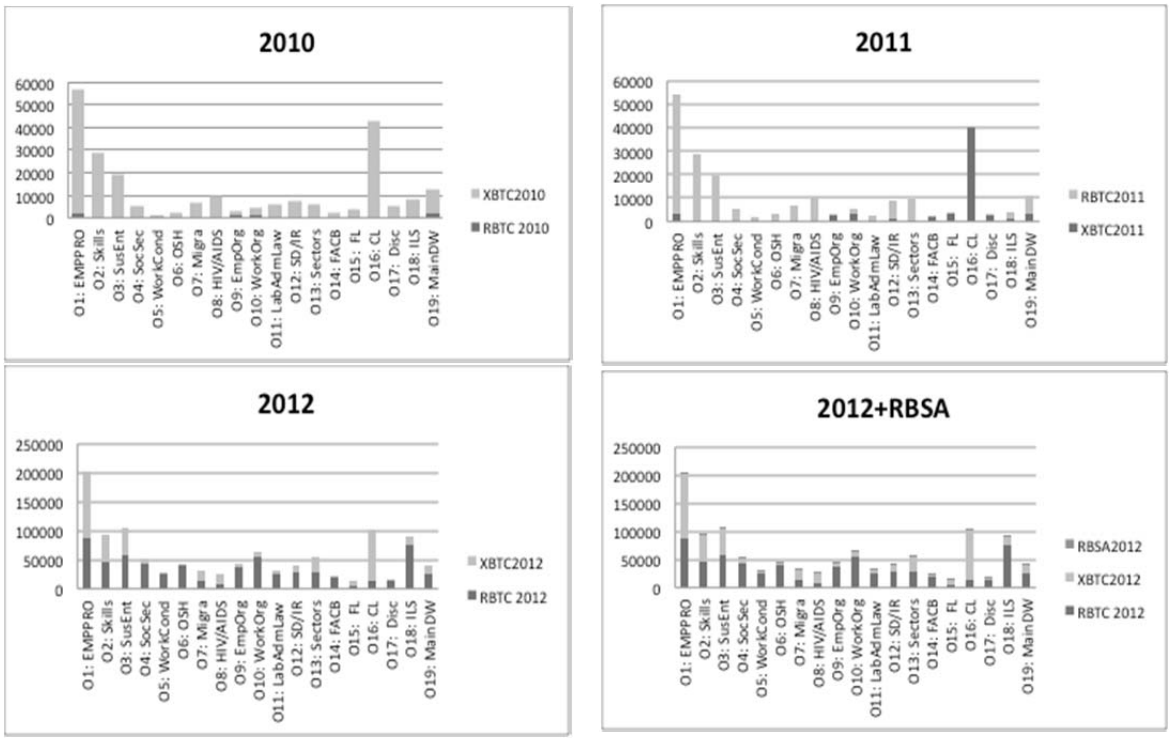
EVALUATION QUESTION 3:
To what extent does the ILO strategy and action lend itself to efficient implementation?

PERFORMANCE CRITERIA:
1. Arrangements for financing support activities enable them in a way that is consistent with FPRW strategy.
2. Regular budget funds are used to support realization of FPRW in connection with CPOs of DWCP in a way that leverages all available resources.
3. ILO strategy and action has an operational synergy with UN and other actors, enabling results that are greater than the sum of individual components.

The statements in high-level strategy do not look for efficiencies by linking with other DW objectives or FPRW outcomes. This is seen in Table 5 above on page 33.

FPRW outcomes 14, 15 and 17 attract low funding compared with other outcomes, thus obliging a search for efficiencies. Support for the realization of FPRW is financed and arranged as described above in paragraph 2.4 starting on page 29. On average FPRW outcomes 14, 15 and 17 combined attract about 4.75 per cent of RBTC, XBTC and RBSA resources each year. Adding Outcome 16 brings the total to about 19.75 per cent. Compared with the other sixteen SPF outcomes, outcomes 14, 15 and 17 are ranked eighteenth, seventeenth and sixteenth. See Figure 8 below. Outcome 16 has attracted the second largest amount of TC financing. See Figure 10 below on page 59. It is not possible to say for certain why this has occurred. Donor fatigue has been suggested in respect of XBTC funding. A shift by donors to formal tendering processes, which are sometimes decentralized and which can call for the production of bidding documents within in a short timeframe – both features for which the ILO is not well adapted – has been suggested by informants at ILO HQ and in the field as another reason. In respect of RB and RBTC funds, allocations should, in principle, follow the demands expressed in DWCPs. The issue of efficiency in this evaluation is thus taken up in the context of scarcity of information.

Figure 8: Comparison of expenditures by outcome, 2010–2012 (US$'000)



Sources: Derived from: ILO. 2012. *Implementation report 2010-2011*, International Labour Conference, 101st Session, Geneva, 2012 (Geneva), p. 116; ILO. 2014. *Implementation report 2012–2013*, International Labour Conference 101st Session, Geneva, 2014 (Geneva), p. 17.

Despite high-level statements of strategy, substantial evidence confirms that RB funds are used to support the realization of FPRW in connection with CPOs in a way that leverages all possible resources to make activities possible. Repeated examples have been seen where RBTC- and RB-funded staff time have been brought together with XBTC project funds to enable activities to achieve CPOs.[132] It is not possible to know for certain motivations for this. For example, how frequently this is done in order to secure the best inputs, or for reasons related to either the scarcity of funds of a particular source,[133] or the lack of resources that are linked to the best inputs.[134] Both these motivations for leveraging resources have been cited.

As discussed in paragraph 0 below on page 57, in regard to mustering resources – for example, developing project proposals, determining donor and partner interests, soliciting donor support – scarce RB-funded staff limits the potential for funding XBTC to directly support the FPRW outcomes. This constrains this type of leveraging of RB resources, indirectly but it is ultimately connected to the realization of CPOs, a fact that is consistent with information from key informants.

ACIs may enable the use of RB funds to support the realization of efforts in a way that leverages all available resources by obliging staff within a particular organizational unit to muster XBTC resources that will be put to work to the benefit of a large group of results within the ACIs. The P&B 2014–15

[132] For example, see *Evaluation report 2011: Combating forced labour and trafficking of Indonesian migrant workers (INS/08/02/NAD)* (ILO, Geneva), p. 55.
[133] For example, insufficient XBTC funds to secure the best resources.
[134] For example, highly qualified RB staff time is not available because the resources allocated elsewhere.

outlines how finances will be allocated for ACIs, with an allocation of 42 per cent of the strategic budget going to them and 58 per cent being linked to outcomes.[135]

Global products have the potential for efficiency benefits, but are not always used in this way. Global products (GPs) are defined as major areas of work of a global nature in support of an outcome (not an organizational unit).[136] A global product outcome (GLO) is analogous to a CPO in the ILO's administrative system for managing GPs and the resources available to realize them. GLOs are, however, not reported on as contributing directly to country results.[137]

Are GPs used to achieve efficiencies through economies of scale or of scope?[138] The evaluation reviewed the 10 GPs linked to outcomes 14, 15, 16 and 17 to assess this. The examination revealed that GPs are a HQ affair; there are no GPs managed by field units, although fields units have contributed resources to the expected outcomes. Outcomes are not described in a uniform manner; some do not describe outputs at all. Resources linked to achieving a single CPO come from a single XBTC source, wholly from RB resources, or from a blend of both. In some cases, no resources are indicated, making it difficult to evaluate internal efficiency. A key informant said that this occurs because CPO managers overlook estimating the resources needed to achieve outputs. Outputs, where they are indicated, have global and regional orientations; the limited resources allocated from ILO field units arise in connection with services provided to that geographical unit, although resulting documentary products can be used elsewhere.[139] GPs could not be identified as such in the IR 2008–09. Those indicated in the IR 2010–11 are seen Volume II, in Annex Thematic study: FPRW outcome linked global products, 2012–2013. In the IR 2012–13, outputs from GPs are indicated in Table 3 of the relevant outcome, in a way that does not distinguish them as GPs, as they are combined with other outputs of similar typology. Identifiable outputs are an assortment of documents, studies, events, etc., some of which are related to individual countries or regions, others related to sectoral matters, and others clearly for global use. They support the views received from key informants that GPs are a useful tool for gathering resources to pursue worthwhile aims of both global and more limited scope related to existing ILO activities that need funding. Evidence collected in this evaluation as well as another recent one (see Box below) suggests that better management of GPs would be advisable to achieve useful efficiencies.

[135] P&B 2014–15, para. 19.

[136] Outcome Based Work Planning 2012/13, Q & A Guide (version 2), p. 4. There should be only one to two GPs per outcome and each GP should indicate tangible outputs to be achieved by the end of the biennium.

[137] IR 2012–2013, para. 60.

[138] "Economies of scale" refers to lowering the cost per unit associated with increasing the scale of production. For example, producing centrally a tool that would be used by many countries. "Economies of scope" refers to lowering the average cost in producing several products, supporting the idea of the diversification of products. For example, producing different tools drawing on the same input, i.e. knowledge.

[139] GLO702, for example.

Box 10: Norway and Sweden partnership agreements' contribution to GLO777

GLO777 is entitled "Delivering results on gender equality including through promoting maternity protection and supporting workers with family responsibilities". It received contributions from the Norway and Sweden partnership agreements. Those agreements' contributions to Outcome 17 were the subject of a recent evaluation, covering activities implemented during the biennium 2012–2013.[140]

That evaluation covered many activities that were made possible with Swedish and Norwegian resources, only one of which was GLO777. The evaluation found that the standard paragraph in each of the partnership agreements on the GP (GLO777) should have been much more elaborated to reflect the potential importance of this dimension. For example, a description of activities planned and available under this GP for the biennium should have been provided. Work anticipated to mainstream gender concerns ('engender') in GPs under the other selected outcomes should have been described. The evaluation found that the concept of GP was very little understood at the field level, and that reporting on the non-staff component of the GP (GLO777) appeared to be fragmentary and hard to find under current reporting processes.

Box 11: Relevance and use of FPRW gap identification documents by ILO Officials

HQ and DWT staff were asked how relevant certain documents were to their work, and how often they used those documents in their work. The responses are seen below.

Ranked relevance of documents to work

	1 = Highly irrelevant
4.38	ARs
4.68	FPRW Action Plans
4.72	FPRW GRs
4.87	Reports of the CFA
4.88	CPOs
5.0	Reports of the CEACR
5.11	DWCPs
	6 = Highly relevant

Ranked use of documents in work

Never = 1	
CFA Reports	3.16
Annual Review	3.33
FPRW Action Plans	3.60
FPRW Global Reports	3.72
Reports of the CEACR	4.08
DWCPs	4.85
Always = 6	

Multi-country projects can yield efficiency benefits. Potential efficiencies arise through the use of nationally recruited staff supervised by a centralized international technical adviser, the sharing of costs to produce outputs that can be used in several countries, the sharing of information that results in cost savings, etc. Arrangements for these types of projects differ. In some cases, the CTAs are posted in Geneva.[141] In others, they are posted in the region where the projects are being operated. In some cases they are cited in one of the benefiting countries,[142] in others in a DWT.[143] Full-time national programme coordinators are typically located in benefiting countries, although this can also differ, typically by the use of part-time staff or ILO programming personnel. Evaluations of multi-country programmes confirm that efficiencies can be found.[144]

There is evidence of strong synergies with UN and other actors. Examples of significant collaboration with UN agencies are evident in several of the case study countries. This is so in Indonesia, Jordan and Zambia for Outcome 15, in Jordan and Zambia for Outcome 16, and India for

[140] Independent evaluation of Outcome 17: Gender mainstreaming with the support of Sweden and Norway partnership agreements. ILO Geneva, 2011
[141] BASIC, benefiting Angola, Brazil, China, India and South Africa with the CTA located in GENDER at HQ in Geneva.
[142] ARISE, benefiting Brazil, Malawi, Zambia with the CTA located in Malawi.
[143] FLARE, benefiting China, Mongolia and Viet Nam with the CTA in the Bangkok DWT.
[144] BASIC Phase I Final evaluation, March 2011, etc.

outcomes 16 and 17. Examples of the degree of collaboration differ. It is strongest where it is a donor requirement. [145] In most cases, the involved agencies come together to coordinate their activities, which are branded and executed individually. In a few cases, the collaboration is closer. For example in Zambia's UN Trafficking Project, the ILO acted as a joint secretariat for the jointly branded project. Its activities were executed collaboratively using agency resources synergistically. Joint advocacy was named by one key informant elsewhere as a cost- and bureaucracy-free method of collaborating, and is probably the most frequently used method of collaboration between agencies. Evaluations of several important FPRW projects do not mention synergies with UN agencies. The variability of operationalizing synergistic linkages is noted both in an interim evaluation of a major child labour project in India, and then again in the same project's final evaluation.

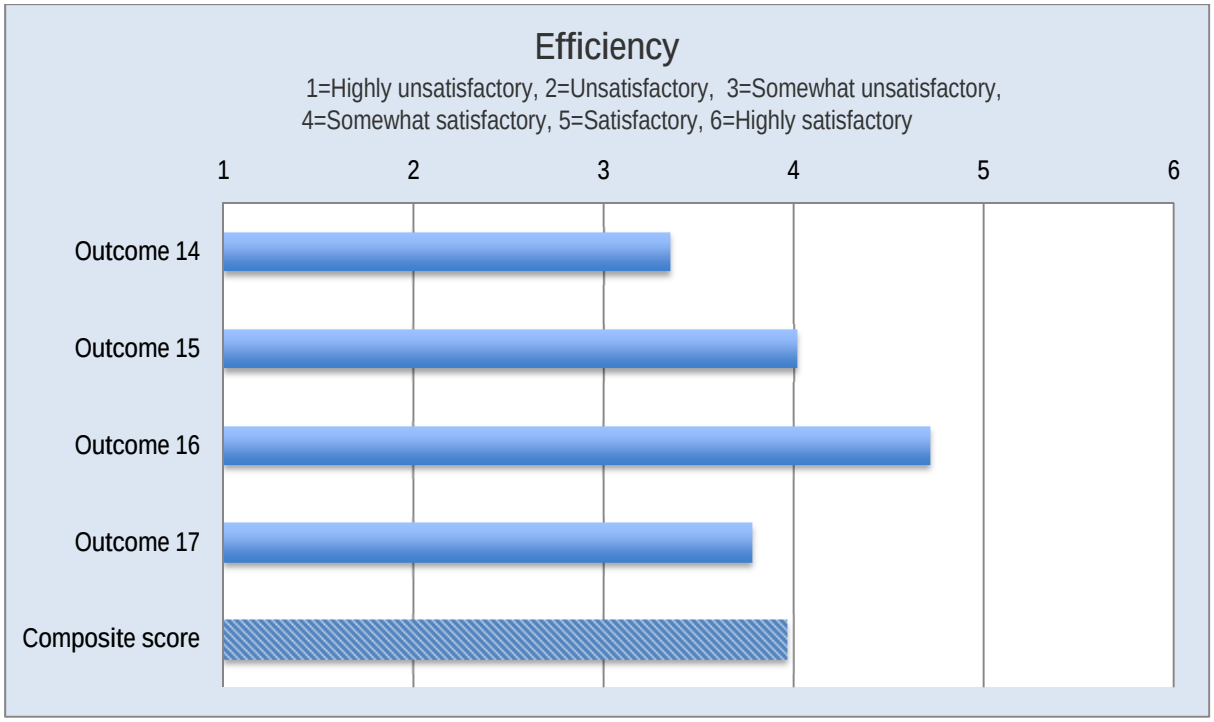
> As previously mentioned, the project has closely worked with three CoPs of Solutions Exchange in development of knowledge products and has plans to continue the partnership for dissemination as well. With UNICEF, the project shared the project framework and coordinated with them during celebrations of World Day against Child Labour. It is noted that a greater coordination with UNICEF was reported in the initial phase of the project. Although the Convergence project is mentioned in the UNDAF, as a Country Programme Output for which ILO and UNICEF have the lead responsibility, there is no joint programming yet under the project, or with any other UN agency. Under the India UNDAF, a GOI-UN Joint Programme on Convergence is being implemented in UNDAF priority states. Four of the five pilot states (except Gujarat) in the Convergence Project are UNDAF priority states where this GOI-UN Joint Programme is being implemented. The evaluation team did not find any linkages with this programme, which is remarkable considering the similar nature of the agenda.[146]
>
> …
>
> The Project Document envisages that the Project will lead to Child labour concerns and responses being integrated under the United Nations Development Assistance Framework (UNDAF) programmes. Given that UN agencies now have a one-UN initiative and emphasise collaboration and sharing across the agencies through UNDAF and other tools such as joint programmes, the Convergence Project remained relatively isolated. The exceptions were some interaction with UNICEF that was done at district and State level, for instance, when UNICEF participated in the organisation of events on the World Day Against Child Labour. The structure of the ILO calls for programme (rather than project) staff to lead on external relationships, which lie strictly outside the mandate of a project. The lack of coordination between Programme and Project staff could have been one reason for the Project not being better related to UNDAF processes. Better coordination with UN Agencies would have given more opportunities to advance the ECL agenda, through potential joint programmes, or changes at policy level.[147]

There are no instances of synergy noted in relation to Outcome 14. This can be triangulated with survey results: FACB was the only category of FPRW about which UN agencies are not interested, according to DWT and HQ officials, who said they were 'somewhat uninterested'. Private actors were said to be even more uninterested, with international development partners being 'neither interested' nor 'uninterested'.

[145] See cases involving child labour in Senegal and Zambia.

[146] *Convergence against child labour: Support for India's Model, an independent interim evaluation by a team of external consultants (IND/08/50/USA)*, ILO-IPEC 2012, www.ilo.org/evalinfo/product/viewProduct.do;jsessionid=f0c3ced8d08f889320d10bdd4a64d150177fcb362fed5164ad1a99703ab193f2?productId=9943 [accessed 7 October 2014], p. 29, para. 132.

[147] *Convergence against child labour: Support for India's Model, final independent review (IND/08/50/USA)*, ILO-IPEC, 2013, www.ilo.org/evalinfo/product/viewProduct.do;jsessionid=2494968ca42ea7c110a292c95f85ccb71c9441e70c4df5569ed187a45c633d3d?productId=17007. p. 24, paras. 108-109 [accessed 7 October 2014],



Coherence

EVALUATION QUESTION 4:
To what extent is ILO strategy and action coherent and complementary, and does it promote synergies with other strategic outcomes, national constituents' priorities and partners to support realization of FPRW?

PERFORMANCE CRITERIA:
1. ILO global P&Bs, DWCPs and their CPOs are consistent and mutually supportive, enabling synergistic use of resources.
2. ILO strategies and actions on the four different FPRWs are coordinated, mutually supportive, and wherever possible operationally leveraged to maximize effect.
3. ILO strategies and actions in respect of non-FPRW outcomes include those that support realization of FPRW, and are recognized for this effect.
4. ILO strategies and actions are coordinated with UN and other development partners.

FPRW strategy statements are not entirely coherent within or across SPF outcomes. High-level SPF strategy statements are very brief, uniformly one paragraph in length. For outcomes 14, 15, 16 and 17, several sentences describe the existing situation for the FPRW category. Several sentences address the actions to be taken and how they will affect the current situation. There is some uniformity, as well as inconsistency, between the statements in respect of institutional matters relevant to this evaluation,[148] as seen in Table 5 (above on page 33). An analysis shows that strategy statements for each outcome in P&Bs are not entirely coherent with the higher level SPF statements. See Table below. At project level, we find that the higher level statements are sufficiently broad as to make it difficult, if not impossible, to find actual activities that are inconsistent with them. Observed

[148] Creating synergies, orientation of TA/TC, supporting RBM methodologies, promoting ILS system.

inconsistencies between lower level statements (i.e. between projects) may reflect inconsistencies between the high-level statements. For example, some FPRW outcome-linked actions are explicitly aligned with removing obstacles to ratification, while others are not. Some are aligned to correct gaps identified by supervisory mechanisms, while others are not. Evidence does not suggest slavish conformity to the details of generally phrased high-level strategy statements. Nor are there systems in place to assure conformity. These findings are not necessarily injurious to either strategies or actions; resources have not permitted identification and detailed tracing of effects. This observed inconsistency might, however, undermine possible benefits to, for example, the effectiveness of actions following consistent policy or the coherence of monitoring and evaluation across strategies and actions.

Table 12: Content analysis of P&B strategy statements for outcomes 14, 15, 16 and 17, 2010–2015

The eight content items indicated for each of the FPRW below are derived from the non-substantive elements of the 2010–2015 SPF strategies for outcomes 14, 15, 16 and 17. See paragraph 0 on page 32. Items in bold are indicated for the particular category of FPRW.

Freedom of association and right to collective bargaining	P&B 2010–2011	P&B 2012–2013	P&B 2014–2015
Promote universal ratification	✔	–	✔
Provide TC for application of ratified conventions	✔	✔	–
Results of supervision used to identify gaps	✔	✔	✔
Results of 1998 Declaration follow-up used to identify gaps	✔	✔	–
GB-approved action plan orients action	–	–	✔
Synergies sought with other FPRW	–	✔	✔
Synergies sought with other three strategic objectives	–	✔	–
Promote inclusion in DWCP	✔	–	–

Elimination of forced labour	P&B 2010–2011	P&B 2012–2013	P&B 2014–2015
Promote universal ratification	–	–	✔
Provide TC for application of ratified conventions	–	–	–
Results of supervision used to identify gaps	✔	–	✔
Results of 1998 Declaration follow-up used to identify gaps	✔	–	–
GB-approved action plan orients action	–	–	–
Synergies sought with other FPRW	–	✔	✔
Synergies sought with other three strategic objectives	✔	–	–
Promote inclusion in DWCP	✔	–	–

Elimination of child labour	P&B 2010–2011	P&B 2012–2013	P&B 2014–2015
Promote universal ratification	–	–	–
Provide TC for application of ratified conventions	✔	–	✔
Results of supervision used to identify gaps	✔	–	✔
Results of 1998 Declaration follow-up used to identify gaps	–	–	–
GB-approved action plan orients action	✔	✔	–
Synergies sought with other FPRW	–	–	✔
Synergies sought with other three strategic objectives	✔	✔	✔
Promote inclusion in DWCP	–	–	–

Elimination of discrimination	P&B 2010–2011	P&B 2012–2013	P&B 2014–2015
Promote universal ratification	–	✔	–
Provide TC for application of ratified conventions	–	✔	–
Results of supervision used to identify gaps	✔	✔	✔
Results of 1998 Declaration follow-up used to identify gaps	✔	–	–
GB-approved action plan orients action	–	✔	✔
Synergies sought with other FPRW	–	–	–
Synergies sought with other three strategic objectives	✔	✔	–
Promote inclusion in DWCP	✔	–	–

✔ = indicates explicit reference to the element in the indicated P&B; – = nil.

DWCPs are unique instruments that are able to reflect ILO FPRW strategies and actions, although there is a significant tendency for them not to be set as priorities or outcomes, obscuring results relative to SPF outcomes. The evaluation was able to review 79 DWCPs to see how they reflected FPRWs in the priorities they set, the outputs foreseen and indicators of results. Each DWCP is appropriately unique to a country's circumstances.[149] Looking at the situation regionally and globally, few FPRW-specific priorities and outcomes are set in terms of the total number of priorities and outcomes. See Table 13 below. The general situation was well described in

[149] Although cast in a common logical framework of *priorities* (usually 1–3), with expected development *outcomes* for each, *outputs* (individual actions or activities), and *indicators* of results.

the Office report to the 2012 recurrent discussion on FPRW.[150] The evaluation notes that the Office's DWCP Quality Assurance Checklist looks for policy coherence with the 2008 Declaration, issues raised by the ILO supervisory bodies, and gender equality and non-discrimination, *inter alia*; no reference is made in that document to the 1998 Declaration as such, or the FPRW category outcomes 14, 15, 16 or 17.

Table13: FPRW priorities and outcomes, as a percentage of all, regionally and globally

Reference to:	FPRW		Freedom of association and collective bargaining		Forced labour		Child labour		Discrimination	
	… as priority	…as outcome	…as priority	…as outcome	…as priority	…as outcome	…as priority	…as outcome	…as priority	…as outcome
Anglophone Africa (*n*=17)	3 (5.4%)	6 (3.7)	0	0	0	0	7 (12.5%)	19 (11.7%)	6 (10.7%)	30 (18.5%)
Francophone Africa (*n*=15)	1 (3%)	0	0	0	0	0	1 (3%)	8 (7.3%)	1 (3%)	9 (8.2%)
Europe (*n*=8)	0	0	0	1 (1.27%)	0	0	0	4 (5.1%)	0	6 (7.6%)
Arab States (*n*=6)	1 (5.6%)	1 (2.4)	0	1 (2.38%)	0	1 (2.9%)	0	1 (2.4%)	1 (5.6%)	2 (4.8%)
Asia (*n*=21)	3 (4.8%	3 (1.82)	0	1 (0.61%)	1 (1.6%)	1 (.6%)	0	10 (6.1%)	0	1 (.6%)
Hispanophone Americas (*n*=9)	3 (9.4%)	9 (9.78)	0	3 (3.26%)	4 (12.5%)	2 (2.2%)	4 (12.5%)	8 (8.7%	2 (6.3%)	4 (4.4%)
Anglophone Americas (*n*=3)	0	0	0	0	0	0	0	0	0	0
	Priority	Outcome	Priority	Outcome	Priority	Outcome	Priority	Outcome	Priority	Outcome
Overall Total	11 (4.6%)	19 (2.8%)	0	6 (.9%)	5 (2.1%)	4 (.6%)	12 (5%)	50 (7.4)	10 (4.22)	52 (7.7)

In many cases, the set of priorities were cast in a way that mainstreamed an objective of gender equality, regardless of the technical subject area implicated by the priority. For example, the DWCP 2012–15 for Guinea Bissau (*emphasis added*):

> Priority 1: To contribute to the modernization of public administration in a climate of dialogue social, and *promoting gender equality*.
>
> Priority 2: Promoting decent work for *young men and women*, in particular by entrepreneurship and vocational training.
>
> Priority 3: Strengthening and expanding the system of social protection, *especially for women* in the informal economy, child victims of the worst forms of child labour and management addressing HIV / AIDS in the workplace.

[150] "The content of DWCPs, therefore, varies from country to country, based on national circumstances and the priorities of individual Member States, which clearly affects the choices made in respect of resources and programme activities, including in relation to the FPRW. Although ILO TA on FPRW is increasingly provided in the context of DWCPs, this is not always the case, as not every country receiving such TA has a DWCP. There is reason to suppose that, where they touch upon sensitive or controversial matters, Member States may not identify FPRW as a priority for the purpose of DWCPs and may opt instead for technical themes on which consensus is more easily found. Approximately 20 per cent of all DWCPs refer explicitly to FPRW, or at least to one category of FPRW. Four DWCPs mention FPRW as a whole in their country programme priorities, nine DWCPs include the elimination of the worst forms of child labour among their priorities, and two include non-discrimination. *Fundamental principles and rights at work: From commitment to action*, ILO, 2012, www2.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_176149.pdf. [accessed 7 October 2014], paras. 165–166.

Weak statements of country outcome strategy can be found in some DWCPs. In at least one case study, the strategy of the TC project fills the strategic gap left by the DWCP.[151] This may have the effect of circumventing constituent influence on that strategy, threatening coherence within the DWCP and relevance of the TC.

In a number of cases, individual categories or all FPRWs were implicated but only became obvious at the level of outcomes or activities, or in outcome indicators. For example, for Serbia, the DWCP 2013–2017 sets "a new law on strike is adopted and reflects ILO recommendations" as an outcome indicator for "[o]utcome 1.3: Implementation of international labour standards is improved," under "[p]riority 1. Strengthening capacity of government institutions and the social partners to improve the functioning of the labour market."

Relationships to FPRW can finally arise at the level of CPOs and their related linkage to a SPF outcome. In the example of Guinea Bissau, one of the five CPOs used in the 2012–13 implementation period was linked to a FPRW outcome, Outcome 14.[152] The activities under the CPO were foreseen to directly promote understanding and ratification of Convention No. 87, the single fundamental convention not yet ratified by the country. Although the DWCP 2012–2015 noted this fact and did set an outcome of "[i]nternational labour standards are ratified and applied and the State respects its constitutional obligations," it does not specifically name actions to promote ratification of Convention No. 87 in its priorities, outcomes, outputs or indicators. A change in the political situation enabled the Office's promotional activities.

Box 12: Coherence of PAMODEC case

Since 2002, the French government has financed a Programme for the Realization of the Declaration on Fundamental Principles and Rights at Work (PAMODEC). PAMODEC is the only project globally that permits the allocation by the Office of resources to the promotion of any of the four FPRW categories in a particular geographical area, in this case the francophone Africa. Countries benefiting from PAMODEC have expanded from six to 21 during its three phases.[153] Phase I ran from 2002 to December 2005 with a budget of US$ 2.26 million. Phase II ran from 1 December 2006 to 31 December 2010 with a budget of US$ 5.4 million. Phase III started in 2011 and will run through to the end of 2014 with a budget of US$ 6.1 million (€ 4.5 million).

The first two phases of PAMODEC have been evaluated.[154]

To examine more closely the relation between DWCPs and CPOs, the evaluation was able to study the most recent DWCPs and CPOs for 8 of the 21 countries currently benefiting from the PAMODEC project. [155] The study looked to see if PAMODEC countries had stated FPRW priorities, given the fact that PAMODEC has played an important role in providing support during the past 10 years. The study found that of the 16 priorities identified in these

[151] See Annex for the country case study for Jordan in Volume II, in respect of FACB.

[152] GNB826: Tripartite constituents and other key actors ratify and apply international labour standards and give effect to related constitutional obligations.

[153] Phase I included six countries: Benin, Burkina Faso, Mali, Niger, Senegal and Togo. Phase II added 11 countries: Cameroon, the Central African Republic, Congo, Côte d'Ivoire, Gabon, Guinea Bissau, Guinea Conakry, Equitorial Guinea, Madagascar, Mauritania and Tchad. Phase III added countries of northern Africa, including Algeria, Morocco, Lebanon and Tunisia.

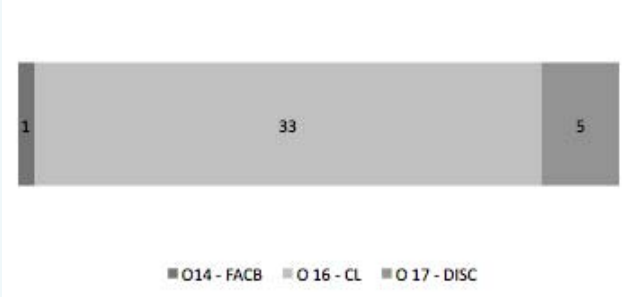
[154] ILO: *Rapport de l'evaluation: PAMODEC 1- Projet d'Appui à la Mise en Oeuvre de la Declaration relative aux Principes et Droits Fondamentaux du Travail,* ILO, 2007 (Geneva, 2007); *Evaluation finale independant: Projet d'Appui à la Mise en OEuvre de la Déclaration de l'OIT relative aux principes et droits fondamentaux au travail "PAMODEC", Phase II*, ILO, 2011,www.ilo.org/wcmsp5/groups/public/---ed_mas/---eval/documents/publication/wcms_161041.pdf [7 October 2014].

[155] Benin, Burkina Faso, Cote d'Ivoire, Guinea Bissau, Mauritania, Niger, Senegal and Togo. The countries were based on the availability of complete CPO datasets.

countries, none mentioned directly improved implementation or reducing gaps in FPRW or ILS. The most direct reference – a three element priority framed in the context of strengthening the system of social protection – was the third priority in Guinea Bissau's DWCP mentioned above in paragraph 0. Relevant outcome content results are shown in Table below.

In terms of CPOs,[156] out of some 90 for the eight PAMODEC countries being reviewed, one CPO was linked to Outcome 14 and seven to Outcome 16. None were linked to outcomes 15 or 17. Guinea Bissau's CPO linked to Outcome 14 has the title "International labour standards are ratified and applied and the state respects its international obligations." In addition, four were linked to Outcome 18, three to Outcome 8, and two to Outcome 12.

In terms of SPF outcome results attributable to PAMODEC countries, 39 results were reported in terms of FPRW outcomes during the period under review for countries benefiting in the relevant phases of PAMODEC. Of these, one was in Outcome 14, and five were in Outcome 17; the remaining 33 were in Outcome 16, for which IPEC projects have been providing TC. [157]



PAMODEC support could have been involved in the results for outcomes 14 and 17; this is not noted in the IR and old CPO documentation was not available for review. The CPO for the Outcome 14 result (Guinea Bissau) does not list PAMODEC as a source of resources for the related activities and the IR does not mention PAMODEC.

The CEACR noted 99 cases of progress for the PAMODEC countries during the period under review. It also mentioned PAMODEC in 47 instances involving PAMODEC countries during the same period,[158] yet in no case was there an instance mentioned of progress with PAMODEC activities.

The tendencies apparent in the single region PAMODEC project were echoed in the case study countries. Interviews confirmed that constituents and Office officials were hesitant to establish unambiguous priorities and outcomes framed clearly in terms of FPRW outcomes. This is confirmed in data from March 2011, presented to the GB later that year seen below in Figure 9, below.[159] However, cases were observed where FPRW priorities were unambiguously set, India being the most significant case.

[156] The evaluation had available to it all CPOs for countries covered by the West Africa DWT, as of January 2014. The "work in progress" character of CPOs at the beginning of the biennium obliges the reference to "some 90" as three or four CPOs had not been settled at the time of writing.

[157] Outcome 14: Guinea-Bissau, 2010–2011; Outcome 17: Cameroon, 2012–13, Benin, Côte d'Ivoire, Madagascar and Senegal 2008–09.

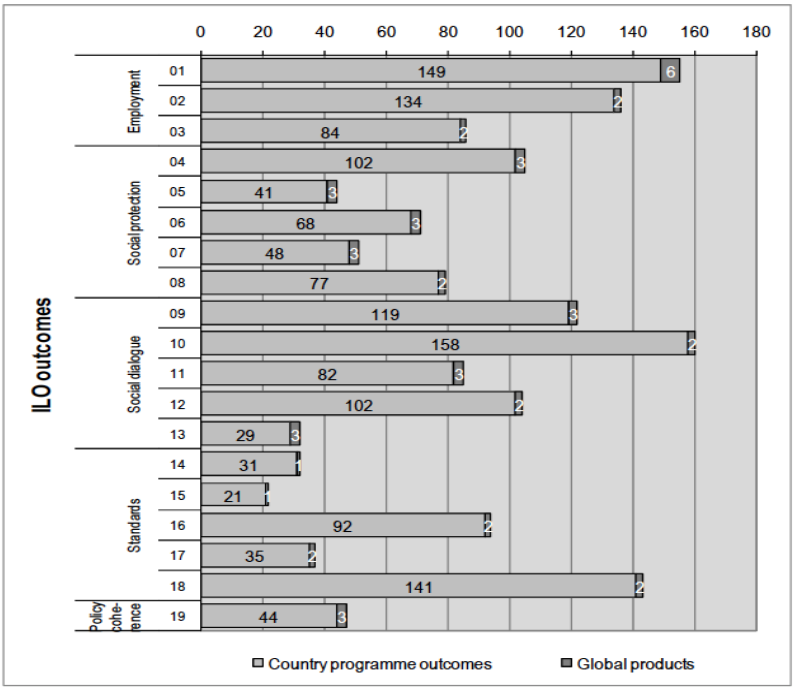
[158] Search of "PAMODEC" in NORMLEX.

[159] GB.312/POL/10. The titles of the underlying CPOs are provided in Annex in Volume II.

Table 14: Percentage of outcome content analysis, eight PAMODEC country DWCPs

No.	%	Content
1	1.7	Referred to gender specifically
2	3.3	Referred to discrimination issues in a broader technical context such as HIV/AIDS or opportunities for disabled workers
3	5	Referred to gender issues in a broader technical context
5	8.3	Referred to the elimination of child labour
6	10	Referred broadly but specifically to respect for ILS and their enforcement, constitutional obligations

Figure 9: Number of prioritized (target and pipeline) CPOs and GPs by ILO outcome, as of March 2011



The existence of PAMODEC-supported activities confirms the reality seen elsewhere that the absence of CPOs linked to FPRW outcomes does not mean an absence of country-level activities supporting FPRW. With the exception of support to the elimination of child labour and Outcome 16, FPRW-supporting activities may more likely be aligned with non-FPRW SPF outcomes such as 8, 9, 12 or 18.[160] See Annex Thematic study: Support to the promotion, implementation and application of

[160] This situation is also described in the Office report to the 2012 recurrent discussion on FPRW. "Even though the inclusion of FPRW specifically among DWCP country priorities is fairly weak, many DWCPs nevertheless include activities that are related to the promotion of FPRW. For example, around 30 per cent of DWCPs include as a priority the protection of workers' rights, labour law reform or the application of international labour standards, which in most cases include activities on FPRW. FPRW may also be included indirectly in DWCPs as an outcome for a priority relating to another strategic objective (each country programme priority includes several outcomes). In such cases, FPRW may be more or less complementary to other priorities, and may therefore be considered as being treated as "rights and enabling conditions". For example, when included, the principle of freedom of association and collective bargaining is mostly integrated into the DWCPs as part of the priority to strengthen social dialogue and/or industrial relations. Similarly, many country programme priorities on employment and social protection address the principle of non-discrimination in employment and occupation through specific reference to women and men, young persons, vulnerable groups, persons with disabilities and/or migrants. Additionally, many DWCPs that do not specify the elimination of child labour as a country programme priority include activities in this area as an outcome under the priority of employment promotion. *Fundamental principles and rights at work:*

Convention No. 111 under PAMODEC II (Benin and Burkina Faso) in Volume II, where significant support to the elimination of discrimination was provided, with a CPO linked to Outcome 18.

CPOs linked to FPRW outcomes are not frequent when compared with other SPF outcomes. The evaluation's study shows that, globally, CPOs are among those least likely to be linked to FPRW P&B outcomes.161 Of 2,275 CPOs, 287 (12.6 per cent) were linked to SPF outcomes 14, 15, 16 or 17. If Outcome 16 (child labour) linked CPOs are not counted, the figure drops to 158 (6.9 per cent). Table below shows the ranking of all SPF Outcomes.

Table 15: Frequency of CPOs linked to SPF outcomes, November 2013

Ranked frequency of outcome link	%	SPF outcome	Averaged TC resource ranking
1	11.78	18 (ILS)	6
2	10.77	1	1
3	9.54	9 (EO)	4
4	8.35	12 (Dial)	9
5	7.52	2	3
6	6.46	4	11
7	5.93	11 (Lab Admin)	14
8	*5.67*	*16 (CL)*	2
9	5.63	3	4
10	4.62	8	8
11	4.09	6	15
12	3.65	19	5
13	3.12	5	19
14	3.12	7	12
15	*2.68*	*14 (FACB)*	18
16	*2.64*	*17 (DISC)*	16
17	2.37	13 (Sector)	7
18	*1.63*	*15 (FL)*	17
19	0.44	10 (WO)	10

The use of RB resources to support the realization of FPRW can be affected where FPRW objectives are obscured. Broadly speaking, the Office's method for programming involves gathering resources in proportion to constituents' demands.[162] If, for example, all DWCPs have the improvement of OSH as their highest priority, the Office is obliged to apply its RB resources to meet this need. This is operationalized through consultations between the Office's field structure and HQ, working within the constraining financial envelope of Member States' RB contributions. Since the largest proportion of the RB is used for staff costs, the greater the demand, the larger the human resources gathered by the Office to work for the stated priority. The available RB human resources can be used to deliver

From commitment to action, ILO, 2012, www2.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_176149.pdf [accessed 7 October 2014], para. 167.

[161] The dataset was taken from existing CPOs as of 13 November 2013. See Annexes Thematic study: CPOs linked to outcomes 14, 15, 16 and 17, and 2010–11 Implementation period and Thematic study: CPOs linked to Outcome 18, 2010–11 Implementation period in Volume II.

[162] See, for example, the explanation of the approach first explained in the P&B 2010–11, para. 33: "The strategic framework has been redesigned to encourage joint Office-wide action within the framework of a limited number of outcomes linked to the highest priorities of constituents. Resource allocation is also designed to reinforce these new methods of work. There are staff development measures to support teamwork. Outcome-based work planning will be introduced to ensure that resources allocated to individual programmes are used in a coherent way to achieve the stated outcomes."

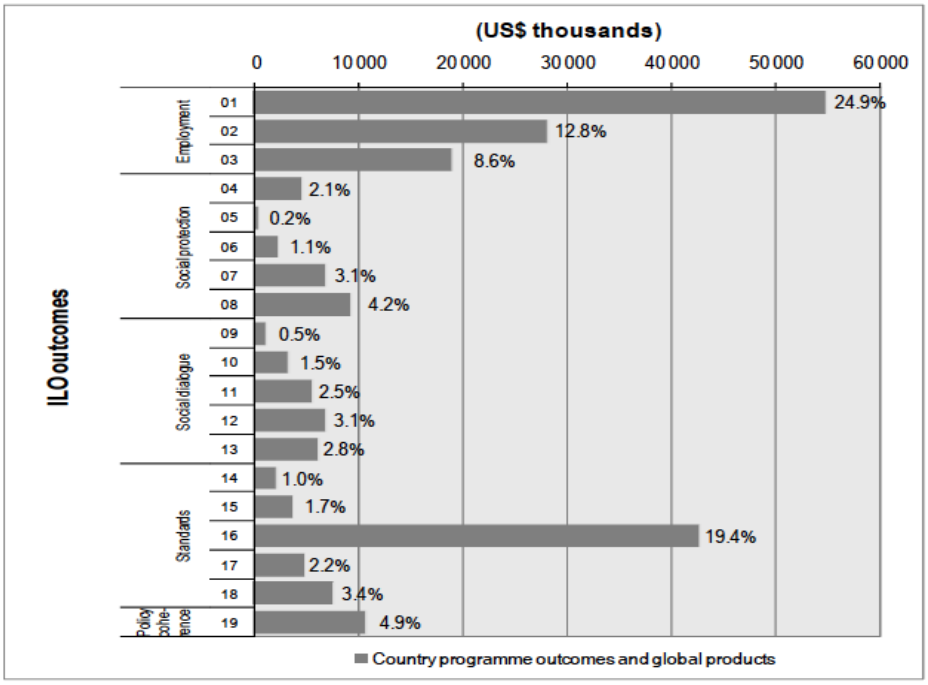
support directly, but also to attract extra-budgetary resources to work for the same cause. This can be done by actually canvassing donors, but also by developing strategies, materials, project proposals, project bidding documents, etc., with resource mobilization in mind. Seen in this light, and setting aside the question of donor interest in FPRW *per se*, the scarcity of both RB and extra-budgetary resources directly linked to outcomes 14, 15 and 17 comes as no surprise. IPEC's notable history – starting before the days of RBM – bears out the fact that significant financial resources were able to stimulate both the development of country-level activity, and the strategic and substantive knowledge needed to attract further support. In this regard, the evaluation notes the idea raised by some key informants that DWCPs should prioritize the realization of FPRW with a view to justifying a larger allocation of RB resources to support for their realization. The 2012 ILC concluded in its resolution that the Office should ensure that FPRWs are "systematically considered for inclusion in the design stage" of DWCPs.[163]

Related to the situation with the RB is the fact that XBTC projects are linked to specific CPOs in order to align them with the achievement of decent work outcomes.[164] Thus, in financial reports, XBTC resources supporting FPRW outcomes 14, 15 and 17 appear inferior to other SPF outcomes. Pending the availability of more recent data, this was reported to the GB in 2010. See Figure 10 below. This potentially results in an under-reporting of the actual resources supporting the realization of FPRW.

This discussion elucidates another fact seen by the evaluation concerning the need for a clear distinction between the discussion of matters and administrative mechanisms related to financial reporting and those related to results reporting. CPOs are established as a kind of managerial receptacle for accumulating funding in support of a country outcome. Financial resources of any type may fund a single CPO regardless of the fact that they have origins in an Office unit (RB, RBTC, RBSA) or project (XBTC) not linked to the same outcome as the CPO. Thus, Better Work projects (linked to Outcome 13) in Indonesia and Jordan have contributed their finances to CPOs that are linked to other outcomes. A further confusion for results reporting related to FPRW outcomes occurs where such funds contribute to CPOs that are linked to FPRW-associated outcomes, such as outcomes 8, 11 or 12.

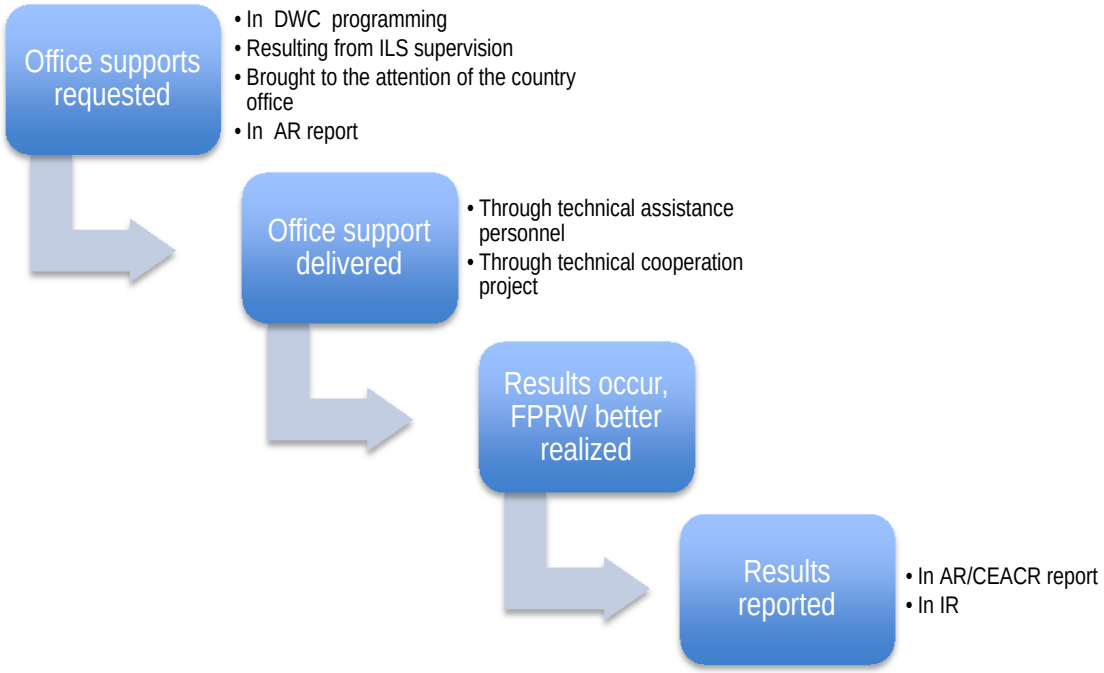
[163] ILO: *Resolution concerning the recurrent discussion on fundamental principles and rights at work*, International Labour Conference, 101st Session, Geneva, 2012, para. 20 (a).
[164] GB.312/POL/10, para. 4.

Figure 10: XBTC expenditure on CPOs and GPs by ILO outcome, 2010



Synergetic use of budgetary resources occurs. The evaluation has observed that CPOs linked to FPRW outcomes can and do receive funding from different sources, i.e. RB, RBTC, XBTC, SBTC. Information received suggests several typologies are used in practice. Non-uniform construction of CPOs, less than fully transparent CPO titles and outcome linkages, and limits on this evaluation's resources made it difficult to quantify the frequency of their use. CPOs may be funded from RB, RBTC or XBTC. This can occur where requirements for the CPO are relatively small, as in the case of RB and RBTC. It can occur where there is XBTC funding available for a CPO that is precisely the same size as the funding. And it can occur where XBTC funds contribute specifically to individual CPOs in several countries. Mixing occurs in the absence of subject-specific XBTC resources, where CPO resource requirements are met on an *ad hoc* basis involving a champion for the CPO, typically the country office director, but potentially also outcome coordinators looking to promote and achieve global results.

Figure 11: Ideal scenario for Office support in realizing FPRW



Limitations in reporting systems are highlighted by evidence of the relationship between cases of progress noted by the CEACR and SPF outcome results reported in IRs. The evaluation tried to find other evidence of coherence in reporting reductions in FPRW gaps, and particularly that attributed to Office support. A study was done of the correlation of cases of progress noted by the CEACR and the reporting of results in P&B IRs. The hypothesis being tested was that the CEACR would be able to observe progress at the same time as results being reported from Office support. This hypothesis flows from an ideal scenario illustrated in Figure 11, above, which assumes, of course, that in any particular case Office support has had an impact and change has occurred. Details of the study's results are presented in Annex Thematic study: Outcome and ILO supervision results in Volume II.

No clear relationship was found between the reporting of SPF outcome results and cases of progress noted by the CEACR; this would have required the CEACR to systematically note the reported implementation results, which it does not do. In just about one third of the countries, progress had been noted but there was no reporting at all of the results from ILO contributions in an IR. First and foremost, this can be explained by the fact that the ILO constituents are able to improve realization of FPRW without Office TA or TC. However, where support has been present – and there are several countries where this was the case, including several benefiting from PAMODEC – the observation can be partially explained by the fact that the criteria are different for results reporting by the Director-General and for progress reporting by the CEACR.[165]

The study was done to check on key informants' consistent position that the Office's efforts had helped in realizing FPRW. The argument goes that it should be possible for the CEACR to pick up on the results of the Office's support. Indeed, the frequency of correlation is noteworthy – in roughly three-fifths of cases where results were reported against SPF outcomes, the CEACR noted cases of progress in respect of a relevant ratified convention. This provides evidence of some positive relationship even given the limitations of the study. Yet, this may not be so surprising as the criterion

[165] See CEAR report 2014, para. 72.

for results reporting on outcomes 15,[166] 16[167] and 17[168] includes the CEACR having noted progress.[169] This turns the 1998 Declaration's logic on its head insofar as it was imagined that results would occur from TA/TC and then be acknowledged, potentially by the CEACR.

The study, including results showing the lack of CEACR reference to PAMODEC in cases of progress arising in countries benefiting from it, highlights several systemic factors that work against finding synergy in these reporting mechanisms. This is so even assuming that improvements in realizing FPRW have indeed resulted from Office support.

- *Time lag.* There is a multi-year delay in both implementation reporting and reporting on the application of ratified conventions.
- *Limited knowledge.* Even in the best of circumstances, where positive developments occur prior to the collection of reporting data, there may be a lack of knowledge of the Office's support and their results.
- *Failure to comply with reporting obligations.* Governments sometimes fail to provide reports on ratified fundamental conventions when requested to do so.
- *Substantive constraints on the supervising bodies.* For the CEACR, the constraints include a focus on legal developments and, most importantly, a reliance on having first identified a gap in compliance for a satisfaction to be registered.[170] For IRs being prepared by the Office, the outcome indicators can constrain the reporting of positive developments that fall outside the scope of their criteria.[171]

[166] P&B 2010–2011, p. 62; P&B 2012–2013, p. 71.
[167] For indicator 16.2: P&B 2010–2011, p. 64; P&B 2012–2013, p. 75.
[168] P&B 2010–2011, p. 66; P&B 2012–2013, p. 75.
[169] In each case, the criterion of CEACR progress is only one of several, of which two need to be fulfilled for the result to be reportable.
[170] See, for example, CEACR 2014 report, para. 73.
[171] This has changed with the 2012–13 IR, which has a more thematic and prosaic format.

Box 13: Coherence of support in the light of disagreement over FPRW gaps

There ought to be coherence in support offered by the Office to ILO constituents' efforts to realize FPRW. Besides the perception of gaps expressed by the constituents themselves (through the AR and DWCP mechanisms), the ILO's system of supervision identifies gaps. They can be legal, but also practical. Does the recent disagreement within and between the supervisory bodies in terms of identified FPRW gaps related to implementation of ratified fundamental conventions bring with it the possibility of undermining this process?

The employers' and workers' groups within the CCAS have disagreed about the significance of the CEACR's understanding of the content of ILO conventions they help supervise.[172] The issue is one of principle, dealing mostly with the right to strike. Resolution of the matter is being sought within the GB and other ILO organs. The question for this evaluation is whether this kind of dispute affects the coherence of ILO strategies and actions to support its constituent's realization of FPRW. Indeed, it can. It is possible – perhaps probable – that such disagreement would be absorbed and dispersed within a discussion of activities at the country level. For example, it might be concluded by local constituents that Office support to help address wide-spread industrial disputes should deal pragmatically with local law and practice in regard to dispute resolution processes, without addressing the right to strike in terms of international obligations.

A larger challenge comes from the risk of wider disagreement over the shape and content of FPRW raised by the current discourse. This risk is real. An example can be seen the case of the India's application of Convention No. 111. In 2007, the CCAS discussed aspects of discrimination in employment and occupation in India, based on an examination of the matter made by the CEACR.[173] The CEACR had raised points related to discrimination based on sex and social origin. During that discussion, which included interventions acknowledging the progressive and promotional character of obligations under the Convention, the employer member from India intervened to express the view, *inter alia*, that the CEACR and CCAS were discussing issues "which were of a wider-socio-economic nature and not related to a violation of the Convention." These included "allegations refer[ing] to discrimination against Dalits, adivasis and women in a small number of sectors - the construction and fishing industries and in agriculture - which included mostly the informal sector, which was presently gaining attention. Secondly, manual scavenging was purely a social issue." Subsequently, as discussed in a case study, the Office has supported efforts to eliminate discrimination against these groups and in these occupations. The point here, noting the position taken by the employer member, is that the moral authority behind supervisory bodies' identification of gaps can be eroded by disagreement over their dimensions, impacting on the coherence of the Office's strategy and actions.

ILO strategies and actions in respect of non-FPRW outcomes support realization of FPRW on the ground, and there is evidence that it tends not to be recognized. The 2008 Declaration proclaims the inter-relationship between respect for FPRW and the other pillars of the DWA. The evaluation has seen this idea being implemented in terms of support taking the form both of published guidance and tools but also, to varying degrees, operationalization in TA and/or TC. The 2012 Recurrent Discussion Report included a list of 11 examples of these phenomena.[174] A further example from the Sectoral Activities Department (SECTOR) of the Office is found in Annex Thematic study: Sectoral activities supporting realization of FPRW in Volume II. The evaluation has observed other operational examples. Some further broader examples from the many that could be cited include:

[172] See ILO: *Provisional Record No. 13*, Part One, International Labour Conference, 103rd Session, Geneva, 2014; and ILO: *Provisional Record No. 19(Rev)*, Part One, International Labour Conference, 101st Session, Geneva, 2012.

[173] See: www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2556259 [accessed 14 July 2014].

[174] Para. 195 below and the box 13. These included: Promoting Gender Equality in the Workplace (BASIC); MDG-F Joint Programme: Protecting and promoting the rights of China's vulnerable young migrants; COOP Africa; Sustaining Competitive and Responsible Enterprises (SCORE); Women's Entrepreneurship
Development and Gender Equality (WEDGE); SYNDICOOP; TA to reform the social protection and social security system; Better Work; Microfinance for decent work; Upgrading informal apprenticeship; Verification of the implementation of the White Paper recommendations.

- in connection with support in the use of programmes for employment intensive infrastructure as part of employment strategy;[175]
- development of gender- and age-disaggregated labour market information and statistics;[176]
- supporting access to social (incomes) protection, vocational training, employment and occupation to non-traditional genders,[177] disabled persons,[178] persons with HIV/AIDs, etc.;[179]
- supporting systems and arrangements for domestic and international migration that do not lead to forced or child labour;[180]
- supporting the assurance to migrant workers of equal treatment and non-discrimination in terms of working conditions as well as social security benefits;[181]
- engaging representative employers' and workers' organizations in OSH policy development and implementation and shop level improvement.[182]

There is variation in the depth and scope of support given in non-FPRW areas of TA/TC. For example, the Employment Intensive Programme (EIP) in India includes mention of FPRW in national training materials, but the engineers responsible typically emphasize compliance with obligations in respect of child and forced labour, and do not undertake more detailed promotional activities, although there may be exceptional situations where proactive remediation becomes relevant.[183] Sustaining Competitive and Responsible Enterprises (SCORE) as implemented in India, Indonesia, and South Africa includes FPRW advocacy in its programme but has limited impact on value added. This is so because the factory-level programme operates in generally FPRW-compliant formal sector manufacturing enterprises and does not normally have value chain compliance as part of its agenda. In the area of OSH, there is much contact and support of workers' and employers' organizations, often carried out by OSH technicians who coordinate with workers' or employers' representatives, including the Bureau for Employers' Activities (ACT/EMP) and/or the Bureau for Workers' Activities (ACTRAV), to develop and execute.

Thus, there are many examples of TC helping to achieve significant results in realizing FPRW that go unreported as formal outcome results, in terms of project activities or evaluations. Very obvious examples are TC activities that effectively promote the elimination of discrimination on the basis of disability or HIV/AIDS that are reported under outcomes 2 and 8, respectively. The reporting of results under Outcome 12 on social dialogue may also reflect FACB results. There are other examples of FPRW with varying degrees of significance and conspicuousness.

[175] D. Tajgman, J.J. Veen. 1998. *Employment-intensive infrastructure programmes : labour policies and practices*, ILO Development Policies Department 1998, www.ilo.org/public/english/employment/recon/eiip/download/blue_guide.pdf [accessed 7 October 2014].

[176] See reports at: ilo.org/asia/info/research-and-data/lang--en/index.htm [accessed 19 May 2014].

[177] See for example: www.ilo.org/gender/Informationresources/WCMS_233599/lang--en/index.htm [accessed 7 October 2014].

[178] See reports at: www.ilo.org/skills/areas/inclusion-of-persons-with-disabilities/lang--en/index.htm [accessed 7 October 2014].

[179] Activities, for example, in the case study countries of Indonesia, India, the Philippines and South Africa.

[180] Activities, for example, in the cases study countries of India, Indonesia and the Philippines.

[181] See P&B 2008–09, p. 221.

[182] See for example: www.ilo.org/asia/whatwedo/events/WCMS_241807/lang--en/index.htm [accessed 14 July 2014]. To be counted as reportable, results under Indicator 6.1 of Outcome 6: "Number of member States that, with ILO support, adopt policies and programmes to promote improved safety and health at work" must be based on tripartite consultation.

[183] For example, they promote equality as much as possible typically without challenging existing cultural frameworks that involve gender-segregated work tasks.

In terms of recognition, implementation reporting has evolved noticeably since the 2008 Declaration was adopted. The way results are reported has undergone a significant change during the period under review. IRs have moved from reporting results in a limited way to reporting them more holistically. In the most recent IR 2012–13, context-capturing country examples are provided without reference to outcomes in the main report.

For the period 2010–11, results reported under outcomes 14, 15, 16 and 17 summarily included linkages to other outcomes. See Table below. This was not done for the period 2008–09. Results for non-FPRW outcomes also summarily reported links with Outcomes 14, 15, 16 and 17 in the IR 2010–11. See Table, below. This made it possible to expose inter-linkages between outcomes globally but not nationally. For the period 2012–13, bulleted references to all country results were replaced by country-level results reported across outcomes, without reference to the outcomes, although an analysis is available as a supplement.[184] This evolution is consistent with the policy stated in the 2008 Declaration, which sees categories of FPRW as both related to each other and related to other strategic objectives of the Organization. It also reflects the reality of country-level TC support, where there is strong evidence that FPRW support is taking place in TC activities not directly linked to FPRW outcomes. Results reporting will undergo further evolution as described in the P&B 2014–15:[185]

> In response to the request of the Governing Body, the Office will introduce more detailed reporting on the achievement of the expected results under each outcome. On the basis of trials undertaken in 2012–13 information will be collected in 2014–15 in three areas. These are: brief, factual, contextual information on overall progress in member States in the areas covered by the strategic objectives; information on the most significant products and services delivered by the ILO; and information on the ILO contribution to the achievement of the results.

The evaluation has not been able to determine whether or not these developments in results reporting will make it possible to isolate results from support to realize FPRW. If outcomes analogous to the current 14, 15, 16 and 17 are not present in the next SPF, the results of support given in line with the 1998 Declaration may become less transparent.

[184] www.ilo.org/public/english/bureau/program/ir/2012-13.htm [accessed 14 April 2014].
[185] Para. 31.

Table 16: Results reporting of FPRW outcomes, outbound linkages to other outcomes, and IR 2010–11

		Results under these outcomes:			
		Outcome 14: The right to freedom of association and collective bargaining is widely known and exercised, were linked to:[186]	Outcome 15: Forced labour is eliminated, were linked to:[187]	Outcome 16: Child labour is eliminated, with priority given to the worst forms, were linked to:[188]	Outcome 17: Discrimination in employment and occupation is eliminated, were linked to:[189]
Were linked also to :	Outcome 1: More women and men have access to productive employment, decent work and income opportunities	☐	–	☐	–
	Outcome 2: Skills development increases the employability of workers, the competitiveness of enterprises, and the inclusiveness of growth	–	–	☐	–
	Outcome 4: More people have access to better managed and more gender equitable social security benefits	–	–	–	–
	Outcome 5: Women and men have improved and more equitable working conditions	–	–	☐	☐
	Outcome 6: Workers and enterprises benefit from improved safety and health conditions at work	–	–	☐	–
	Outcome 7: More migrant workers are protected and more migrant workers have access to productive employment and decent work	–	☐	–	☐
	Outcome 8: The world of work responds effectively to the HIV/AIDS epidemic	–	–	–	☐
	Outcome 9: Employers have strong, independent and representative organizations	☐	–	☐	–
	Outcome 10: Workers have strong, independent and representative organizations	☐	–	☐	–
	Outcome 11: Labour administrations apply up-to-date labour legislation and provide effective services	–	–	☐	☐
	Outcome 12: Tripartism and strengthened labour market governance contribute to effective social dialogue and sound industrial relations	–	–	☐	–
	Outcome 13: A sector-specific approach to decent work is applied	–	☐	☐	–
	Outcome 14: The right to freedom of association and collective bargaining is widely known and exercised	–	☐	–	–
	Outcome 15: Forced labour is eliminated	–	–	☐	☐
	Outcome 16: Child labour is eliminated, with priority given to the worst forms	–	☐	–	–
	Outcome 18: International labour standards are ratified and applied	☐	–	☐	☐

– = nil.

[186] Para. 311.
[187] Para. 320.
[188] Para. 330.
[189] Para. 343.

Table 17: Results reporting of FPRW outcomes, inbound linkages from other outcomes, 2010–2011

		Were also linked to:			
		Outcome 14: The right to freedom of association and collective bargaining is widely known and exercised	Outcome 15: Forced labour is eliminated	Outcome 16: Child labour is eliminated, with priority given to the worst forms	Outcome 17: Discrimination in employment and occupation is eliminated
Results under these outcomes:	Outcome 1: More women and men have access to productive employment, decent work and income opportunities[190]	–	–	–	(□)
	Outcome 2: Skills development increases the employability of workers, the competitiveness of enterprises, and the inclusiveness of growth[191]	–	□	–	(□)
	Outcome 3: Sustainable enterprises create productive and decent jobs[192]	–	–	–	(□)
	Outcome 4: More people have access to better managed and more gender equitable social security benefits[193]	–	–	–	(□)
	Outcome 5: Women and men have improved and more equitable working conditions[194]	–	–	–	(□)
	Outcome 6: Workers and enterprises benefit from improved safety and health conditions at work[195]	–	–	–	(□)
	Outcome 7: More migrant workers are protected and more migrant workers have access to productive employment and decent work[196]	–	□	–	□
	Outcome 8: The world of work responds effectively to the HIV/AIDS epidemic[197]	–	–	–	□
	Outcome 9: Employers have strong, independent and representative organizations[198]	–	–	–	(□)
	Outcome 10: Workers have strong, independent and representative organizations[199]	–	–	–	□
	Outcome 11: Labour administrations apply up-to-date labour legislation and provide effective services[200]	□	□	–	□
	Outcome 12: Tripartism and strengthened labour market governance contribute to effective social dialogue and sound industrial relations[201]	□	–	–	(□)
	Outcome 13: A sector-specific approach to decent work is applied[202]				(□)
	Outcome 14: The right to freedom of association and collective bargaining is widely known and exercised[203]	–	–	–	(□)
	Outcome 15: Forced labour is eliminated[204]	□		□	(□)
	Outcome 16: Child labour is eliminated, with priority given to the worst forms[205]	–	□	–	(□)
	Outcome 17: Discrimination in employment and occupation is eliminated, were linked to:[206]	–	□	–	–
	Outcome 18: International labour standards are ratified and applied[207]	–	–	–	(□)

– = nil.

[190] Paras. 125–127.
[191] Paras. 138–139.
[192] Paras. 153–154.
[193] Paras. 169–170.
[194] Paras. 186–187.
[195] Paras. 200–201.
[196] Paras. 214–215.
[197] Paras. 229–230.
[198] Paras. 243–244.
[199] Paras. 256–257.
[200] Paras. 272–273.
[201] Paras. 282–283.
[202] Paras. 295–296.
[203] Paras. 311–312.
[204] Paras. 320–321.
[205] Paras. 330–331.
[206] Paras. 343–344.
[207] Paras. 351–352.

The elimination of gender-based discrimination and promotion of gender-based equality has been consistently highlighted in terms of non-FPRW strategies. ILO P&B documents from 2008–2009,[208] 2010–11,[209] 2012–13,[210] and 2014–15[211] have systematically mainstreamed gender issues outside of Outcome 17. This supplements results under Outcome 17. So, while most gender activities might be linked to Outcome 17, gender mainstreaming causes actions linked to other Outcomes to take gender into account, leading to results on the ground, although they do not appear as Outcome 17 results in IRs.

Support provided in the FPRW categories in the sample case study countries conform to relevant action plans. The evaluation studied how actions in the case study countries conformed to the four categories of FPRW to determine if they were consistent with global action plans. No noticeable inconsistencies were found, although activities might not have contained all elements of each plan. The results are shown in Annex Thematic study: Conformity of supports in case study countries with FPRW category global action plan in Volume II.

Training on FPRW for newly recruited ILO staff, including TC staff, is seen to be somewhat unsatisfactory meaning non-FPRW personnel cannot be relied upon to help in their promotion. Survey results asked ILO staff whether inclusion of FPRW in the training of newly recruited ILO staff was satisfactory. This subject received the lowest level of satisfaction as compared with other areas about which satisfaction was queried.[212] The proposition rated 'somewhat unsatisfactory' (3.02) among HQ and DWT staff, and halfway between 'somewhat unsatisfactory' and 'somewhat satisfactory' (3.56) among CTAs and national programme managers. In terms of FPRW categories, rankings on FACB were uniformly the lowest.

Outbound references from ILO DWCPs show coordination with UN programmes and strategies. The evaluation was able to review 79 DWCPs for references to their inclusion in UNDAFs. In virtually all cases, the DWCPs cited coherence with the relevant UNDAF document. DWCPs' coherence with UNDAFs is a quality assurance criterion for the establishment of a DWCP.

In-bound references from UNDAFs to ILO action are limited, most frequently to child labour, then the DWA, then conventions, and are highly unlikely in terms of the 1998 Declaration. Interviews with UNDP and UN specialized agency officials gave the impression of little knowledge of the ILO's 1998 Declaration, but much more so about the ILO's mandate in respect of the substance (rather than the name) of FPRW. The evaluation was able to triangulate this result with a study of 236 UNDAF documents.[213] Only one of these documents referred to the 1998 Declaration. Reference was made in 36 per cent of these documents to child labour, usually in the context of action to be taken

[208] Paras. 129–131, 221, 283–288, 349.

[209] Paras. 126–130, 140, 155, 166, 196, 210, 220, 232 and 265.

[210] Paras. 113, 122, 131, 150, 159, 168, 178, 188, 200, 210, 221, 230, 239, 302 and 308–319.

[211] Paras. 43–48, 61, 70, 81, 91, 100, 108, 117, 126, 135, 143, 152, 161 and 170.

[212] Satisfaction with how well FPRW are: mainstreamed into ILO strategies and activities; integrated in the strategic and programming frameworks; integrated as enabling conditions in technical activities, integrated in DWCPs; integrated in identifying CPOs.

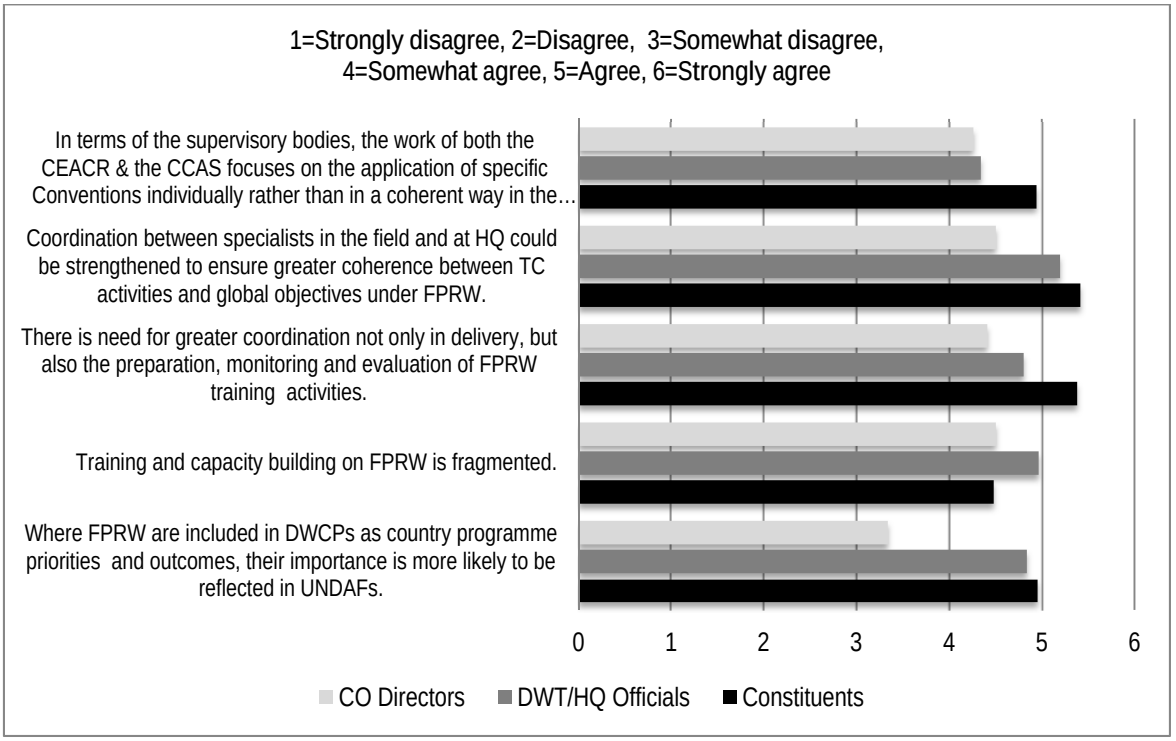
[213] See Annex Thematic study: Coherence in UNDAFs and DWCP in Volume II. All were valid during the periods under review and included 148 in English, 52 in French, and 36 in Spanish. The study was based on an electronic search of key terms in some 14,500 pages of these documents, including the terms: 'declaration on fundamental principles and rights at work'; 'fundamental principles and rights at work'; 'freedom of association and the effective recognition of the right to collective bargaining; freedom of association'; 'elimination of all forms of forced or compulsory labour'; 'forced labour'; 'abolition of child labour'; 'child labour'; 'elimination of discrimination in respect of employment and occupation'; 'discrimination in respect of employment and occupation'; 'decent work'; '87'; '98'; '29'; '105'; '138'; '182'; '100'; '111'.

against child labour.[214] The ILO's DWA, which we know includes FPRW, was referred to in 11 per cent of these documents.[215] References to ILO conventions, compared to the key terms associated with the principles behind the conventions, were the only other significant finding of the study, with 6 per cent of the documents referring to Convention No. 182, 6 per cent to Convention No. 138, 4 per cent to Convention No. 111, 3 per cent to Convention Nos. 100, 29 or 98, 1 per cent to Convention No. 105, and 0.4 per cent to Convention No. 87.

The evaluation of a project designed to strengthen ILO gender mainstreaming contributions to UNDAFs noted among the lessons learned the critical importance of predisposition for potential deeper UNDAF coherence.[216]

> Overall, it can be concluded that the gender mainstreaming project was strategically useful in a number of the countries where PGA [Participatory Gender Audit] initiatives took place, and particular conditions were in place (including commitment from the UN Resident Coordinator, a strong inter-agency Gender Group with a key person leading, the correct timing in terms of planning) that ensured adequate follow-up either at the UNCT level or at the individual UN agency level. The gender audit follow-up activities are likely to have an impact beyond the current project, provided such support continues.

Figure 12: Views on operational coherence

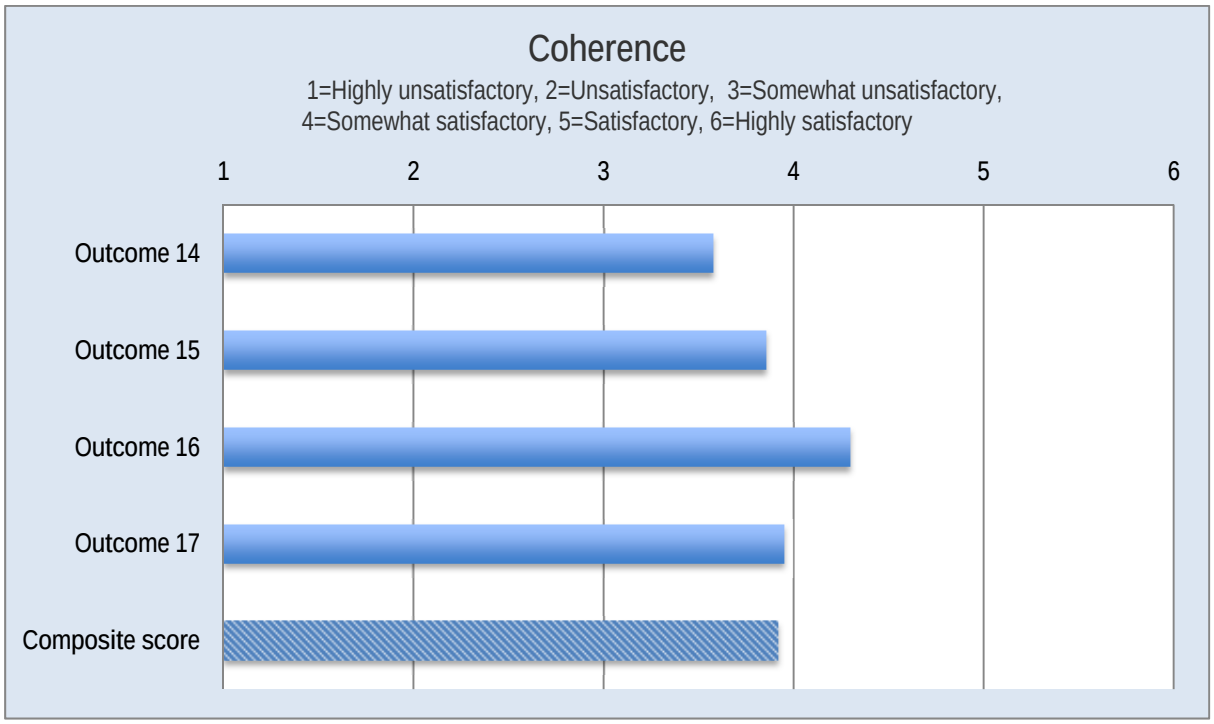


[214] 43 per cent of the English language documents, 29 per cent of the French language documents, and 19 per cent of the Spanish language documents.

[215] 22 per cent of the Spanish language documents, 11 per cent of the English language documents, and 2 per cent of the French language documents.

[216] *Gender mainstreaming in DFID/ILO Partnership Framework Agreement (2006–2009)* (GLO/08/53/UKM), ILO, Bureau for Gender Equality, 2009, gate.unwomen.org/resources/docs/gendereqaulity/300_ILO_Gender%20Mainstreaming%20in%20DFID-ILO%20Partnership_2009.pdf [7 October 2014].

Coherence at the operational level may be improved. Surveyed country office directors, DWT and HQ staff, and constituents were asked to indicate their agreement with several statements touching on the coherence of operations. The results are shown above in Figure 12. A scoring pattern can be seen with constituents being most critical, DWT and HQ staff next most, and country office directors least critical. The pattern is broken on the question of fragmentation in training and capacity building, where DWT and HQ staff are most critical.



Impact

EVALUATION QUESTION 5:
What impact has ILO strategy and action had on policy, legal frameworks, and awareness regarding FPRW?

PERFORMANCE CRITERIA:
1. ILO strategies and actions have made demonstrable contributions to national tripartite constituents' efforts to reduce gaps in the realization of FPRW.
2. ILO strategies and actions do not have unintended or unexpected effects that are counter-productive in realizing FPRW.

Constituents report impact. The evaluation has received information from key informants that ILO FPRW strategies and actions have contributed to national constituents' efforts to reduce gaps in the realization of FPRW. ILO presence is conducive to producing results which otherwise might not be produced. Survey results among constituents ranked impact as the second most satisfactory after relevance.

Lack of resources at the national level to sustain results, political will and capacity are most important challenges. When asked "what are the main challenges to effective implementation of the ILO's FPRW strategy in respect of each of the principles/rights in your country?" constituent respondents ranked as least important *the availability of technical expertise at the national level* and *lack of technical support from the ILO* for each of the four FPRW categories. Of the remaining five choices, *the lack of resources at the national level to sustain results* was most important for all categories. The *lack of political will by the government and by the social partners* was ranked equally as the most important challenge in respect of discrimination. *Lack of capacity among constituents* was rated the second most important challenge for FACB and FL. The *lack of political will by the government* was tied for most important for the category of elimination of discrimination and third most important for the other categories. The *lack of political will by the social partners* was the second most important for discrimination and child labour, and third for forced labour.

The idea that lasting impact is undermined by the limited duration of support was seen elsewhere. Evidence on this applies to both forced and child labour support,[217] and the 2012 Plan of Action hopes to address this (see paragraph 0 above on page 28).

In the category of elimination of child labour, the magnitude of the issue on the impact of ILO support is palpable, particularly in countries with large populations where ILO contributions can appear quite minor. Even in smaller countries, there is a problem of scale.[218] In highly populated India, deliberate attention is placed on action at state levels as a strategy to enhance impact, not only in the category of elimination of child labour interventions, but also in other categories of FPRW.

Smaller, but important impacts have been cited and acknowledged. Awareness, for example. The reality of trafficking in persons has been brought to light for members of communities along the transport corridor from ports on the east coast of Africa towards southern Africa, as a result of an ILO TC. Communities have become vigilant as a result. Impact from capacity building is reported.[219]

Support has impacted on the preparation, vetting and adoption of laws and policies in all four categories of FPRW. IRs capture some of this, whilst evaluations capture others. CEACR reports are a third means of capturing these successes.

Reduction in FPRW gaps can be attributed to supportive ILO actions, although usually not in isolation. If not self-evident, the evidence is conclusive that closing the FPRW gaps involves immense investment in political will, societal consensus, financial support and technical initiatives. Improvements in the realization of FPRW can be extremely time consuming, incremental to the point of being imperceptible and fragile. They are, however, possible and do occur. They can also be attributed to supportive ILO actions. Most useful in this regard is a comparison with counterfactual scenarios. The issue of child labour has, for example, been the subject of ILO standard setting since the Organization's founding; national efforts can be seen in history. But an international movement can be traced to ILO action with and on behalf of its constituents. More

[217] ILO: *Prévention et élimination du travail des enfants dans des pays de l'Afrique occidentale (Cap vert, Guinée-Bissau, Mali et Sénégal) – une évaluation à mi-parcour indépendante réalisée par une équipe de consultants externes* (IPEC/EVAL/2013/08) (Geneva, 2013).

[218] *Project of support to the National Action Plan to Combat Child Labour in Malawi – an independent expanded final evaluation by a team of external consultants (MLW/09/50/USA)*, ILO-IPEC, 2013, www.ilo.org/evalinfo/product/viewProduct.do;jsessionid=f80fc3b3b6d078a9216bf984406791a8bec698f43019be301661757599ffaf46?productId=16525 [7 October 2014], p. 46.

[219] Ibid., p. ix.

specifically, the development, growth and results of IPEC's action, and the adoption, promotion and implementation of Convention No. 182. The result is a credibly quantified reduction in child labour globally produced and published by IPEC.[220] Measurements and attributions are more challenging for the other categories of FPRW. Continuing quantification efforts – similar to the analogous problem of child labour – are being made in respect of forced labour. The category of elimination of discrimination is challenged by its scope, affecting as it does many diverse areas of occupation and employment, and being based on so many grounds of discrimination. Yet focused action and studies do show attributable results in respect, for example, of a palpable rejection of discrimination on the basis of HIV/AID at work,[221] the achievement of more equal conditions of work between men and women, the exit of certain groups of persons from indecent jobs to which they have been practically confined because of their social origin.[222] Even in the area of freedom of association and the right to collective bargaining, study of the results of international supervision triangulated with evidence found in a country can yield the observation of attribution for improvements both as a legal right and in practice.

The Office has made a determined effort to measure the impact of its interventions in respect of child labour. IPEC has systematically studied the impact of its interventions, with results published biennially in the *Progress and Future Priorities* IR series. The evaluation has reviewed reports from 1998 to 2011.[223] IPEC has conducted tracer studies of child labour projects and published results. It has also offered constituents methodologies for measuring the impact of their own interventions.[224]

Box 5: IPEC tracer study projects and methodologies

IPEC first developed tracer study methodology in 2003–2004 as part of the global project "Measuring Longer Term Impact on Children and Families through Tracer/Tracking Methodology." The methodology was used to carry out six pilot studies in locations where an IPEC project had been implemented in Ecuador, Indonesia, Sri Lanka, Turkey, Uganda and the United Republic of Tanzania. Beginning in 2006 the first methodology was refined with the support of another global project, "Impact Assessment Framework: Follow up to Tracer and Tracking". The resulting methodology conducted tracer studies in Burundi, the Democratic Republic of Congo, El Salvador, Morocco, Kenya, Paraguay and the Philippines. A set of manuals on conducting tracer studies was published in 2011.[225]

The results of the tracer studies demonstrate the challenges posed in eradicating child labour. Longer term impact had been observed as a result of direct actions. Tendencies included a reduction in engagement in the WFCL, an increase in time spent in school and there was greater awareness of the negative consequences of child labour. Instances of projects having enabled an upgrading of the work being done by child labourers were not uncommon, with children needing to continue to work to provide income to the family.

Tracer study results have contributed to IPEC's strategic programme design. IPEC continues systematic evaluation and monitoring work through project support, collaborating and sharing experience with SAP-FL as the issue of trafficking in children gains increased donor interest.[226]

[220] *Marking progress against child labour: Global estimates and trends 2000-2012*, ILO, 2013, www.ilo.org/ipec/Informationresources/WCMS_221513/lang--en/index.htm [7 October 2014]. Y. Diallo, A. Etienne and F. Mehran: *Global child labour trends, 2008 to 2012*, ILO, 2013, www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_23015/lang--en/index.htm [accessed 7 October 2014].

[221] *Independent evaluation of the ILO's strategy to address HIV and AIDS and the world of work: Vol. 1*, ILO, 2011, www.ilo.org/wcmsp5/groups/public/@ed_mas/@eval/documents/publication/wcms_165849.pdf [accessed 7 October 2014].

[222] Scavengers in India.

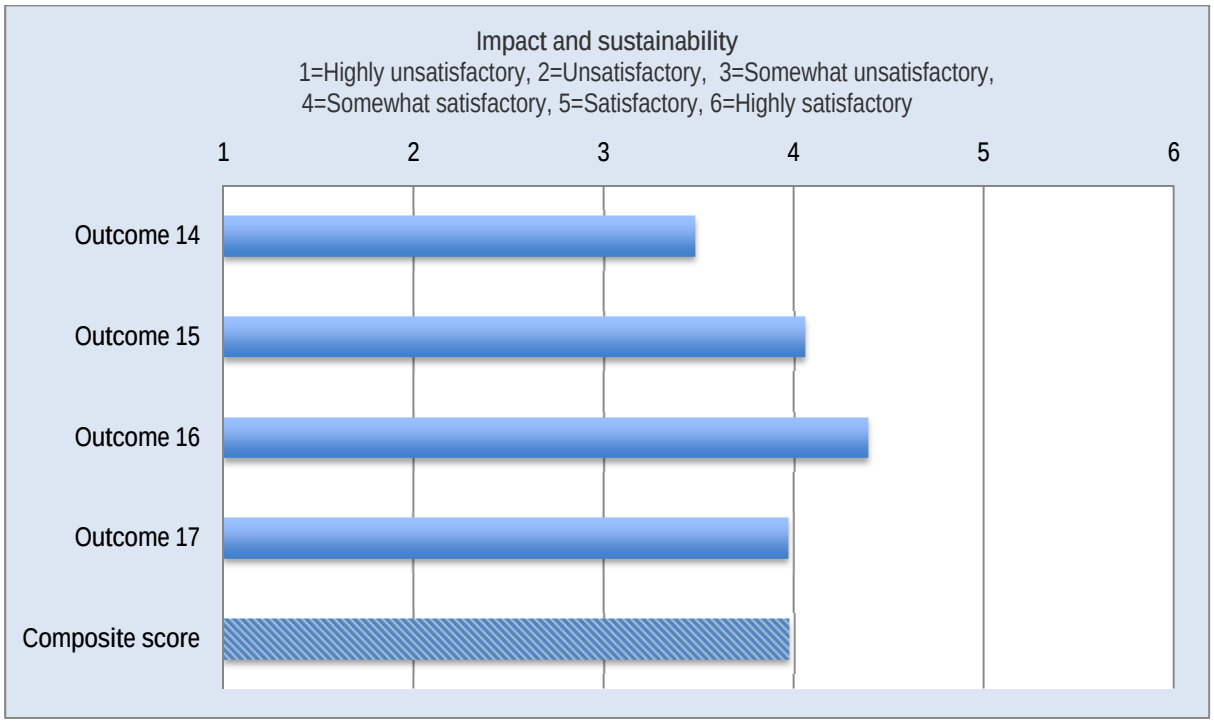
[223] See: www.ilo.org/ipecinfo/product/viewProduct.do?productId=12813 [accessed 20 July 2014].

[224] Captured in the *Child Labour Impact Assessment Toolkit*.

[225] www.ilo.org/ipec/programme/Designandevaluation/ImpactAssessment/tracer-studies/lang--en/index.htm [accessed 18 May 2014].

[226] www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_164491/lang--en/index.htm [accessed 17 May 2014].

As a strategic priority, the Office has undertaken the measurement of impact of its interventions in support of the realization of the elimination of forced labour; developments in other categories are ongoing. Measuring impact as part of support to country-based interventions is now a strategic priority as seen above in Box 3. Results presented in IRs clearly identify the development or reform of policy, legal frameworks and awareness results from ILO action in respect of the four categories of FPRW. As part of the implementation of the 2012 Plan of Action, the Office has reported that, "comprehensive databases on FPRW are available, including data on trade union density are available online."[227] Assessment of the impact of ILO interventions addressing HIV/AIDs in the world of work has been limited.[228]



Sustainability

EVALUATION QUESTION 6:
To what extent is ILO strategy and action designed and implemented to maximize the sustainability of their results?

PERFORMANCE CRITERIA:
1. Results of ILO strategies and actions that have helped reduce the gap in the realization of FPRW endure over time
2. Steps are taken to help assure that the results of ILO strategies and actions designed to reduce gaps in the realization of FPRW can be sustained or otherwise contribute to the sustainability of results.

[227] *Follow-up to the resolution concerning the recurrent discussion on fundamental principles and rights at work: Implementation of the plan of action*, Governing Body, 320th Session, Geneva, Mar. 2014, GB.320/INS/3/1; www.ilo.org/ifpdial/information-resources/dialogue-data/lang--en/index.htm [accessed 17 May 2014]; compare with www.stats.oecd.org/Index.aspx?DataSetCode=UN_DEN [accessed 17 May 2014].

[228] *Independent evaluation of the ILO's strategy to address HIV and AIDS and the world of work: Vol. 1*, ILO, Evaluation Unit, 2011, www.ilo.org/wcmsp5/groups/public/@ed_mas/@eval/documents/publication/wcms_165849.pdf [accessed 7 October 2014], p. xiv.

Evidence in respect of all four FPRW categories shows a clear strategic understanding and practice that law, policy and institutions must be in place as a foundation for sustainability. The stated strategies of all four FPRW categories today acknowledge that efforts to support constituents in realizing FPRW must, wherever possible, help establish laws, policies, and institutional capacities if the results are to be sustained. Evidence from the case study countries suggests that these strategies are being operationalized.

- In respect of freedom of association and right to collective bargaining:
  - support to law reform in Zambia;
  - support to law amendments and national framework on social dialogue in Sri Lanka;
  - etc.
- In respect of the elimination of forced labour:
  - state-level social security institution building as a means of undermining the causes of bonded labour in India;
  - developing trafficking-related institutional capacity in the Bureau of Foreign Employment, etc., in Sri Lanka;
  - national migration strategy developed along with implementing institutions in Armenia;
  - etc.
- In respect of the elimination of child labour:
  - national action plan policy and hazardous work list in Zambia;[229]
  - support in drafting legislation incorporating the labour dimensions of human trafficking in China;
  - support to the development of a National Plan of Acton for the Prevention of Trafficking of Children for Exploitative Employment, including commercial sexual exploitation in Sri Lanka;
  - etc.
- In respect of the elimination of discrimination:
  - institutional capacity to educate in respect of disability discrimination in Indonesia;
  - support to the development of new laws favouring the concerns of persons with disabilities in China;
  - etc.

Outcome reporting methodology increasingly captures sustainability-related results by distinguishing and reporting on results related to law, policy and institutional capacity. Reporting on these three developments has become more transparent in the evolution of implementation reporting. A close reading of the IR 2008–09 was needed to see those cases where results were probably related to these three fundamental principles of sustainability. The 2010–2015 indicators for Outcomes 14, 15, 16 and 17 include these three items either explicitly or implicitly. Finally, with the most recent 2012–13 IR, the three items are clearly indicated in the presentation of specific results:

[229] See, for example, *Project of support to the time-bound programme in Zambia: Report of the final expanded evaluation*, ILO-IPEC, 2010, www.dol.gov/ilab/projects/summaries/Zambia_TBP_Prep_feval.pdf [accessed 7 October 2014], p. 8, para. 51.

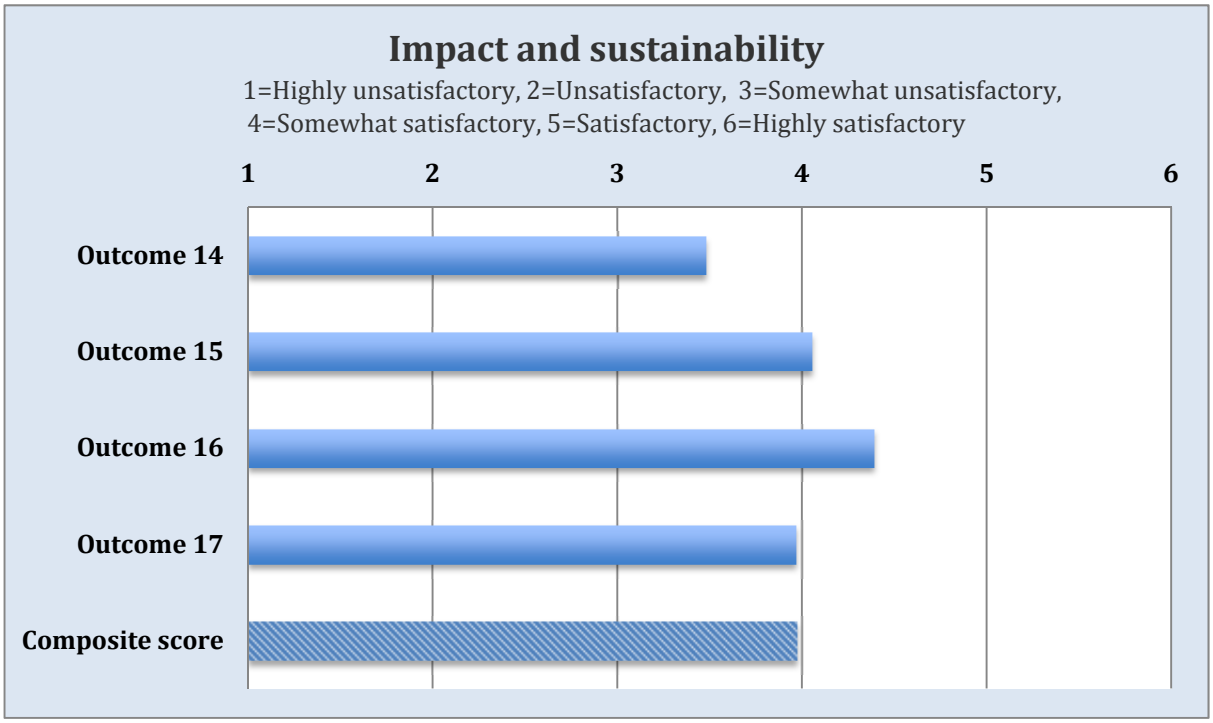
- for regulatory/legal framework for Outcome 14,[230] Outcome 15[231], Outcome 16[232] and Outcome 17;[233]
- for policies and strategies for Outcome 14,[234] Outcome 15,[235] Outcome 16[236] and Outcome 17;[237]
- for institutional capacity development for Outcome 14,[238] Outcome 15,[239] Outcome 16[240] and Outcome 17.[241]

Evaluators have noted that the focus has gone beyond beneficiaries, onto systems and institutional actors, as a means of strengthening sustainability. The importance of developing systems and institutional actors through TA and TC has been recognized in evaluations of FPRW supporting activities.[242] The idea is to look beyond potential immediate beneficiaries relative to Outcomes 15, 16 and 17.

Factors potentially undermining the sustainability of support have been noted. This evaluation and others have noted undermining factors such as government staff turnover,[243] the financing of institutions not covered by national budgets,[244] and improperly judged prospects for the use of outputs.[245] The sustainability of output results can be undermined where there is no clear articulation of the expected tangible outcomes (i.e. policy changes, law-making, institutional approaches, etc.) from newly raised awareness, knowledge sharing, and advocacy activities.[246] Finally, the importance of the time needed to assimilate change into attitudes and institutions has been a recurring theme in

[230] Bangladesh, Georgia and Philippines.
[231] India and Jordan.
[232] Argentina, Aruba, Bahamas, Bahrain, Bangladesh, Bolivia Burkina Faso, Comoros, Cote d'Ivoire, Georgia, Guatemala, Guinea, Guyana, Honduras, Ireland, Israel, Jamaica, Jordan, Kazakhstan, Kenya, Kyrgyzstan Latvia, Lebanon, Liberia, Malawi, Maldives, Mali, Mexico, Morocco, Myanmar, Netherlands, Niger, Pakistan, Panama, Paraguay, Philippines, Republic of Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Senegal, Slovenia, Solomon Islands, South Africa, South Sudan, Sweden, United Republic of Tanzania, Thailand, Former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkmenistan, Uganda, United Arab Emirates, United States, Viet Nam and Yemen.
[233] El Salvador and Uruguay.
[234] Colombia, Chile, Philippines and Sri Lanka.
[235] Brazil, Ethiopia, Nepal, Nigeria, Peru and Zambia.
[236] Bangladesh, Benin, Bolivia, Burkina Faso, Cambodia, Côte d'Ivoire, Ghana, Kenya, Honduras, India, Jordan, Kazakhstan, Lesotho, Malawi, Mexico, Peru, Nigeria, Philippines, Senegal, Uganda and Uruguay.
[237] Brazil, Cameroon, Costa Rica and El Salvador.
[238] Bangladesh, Chile, Georgia, Indonesia, Jordan, Philippines, South Africa and Sri Lanka.
[239] Jordan, Nepal and Nigeria.
[240] Bangladesh, Bolivia, Botswana, Cambodia, Costa Rica, Côte d'Ivoire, Dominican Republic, El Salvador, Fiji, Guatemala, Indonesia, Kenya, Lesotho, Malawi, Nepal, Philippines, South Africa, Togo and Uganda.
[241] Azerbaijan, Brazil, Cameroon, El Salvador, Indonesia and Uruguay.
[242] *Independent mid-term evaluation of promoting rights and opportunities for people with disabilities in employment through legislation (PROPEL)*, ILO, Gender Equality and Diversity Branch, 2012, www.ilo.org/wcmsp5/groups/public/---ed_mas/---eval/documents/publication/wcms_234122.pdf [accessed 7 October 2014]; *Support to national efforts toward a child labour-free state, Bahia-Brazil project – final independent evaluation*, ILO-IPEC, 2012, www.ilo.org/wcmsp5/groups/public/---ed_mas/---eval/documents/publication/wcms_175461.pdf [accessed 7 October 2014].
[243] *Support to national efforts toward a child labour-free state, Bahia-Brazil project – final independent evaluation*, ILO-IPEC, 2012, www.ilo.org/wcmsp5/groups/public/---ed_mas/---eval/documents/publication/wcms_175461.pdf [accessed 7 October 2014].
[244] Jordan and Zambia.
[245] Arroyo M.G. *Promoting freedom of association and collective bargaining rights in the rural and export processing sectors: August 2009–December 2011, independent final evaluation* report (Geneva, ILO, 2012).
[246] *Independent final evaluation of support to promote and apply ILO Convention No. 111 in the People's Republic of China*, ILO, 2010, www.ilo.org/wcmsp5/groups/public/---ed_mas/---eval/documents/publication/wcms_142942.pdf [accessed 7 October 2014].

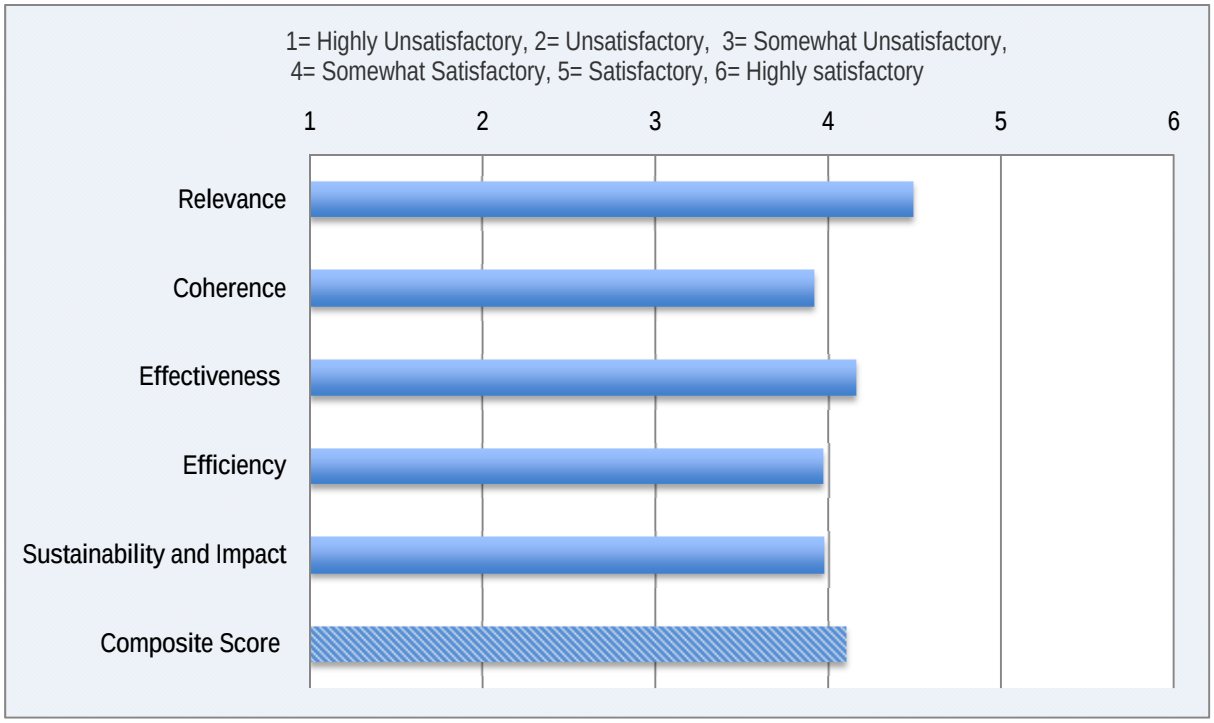
connection with the sustainability of FPRW support results. In addition to the economic development and law enforcement precursors needed in the areas of child and forced labour, significant attitudinal change is required for all four categories of FPRW. A local champion is needed over the time it takes to support and promote attitudinal change. This has meant the continuation of TC for the time it takes for the new ideas and systems to be grafted onto institutions.



4. CONCLUSIONS, RECOMMENDATIONS AND LESSONS TO BE LEARNED

There can be no doubt that the 1998 Declaration has effectively identified and propelled the four categories of concern from the world of work onto the world stage. The Declaration isolated and prioritized them, offering them to the ILO's constituents and partners for action. Practically speaking, they are now widely cited as obligatory workers' rights in global supply chains and as complementary preconditions for development. There can also be no doubt that the Office has engaged with its constituents in actions to help them better realize FPRW. Overall, the evaluation has found that the Office has done this 'somewhat satisfactorily'. See Figure 13 below.

Figure 13: Overall performance against evaluation criteria, FPRW



Yet the gap between identification of these rights and their full realization continues. The international supervisory bodies including the CEACR and the CCAS continue their dialogue with ILO Member States, urging them to improve the realization of FPRW. These bodies identify the gaps that need to be remedied and provide a forum for discussion on the true meaning of these rights. The volume of supervisory comments remains very significant. Virtually all the ratifying Member States engage in remedial or improvement efforts under the guidance of the supervisory bodies.[247] The supervisory bodies note progress in both law and practice, but they are slow in coming. The small number of Member States that have not ratified all the relevant fundamental conventions remain outside the system of international supervision, progressing in their realization of principles in accord with their own benchmarks for success. International guidance for these Member States can come only with regard to their respect of principles of freedom of association, and only with the help of allegations of non-compliance made to the GB's Committee on Freedom of Association.

[247] Tajgman, D: Corporate social responsiblity meets tradtional supervision of fundamental labour rights: Why CSR needs social dialogue to fill the governance gaps. *In:* T. Novitz and D. Mangan (eds.): *The Role of Labour Standards in Development: From theory to sustainable practice?* (Oxford: Oxford University Press, 2011).

The willingness of Member States to respect FPRW is significant if measured by constituents' inclination to engage with the ILO to support their efforts. ILO TC and TA are being conducted around the world. That cooperation and assistance might not be large if compared, for example, with volumes of international trade. Nevertheless, it occurs most probably with the wholehearted enthusiasm of national actors who might otherwise be occupied with other matters.

As seen in this evaluation, setting aside legal technicalities about their precise meaning,[248] and overlooking academic debates about the impact of the 1998 Declaration on the system of ILS,[249] the four categories of FPRW are well embedded in the ILO's TA and TC work. TA and TC actors in the broader world of work – personnel in ILO technical departments and the projects they administer and support, programming and administrative personnel, etc. – are certainly aware that their efforts should not support forced or child labour, and that they should promote equality wherever possible. These efforts and their results are not always recognized as such. The 2008 Declaration gave credence to the truism that the four categories of FPRW are mutually dependent and interrelated. The organizational result within the Office is the current FPRW Branch within the Governance Department. The 1998 Declaration as a known rallying point and a magnet for resources, skills, partners, gap identification and action is not as strong as its component subject categories, in particular the FPRW categories reflected in Outcomes 15, 16 and 17.

Yet the ILO's mandate to support its constituents' efforts to fully realize these rights under the terms of the 1998 Declaration continues. In terms of the OECD/DAC evaluation guidelines, the following conclusions are offered in respect of the implementation of that mandate as stated in the SPF outcomes 14, 15, 16 and 17.

[248] See, for example, M.J. Bolle: *Overview of labor enforcement issues in free trade agreements*, Congressional Research Service, 2014, fas.org/sgp/crs/misc/RS22823.pdf [accessed 28 July 2014], p. 5, observing clarification made in U.S. trade legislation concerning an obligation to respect *only* provisions made in the 1998 Declaration as distinguished from ILO conventions.

[249] P. Alston: "'Core labour standards' and the transformation of the international labour rights regime", in *European Journal of International Law* (2004, Vol. 15), pp. 457–521; B. Langille 2005: "Core labour rights – The true story (Reply to Alston)", in Ibid. (2005, Vol. 16), pp. 409–437; F. Maupain: "Revitalization not retreat: The real potential of the 1990 ILO Declaration for the Universal Protection of Workers' Rights", in Ibid. (2005, Vol. 16) pp. 439–465.

5. CONCLUSIONS

Relevance

Strategy and actions (P&B, pre-2012 action plans, 2012 action plans, actual TA/TC) are largely relevant to the global needs expressed in the AR and GRs, and national needs expressed in DWCPs. This occurs despite some inconsistency in high-level strategy statements orienting action to gap identification mechanisms. The linkages made between national and global outcomes in OBWs could to be tightened; the current fit may be generally needed to accommodate resource constraints.[250]

DWCPs set out ILO actions considered by constituents to be relevant to their needs. They only sometimes explicitly prioritize the realization of FPRW as such, although CL is an exception and the elimination of gender discrimination is broadly mainstreamed. Nevertheless, descriptions in DWCPs and CPOs enable support, which is being given when resources become available, as seen in the case studies.[251]

Requests for support for Office action made through the AR appear to be generally met, as seen in the case studies, although limitations in reporting – both recording details of requests and actual actions – prevented broad evaluation of the relevance of support given to the needs expressed.[252]

The results of TA/TC can be seen through implementation, ILS supervision, or AR mechanism reporting, implying the relevance of those actions to expressed or identified needs. A study of such reporting does endorse the overall relevance of strategies and actions in support of the realization of FPRW as measured against gaps identified by the CEACR. Nevertheless, each of these reporting processes has limitations that result in under-reporting.[253]

TA/TC activities aimed at the elimination of child labour and discrimination are, in particular, relevant to the gaps identified by supervisory bodies. This is because of the nature of these FPRW, i.e. any TA/TC activities producing results will contribute to these categories because they have a progressive character, for example, the elimination of child labour beginning with its worst forms, and the elimination of discrimination in employment and occupation beginning with action by the state.[254]

Effectiveness

The reduction of gaps in the realization of FPRW as a result of the Office's support to constituents – effectiveness – has been noted in cases of progress by the CEACR. Studies conducted by the evaluation suggest that this regular supervisory body is limited in its ability to always capture information of this link. Positive developments reflecting Office-supported improvements in the

made in U.S. trade legislation concerning an obligation to respect *only* provisions made in the 1998 Declaration as distinguished from ILO conventions.

[250] P. Alston: "'Core labour standards' and the transformation of the international labour rights regime", in *European Journal of International Law* (2004, Vol. 15), pp. 457–521; B. Langille 2005: "Core labour rights – The true story (Reply to Alston)", in Ibid. (2005, Vol. 16), pp. 409–437; F. Maupain: "Revitalization not retreat: The real potential of the 1990 ILO Declaration for the Universal Protection of Workers' Rights", in Ibid. (2005, Vol. 16) pp. 439–465.

[250] Paras. 108–109

[251] Paras. 110–112

[252] Para. 113

[253] Paras.115-116.

[254] Paras. 115-117.

realization of FPRW may well occur at a depth that is not well suited to supervision in terms of ratified conventions.[255]

A review of project evaluations revealed generally satisfactory levels of effectiveness; rankings in the evaluation's survey of office directors and constituents are more mixed, with some unsatisfactory levels.[256]

Effectiveness has driven adjustments to both high-level and country level strategies. An entry-point strategy is effective in opening the door for support on sensitive matters.[257]

Strategic orientation toward establishing a knowledge base as the foundation for support is critical, and needs to be more evenly and strategically developed. That is to say, the strategic reasoning for collecting knowledge on all categories of FPRW needs to be well thought through and/or expressed, and ultimately implemented. Consideration should be given to framing outcome indicators that specifically take knowledge-based action into account. The statement of Outcome 16 and its indicators are a good model of this as compared to more compliance oriented Outcomes 14 and 15.[258]

Common factors are cited that contribute to the effectiveness of activities and these could be seen as good practice. Evidence is mixed on the Office consistently establishing these factors in their activities to support constituents in realizing FPRW. Some factors reflect organizational effectiveness, others operational effectiveness. They include: the physical presence of personnel at country level who are engaged with constituents, and know their needs and perspectives on the realization of FPRW; personnel assigned specifically to the project in the beneficiary country (as compared to programming or technical personnel for which the activity is one of many within their scope of responsibility); local development of the activity; technical support to the activity being in or physically close to the benefiting country; long duration of the project, enabling institutional embedding of results, etc. Support should address challenges directly faced by the country and known by the constituents in these terms, i.e. helping to solve our challenges.[259]

It is not possible to measure the effectiveness of the AR mechanism for channelling TA/TC because there are no strategic indicators that measure TA/TC delivery against AR requests. Nor are detailed discussions with the social partners of positive developments noted in the AR mechanism, potentially undermining its usefulness as a motivational factor for the realization efforts. Consideration is needed to strengthen this aspect of the follow-up to the 1998 Declaration.[260]

Efficiency

High-level strategy statements do not uniformly emphasize finding resource efficiencies by operational linkages to non-FPRW outcomes. The Office's system of outcome-based work planning is meant to make it possible for field units to supply constituents with support wherever they may be found in the Office. This is a good thing for support efficiency, and examples of it are seen in the evaluation. Efforts have also been made to delink the management and reporting of results from organizational units by creating coordinators who are responsible for results and (not always) organizational units. These efforts – and the efficiency results they give – are constrained where SPF

[255] Paras. 118-119.
[256] Paras. 120-121.
[257] Paras.123-125.
[258] Para. 126.
[259] Paras. 127-128.
[260] Paras. 130-129.

outcomes and RB resources that flow with them coincide with organizational units. In these cases, managers can be motivated to hoard potential reportable results or influence the construction of CPOs in order to justify RB resources. Since the realization of FPRW is by necessity closely connected to the supervision of the application of the fundamental conventions, the DG's decision to focus TC in a separate FPRW unit with responsibility to coordinate FPRW outcomes is appropriate, provided close substantive collaboration exists with related units.[261]

Country offices are obliged to make do with limited resources in meeting constituents' requests. The scarcity of resources is a factor contributing to the need for CPOs, which provide a framework for managing some financial resources for results that are larger than the contributions could deliver individually. There are observable CPO arrangements that can undermine their efficiency as a management tool. For example, where it is designed to exactly accommodate a project, the statement of a CPO and its outcome linkage can miss reporting the results from FPRW-supporting content. The best example of this is Outcome 12 being used and Outcome 14 being missed. It would seem that a better practice would be to cast CPOs in such a way that they could be aligned to SPF outcomes. But this could lead to a proliferation of CPOs, which has efficiency implications. The movement towards the arrangement of ACIs as a monitoring and evaluation framework helps break down the division between organizational units and gives more room for broader results reporting. For FPRW, it may make it necessary to place increased importance on ILS supervision and on the AR mechanism as a means of capturing what is being done and what improvements are being made.[262]

There are clear imbalances in resources, with those available for the elimination of child labour historically leading other categories of FPRW. This assessment is very obvious when resources are presented in terms of outcomes 14, 15, 16 and 17. In fact, resources are going to support FPRW but are not being recognized as such because of the linkage of whole projects to single non-FPRW outcomes. Constraints to attracting funding need to be minimized; enabling the sourcing of funds in the field is appropriate and should be complemented at HQ with the technical skills needed to draw up programming and bidding documents.

GPs, as they are currently observed, are infrequently used as a mechanism for improving efficiency, i.e. providing common FPRW support to constituents globally. They appear today to be used as a mechanism for resource mobilization in the context of resource scarcity. Multi-country projects are being used for the efficiencies they offer. Evidence collected suggests that care needs to be taken to assure that the different support modalities take adequate account of variations in national interests, and assure interventions that are of sufficient depth and have a potential for impact.[263]

The evaluation has noted examples of strong synergies with UN agencies and other actors, but they are the exception rather than the rule and evidence of shared resources is weak. Collaboration is possible but is based on pragmatic self-interest of the organizations involved, which may well be reasonable.[264]

[261] Paras.131-132.
[262] Paras. 132-135, 154.
[263] Paras. 136–139.
[264] Paras. 139-140.

Coherence

Incoherence between activities and the various strategy statements has not been observed and would be difficult to identify because high-level strategies are broadly phrased and accommodating. Rationalization and simplification is needed if benefits from coherence are to be realized.[265]

Examples of activities reflecting the idea that the four principles of the 1998 Declaration are inter-related as set out in the 2008 Declaration can be cited. As long as FPRW outcomes are separate and RB resources mirror distinct organizational units often responsible for them, the policy mandate in the 2008 Declaration is the overriding incentive for managers to blend outcome-linked RB financing for synergistically. Similar interests do not constrain the use of extra-budgetary resources, and examples of using them are strongly present in projects that combine activities with results linked to outcomes 15 and 16.[266]

Projects linked to non-FPRW outcomes are supporting constituents' efforts to realize FPRW. This varies in depth and scope from project to project. There is no comprehensive strategy for mainstreaming FPRW into all work of the Office despite the policy mandate in the 2008 Declaration for it to be done. In light of the observed hesitancy to establish FPRW priorities and outcomes in DWCPs and CPOs linked to FPRW outcomes, consideration should be given to more systematically using these opportunities in non-FPRW projects. Just as project appraisal and DWCP approvals now take account of gender issues consideration could be given to the assessment of possible other FPRW issues. Evaluations of project activities should monitor their effects in terms of support to the realization of FPRW. This would involve observing minor FPRW elements in the numerous activities where other subjects are dominant. This does occur sporadically and mostly where strategies are related, i.e. outcomes 8, 9, 10, 12, etc. Consideration should be given to cataloguing potential FPRW effects in the various technical areas supporting decent work and strategizing ways of reasonably integrating them, particularly in light of the fact that there are already examples of this happening.[267]

Observed activities in non-FPRW strategies and actions do have positive effects on FPRW areas. For example: technical support to stop HIV/AIDS discrimination in the workplace (Outcome 8 very clearly related in all instances to Outcome 17); supporting development of institutions to assure decent work for migrant workers (Outcome 7 clearly linked to Outcome 15, where forced labour exists as an issue); technical support to labour market data collection, including sex disaggregation techniques (Outcome 1 linked to Outcome 17); sharing knowledge on methods of involving representative organizations of employers and workers in the administration of social security systems (Outcome 4 linked to Outcome 14, where threshold capacities exist), etc. They are not uniform and are not always monitored or acknowledged, but they do occur and/or they have the potential to occur and they need to be strengthened by, for example, broadening the expert human resources used in those areas.[268]

Work is needed on including FPRW in the training of new ILO officials, including TC staff. This is particularly important if efforts are to be made to improve synergies with non-FPRW strategies and activities.[269]

[265] Paras. 141-108.
[266] Paras. 142-154.
[267] Paras. 0–0.
[268] Paras. 0–0.
[269] Para. 0.

ILO DWCPs (and FPRW when they are included therein) are coherent with UNDAFs. UN agency personnel have very limited knowledge of the 1998 Declaration as such, although they do know of the four FPRW category areas and their importance for the ILO. A study of the UNDAFs and our survey show that there are mixed results in terms of UN programming documents and the integration of FPRW. Synergies and coordination can occur, can be strongly synergistic, but it is probably more the exception that the rule. It is not possible to evaluate how often opportunities are present but not being exploited.[270] Institutional factors are reported to limit real operational synergy; successful cases may be *sui generis*.

There is significant variation in DWCPs' treatment of FPRW; several typologies are found. Anecdotal evidence has been collected on the way DWCPs are organized and, generally, in each case it is related to the demands and sensibilities of the social partners. There is no coherent strategic justification for different typologies, nor should there be since ILO policy sees constituent demand as the main driver of DWCP content, despite the obligations found in the 1998 Declaration. Although effectiveness might not be significantly diminished, implementation reporting is affected; under-reporting is the result. Core office resources are shunted away from less desired outcomes to the extent that RB resources are allocated on the basis of demands reflected in DWCPs and CPOs flowing from them.[271]

Opinions on specific matters of operational coherence differ. This is consistent with other findings in this evaluation; as quickly as an instance of positive development and success is identified, one of slow development and weak performance can be seen. Taken indicatively, improvements can be made in the coordination of activities.

Impact

ILO actions have contributed to constituents' efforts to reduce gaps in realizing FPRW. For FACB and forced labour, particularly, where gaps need to be remedied by legislative changes, actions may be real but their impact can be slowed or blocked by the politics inherent in legislative processes.[272]

Nothing obvious in global strategy or actions inherently limits impact. Constituents' survey responses to the question of main challenges confirm, however, that resources and the timeframe for the work for both strategies and actions are the constraining factors above and beyond the factors inherently constraining FPRW realization, i.e. political sensitivities, requisite changes in attitudes, etc.[273] Constituents' ratings of ILO effectiveness in respect of action on challenges (Figure 6 on page 40), seen in the light of the rated challenges themselves, suggest that ILO strategies and actions are generally 'somewhat satisfactory' in meeting challenges that are important. An exception to this is that the ILO was rated highest in technical matters, but technical matters are rated least important as a challenge.[274]

Measuring the longer term, ultimate impact of ILO support to the constituents' realization of FPRW presents a challenge that has been met directly by IPEC. The discipline represented by its efforts is

[270] Paras. 0, 0–0.
[271] Paras. 0–0.
[272] Para. 0.
[273] Paras. 0–0.
[274] The further exception is the low rating for effectiveness in providing technical assistance in developing national databases and reporting.

admirable and should be examined for use in the other FPRW categories. This would be consistent with the strategy of building the knowledge base for each of the FPRW.[275]

The CL and FL experiences show that impact on the global stage can also be observed, and this can filter down. This must be complemented by country-level action for real impact on the realization of FPRW. It is not clear whether the visibility of the issue of child labour is a result of IPEC success in dealing with it at the national level or merely the result of IPEC joining other actors in advocating for greater visibility.[276]

Sustainability

The development of adequate legal frameworks and institutional capacities for implementing them is critically important for sustainability. Both have to be in place for any hope of the sustainability of results. This is broadly recognized. Support for their development uniquely as a response to compliance monitoring does not necessarily contribute to this; supports need to transmit deeper understanding to strengthen sustainability.[277]

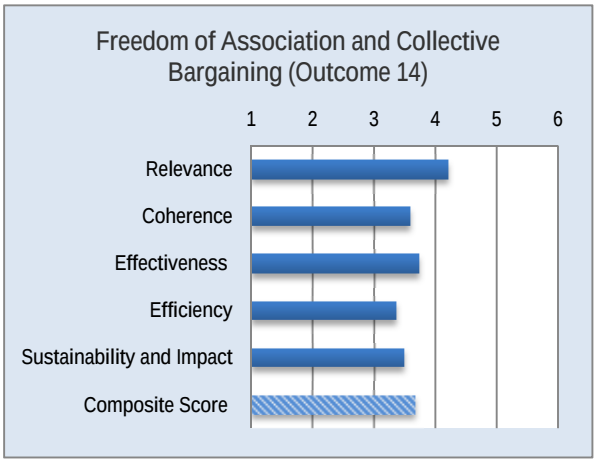
Where XBTC funds are used to undertake an initiative, integration with RB technical specialists, most typically in the field but also potentially at HQ, can be important for following up on key elements of the initiatives after the project has ended. Failure to coordinate with these longer term human resources during the life of a project can result in the ILO "dropping the ball" or incoherent continuation after the end of the project.[278]

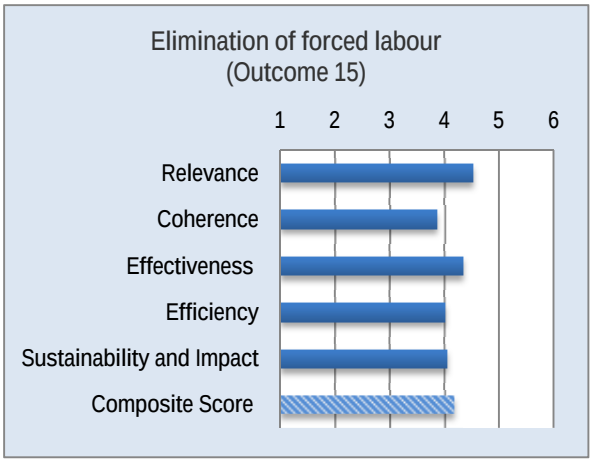
Cross-category comparison

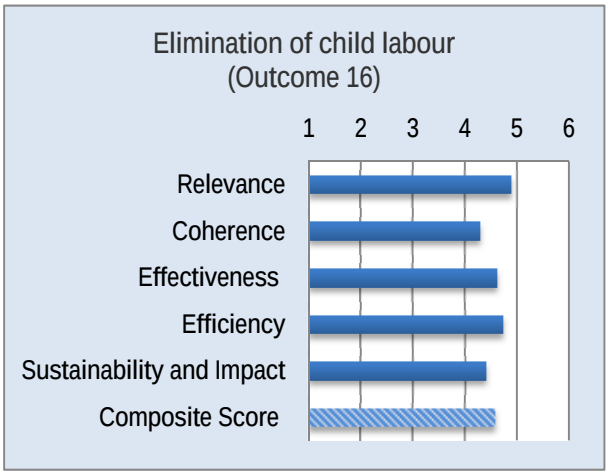
As mentioned above, this evaluation is unique in that it looks at ILO performance in respect of four diverse subject areas joined together by certain policy declarations. Data collection for the evaluation has enabled aggregation both across and within each of the outcomes and evaluation criteria.

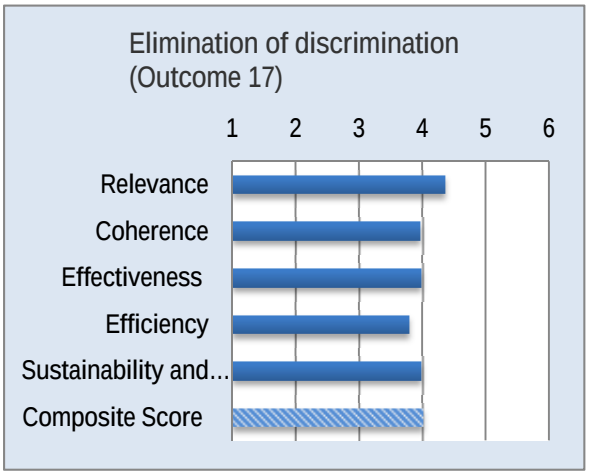
[275] Paras. 0–0.
[276] Paras. 0–0.
[277] Para. 0.
[278] Para. 0.

Overall performance against evaluation criteria, by outcome
(1=Highly unsatisfactory, 2=Unsatisfactory, 3= Somewhat unsatisfactory, 4=Somewhat satisfactory, 5=Satisfactory, 6=Highly satisfactory)









Information collected by the evaluation suggests the exceptional character of the FACB category of FPRW, Outcome 14. It both intimates and reinforces a discernible dissonance in strategy and action in this area. The data show: the lowest number of ratifications;[279] the smallest proportion of work population covered;[280] that there are no DWCP which set Outcome 14 as a priority;[281] that there has been no team of personnel dedicated uniquely to its on-going promotion;[282] the lowest level of finances among all the outcomes;[283] the lowest level of satisfaction among country directors in respect of research, statistics and knowledge base;[284] and the lowest rating by constituents surveyed of the effectiveness of ILO actions to assist in over-coming the challenges to realization.[285] According to DWT, HQ personnel and country directors, FACB was rated of least interest for all interest groups

[279] See Figure 3: Number of ratifications at time of adoption of 1998 Declaration and at present on page 11.
[280] See Table 4: Percentage of working population covered by fundamental conventions, 2014 on page 12.
[281] See Table13: FPRW priorities and outcomes, as a percentage of all, regionally and globally on page 52.
[282] See para. 0 on page 18.
[283] See para. 0 on page 45.
[284] See Figure 7: ILO country directors' satisfaction with FPRW research, statistics and knowledge base-related work' satisfaction with FPRW research, statistics and knowledge base-related work on page 42.
[285] See Table11: Constituents' rating of the effectiveness of ILO support to realization of FPRW on page 39.

with whom they interact.[286] In contrast, representatives of those interest groups themselves rate FACB of second most interest after the elimination of discrimination. Amongst DWT and HQ personnel, FACB rated lowest compared to the other FPRW in: mainstreaming in ILO strategies and activities; integrating into the strategic and programming frameworks; integrating as enabling conditions in technical activities; integrating in DWCPs; including in the training of newly recruited ILO staff, including TC staff.[287]

Amongst the constituents, the ILO's technical expertise in the FACB category ranked highest among possible factors actually contributing to realization of FPRW,[288] with a high 'somewhat satisfied' rating of 4.72. Interviews pointed to FACB being the most sensitive of policy-driven subject matters (as compared with, for example, poverty- or attitude-related). Several large population Member States (Brazil, China, United States, Viet Nam) have entrenched FPRW gaps reflected in long-standing policy, law and practice. Entry point strategies are used in these countries, often in an *ad hoc* way when a window of opportunity for promotion of this category of FPRW becomes possible. Yet FACB is on numerous counts held to be one of – if not the most – important (exceptional again) principle underpinning the Organization. It is preeminent as an enabling condition in the 2008 Declaration, it is the basis of the only special system of supervision that is not based on ratification, and it is the basis of the Organization's tripartite composition. Yet, why is it so under-resourced, understated in country-level programming, existing almost in a state of consecrated abjection? More than one commentator has suggested deep issues of emerging divergences beyond the scope of this evaluation that could easily be linked to the dissonance seen here.[289]

[286] *Constituents*: Outcome 17: 5.36, Outcome 14: 5.09; Outcome 16: 4.74, Outcome 4.66. *DWT and HQ personnel*: Outcome 14: 3.68, Outcome 17: 4.04, Outcome 15: 4.17, Outcome 16: 4.33. *Country directors*: Outcome 14: 4.13, Outcome 16: 4.42, Outcome 17: 4.67, Outcome 15: 4.83. Offered interest groups: Employers' organizations, workers' organizations, governments, UN agencies, international development partners, private actors.

[287] These rankings are factored into the cumulated rankings of evaluation criteria.

[288] Political will of the national government, social dialogue mechanisms, technical understanding of the principles among tripartite constituents, legal/institutional framework to promote and uphold realization of FPRW, international donor support of efforts, civil society organizations to promote FPRW at national levels, technical expertise of the ILO, and influential special interest groups.

[289] J.R. Bellace: "The ILO and the right to strike", in *International Labour Review* (2014, Vol. 153**),** pp. 29–70. G. Standing: *The ILO: An agency for globalization?* ILO, 2008, www.unhistory.org/pdf/StandingILO.pdf [accessed 7 October 2014].

6. LESSONS LEARNED

Lesson 1: Evidence collected by the evaluation team suggests that generally the 1998 Declaration is not well understood, even among the partners. This issue could be addressed by an all-encompassing FPRW strategy that includes all four categories as the basis for the DWA. Such a strategy would serve two purposes: (i) help brand FPRW to ensure easier and wider recognition; and (ii) provide a framework for constructing inter-related and complementary operational strategies for each of its four principles.

Lesson 2: Strengthen the capacities of established follow-up and supervisory mechanisms to capture follow-up activities and compliance. However, distinction between the implementation of conventions and the promotion of principles should be maintained and strengthened, although they must continue to be mutually reinforcing.

Lesson 3: the "entry-point strategy" is a pragmatic and viable approach to improving the realization of rights. This was demonstrated repeatedly in case studies and the DWCP analysis. Programme and project designers' use of relevant entry-point strategies is important both in addressing the identified FPRW priority areas, and in advancing rights when it is tactical to do so.

Lesson 4: Office support for ILO constituents' efforts to realize FPRW can be fragmented, project oriented and drawn out, potentially undermining its effectiveness, impact and sustainability. This is because the implementation of FPRW takes time and effort. The Office's RBM system helps counter any lack of understanding of where action fits into the broader FPRW picture. However, the OBW one-to-one restrictions that focus on action during a biennium have added to the complexity of strengthening linkages across P&B outcomes.

Lesson 5: Local interest in closing gaps in FPRW activities encourages local action, naturally enhancing the relevance of ILO's support, but also potentially facilitating the effectiveness, impact and sustainability of their results. It would benefit the Office to identify local champions—individuals or institutions—with clear interests in prioritizing, realizing and supporting FPRW work at country level. The Office should strengthen its efforts to recognize this dynamic, and design and implement its strategies and actions accordingly. This lesson has also been seen in regional organizations or bodies, where there is mutual interest in realizing FPRW. Thus, it could also be applied at the regional level.

7. RECOMMENDATIONS

Recommendation 1: Establish a strategy that strengthens the Declaration's concept and programme using methodologies that operationalize incentives in support of FPRW outcomes in the non-FPRW work/projects. To be consistent with the policies set out in the 2008 Declaration, actions supporting the realization of the four FPRW categories, the 1998 Declaration should be executed so that action for one is understood in terms of and as having benefits for realizing the others.

Responsible unit	Priority	Time implication	Resource implication
FPRW	Medium	Medium – following on 2012 recurrent discussion	Yes

Recommendation 2: Develop and implement a capacity-building strategy to increase technical, programming and operational personnel's knowledge of the importance of FPRW as a basis for achieving CPO, DWCP and P&B outcomes. Initially, by working with units to examine and catalogue the ways their work supports constituents in realizing the four categories of FPRW so that techniques can be reused.

Responsible unit	Priority	Time implication	Resource implication
FPRW, with non-FPRW technical units	Medium	Medium – a biennium	Yes – staff costs

Recommendation 3: To better understand and ultimately address challenges in the AR under the follow-up to the Declaration on FPRW, develop and implement entry strategies with performance criteria that measure performance and put in place the systematic monitoring of AR requested for TA/TC to support the realization of FPRW.

Responsible unit	Priority	Time implication	Resource implication
FPRW	Medium	Medium – before next P&B	Yes – staff costs

Recommendation 4: Develop additional promotion approaches for the 1998 Declaration applicable to ratifying and non-ratifying countries. They should be distinct from regular ILS supervision, and transcend the system's current capability. Systematic country-level approaches should involve the social partners. They may include regional peer reviews, increased analysis, and viability to identify and express gaps as seen by national/regional constituents, etc., regardless of ratification.

Responsible unit	Priority	Time implication	Resource implication
FPRW	Low	In the next biennium	Yes – staff time

Recommendation 5: The FPRW Branch should work with PROGRAM to ensure that the development of ACIs/outcome areas will include specific indicators on the realization of the FPRW**.**

Responsible unit	Priority	Time implication	Resource implication
PROGRAMME, FPRW Branch	Medium	18 months	Not known

Recommendation 6: Work with PARDEV to develop at HQ and in the field a strategy and capacity for preparing tender documents to meet the apparent trends by donors to use competitive bidding. Decentralized capacity should be available at an appropriate level, i.e. COs, and include technical staff. Information about donors' tendering requirements should be made available at HQ.

Responsible Unit	Priority	Time implication	Resource implication
PARDEV	High	Ongoing	Yes – staff time

Recommendation 7: Develop and use national and local expertise to ensure sustainability and reduce support costs. Consolidate knowledge and experience with national resources with a view to making their use more effective, efficient and widespread.[290]

Responsible unit	Priority	Time implication	Resource implication
FPRW technical units	Medium	Two years	Unknown

[290] See GB. 303/16(Rev.), para. 74.

OFFICE's RESPONSE

The Office welcomes the HLE's findings on the ILO's strategies and actions in support of FPRW because they are informing the Strategic Review and Planning process currently being carried out by the recently established FPRW Branch. This review is being undertaken by five working groups focusing on: (1) Global Strategies and Key External Partnerships; (2) ILO Policy Advisory Services, Intervention Models and Internal Partnerships; (3) Resource Mobilization; (4) Research and Knowledge Management; and (5) Communications Strategy and Campaigns.

Recommendation 1, 3 and 4:

The Office acknowledges the challenges associated with covering FPRW strategies under four distinct outcomes and corresponding CPOs, as well as under non-FPRW outcomes and/or ARs. However, a number of actions have been taken to address them. First, the reform process combined the four FPRW categories under a unified management structure to ensure a consistent, coherent and complementary strategy. Second, the FPRW Branch Strategic Review and Planning process will lead to the formulation of a new operational strategy, which will act upon recommendations in this evaluation. Finally, the outcomes of the next P&B will no longer distinguish between the four FPRW, which should facilitate results reporting.

Recommendation 2:

This recommendation echoes one component of the FPRW Action plan 2012–2016. A session dedicated to FPRW will now be included in the induction training organized by the Human Resources Development Department (HRD) for new staff. Meetings with other units are underway to identify how FPRW can be increasingly promoted through their work. While the FPRW Branch of the Governance and Tripartism Department (GOVERNANCE) will take the lead in promoting work on FPRW across the Office, it should be recognized that, given the nature of the strategies on realizing FPRW, Office wide involvement is required and will determine the extent to which these recommendations can be implemented.

Recommendation 5:

The key role of the ILO's RBM framework in mainstreaming FPRW, allocating resources, monitoring and reporting is recognized. Comments on the observations in the evaluation report on how to best use the RBM framework to support the realization of FPRW are welcome.

The recommendation that specific indicators on the realization of FPRW be included in ACIs and outcomes was acted upon in preparing the P&B for 2016–2017. A useful process has brought together two branches—Gender, Equality and Diversity Branch (GED) and FPRW—to establish and propose measurement criteria on equality and non-discrimination as a cross-cutting issue under each of the outcomes. Excellent cooperation also took place with staff managing the outcome on unacceptable forms of work in defining its FPRW content, measurement criteria and indicators. Similar collaboration took place to mainstream FPRW in other relevant outcomes.

Recommendations 6 and 7:

The recommendations of the report are fully accepted and will, together with identified lessons learned and other key points in the evaluation, become part of the guidance for the development and implementation of the FPRW strategy.

Annex I. Evaluation Terms of Reference

High-level evaluation of the ILO's strategies and actions on the fundamental principles and rights at work: 2008-2014

Purpose of the evaluation:

The purpose of this high-level strategy evaluation is to assess the relevance, effectiveness, effectiveness, efficiency, impact and sustainability of the ILO's strategies and actions to support member states and social partners to promote and realize the core labour principles and rights at work as enabling conditions for the achievement of the respective FPRW strategic objectives, namely:

1. The right to freedom of association and collective bargaining is widely known and exercised (Outcome 14)
2. Forced labour is eliminated (Outcome 15)
3. Child labour is eliminated (Outcome 16) and
4. Discrimination in employment and occupation is eliminated (Outcome 17).

Objectives of the evaluation:

The evaluation shall seek to identify trends and gaps in the realization of FPRW in ten sample countries to determine achievements and draw lessons and good practices on what works and why. The findings of this evaluation are expected to strengthen future ILO work with regard to the promotion and application of FPRW.

The findings, conclusions and lessons from the evaluation will be discussed during the Governing Body session in November 2014. In addition the findings of this high-level evaluation will feed into the preparations of a synthesis report of ILO's actions on FPRW during 2008-1015, expected to serve as a background document for the ILC Recurrent Discussion on FPRW in 2016.

The evaluation will be undertaken in accordance with EVAL's protocol for high-level evaluations www.ilo.org/eval/Evaluationguidance/WCMS_215858/lang--en/index.htm

Background:

The emergence of a new world political order and the emergence of a global market economy spurred a global debate on the role of core labour standards in the post-Cold War and Globalized economies. The debate intensified as it became apparent that economic growth alone was not enough to fight poverty through employment.

The 1995 World Summit in Copenhagen reached the conclusion of the importance of social development and the safeguard the basic rights of workers, "and to this end, freely promote respect for relevant International Labour Organization conventions, including those on the prohibition of forced and child labour, freedom of association, the right to organize and bargain collectively and the principle of non-discrimination."

The conclusions of the World Summit paved the way for the development of the ILO Declaration on Fundamental Principles and Rights at Work (FPRW). In June of 1998, the government, employer and worker representatives meeting at the International Labour Conference took an historic step and adopted the Declaration. Ten years later, the Social Justice Declaration reiterated the language of the

1998 Declaration in relation to protectionist motives, adding "that the violation of fundamental principles and rights at work cannot be invoked or otherwise used as a legitimate comparative advantage.

Evaluation scope and approach:

The evaluation will assess all Global and country specific instruments and actions aimed at realizing the objectives of the FPRW Declaration during the 2008- 2014 period.

Evaluation methodology:

The evaluation analysis will be based on ten country case studies selected based on the basis of regional representation, existence of a Decent Work strategies or Country Programmes covering the 2008-2014, volume of technical cooperation and technical advice on FPRW funded through all le funding modalities (XBTC, RBTC, Outcome based-funding, and RBSA).

The evaluation as well each case study will have six objectives:

a) Assess the relevance of ILO actions and follow-up actions during the evaluation period to promote the FPRW. Each case study will ultimately judge how relevant the activities have been to the promotion of principles, demands/requirements of the constituents, and the objectives of the respective FPRW Outcomes.
b) Assess the effectiveness of ILO actions (technical cooperation and advisory services) that have supported member states not only to ratify the FPRW Conventions but also to respect the principles regardless of ratification status.
c) Assess efficiency in delivering TA and TC to support the follow-up mechanism.
d) The coherence of interventions and actions in support the follow-up mechanism and the efforts of states and social partners' promotion and realization of the core labour principles and right at work.
e) Assess the impact of ILO action in respect of realization of the core labour principles and rights at work, as well as states' and social partners' promotion of the core labour principles and rights at work.
f) Assess the sustainability of the benefits of ILO actions with regard to states' and social partners' promotion and realization of the core labour principles and rights at work.

These case studies will be based on a meta-analysis based on a review of Global Reports, Follow-up Reports on the Declaration, independent evaluations of pertinent ILO strategies, programmes and projects, progress IRs, research and technical papers produced to support the promotion and ratification, and implementation of the Conventions dealing with the four FPRW.

Through these questions the evaluation should aim to identify whether and how ILO action on FPRW has contributed to the achievement of the selected CPOs and how these CPOs contribute to the achievement of P&B outcome indicators of each category of FPRW. The evaluation is expected to assess how ILO actions on FPRW build on annual reviews, and the extent to which there have synergies among action in each of the four FPRW categories and other relevant ILO P&B outcomes.

Finally, this evaluation will comply with UN norms and standards for evaluation and ensure that ethical safeguards concerning the independence of the evaluation will be followed. Please refer to the UNEG ethical guidelines: http://www.unevaluation.org/ethicalguidelines

Desk review:
The first phase of the evaluation will consist of an extensive desk review of relevant strategic, global and project documents pertaining to each of the 4 Strategic Outcomes (14, 15, 16 17) under the Declaration on the Fundamental Principles and Rights at Work. This information will be provided to the evaluation team by the FPRW Branch of the Governance and Tripartism Department. The desk review will assess the impact of ILO's FPRW strategies, Global reports, including the respective global action plans.

The desk-based review will analyse selected reporting and other programme documentation, key performance criteria, and indicators to compare and assess the coherence, continuity and evidence of reported results over time. Attention will be given to main means of action, implementation performance, perceptions of major progress and significant achievements, as well as notable products and outputs in the main means of action. Application of good practices, including a results-based management approach, and use of lessons learned will also be considered. Drawing from available country and global programme documents, reporting and evaluations, an analysis of how results are planned, monitored and progress reported will be prepared, and policies and practices reviewed.

Field validation of findings:
Five of the ten countries selected for the evaluation will undergo field validation of findings. The validation approach will consist of interviews and surveys of tripartite constituents and key national stakeholders, ILO staff at headquarters and the field (ROs, Cos and DWTs) to identify institutional and legal strengths and gaps that can influence the realization of FPRW. Information gathering and analysis should be gender responsive and take into account the effects of an intervention on men, women and overall gender relations. All data collected should be sex-disaggregated.

Lessons learned and recommendations:
In addition to assessing the relevance, effectiveness, efficiency, coherence, impact and sustainability of the Office's actions on the FPRW at the country level, the evaluation will aim to identify lessons and solutions related to the effectiveness in helping countries, employers' and workers' organizations achieve the full realization of the Declaration objectives. These lessons should be distilled from the review and analysis of effectiveness and potential impacts of the Annual Reviews, Global Reports and their respective Action Plans, and the different Global Products developed under each of the four FPRW P&B outcomes.

Evaluation Clients:
The principal clients for the evaluation are the ILO's Governing Body, national constituents, ILO Management, and national tripartite constituents in the countries included in the evaluation.

Based on the findings and conclusions of this High-level strategy evaluation EVAL will contribute to the Recurrent Discussion on FPRW planned for the 2016 ILC through a systematic review of ILO action on FPRW.

Evaluation management:
The evaluation will be conducted by EVAL in collaboration with an evaluation team consisting of a Senior Evaluation Officer who will lead the team, an international evaluator with expertise in labour law and rights at work, national evaluation consultants, and research assistants. The Director of EVAL will provide direction and guidance throughout the evaluation process.

Evaluation products:

1. After a desk review and a scoping mission to the ILO headquarters in Geneva, the international independent evaluator will develop an inception report indicting the methodological approach to be taken and identifying the information gathering tools to be used.

2. A final report, consolidating findings from the case studies and field work conducted by the evaluation team will be prepared by June 30 2014.

Annex II. List of Interviewees

The Evaluation Team met or conducted interviews over Skype with the persons indicated below. Skype interviews are indicated with (*).

International Labour Office

Geneva
Mr. Guy Thijs, Director, EVAL
Mr. Moussa Oumarou, Director, GOVERNANCE
Mr. Kamran Fannizadeh, Director, FPRW
Mr. Francisco Guzman, Senior Evaluation Officer, EVAL
Ms. Lisa Wong, Senior Declaration Officer, FPRW
Mr. Wael Issa, Senior Advisor, GOVERNANCE
Mr. Andrea Davila, APPL
Ms. Shauna Olney, APPL
Ms. Katerine Landuyt, APPL
Ms. Hervé Berger, Head of Operations, FPRW
Mr. Juan Hunt, PARDEV
Mr. Peter Rademaker, PARDEV
Mr. Jürgen Schwettmann, PARDEV
Ms. Carlien Van Empel, EMPLOYMENT
Mr. Maria Teresa Gutiérrez S., EMP/INVEST
Mr. Naoko Otobe, Senior Employment (and Gender) Specialist, EMPLOYMENT
Mr. Raghwan Raghwan, Workers' Activities Bureau
Mr. Roy Chacko, Employers' Activities Bureau
Mr. Christian Hess, ACT/EMP
Mr. Oktavianto Pasaribu, PROGRAM
Ms. Carlien Van Empel, PARDEV
Ms. Mary Read, IPEC
Mr. Simon Steyne, IPEC
Mr. Peter Wichmand, IPEC
Ms. Tomi Kohiyama, NORMES
Ms. Mauela Tomei, WORKQUALITY
Ms. Katherine Torres, FPRW
Ms. Maria Beatriz Mello da Cunha, Specialist, SECTOR
Ms. Faustina Mukazi Van Aperen, Senior Specialist in Workers' Activities, ACTRAV
Ms. Beate Andrees, Head, SAP-FL, FPRW
Ms. Karen Curtis, NORMES
Ms. Deepa Rishikesh, APPL
Mr. Alessandro Chiarabini, NORMES
Ms. Emmanuelle St-Pierre Guilbault, Legal Specialist, Social Protection Department
Ms. Christina Behrendt, Social Policy Specialist, Social Protection Department
Ms. Jane Hodges, GED (retired)

Regional Office for Asia and the Pacific
Ms. Alcestis A. Mangahas, Deputy Regional Director, Policy and Programmes
Ms. Karin Klotzbuecher, Chief, Regional Programming Services Unit
Ms. Pamornrat Pringsulaka, National Evaluation Officer
Ms. Suwandee Nokpum, Senior Secretary
Mr. Max Tunon, Senior Programme Officer/Project Coordinator (ASEAN TRIANGLE Project)
Mr. Johan Arvling, Senior Programme Officer (Knowledge Management)
Ms. Christine Nathan, Regional Specialist in Workers' Activities
Mr. Matthieu Cognac, Youth Employment Specialist

Country Offices for Cambodia, Thailand and the Lao People's Democratic Republic
Mr. Tuomo POUTIAINE, Chief Technical Adviser
Ms. Jittima SRISUKNAM, Programme Officer
Ms. Suradee BHADRASIRI, Senior Programme Assistant

DWT – Bangkok
Mr. Maurizio Bussi, Director
Ms. Karin Klotzbuecher, Chief, Programming
Mr. Pong-Sul Ahn, Senior Specialist on Workers' Activities
Mr. Shigeru Wada, Senior Specialist on Workers' Activities
Mr. Gary Rynhart, Senior Specialist on Employers' Activities
Ms. Jae-Hee Chang, Specialist on Employers' Activities
Ms. Ingrid Christensen, Senior Specialist on Occupational Safety and Health
Mr. Jajoon Coue, Specialist on International Labour Standards and Labour Law
Mr. Tim De Meyer, Senior Specialist on International Labour Standards and Labour Law
Mr. Chris Donnges, Senior Specialist on Employment Intensive Investments
Ms. Nelien Haspels, Senior Specialist on Gender and Women Workers Issues
Mr. Richard Howard, Senior Regional HIV/AIDS Specialist
Mr. Kee Beom Kim, Specialist on Employment
Mr. Jooyung Kim, Social Security Officer (COMWEL)
Ms. Makiko Matsumoto, Specialist on Employment
Mr. Jung-Keun Park, Expert on Occupational Safety and Health (KOSHA)
Mr. John Ritchotte, Specialist on Labour Administration and Labour Relations
Ms. Valerie Schmitt, Specialist on Social Security
Ms. Simrin Singh, Senior Child Labour Specialist
Ms. Sandra Yu, Specialist on Local Strategies for Decent Work
Ms. Marja Paavilainen, Chief Technical Adviser, Enhanced Action against Forced Labour in Asia
Mr. Kyung-Hun Kim, Expert on Occupational Safety and Health

ILO Office for Indonesia
Mr. Peter van Rooij, Director, ILO Office
Ms. Michiko Miyamoto, Deputy Director, ILO Office
Mr. Arum Ratnawati, National Chief Technical Adviser
Mr. Albert Y. Bonasahat, National Project Coordinator, ASEAN Triangle Project
Mr. Yohanis Pakereng, National Project Coordinator
Mr. Simon Field, Chief Technical Adviser, Better Work
Mr. Januar Rustandie, National Project Manager, SCORE

Ms. Dyah Retno P. Sudarto, Programme Officer
Mr. Tauvik Muhamad, Programme Officer
Mr. Soeharjono, National Programme Coordinator on Workers' Activities

DWT – New Delhi
Ms. Tine Stærmose, Director*
Ms. Panudda Boonpala, Deputy Director
Ms. Anjana Chellani, Programming Officer Team Leader
Mr. K.S. Ravichandran, Programming Officer Team Leader
Ms. Nettu Lamba, Programming Officer Team Leader
Mr. Anandon Menon, Progamme Assistant
Mr. Gotabaya Dasanayaka, Senior Specialist on Employers' Activities
Mr. Ariel B. Castro, Specialist on Workers' Activities
Mr. Markus Ruck, Senior Specialist on Social Security
Mr. Coen Kompier, Specialist on International Labour Standards
Mr. Amin Yousef Al-Wreidat, Specialist, Occupational Safety and Health
Mr. Mukesh C. Gupta, Senior Specialist on Employment Intensive Investments
Mr. Paul Comyn, Specialist on Vocational Training & Skills Development
Ms. Reiko Tsushima, Senior Gender Specialist
Ms. Sherin Khan, Senior Specialist (Child Labour)
Ms. Susamma Varghese, Programme Manager, ACTRAV Project, India
Ms. Neetu Lamba, Programme Officer Team Leader, CO New Delhi
Ms K. Selva Kumar, Senior Secretary, CO New Delhi
Mr. Thomas Kring, Chief Technical Adviser, Way Out of Informality Project
Ms. Sudipta Bhadra, National Project Manager, SCORE, India
Seeta Sharma, National Project Coordinator, Promoting DW Across Boarders, India
Ms. Bharti Birla, National Project Coordinator, Work in Freedom Project, India
Ms. Divya Verma, National Programme Manager, HIV/AIDS in the world of work
Ms. Suneetha Eluri, Project Coordinator, Gender Projects, CO Delhi India
Mr. Geoff Edmonds, Chief Technical Adviser, ILO-PMGSY Rural Road Project, New Delhi
Mr. Sameer Taware, Project Consultant

DWT – Pretoria
Mr. Vic Van Vurren, Director
Mr. Joni Musabayana, Deputy Director
Mr. Ashwani Aggarwal, Skills Development Specialist
Mr. Dominique Agossou, Labour Statistics
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