

**Internal Mid-Term Evaluation of the ILO's Programme
of Work in Support of Responsible Business Conduct in
Latin America and the Caribbean (RBCLAC) project**

**COUNTRY CASE STUDY
PERU**

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ACRONYMS

| | |
|------------|---|
| ACTEMP | ILO's Bureau for Employers Activities |
| ACTRAV | ILO's Bureau for Workers Activities |
| BHR | Business & Human Rights |
| CO | ILO Country Office |
| CONFIEP | Confederation of Employers' Organizations in Peru |
| CSO | Civil Society Organization |
| CSR | Corporate Social Responsibility |
| DWT | Decent Work Team |
| ENTERPRISE | ILO Department of Multinational Enterprises |
| EQ | Evaluation Question |
| ET | Evaluation Team |
| EU | European Union |
| EUD | European Union Delegation |
| EVAL | Evaluation Department of the ILO |
| FDI | Foreign Direct Investment |
| FGD | Focus Group Discussion |
| ILO | International Labour Organization |
| ILS | International Labour Standards |
| IOs | Implementing Organizations (ILO, OCHCR and OECD) |
| IR | Inception Report |
| JSC | Joint Steering Committee |
| KII | Key Informant Interview |
| LAC | Latin America and the Caribbean |
| MINJUSHR | Ministry of Justice and Human Rights |
| MNE | Multinational Enterprises |
| MTE | Mid-Term Evaluation |
| M&E | Monitoring and Evaluation |
| NAP | National Action Plan (on Business and Human Rights) |
| NCP | National Coordination Point (OECD) |
| NGOs | Non-governmental organizations |
| OECD | Organization for Economic Co-operation and Development |
| OHCHR | Office of the United Nations High Commissioner for Human Rights |
| OSH | Occupational Safety and Health |
| PARDEV | ILO's Partnering for Development Department |
| RBC | Responsible Business Conduct |
| RBC-LAC | Responsible Business Conduct in Latin America and the Caribbean Project |
| REO | ILO Regional Evaluation Office |
| RO | ILO Regional Office |
| SME | Small-to-medium sized Enterprise |
| TA | Technical Assistance |
| TL | Team Leader |
| TOR | Terms of Reference |
| ToT | Training of Trainers |
| UNGP | United Nations Guiding Principles on Business and Human Rights |
| UNWG | United Nations Working Group on Business and Human Rights |

1. INTRODUCTION TO THE EVALUATION AND COUNTRY CASE STUDY

In November 2020, the ILO's Governing Body (GB) approved EVAL's rolling work plan for 2021, which included an internal Mid Term Evaluation (MTE) of the ILO's Programme of Work in support of Responsible Business Conduct in the Americas and Caribbean.

The mid-term internal evaluation (MTE) of the "Responsible Business Conduct in Latin America and the Caribbean" (CERALC) project, funded by the European Union through its Partnership Instrument, and jointly implemented by the ILO, OECD and OHCHR, is undertaken in accordance with the project workplan and in line with the ILO Evaluation Policy (November 2005) and ILO policy guidelines for evaluation (2020, 4th edition) which provide for systematic evaluation of programmes and projects in order to improve quality, accountability, transparency of the ILO's work, strengthen the decision-making process and support constituents in promoting decent work.

The main purpose of this internal MTE is to provide an independent assessment of the progress to date of ILO component of the project, through an analysis of its relevance, effectiveness, efficiency, effects, and orientation. The evaluation will serve to inform the mid-term independent evaluation to be conducted, as per EU guidelines, of the overall project.

The specific objectives of the evaluation are the following: (i) Assess the level of achievement of objectives as set out in the project document; assess performance as per the foreseen targets and indicators of achievement at output level and indicative achievements of outcomes; strategies and implementation modalities chosen; partnership arrangements, constraints and opportunities. (ii) Determine to what extent the strategic approach of the programme reflects the ILO comparative advantage. (iii) Provide recommendations to improve performance and strategies, institutional arrangements and partnership arrangements, and any other areas within which the evaluation team wishes to make recommendations.

The MTE covers the time from the 1st of January 2019 to the 31st of December 2020, which is over halfway through the project implementation. As for its geographic scope: the MTE comprises the ILO component of the project and its linkages with the implementation of the project by the implementing partners at the regional level, as well as in the nine target countries (Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Panama, Peru, and Mexico).

The evaluation covers ongoing project activities and will assess all outputs produced since the beginning of the project and the level of achievement of the three immediate outcomes and will provide recommendations for improvements.

The current country case study (CCS) is one of two case studies¹ that have been undertaken in the framework of the MTE.

1.1. Scope and Objectives of the Country Case Study

This CCS was not mandated to carry out a comprehensive evaluation of the ILO interventions in Peru, nor of the entire RBCLAC project in the country. It is rather intended as a significant

¹ The two selected countries for case studies are Chile and Peru.

contribution (amidst the overall evidence collected by the evaluation team) as an **input to the (global) MTE of the ILO's Programme of Work in support of Responsible Business Conduct in the Americas and Caribbean. As per the Terms of Reference (TOR)**, the main purpose is to provide an internal assessment of **the progress to date of ILO's component of the project**, through an analysis of its relevance, effectiveness, efficiency, effects, and orientation.

The current CCS aims to utilise documentary evidence and findings generated from interviews and discussions with ILO staff (at HQ, RO, and CO), implementing partners and national stakeholders, to address the Evaluation Questions (EQs), with a focus on the period from January 2019 to 31 December 2020.

1.2. Limitations of the Country Case Study

The findings for the CCS are based on information collected from background documents as well as from key informant interviews (KIIs). The accuracy of the evaluation findings is founded on the integrity of information provided to the evaluators from these sources and the ability of the evaluator to triangulate this information.

The evaluation was conducted during the COVID-19 pandemic, which has affected the data collection. The evaluators were unable to travel to Peru, due to international flight limitations and national restrictions, resulting from the pandemic. The interviews were conducted by the evaluators under lockdown conditions, remotely, using virtual meeting platforms.

In general, remote interviews are not as productive as face-to-face meetings. The evaluators were also unable to have any informal meetings with informants, which is common during in-country visits. To some degree, these factors may have limited the quantity and quality of the information collected. Where possible, the evaluators mitigated these shortcomings with additional, focused interviews with some of the informants, and an exhaustive document analysis. Time constraints limited the duration of the whole evaluation process and (remote) fieldwork in Peru.

In addition, a limitation of this case study is the absence of inputs and feedback from the central workers' organisations and the Ministry of Labour. Despite an extended invitation to participate in the evaluation, no response was received from these stakeholders.

Despite these limitations, the evaluators consider that the KIIs that were conducted have provided a solid representation of the views of these key stakeholders and beneficiaries.

1.3. Country Case Study Methodology

The CCS set out to answer a list of specific questions organized according to the thematic criteria described above, agreed upon by the Evaluation Manager, the ILO-Project Staff, and the evaluators. The methodology for data collection and analysis was primarily qualitative in nature. The evaluators addressed the evaluation questions using multiple sources of evidence, combining primary qualitative data with secondary quantitative data. Qualitative data were obtained from remote key informant interviews (KIIs). Quantitative data were obtained from the performance reporting data presented by the ILO in the semi-annual Technical Progress Reports (TPRs) to the EU; as well as from other secondary sources. Data collection methods and stakeholder perspectives were triangulated to bolster the credibility and validity of the results.

2. CONTEXT

2.1. Responsible Business Conduct (RBC) in the Latin America and Caribbean region

The TOR for this evaluation refers to an increased interest in Governments and businesses in LAC countries for the promotion of Responsible Business Conduct (RBC). However, the implementation of international standards related to RBC remained a challenge.

TERMINOLOGY

The European Delegation Agreement, which provides the formal foundation document for the RBCLAC project, states that the term **“Responsible Business Conduct” (RBC) includes the concept of “business and human rights” (BHR) and aligns with the concept of corporate social responsibility (CSR) as defined in the EU CSR Strategy as: “Responsibility of enterprises for their impacts on society”.**²

The same document reflects that RBC practices in Latin America and Caribbean (LAC) countries were at different levels of progress. In some countries there were good advances, however, in others, RBC practices may be mainly associated with philanthropy. Nevertheless, practices were evolving towards a new approach aligned with RBC, both within companies and in relations to public sector operations and government policies.

The underlying assumption at the onset of the RBCLAC project was that further promoting RBC practices could contribute to overcoming conflicts between civil society, including communities, indigenous peoples, grassroots organizations, human rights defenders, and businesses in key sectors of Latin American communities in target countries.³ The RBCLAC project therefore is designed to support governments and businesses in their efforts to promote and uphold responsible business conduct in line with international standards.⁴

A 2018 *Report on the promotion and application of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy in the Americas*⁵ was elaborated by the ILO as an integral part of the ongoing regional promotion of the MNE Declaration. The report included an account of in-region follow-up under the MNE Declaration (2014-2017). Examples of such actions included capacity building for constituents, undertaking of studies on relevant topics, participation in regional events, and support to Governments for policy development. Both the ILO RO and several constituents had undertaken some relevant studies, such as the Bureau of Workers’ Activities study on export processing zones and decent work (2017), and two RO studies on investment and trade.

The report, based on inputs from constituents, identified several contextual aspects and trends relevant for RBC in the region: (a) Dependence on and a reduction in foreign direct investment (FDI); (b) MNEs were concentrated in the largest economies; (c) LAC enterprises were mostly found in low-value adding stages of the international supply chains; (d) Some gender equality Issues were identified in relation to FDI; (e) Identification of relevant policy priorities in LAC; (f) Importance of the “*multilatinas*”; (g) Recent shifts in the sectoral make-up of investment the region; (h) China’s growing investment influence.

² European Delegation agreement, Annex 1, Description of the Action p.1.

³ EUD Agreement, ANNEX 1, p.3.

⁴ [Responsible Business Conduct in Latin America and the Caribbean \(ilo.org\)](https://www.ilo.org/public/eng/mediacentre/pressreleases/20180901_rbc_lac.htm)

⁵ Based on findings in *The MNE Declaration and its promotion and application in the Americas. Regional Office for the Americas, ILO 2018.*

With regard to promotional and relevant other activities undertaken in this regard, the regional report quoted workers' organizations in Peru referring to challenges in the area of formal consultations (or lack thereof) and difficulties in undertaking tripartite social dialogue. *"In relation to the government, we must state that even though different socio-labour and governmental dialogue spaces exist where foreign policies are discussed, no discussions or formal consultations on MNEs are held."*⁶

In the same report, the Peruvian Government was quoted as having proposed "...actions to implement. to promote the content of the MNE Declaration, through the National Plan of Human Rights 2018–2021, as follows: ... 2. With the objective of promoting the MNE Declaration, the National Plan includes as a strategic guideline no. 5: "Implementation of international standards on business and human rights". (Ministry of Labour and Employment Promotion, Peru).

2.2. Country context⁷

2.2.1. Country Overview

Peru is an upper middle-income economy which, in the decade preceding the global COVID-19 pandemic, was considered to have made efforts to bring socioeconomic progress and well-being for its citizens. The country's economy's reliance on its natural resources (and related industries) to sustain growth and integration in global trade has proven to present a weakness, especially in times where the global interconnectedness is fragmented due to the global COVID-19 pandemic.

In 2018, the Peruvian economy was mostly based on services (59% of GDP), particularly tourism, financial services, and telecommunications, followed by industry (33 %), mainly from mining-related activities and textile manufacturing, and by agriculture representing 8% through exports of fruits and grains (UN, 2019).

According to the World Bank (2018) and the OECD (2017), Peru's fast economic growth in the past two decades had led to the emergence of a growing middle class. Between 2002 and 2013, annual GDP growth averaged 6.1% with low inflation. Moreover, the World Bank reported that between 2014 and 2017, a decrease in the price of copper had led to a growth slowdown, highlighting the country's economic reliance on natural resources and mining.

World Bank studies further reported in 2017 that, as a result of this economic boom, a large part of Peru's population who had been living in poverty, were able to be lifted out of it in this same period, thanks to the fact that the income of the bottom 40% of households grew by 6.8% on average – at a pace higher than for the top 60%. While reports indicated that Peru's economic growth had been mostly pro-poor and equitable, the poor continued to have fewer opportunities, were more exposed to risks, and the country demonstrates differences in regional and demographic development outcomes. Particularly more vulnerable to poverty are indigenous peoples in Peru. The informality in land tenure was also identified in these reports as a barrier to investment both in urban and rural areas.

⁶ Quote from the Autonomous Workers' Confederation of Peru, Peru, as referenced in "Multinational Enterprises, Development and Decent Work, Report on the promotion and application of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy in the Americas, ILO, prepared for the 19th Americas Regional Meetings, 2018.

⁷ Source: Responsible Business Conduct Country Fact Sheet, Peru. OECD Paris, 2019

Stakeholders who were interviewed referred to the challenges presented by the high levels of informality of the Peruvian economy. World Bank and OECD reports that were consulted indeed confirm that the extent of informality in Peru is among the highest in the LAC region. For example, the Peruvian National Institute for Statistics and Information INEI estimated in 2018 that 18% of the country's GDP and 70% of labour originates in the informal sector, when including agriculture. Since financial services are less accessible for informal workers and firms, there are consequences for their productivity, as well as their access to skills and higher-quality jobs.

In terms of Foreign Direct Investment (FDI), according to the 2019 OECD Fact Sheet, Peru is relatively open for FDI, which is facilitated by its legislative framework. Moreover, Peru has an open trade policy and conducts 92.2% of its trade through free trade agreements (UK Government, 2017). It has agreements in place with the United States (since 2006), Canada (since 2008), the European Union (since 2012) and China (since 2009).

Regionally, Peru is part of the Andean Community Customs Union since its origin in 1969 and of the Pacific Alliance (established in 2011). Peru had also signed the Trans-Pacific Partnership (2016) and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (2018), but has not ratified the latter as of October 2019.

As for national legal framework of the ILOs International Labour Standards (ILS), Peru has ratified 3 out of the 4 core Conventions, namely: C81 *Labour Inspection Convention* (1947), C122 *Employment Policy Convention* (1964) and C144 *Tripartite Consultation ILS Convention*, 1976, as well as 65 technical conventions, which included C169 *on Indigenous Peoples and Tribal Groups* which requires consultation with indigenous and tribal peoples and their engagement in free, prior and informed consent in matters that affect them, including the development of industrial project.

In terms of the political context, Peru has seen a tumultuous couple of years: plagued by allegations of corruption and with several successive political leaders, the country has recently held presidential elections, and at the moment of this MTE, the final candidate is yet to be elected in the second round. The election's outcome can lead to a quite different orientation of the Government, dependent on which candidate wins.

2.2.2. Responsible Business Conduct (RBC)

In terms of the importance of RBC practices in Peru, international investment and trade connections are creating an increasing expectation that RBC practices are respected by Peruvian companies and international companies that operate in the country, as these international partners are increasingly requiring the incorporation of the guarantee of respect for such principles in their direct investment and (free) trade agreements.

According to the OECD, Peru has taken important steps in recent years to encourage responsible business conduct (RBC) and to combat corruption. Peru adhered to the *OECD Declaration on International Investment and Multinational Enterprises* in 2008. Peru was also amongst the first countries in the region to engage with the OECD through an OECD Country Program, which was launched in December 2014, and which features RBC. It relates to five selected key areas: 1) economic growth, 2) public governance, 3) anti-corruption and transparency, 4) human capital and productivity, and 5) the environment. The Program

comprises policy reviews, implementation and capacity building projects, participation in OECD Committees and adherence to selected OECD legal instruments.⁸

Peru's National Contact Point for RBC

The Peruvian National Contact Point (NCP for RBC) was established in 2009 and is assigned to the *Private Investment Promotion Agency* (ProInversion), which is responsible for promoting observance of the *OECD Guidelines for Multinational Enterprises* in the country.

NCPs are agencies established by governments with twofold mandates: (i) to promote the OECD Guidelines for Multinational Enterprises and the related due diligence guidance; and (ii) to handle cases (referred to as "specific instances") as a non-judicial grievance mechanism. The OECD refers to Peru as "one of the most active partner countries"⁹, and key stakeholders who were interviewed underlined that the OECD has played a key role in the promotion of RBC in the country in the past years.

As of February 2021, the NCP in Peru is represented by two part-time staff members and does not have a stakeholder advisory board.

Development of a National Action Plan on Business and Human Rights (NAP)

Preparations for the development of a NAP on Business and Human Rights in Peru had started in 2018, prior to the start of the RBCLAC project. Its formal launch and the announcement by the President of the Republic of the elaboration of the National Action Plan on Business and Human Rights on the occasion of Peru's National holiday "28 de julio" in 2019, has given the process an enormous push.

The Ministry of Justice and Human Rights (MinJusHR), and, more specifically, through its Vice-Ministry on Human Rights and Access to Justice has been the main Government institution to lead the process of preparing and consulting on the NAP since then. The Project has thus been able to contribute to a national process that had already started.

Key stakeholders confirm that the 4-year national consultation process on the NAP for Business and Human Rights has been an exhaustive process: it included the establishment of an **Interinstitutional Committee** and 23 **thematic multi-stakeholder Working Groups**. 23 baseline studies were undertaken to inform the NAP, and the findings of these studies were discussed during roundtables with multi stakeholder participation. As confirmed through primary and secondary sources, multiple consultations were held with stakeholders at regional levels.

At the moment of the writing of this report, the NAP's drafting process is in its final stage, with the expectation that it will be adopted by the end of June 2021. More details can be found in the following sections.

⁸ 2017 OECD study, referenced in 2019 OECD Factsheet, p.10.

⁹ [Peru - Organisation for Economic Co-operation and Development \(oecd.org\)](https://www.oecd.org/peru/)

3. THE RBCLAC PROJECT

3.1. Introduction

The RBCLAC project is designed in close collaboration between the OECD, OHCHR and the ILO, which are the three implementing partners agencies (IOs). The project is funded by the EU. The project builds onto the respective mandates of the IOs, and their respective comparative advantages.

The overarching objective of the project is to contribute to the promotion of smart, sustainable, and inclusive growth by supporting responsible business practices in line with internationally agreed principles set out in the UN, ILO, and OECD instruments.

3.2. Project's components

Taking into consideration the peculiarities of each country where it is implemented and in coordination with national authorities, as well as local and international stakeholders, the Project has three components:

1. Support LAC governments in the development and/or implementation of National Action Plans (NAPs) on Business and Human Rights/RBC.

In the case of Peru, the Project was expected to facilitate and contribute to the process of drafting, approving, and implementing the NAP on Business and Human Rights.

2. Enhance the understanding and capacity of stakeholders (especially business) to implement due diligence to identify, prevent and address adverse impacts on human rights, decent work and the environment.

Activities under this component would initially include a focus on specific sectors, such as the minerals/extractives, agriculture, garment, manufacturing, and financial sectors.

3. Facilitate the sharing of experiences and lessons learned and develop joint initiatives that promote RBC practices.

Activities would include a number of regional consultations, support multi-stakeholder partnerships, and facilitate the sharing of good practices, in particular between the EU and LAC.

Activities under the Project include a mix of *regional* and *country-specific* activities in each of the nine countries: **Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Mexico, Panama, and Peru**¹⁰.

¹⁰ See: EU Action on Responsible Business conduct in Latin America and Caribbean for a narrative overview of ILO-activities that were foreseen at the onset of the project. (undated)

3.3. ILO's proposed interventions in Peru

The ILO's interventions in Peru fall under component 1 and 2, as follows:

Under Component 1

Peru: activities would be conducted to facilitate the inclusion of business and human rights issues in the NAP, and strengthen the capacity of governments, workers' and employers' organizations, to engage in its development.

Under Component 2

Under this component, the proposed activities were intended to increase the understanding of due diligence and strengthen capacity to undertake due diligence processes. A training course would be developed to encourage social dialogue to advance the discussion on business and human rights at sectoral level between multi-partite representatives, with a focus on labour intensive sectors such as the extractive, agriculture, and manufacturing sectors. A series of roundtable meetings on due diligence with key business representatives and other experts were also foreseen.

Under this component, the ILO has contributed by emerging capacity building opportunities for constituents and other counterparts. (See Effectiveness section).

4. COUNTRY CASE STUDY FINDINGS

4.1. Relevance & Strategic Fit

The current section analyses the relevance and appropriateness of the ILO RBC programming related to the needs of the constituents; national and international development frameworks (including to the SDGs). It also analyses the strategic fit of the RBC activities with on-going programmes, projects, or activities in the country. The section also studies the extent to which the project is relevant in the COVID-19 pandemic context, as well as in the context of recovery and/or restructuring processes.

4.1.1. Constituents' and stakeholders' (beneficiaries') needs

Through interviews the evaluators have verified that the ILO RBCLAC project in Peru addresses the needs of the beneficiaries.

In June 2018, prior to the start of the RBCLAC project, a national event was co-organized by the Ministry of Justice and Human Rights (MinJusHR), and the Office of Ombudsman, with the support of the Institute for Democracy and Human Rights of the Catholic Pontific University in Peru, and the OHCHR. The purpose of this event was to create a space for dialogue and exchange between different actors who would potentially participate in the elaboration process of the NAP, as well as to create inputs that would serve for the formal stage of the elaboration of the methodology, baseline, and assessment. 127 persons participated in this event, from sectors including civil society, indigenous organizations, workers organizations, academia, professional colleges, private enterprises, public enterprises, State, international organizations.¹¹

This event allowed for presentations and panel discussions, in which experiences with NAPs in **Europe, Chile** and **Colombia** were shared, and which informed participants. Roundtable discussions addressed 4 predefined questions, allowing participant to contribute to answer to questions related to 1) the methodologies; 2) the prioritization of problems that the NAP should address, 3) the invitation to stakeholders to ensure participation of representative stakeholders in the process and 4) to identify the best ways for different stakeholders to participate in the process.

Stakeholders considered this preparatory process important, as it has created a relevant framework and set the tone for the NAP consultation process, shaping it to the national context and the needs of the stakeholders.

The stakeholders who were interviewed for the MTE agreed that, in general, the RBCLAC project, including the ILO contribution to it, has been well-aligned with the needs of national constituents and other beneficiaries in Peru. The RBCLAC Project was able to participate in and contribute to this national consultation process, while using the flexibility of the Project to adjust support to constituents and stakeholders, and to tailor activities to the needs of the constituents. Examples are addressing informality in the framework of the development of the NAP, providing funding for specific baseline studies and providing support for the awareness raising/training practices on RBC for SMEs.

¹¹ Idem.

Representatives from the Government and the employers sector confirmed that the RBCLAC Project is both relevant and *necessary* for Peru. From interviews with national stakeholders, it emerged that after some initial reluctance and fear towards the idea of a NAP from the private sector, through their continued participation in the national consultation process, employers' organizations and companies have come to understand the need to engage in a national conversation about RBC. Nevertheless, employers continue to highlight to date that social responsibility remains a *responsibility of all*, not just employers, that informality remains the main concern for adherence to RBC principles and practices, and that, therefore, much more needs to be done to reduce informality in Peru.

Overall, the evaluation had very limited information regarding activities with workers, and workers' organizations in Peru were found to have been less involved in the RBCLAC Project. They did not participate in the interviews for this evaluation.¹² The evaluation team wishes to note here that, in the final stage of this evaluation, the evaluators received two recent reports¹³, which include references to the hiring of a consultant, with funds of the Project, to support the understanding of trade unions of the process, their participation in meetings and the follow up and revision of the base-line assessment documents, for the period September 2020-May 2021. However, an in-depth assessment and triangulation of information was unfortunately no longer possible at that stage of the evaluation.

The highly participatory nature of the NAP process in Peru has ensured that the dialogue process and the outcomes remain relevant for national stakeholders. The multiple contributions of the ILO to the NAP process (See effectiveness section), have ensured (and to some extent increased) the relevance of the national dialogue process for the ILO's constituents, in particular, for workers' and employers' organizations.

4.1.2. National and international frameworks

a. National development frameworks

Interviews with stakeholders, and reviewed documentation, confirm that the ILO support provided under the RBCLAC Project is indeed in line with both the Government's objectives as well as the National Development Frameworks.

- The National Plan on Human Rights (2018-2021)

Prior to the start of the RBCLAC project, Peru had already adopted its *National Plan on Human Rights 2018-2021* (NPHR), which includes a specific strategic guideline called "Implementation of International Standards on Business and Human Rights", with the objective to promote and implement international instruments and standards within the framework of the international obligations of the Peruvian State.¹⁴

To achieve this goal, the NPHR foresaw the development of a National Action Plan on Business and Human Rights (NAP), based on a diagnosis and a baseline assessment, which would contemplate -among others- a greater incorporation of international standards including specific instruments for business activity such as the *Sustainable Development Goals*

¹² An invitation was extended by the MTE for their participation in the evaluation, however no responses was received from the representatives of the central workers' unions.

¹³ Dated May 2nd, 2021.

¹⁴ OECD Factsheet Peru. 2019.

(SDGs), the *OECD Guidelines for Multinational Enterprises* and the *UN Guiding Principles on Business and Human Rights*.

- Interinstitutional Committee

In 2019, the Government of Peru established an Inter-Institutional Committee for the drafting and negotiation of the NAP on Business and Human Rights, including a wide range of representatives from 129 national institutions.¹⁵ Tripartite constituents have been included in the process since the beginning.

Table - Composition of the Interinstitutional Committee on the NAP

| Category of Participants/Stakeholders | Number of Institutions/Departments represented |
|---|--|
| Working Group of the Executive Branch | 39 (15 Ministries, Departments, Programs amongst others) |
| Employers' organisations/Companies | 22 (<i>f.i.</i> Confederation of Employers, Companies, Association of Industrial SMEs in Peru; Association of Small Enterprises in Peru; National Society of industries, National Mining Society National and Regional Chambers of Commerce amongst others) |
| Civil Society Actors | 33 CSOs |
| Indigenous Peoples | 8 Organizations/Groups |
| Workers' organizations | 4: namely CATP, CTP, CUT, CGTP |
| Universities | 3 |
| International organizations | 13 |
| International Cooperation Representations | 7 |

Own Elaboration, based on information available on the website of the Ministry of Justice and Human Rights

- Thematic multi stakeholder working groups and roundtables.

During the NAP consultation process, under the leadership of the MinJusHR, a total of 23 thematic, multi-stakeholders working groups were established. Interviewed stakeholders appreciate this participatory approach, as it has allowed for contributions from a wide range of interested parties, as well as their participation in the consultation processes, (including reviews of the baseline studies that were elaborated, as well as deliberations on the areas of action to be included in the Draft NAP – See Annex 3).

b. International development frameworks

The ILO RBCLAC project in Peru supports the relevant international frameworks, including the 2030 Sustainable Agenda and SDGs; the United Nations Development Assistance Framework (UNSDCF) in Peru; the ILO's Programme and Budget (2020-2021); and Peru's Decent Work Agenda.¹⁶

In addition, the UN Working Group on Business and Human Rights strongly encourages all States to develop, enact and update a national action plan on business and human rights as part of the State responsibility to disseminate and implement the UN Guiding Principles on Business and Human Rights¹⁷. The development of a NAP in Peru was thus seen by national stakeholders as a relevant strategic action to implement these UN Guiding Principles, and three goals were established for this purpose: 1) Elaboration in 2018 of a methodology to

¹⁵ See: *Integrantes de la Mesa Multi Actor Nacional*. www.gob.pe.

¹⁶ For 2018-2019 Peru's Decent work agenda is summarized as follows: [wcms_639726.pdf \(ilo.org\)](https://www.ilo.org/wcmsp5/groups/public/-/dgreports/otherpublications/wcms_639726.pdf).

¹⁷ <https://www.ohchr.org/en/issues/business/pages/nationalactionplans.aspx>

undertake a baseline, an assessment and NAP; 2) the elaboration of a baseline and an assessment in 2018 and 3) the elaboration of a NAP proposal in 2019.¹⁸

Within the framework of the 2030 Agenda, the ILO RBCLAC also supports objective 8.3: *Promote development-oriented policies that support productive activities, creating decent jobs, entrepreneurship, creativity, and innovation, and fostering the formalization and growth of micro, small and medium-sized enterprises, including through access to financial services.*

4.1.3. Strategic fit

a. Coherence and complementarities with other on-going ILO programmes and projects

In the regional RBCLAC Mid-Term evaluation Report the evaluators mentioned that, overall, little evidence has yet been found that coherence and complementarities with other on-going ILO programmes and projects are effectively and intentionally sought, or that such synergies have been created.

In the case of Peru, the evaluators have come to the same finding. As can be seen from the table included in Annex 3, the ILO had an extensive portfolio of International cooperation programmes in Peru in 2019-2020. However, based on consultation of primary and secondary resources, the ET has learned that, despite a high potential, the level of synergies that has been achieved within the ILO and the RBCLAC project to date remains low. Considering the large number of technical cooperation projects that is being implemented by the ILO, it can be assumed that such coordination would require considerable effort from Project and ILO staff to establish such synergies.

In addition, taking into account how much time the ILO RBCLAC Project Staff has dedicated so far to support the national NAP process, with low levels of available staff to attend to the overall RBCLAC project demands as well as the activities in Peru, the ET considers that, at this point, it would not be realistic nor feasible to expect the creation of additional synergies with other ILO programming. (See section 4.3.1 on Project staffing) Based on the feedback received from stakeholders, evaluators agree that, if additional dedicated staff were to be allocated to the project, potentially this might create more room for prioritised/increased coordination and complementarities between the RBCLAC and other on-going ILO programmes and projects in Peru.

In addition, as evidenced through primary and secondary sources, there are many challenges in Peru, with tripartism and social dialogue, which prevents the creation of synergies in these areas (See Section 4.4.1).

It is also important to note the ILO's centralised structure, which requires that activities with some of the national constituents require the prior approval of ACTRAV (ACTRAV HQ for activities with workers' organizations) and ACT/EMP (ACT/EMP Regional Office for activities with employers' organizations). While this might potentially increase synergies within the organization, a decision of ACTRAV regarding the prioritization of regional activities over national activities with workers' organizations, has prevented the ILO RBCLAC Project from engaging in additional actions with national workers' organizations, and as a result, no synergies can be expected to be created in this area at national levels.

¹⁸ Cristina Blanco, Claudia Lovon, *Rutas para la implementación del Plan Nacional de Acción en Empresas y Derechos Humanos en el Perú*, Memoria del Conversatorio, UN Ministry of Justice and Human Rights, Ombudsman Office, IDEHPUCP and PCUP, 2018.

It has not been possible (yet) for the evaluation to identify concrete synergies and complementarities between the ILO RBCLAC project and other ILO programmes, or areas of programming, in Peru.

b. Coherence and complementarities with other activities of the OECD and OHCHR

Overall, the primary and secondary data gathered by the evaluators reflect a high degree of coherence and complementarity between the activities implemented in Peru by the three IOs (ILO, OECD and OHCHR). It appears that there has been a logical distribution of tasks, based on each of the IOs respective mandate.

Interviews with IOs representatives indicate that the three agencies have a constant and fluid communication and coordination among themselves, especially at management levels. However, no systematic fora or processes have been established for these purposes at the national level.

Stakeholders in Peru expressed appreciation for the presentation of experiences by the IOs on the NAPs in Colombia and Chile¹⁹, which has been considered as an important input into the NAP elaboration process in Peru.

The ILO's contribution to the training of stakeholders to enhance their participation in the NAP process, as well as ILO support with and to the baseline studies, seminars and other trainings have been considered highly important by national stakeholders and representatives from the other IOs, who were interviewed for this evaluation.

The OECD's contribution to the project in Peru consisted in the elaboration of two important documents on RBC in Peru: 1) a Fact Sheet²⁰ and 2) the OECD Policy Review, which was launched in 2020²¹, and which was highlighted by some stakeholders as a key contribution. In addition, some national stakeholders applauded the OECD for its active engagement with the Government on RBC Policies. Some key stakeholders highlighted the importance of the OHCHR's engagement since the elaboration of the NAP on Human Rights in Peru.

Stakeholders agree therefore that, overall, the NAP consultation and dialogue process has benefitted from the support that was provided by the three IOs. In this regard, it is also important to note that the extent of what each IO can do is limited by their respective mandates: for instance, OHCHR has been specifically in charge of the training of indigenous populations and CSO, while the ILO is more focused on work with its constituents.

4.1.4. *Relevance in the COVID-19 pandemic context*

Both ILO staff, as well as external and national stakeholders have emphasised that the RBCLAC project has been relevant before and during the pandemic, and that it will remain relevant and important after.

¹⁹ Chile and Colombia already have NAPs on Business and Human Rights in place and are currently in the process of reviewing their NAPS and elaborate a second phase.

²⁰ OECD Responsible Business Conduct. Factsheet, 2019.

²¹ [OECD Responsible Business Conduct Policy Reviews: Peru - OECD](#)

As stated, the pandemic has had devastating effects in Peru, causing multiple crises (sanitary, economic, financial, social, and humanitarian).²²

Consulted stakeholders stated that since the consequences of the crisis have been so dire in Peru, this has contributed to generating a consensus about many issues that previously could not be discussed. For instance, stakeholders reported that employers have become more sensitized and aware, including regarding issues related to RBC, because the pandemic has affected everybody. The entire population is affected by the consequences of the systemic weaknesses (in the health sector, a lack of social protection, lack of access to services, problems in the production chain of Personal Protective Equipment, etc.).

Moreover, some national stakeholders confirmed that the increased use of virtual dialogue spaces since 2020, caused by the pandemic, has made it more evident where interventions/ changes are needed in the country. To quote a key stakeholder "The pandemic has helped to make many things more concrete". In this regard, the ET learned from interviewees that, in view of the COVID-19 pandemic, the NAP process in Peru has been adapted, to allow for the inclusion of relevant sections (for instance on Occupational Safety and Health, well-being and work).²³

However, even if the NAP is being adjusted to incorporate the effects of the pandemic, it was emphasised by multiple stakeholders that the NAP is a useful instrument to address to some extent some of the pandemic-related issues, however, the overall response to, and recovery from the pandemic, have been, and must continue to be, addressed by many different other national fora.

4.2. Validity of the project design

This section of the evaluation examines and analyses the coherence and validity of the project design and whether the ILO cross cutting policy drivers have been and are taken into consideration in the design. The section also explores whether the project design has maintained such relevance in the rapidly changing context emanating from the COVID-19 crisis.

4.2.1. Project's design logic and coherence

In general, the logic that underlies the Project is solid, and both the strategy and the intervention methodology address in a logic manner the needs that have been identified by the EU.

Nevertheless, stakeholders consulted by the evaluators confirm that the project design reflects a "Top-Down" approach: the EU has designed the project, and the three IOs implement it. The initial design was based on a process of assessments and external consultancy, however, as some representatives from national institutions underlined, there was no consultation on the design with the current national partners.

²² *The plight of Peru Illustrates the danger of COVID-19 to developing Countries*, World Economic Forum, 17 June 2020. [COVID-19 is devastating developing countries like Peru | World Economic Forum \(weforum.org\)](https://www.weforum.org/articles/2020/06/17/peru-illustrates-the-danger-of-covid-19-to-developing-countries/)

²³ MINSJUSDDHH: Plan de Acción nacional incluirá el nuevo contexto nacional originado por la emergencia sanitaria. 2 June 2020. [MINJUSDH: Plan de Empresas y Derechos Humanos incluirá el nuevo contexto nacional originado por la emergencia sanitaria | Gobierno del Perú \(www.gob.pe\)](https://www.gob.pe/gobierno/ministerio-justicia-y-derechos-humanos/plan-de-accion-nacional-inclira-el-nuevo-contexto-nacional-originado-por-la-emergencia-sanitaria)

For instance, the project's design does not reflect (explicitly) the activities at the national level in Peru, nor does it identify the participation of specific national or regional actors. In this regard, as previously mentioned in Section 3.3, the ILO has elaborated a planning of activities for Peru, however, this remains quite generic.

Further, as explained in the MTE report, the design was found to contain some flaws. The most relevant in the case of Peru is that the NAP development process was much longer, intense, and complex than had been foreseen.²⁴ In terms of complexity, for instance the consultation process has covered many thematic areas (See Annex 3).

Another dimension of this complexity is caused by some recurring challenges with the participation of employers' organizations in the NAP consultation process. Informants have reported that the ILO Project staff was required at multiple occasions to engage with employers to ensure their continued participation. This was at times triggered by discussions of topics that were considered highly controversial, during the consultation process. Some issues have led employers to question the speed of the process as well as the leadership of the process. Additionally, employers also reported on their concerns with an excessive focus on particular sectors, as well as an accusatory approach against the private sector from some other stakeholders.

"Quiet diplomacy" was therefore required from the ILO Project Team at multiple occasions, to ensure that such concerns were heard and/or addressed, and to encourage the constructive and continued participation of employers in the NAP process, including responding to their requests for more attention to the general lack of RBC approaches, specifically in the informal sector.

Multiple delays occurred in the national consultation process as a result, as well as due to reasons, such as multiple changes in leadership in the MinJusHR.

In addition, as mentioned, multi-stakeholder working groups were established, to allow for engagement of stakeholders in areas/ topics considered of relevance for the NAP. This facilitated discussions, review processes of reports and baseline studies, and further engagement in discussion on the potential areas/lines of action.

The staff time that was required to follow up, as well as the number and frequency of such meetings and the expected level participation from the ILO Project in the multiple processes within the national process in Peru, was thus not sufficiently anticipated in the design. In this regard, this sentiment was shared by some external stakeholders, who emphasized that the NAP consultation process had become very cumbersome, implying an enormous workload for all involved.

Regarding the internal logic, overall, the LogFrame is presented in an adequate manner and it has been adjusted over time, to better reflect the changing realities and contexts. However, the evaluators found some weakness in the setting of some indicators and targets in the projects LogFrame (please refer to the Mid-Term Evaluation Report)

In terms of the ILO contributions in support of the NAP process, the ET has found that there is sufficient evidence of a sound context analysis. As mentioned, the national process included consultations, including with stakeholders in different regions. In addition, as mentioned the

²⁴ The adoption of the plan was originally anticipated for 2019.

OECD was mandated to develop a Country Fact Sheet and a policy review. These were undertaken in the framework of the Project and finished in 2019. The policy review was published in 2020. The 23 baseline studies also are part of the context analysis, and these were undertaken in the context of the NAP process. (See Effectiveness Section).

Also described in the Effectiveness section, the ILO RBCLAC project has engaged in a range of technical assistance and activities in Peru, providing relevant technical support to constituents and other stakeholders. This included funding for 3 baseline studies on themes that are relevant to the ILO mandate and have benefited the constituents.

In terms of addressing the causes of non-compliance with RBC, the evaluation found the following possible causes: Peru has a high degree of ratifications of ILO conventions, and the country has many labour laws and regulations in place, however, stakeholders mentioned that there is a gap in the level of their implementation. Increasing awareness and capacity building in areas relevant for RBC as the project is intending, is thus considered to be an appropriate approach to address this.

On the other hand, employers' organizations have argued that a major factor for lack of compliance with RBC and human rights practices by companies in Peru can be found in the high levels of informality of the national economy, and they have insisted on the inclusion of this topic in the NAP consultations. Although this was also not specifically foreseen in the project design, informality has now been included as a thematic issue in the NAP elaboration process, and the ILO contributed to a study and discussion on this issue as well. (See Effectiveness section)

In view of the rapidly changing and evolving context in Peru, stakeholders consider that the project's design and generic formulation allows for a level of flexibility that is considered appropriate and an advantage for the implementation of the Project.

4.2.2. Integration of ILO cross-cutting policy drivers in the project's design

- International Labour Standards.

The ILO mandate is largely based on ILS. Based on the reviewed documentation and information collected from interviews, the evaluation has found that there is an adequate integration of the continuum of ILS in the ILO RBCLAC project, for instance through the development of guidance on the relevance of the ILS for the labour dimension of RBC; inputs to the NAP process that reflect the relevance of ILS; the holding of technical trainings on relevant issues; seminars, webinars; and the multiple (in-person and virtual) presentations on the relevant international norms and regulations, that have taken place.

- Gender equality and non-discrimination.

Gender equality and non-discrimination have also been addressed in the context of the NAP elaboration process, as well as in the context of some of the ILO activities. Specifically, the ILO funded a baseline study on gender equality in the framework of the NAP process. The annual reports reflect sex-disaggregated numbers of participants. With regard to non-discrimination, in 2019, the ILO organized a roundtable on the issue of business and people with disabilities. Also, a baseline study on LGBTI rights was finalised, and in addition there is a thematic focus on the participation rights of indigenous peoples in the context of the NAP process. (See Effectiveness Section).

- Tripartism and Social dialogue.

As mentioned, consulted stakeholders and the document review have confirmed that the topic of social dialogue is complicated in Peru. Therefore, using social dialogue in the context of the elaboration of a NAP is challenging. The entity in charge of the NAP is the MinJusHR, whereas the entity leading the social dialogue efforts in Peru is the Ministry of Labour. Considering the expressed view by some stakeholders that labour issues cannot be resolved through a NAP on Business and Human Rights and would need to be addressed through a broader social dialogue, this is an issue that cannot not be easily resolved. Nevertheless, national stakeholders have recognized that the NAP on Business and Human Rights has provided an important space for dialogue, while recognizing that it will not be possible to address/ resolve many of the challenges related to the labour dimension of RBC without a proper social dialogue.

The evaluators found that tripartism has not been explicitly integrated in the overall RBCLAC project design, nor in the activities that have been conducted in Peru, despite it being a foundational element of the ILO. Nevertheless, the ET has identified several efforts to promote tripartite or bipartite participation: the Project has promoted tripartite participation in the NAP processes, for example by endorsing the participation of its constituents in the NAP review process or encouraging their joint participation in webinars (for instance on the consequences of COVID-19 in Peru and on the National Framework on Business and Human Rights). (Please see the Effectiveness Section).

Considering the challenges with tripartism and social dialogue in Peru, the reported polarization and lack of trust by some CSOs and workers unions in the government's agenda on human rights, the evaluation has found that the ILO must make this more of a priority with regard to the RBCLAC project: a clear strategy that aims to engage the ILOs tripartite constituents in Peru in joint action under the project appears to be yet absent. The ET recognizes in this regard that it has transpired from the interviews that at times, it has proven difficult for the other IOs and the EU to fully grasp the nature of tripartism, and to recognize and understand its complexity.

- A just transition to environmental sustainability.

This component is virtually absent from the ILO contribution to the project. However, environmental protection has been addressed to some extent through activities by the OHCHR.

In the case of Peru, based on the primary and secondary sources, the Et was informed of an observed sensitivity around the issue of businesses and environmental protection. Stakeholders reported that this was a point of contention in the consultations about the NAP, especially regarding the role of the extractive sector. As reported in the TPR for 2019, employers' organisations had also rejected the regional environmental treaty (Agreement of Escazu), based on the argument that national legislation had already made progress in this area. There is no evidence on any project activity on this issue, or on the transition to environmental sustainability, or on green jobs.

4.3. Effectiveness of management arrangements

This section aims to provide an overview of the project management structures and arrangements that are in place, both in the ILO as well as with other implementing agencies and stakeholders, and the challenges that may have been encountered in the management and governance of the RBCLAC Project in the region and in the country. Specifically, it will assess how the project management has responded and to what extent and what ways it has adjusted to the specific challenges from the COVID 19 developments for management and governance.

4.3.1. ILO RBCLAC Project Staff

Interviewed stakeholders consider that the ILO component of the RBCLAC project in Peru has been managed and implemented in an affective and satisfactory manner.

Multiple interviews with ILO stakeholders have credited the staff deployed for the ILO RBCLAC Project for the success of the project in Peru. At the same time, they recognize that the project is currently understaffed.²⁵

In general, considering the wide geographic coverage of the RBCLAC Project, the large number of actors and the complexity of their actions (at regional and national level); as well as the large number of stakeholders involved in the project, it is evident from interviews that the limited number of technical (4) and supporting staff (2) who are currently assigned to the overall regional project is insufficient. Also, there had been some delays in the initial contracting of staff, which had caused some delays in the initial stages of implementation.

The RBCLAC project in Peru is currently managed by the Project CTA, who is also responsible for overseeing the overall implementation in nine countries, and in charge of the activities implemented in Colombia, and Ecuador.²⁶ This means that the CTA's attention must be divided between multiple countries, and therefore, the project in Peru has not had a full-time ILO project staff member.

Despite the staffing challenges, national informants expressed appreciation for the high level of professionalism, the effective support, the multiple coordination efforts with stakeholders, and the valuable technical contributions and support received from the ILO RBCLAC Project Coordinator in Peru.

4.3.2. Management and Governance arrangements

Effectiveness of management arrangements

According to consulted stakeholders, there is a constant and fluid communication and coordination between the three IOs and the national counterparts, however, there are no formalized interagency governance mechanisms (definition of joint work-plans, coordination of follow up, etc.) involving the three IOs and the national partners in the respective countries.

²⁵ In comparison, the ET was informed by several stakeholders about a similar ILO/OECD Project that is being implemented in Asia, with higher levels of staffing: two persons (one technical staff, one support staff) in every country as well as a CTA in Bangkok.

²⁶ The RBCLAC project has one CTA, who is also in charge of three countries in the Andean region (Colombia, Ecuador and Peru) as well as two "national Coordinators", who are in practice in charge of multiple countries.

As repeatedly stated by stakeholders, the RBCLAC project is ambitious, and despite the high appreciation of the received support from the ILO Project staff, consulted stakeholders in Peru consider that the scarce project staff allocated to the project is insufficient.

Specifically, considering the previously described complex nature of the NAP dialogue processes, which have implied many consultations and meetings with constituents and other stakeholders. As stated, the project staff's skills and capacity to engage in "quiet diplomacy" has been complimented by stakeholders and according to some, this ability has been key in bringing some partners back to the conversation.

Stakeholders agree overall that the project in Peru is currently under resourced, as compared with the needs for its implementation and the objectives it wants to achieve in Peru. Key stakeholders confirm in this regard that, in an ideal world, a Project of this character would require at least a staff person at the level of a P4 in each country.

The ILO Project in Peru was found to have effectively collaborated with the other IOs, as well as with its constituents (Employers organization CONFIEP and in some instances with the Global Compact Peru); and where possible with central workers' organizations, as well as with the key national stakeholder who is leading NAP processes (MinJUSHR). The evaluators note that there appears to have been less engagement of the Project with the Ministry of Labour.

Effectiveness of governance arrangements.

Overall, interviewed stakeholders consider that management and governance arrangements of the RBCLAC Project in Peru are effective. According to interviewees, the three IOs have acted according to their respective mandates, in their respective fields of expertise, while presenting themselves in a coordinated manner during events, speaking with one voice.

The IOs are considered by stakeholders to have the expertise that is required, and their respective products and contributions are considered of a high quality. One stakeholder highlighted the importance of the OECD in Peru, while the OHCHR was described as "less visible" in Peru. Concerning coordination with the ILO Project, consulted stakeholders reported on a good level of coordination, and they expressed appreciation for the ongoing dialogue with the ILO Project team, the high level of expertise of its staff and the high quality of technical assistance provided, while some highlighted the high level of flexibility.

However, as was stated previously, there are no formal interagency governance arrangements in place to support the interagency coordination for the project at the national level.

4.3.3. ILO support to the Project

The ILO participated in the launch of the process to develop the NAP on Business and Human Rights in Peru (February 2019), led by the MinJusHR, and has provided technical comments on the first draft proposed by the Government.²⁷ The high-level launch was considered an important factor in its visibility by key stakeholders.

The ILO RBCLAC Project staff in Peru consider that since the beginning, the Project has received an adequate level of support when requested, especially from the experts from the

²⁷ Inception report of the RBCLAC Project.

ILO Regional Office, as well as from the Regional Director of the ILO. For example, in 2019, ILO specialists reviewed the draft for the baseline on topics like child labour, rights of indigenous populations and people with disabilities, and experts prepared a document listing the ILO Conventions, Recommendations and studies.²⁸

In addition, the Project confirmed that adequate support was received from the Regional Director of the ILO as well as from the backstopping Department in Geneva (MULTI). The ET was informed during the MTE that recently, the ILO's Governing Body has approved a wider dissemination of the MNE Declaration.

Some external stakeholders however expressed that there had been a perceived lack of sufficient institutional support from the ILO to the Project, including from HQ and from the highest levels of the organization.

4.3.4. Monitoring, Evaluation and Learning arrangements

In the absence of a country workplan, no evidence was provided to the evaluation of any specifically developed M&E system to track the ILO RBCLAC activities in Peru.

With regard to the follow up on activities for the RBCLAC Fund (some of which are implemented in Peru), consulted external stakeholders were not aware of such activities being implemented. The ET was informed that one person had been recruited by the Project to provide follow up to the activities undertaken through the RBCLAC Fund, however, no final reports on this follow up were yet available for this MTE.

In terms of a communication strategy, the RBCLAC project reported that it follows the guidelines provided by the donor (EU). In addition, for the first three initiatives that were selected to receive funding through the RBCLAC Fund, the project developed an outline with guidance as to what is expected in terms of results, outputs, and communication activities. The results could not yet be assessed by the MTE, as activities were ongoing.

Regarding the timing of this MTE, it was found that the timing is good, as there was an identified need to take stock, in view of the enormous demands on the staff over the past year, and the limited time left. Key stakeholders felt a strong need to prioritize for the remaining time, to maximize the potential of the project in Peru a realistic and feasible manner, and within the existing resources.

4.3.5. The Project's response to the pandemic

In Peru, multiple political crisis, social and economic crises, and a devastating pandemic have at times created a somewhat volatile implementation context for the RBCLAC project. Most of these events or their consequences were unpredictable. Despite these contextual challenges, key stakeholders are positive about the ILO's activities and contributions.

In 2020, in-person meetings, planned as a part of the NAP consultation in 2020, were affected, as the planned roundtables were postponed for an initial period of 6-months. However, during the second part of the year, meetings could be resumed virtually.

²⁸ As mentioned in the first TPR.

The ILO RBCLAC Project also was able to transfer its planned activities to virtual platforms, which has had the added benefit of being able to reach more people in the regions during the second year of the project implementation. To illustrate this, stakeholders referred to the large number of participants in the V Regional Forum, on Business and Human Rights, while other national events were also increasingly held online with, overall, larger numbers of participants (See the Effectiveness section for examples).

However, national stakeholders are aware that this increased virtuality has had some consequences. For instance, ILO Project Staff reported on an increasing demand for participate in events, and an increase in the demands for support, which may require a prioritization. As one stakeholder remarked: *"It is impossible to do everything at once"*.

Another national stakeholder referred to an observed downside of the increased virtuality for the NAP process, stating that connections had become less personal, and overall, the consultation processes had become less participatory than in-person meetings. Some indicated that, due to a lack of internet in certain regions, there is a risk of not reaching such areas, although, most stakeholders have agreed that many NGOs in Peru, and elsewhere, have succeeded in accessing virtual connections, including from very remote regions, including people who might otherwise have been excluded.

4.4. Effectiveness of the RBCLAC Project (Results).

This section aims to provide a global overview of the main results achieved and challenges encountered in the implementation of the RBCLAC Project in the country and whether there were any unexpected results. Furthermore, the section analyses the effectiveness of the project strategy as well as the effectiveness of the project's response in the context of COVID 19 pandemic.

4.4.1. Main Results achieved

In this section, the ET examined the main results achieved, as described in the documentation prepared by the RBCLAC project, and based on the qualitative information collected through interviews.

Summary of main achievements of the overall RBCLAC Project in Peru:

- *The Government of Peru is in the final stage of its Draft NAP on Business and Human Rights, which is expected to be approved in June 2021.*
- *The ILO RBCLAC Project has contributed to the NAP consultation process in Peru in multiple ways.*
- *The ILO and RBCLAC support to the NAP process and to employers' initiatives, has contributed to a paradigm shift regarding RBC.*
- *The RBCLAC Project, through the participation of the ILO, has contributed to a significant increase in awareness and knowledge about the labour dimension of RBC amongst a wide range of stakeholders in Peru.*

- *Support to the online awareness raising campaign for SMEs and creating awareness about the consequence of informality for RBC in this sector was found to have been important for increased awareness in that sector.*
- **Contribution to the development processes related to the NAP.**

After a consultation and elaboration process of 4 years, the Government of Peru has an (almost final) Draft NAP on Business and Human Rights, which is expected to be approved in June 2021. Stakeholders agree that this process has not been linear and straightforward, but that it has been a rather complex process. The ILO RBCLAC Project has influenced and supported the national consultation and elaboration process in multiple ways.

The NAP consultation process, led by the MinJusHR, has evolved into a participatory process of dialogue with wide-ranging multi-stakeholder participation. One key stakeholder confirmed that in total 98 actors²⁹ have actively participated in the national dialogue process, an achievement that has required an enormous coordination effort from the lead agency.

The ILO has provided support to the lead agency of the NAP process, MinJusHR, for instance, by facilitating the engagement of the MinJusHR with trainings for trade unions and employers' associations. In 2019, the ILO held meetings with constituents and key national stakeholders on the elaboration on the NAP, including several informal meetings with MinJusHR and CONFIEP to facilitate the participation of employers in the NAP process. A webinar was organized in July 2020 by the three IOs, together with the MinJusHR, on the national framework of human rights and companies and this event attracted more than 500 participants.

In addition, the ILO has contributed to the NAP consultation process through the funding of three baseline studies: namely on informality, women's rights and collective bargaining. In addition, ILO experts have reviewed the baseline studies topics relevant to the ILOs mandate such as: child labour, rights of indigenous populations and persons with disability. ILO experts also prepared a complete document with all conventions and recommendations to be taken into consideration in the NAP.

ILO provided support to roundtable discussions and events held in relation to the NAP process. For instance, in December 2019, it organized a Forum on the National Action Plan on Business and Human rights "*What can be learned from the European experience?*". This forum, with led to an increased awareness amongst stakeholders about international experience with the incorporation of NAPs as a public management tool for the incorporation of international standards into national policies. In the same year, multiple roundtable discussions were organized by the RBCLAC project on a range of topics: For instance, the ILO provided support to the national roundtable about enterprises and disability and on topics such as gender, child labour, agriculture, safety, and health at work). Such roundtables would gather in general over 100 participants.

Similarly, in 2020, IOs jointly organized multiple roundtables for participants in the NAP process, which were usually attended by over 100 participants, and during which the Government presented baselines studies on different topics (e.g. gender equality, freedom of association, collective negotiation, integrity, and fight against corruption, as well as on private

²⁹ Different stakeholders have used different numbers, this number stems from the lead agency, the Ministry of Justice and Human Rights.

security companies). These roundtables provided opportunities for feedback on, and reviews of the baseline studies, as well as deliberations and consultations, which has ensured the accuracy and relevance of such studies.

Online and other events related to the NAP process on issues relevant in the context of the NAP (2020)

In 2020, in terms of joint activities under the RBCLAC project, and related to the NAP, the three IOs increasingly resorted to organizing online events, in view of the pandemic. The organization of such joint events was considered by many interviewed stakeholders to have been an important aspect of the project in Peru, both in terms of the contribution to the NAP process, as well as in strengthening the knowledge and capacity of stakeholders on these respective issues. Many of these virtual events were attended by over a hundred participants.

Events were co organized with the central employers' organization: For instance, in July 2020, a joint webinar was organized by the ILO, together with the Global Compact and Employers' organization CONFIEP entitled: *Key messages from the international instruments related to RBC: Challenges and opportunities for its implementation in Peru*, which gathered 171 representatives from companies, academia and the Government.

As mentioned, employers' organizations repeatedly raised concerns about the issue of informality, and following this, an online dialogue was organized in August 2020 by the three IOs on the topic of *informality and the context for the NAP about companies and human rights in Peru*. This event, organized in was attended by 381 participants from different sectors. On the same topic, the government organized another roundtable event in October 2020, to discuss the issue of informality, and in this event, 30 representatives from different sectors participated.

Events related to the NAP and COVID-19

In view of the emerging effects of the pandemic, in October 2020, the three IOs organized a special webinar: *"The response to COVID 19 in the NAP on Businesses and Human rights"*. This event attracted 266 participants, including people from organizations that support indigenous populations and people of African descent.

Overall, the participation of the project and the organization of such events has required a tremendous time investment from the RBCLAC Project staff, with extra support to be added in order to ensure a minimal ILO RBCLAC representation in the most important meetings. This work was intensified, due to the subsequent changes in the Government that have occurred in the past years, which has often required that the Project staff bring new staff in relevant departments be up to speed on the project's objectives and progress. On several occasions, key contacts have been replaced, and key stakeholders have confirmed to the evaluators that there has been a sense of "running against the clock" in view of upcoming elections in June 2021.

Support to ILO constituents to ensure their participation in the NAP process.

Primary and secondary sources confirmed to the evaluators that the participation of the ILO in the multi stakeholder NAP process has been important to ensure the continued participation of employers and workers. The RBCLAC project has also provided technical assistance (TA) in this process to ensure policy coherence and has coordinated with other agencies working on the RBC agenda.

The ILO has facilitated support to, and dialogue with national constituents: With support of the ILO, multiple tripartite meetings were held in the context of the elaboration of the NAP. ILO's support also included an in-depth discussion on the baseline study of informality with employers' organizations, which was considered a critical point in the NAP development in Peru. Multiple technical meetings were held to facilitate a dialogue between employers and workers' organization about issues related to labour.

Stakeholders confirmed that, in order to ensure continued engagement of constituents, it has been important for the ILO, as well as for other stakeholders in the process, to listen to and address the concerns of other stakeholders, increasing the capacity and knowledge of constituents and others on the labour dimension of RBC, and, especially in the case of employers, encouraging them to in the consultation process.

In this regard, during the NAP process, stakeholders reported on the following issues raised by among employers during the consultation process: while there was concern about the fast speed of the NAP development process in 2019, (as the adoption of the NAP was initially foreseen for 2019), employers also raised concern about the focus on specific sectors (in particular, the extractive sectors). Interviewees reported how these aspects have caused considerable differences of opinion amongst some participants in the dialogue, which had to be carefully addressed by the NAP process leadership, as well as by the ILO Project staff.

However, it has been possible to include in the NAP process the issues of the informal sector, which has facilitated the continued engagement of employers in the NAP process.

Key national stakeholders have highlighted the importance of the inclusion of ILO constituents and other stakeholders in the NAP process, and they consider that the large number of stakeholders (at national and regional levels) have ensured an ample national ownership of the process. In addition, the knowledge sharing which has resulted from the dialogue and consultation processes, including with regard to specific thematic areas, has been considered fundamental.

According to the documentation provided to the evaluation, trade unions have also requested and received support from the RBCLAC project, specifically with the review of documentation, as well as for their participation in the multi-stakeholder roundtables. However, the effectiveness of this support could not be verified by the evaluators.

MNE Declaration and ILS have been included in the Draft NAP.

The ILO has provided multiple technical inputs for inclusion in the consultation on the NAP, and is currently providing inputs for the final draft. The insertion of the *ILO's Tripartite MNE Declaration* in the draft NAP is considered by key stakeholders one of the main results of the ILO contribution, assuring that this would not have been possible without the Project. In this regard, ILO experts have also prepared a document on the relevant ILS. As mentioned, the ILO funded three baseline studies and experts reviewed three baseline studies.

The evaluation finds that *the NAP consultation process has been enriched through the contribution of ILO knowledge and expertise.*

National stakeholders have emphasized that the importance of the dialogue on business and human rights lies in the process itself. As several stakeholders underlined, the dialogue and consultation process itself has been important, in view of participation of so many national

stakeholders, including many of the larger companies. One key stakeholder has highlighted in the importance of the evolution of the dialogue/process: from starting out as an initiative that would identify Government actions, the process has been enriched thanks to the realization that other actors, in addition to the Government have a responsibility, including the private sector.

Stakeholders also confirmed that the ILO contribution to the process has resulted in increased knowledge about RBC in multiple stakeholders.

- ***Support for activities of employers' organizations and building their capacity, related to NAP process and on the labour dimension of RBC.***

The participation of the central employers' organization CONFIEP in the RBCLAC Project has ranged from participation in many of the events that were organized under the project, as well their participation in the dialogue about the NAP with the MinJusHR since early on in the process. CONFIEP has also actively participated in several multi-actor working groups in the context of the NAP.

The ILO has provided support to CONFIEP throughout the project's implementation, in particular through support for activities of the employers' organizations. For instance, in 2020, in collaboration with ACT/EMP, the ILO Project supported a communication campaign led by CONFIEP, about Enterprises and Human Rights addressed to SMEs around the country. This campaign, which was launched in March 2021 has reached a high number of SMEs operating throughout Peru, including remote areas.³⁰

In addition, the ILO collaborated with CONFIEP throughout the NAP consultation process. As an ILO constituent, confirmed the ILO's continued collaboration with the ACT/EMP Department.³¹

As reported in the TPD, and confirmed in interviews, the ILO Project has engaged in multiple events with and for the Peruvian employers' organizations, as well as, with the regional chambers of commerce, to strengthen their knowledge and increase their engagement in particular areas that are relevant for RBC.

Several national stakeholders specifically agree that, especially in view of the at times contrasting and even opposing views among some stakeholders, it has been important to learn to listen to each of the other parties to gain a better understanding of these viewpoints. A more recent collaboration between the ILO and employers' organizations CONFIEP was the co-organization of a seminar about businesses and human rights, together with the Network of Regional Chamber of Commerce from Cajamarca. In this event, organized in November 2020, 22 people participated, including senior managers, technical staff appointed by the regional chambers of commerce and SME associations.

CONFIEP also reported to have continued in 2020 with the promotion of the agenda of companies and human rights in SMEs and confirmed the confederation's participation in the two national roundtables. The ET was also informed in interviews of the interest of the

³⁰ The name of the campaign is YoRespeto. www.yorespeto.pe

³¹ As an ILO constituent, the central employers' organization elaborates a 2-year workplan with ACTEMP, which is now elaborated in the UN cooperation framework.

confederation to expand the establishment of human rights committees in the regions, including in remote areas in the country (jungle, north Peru).

Paradigm shift

Thanks to ILO's contribution to the continued participation of employers in the NAP process, stakeholders have confirmed that there is now an increasing understanding about RBC in the private sector in Peru, with the increasing recognition among employers and companies that they can benefit from their participation in the conversation, and from being associated with RBC practices.

One key stakeholder stated in this regard, that the NAP process, and the ILO support to employers' organizations, has contributed to "a paradigm shift": from seeing RBC and human rights as a philanthropic issue, (or an issue that could not be discussed at all), to accepting that for an employer/company, being identified with RBC practices can be a comparative advantage. Some key stakeholders have described this as a key result of the overall RBCLAC project, acknowledging that the RBCLAC project has facilitated a jump forward, even if there is still a long way to go.

- ***ILO support for worker's organizations and building their capacity in areas related to the NAP and tin relevant areas, including the labour dimension of RBC.***

Concerning ILO support to the central workers' organizations in Peru under the RBCLAC project, key stakeholders confirmed to evaluators that the participation of national workers organizations in activities at the national level has been somewhat limited. This was attributed by ILO stakeholders in part to a decision by ACTRAV in Geneva, to limit the activities for trade unions under the project to activities at a regional level only. This has generated some difficult situations, as the Project could not engage directly with national organizations as a result.

Nevertheless, in 2020, the ILO was able to organize a training series on the UNGPs and worker's rights: "*Managing the link between the UN Guiding Principles on Business and Human Rights and the rights of workers*" for the representatives of Peruvian unions. As reported in the TPR for 2020, the objective of the workshops was to build the capacities of workers' organizations to engage in the NAP process. In total, 41 workers' representatives participated in the event, including 18 women and 23 men. In this regard, by training union leaders in different regions, ILO widens the participation of workers in the RBC arena, beyond the NAP discussions.

- ***(Co)-Organization of technical meetings, facilitating dialogue with other stakeholders.***

As mentioned, the ILO has co-organized multiple events in Peru with the other IOs or participated in events organized by other IOs, constituents or stakeholders, including roundtables, seminars and webinars. In addition, the ILO organized (or co-organized) multiple technical meetings in 2019 and 2020 to facilitate the dialogue with and between constituents.

For example, in July 2020, the Project's IOs, together with CONFIEP and the Global Compact's Local Network, organized the online business seminar on "*Key Messages from International Instruments on Responsible Business Conduct: Challenges and Opportunities for their Implementation in Peru*". The event with the participation of 171 representatives from businesses, academia, and Government, focused on the role of businesses promoting and defending human rights.

The ET has found that, in the case of Peru, in terms of collaboration with external stakeholders, the project has also encouraged the ILO to collaborate and successfully engage with other stakeholders, beyond its tripartite constituents, such as the MinJusHR (See above) and the Global Compact.

In the case of the Global Compact of Peru, the Project has seen an important opportunity for collaboration. In Peru, CONFIEP, an ILO constituent, is the host of the Secretariat of the Global Compact. The Network includes 88 companies, creating an opportunity for the ILO to potentially reach these companies. This is an exceptional advantage, as usually, the ILO works with Employers Organizations, and not directly with companies. The Global Compact also was involved in the national awareness campaign #YoRespecto.

However, the ET was informed by ILO stakeholders that such collaboration may not be feasible in other countries, since the different national Global Compact structures across countries, may generate some resistance regarding ILO's potential direct engagement in direct action with companies.

Some key stakeholders have opined that the Global Compact must continue to be a strategic ally for the ILO, especially considering that the ten principles of the global compact are already incorporated in the MNE Declaration. They recommend that collaboration with the Global Compact may need to be better understood within the ILO, in particular when considering that this is a global initiative that is undertaken in the context of the UN.

Attention to the issue of informality and RBC in Peru during the NAP process

As mentioned, Peru has a very large informal economy, and this large-scale informality is a concern that was raised multiple times by employers' organizations in the context of the NAP process, alleging that most of the non-compliance with RBC and human rights lies within that sector.

Some key stakeholders confirmed to the ET that indeed "formality is the exception in Peru", and that a large majority of companies of all sizes (estimated by some stakeholders between 75% of the total economy and by others at 99% of SMEs) does not adhere to labour standards. Even if such standards are in place, stakeholders report that it is the enforcement and implementation of such regulations that is lacking in Peru. As mentioned, it has been considered very important to address this issue in the context of the NAP: for this reason, the ILO Project has funded a baseline study on this issue as part of the baseline assessments that will be used for informing the NAP, and as requested by Employers Organizations. In addition, a thematic working group on informality was created in the framework of the NAP dialogue.

In addition, the IOs, in August 2020, organized an online dialogue on "The Informal Sector in Peru: Context for the NAP on Business and Human Rights", which was attended by the different sectors that are represented at the NAP multistakeholder roundtable. The implications of informality in relation to the NAP development was discussed and employers' organizations affirmed again that most human rights abuses occur in informal business activities, pointing to the relevance of introducing a discussion of business and human rights practices in the informal sector into the national conversation. This event drew a lot of attention and was widely attended: 381 representatives from different sectors, which included academia, the business sector, unions, civil society, and government.

On this same topic, in October the Government organized a *Roundtable on Economic Informality* was held, also in the framework of the NAP conversations, which gathered 30 representatives from different interested sectors.

4.4.2. Main opportunities and challenges faced by the project.

Based on documentary evidence, and interviews key stakeholders, the ET has identified the following opportunities and challenges which have influenced the implementation of the ILO RBCLAC project in Peru.

Positive factors

One reason behind the selection of Peru as a case study for the MTE, was that despite the many challenges, the NAP drafting process has continued, and is continuing in 2021, with the adoption of the Plan anticipated for June 2021.

The consultation process has provided a lot of good lessons, and several key factors have been identified by stakeholders in interviews that have facilitated the process:

- The continued high-level Government commitment and political will was highlighted by some as an important factor for the success of the NAP process. The process started with a high-level public announcement (former MinJusHR) in 2019, confirming it as a national priority. Since then, the MinJusHR has benefitted from TA from multiple international entities, including the OCHCR, as well as UNRC and the OECD, European embassies and the ILO. The Minister has suggested involving additional Ministries in order to ensure the continuation and implementation of the plan beyond its anticipated adoption in June 2021.
- The NAP process has benefitted from a solid and committed technical team (in the national lead agency): The MinJusHR, has been supported by a highly professional team with diverse expertise, technical knowledge, sense of humor and willingness to work hard. In this regard, the continued presence of a technical advisor to the Minister, who is familiar with the issue has been considered important to ensure continuation despite the many changes in the position of Minister.
- Support to the process from three IOs, through their respective expertise, through the RBCLAC Project adds visibility: several stakeholders highlighted that the fact that the RBCLAC Project is promoted by three international agencies adds a lot of weight and visibility to the process as well as to the NAP.
- The generation of a dialogue at both the national and regional levels, was highlighted as a distinguishing factor for the consultation and development process related to the NAP in Peru, is the which has ensured a wide participation of stakeholders and has kept stakeholders informed and engaged throughout the process.
- An evidence-based approach: specifically, the elaboration of multiple assessments and baseline studies is identified by stakeholders as key for the success of the process. By 2021, 23 studies have been undertaken, some of them funded through the ILO RBCLAC project, others received funding from other interested institutions (Embassies, other funders). The quality of these studies was assured by involving four academic institutions

in the research. The studies have informed the definition of different action lines, and key stakeholders have underscored their importance, even if their elaboration has been time-consuming and the multiple review processes have led to some delays in the entire process.

- Highly participatory processes. As mentioned, a national multi stakeholder Committee was established as well as multiple multistakeholder working groups, and thematic roundtables and regional consultations were held on a regular basis, which has resulted in a highly participatory process.
- The concerns of employers have been heard, and as a result, employers have assumed an active role in the promotion of the RBC agenda in Peru. Listening to employers' concerns, needs, fears and visions, and continuing a dialogue with them, has proven to be essential. Even if there have been times, when employers demanded for a different Ministry to lead the NAP process, it has been key to get the sector's leadership on board with the NAP, while respecting existing good practices, and giving a voice to the employers' sector. The recognition of their concerns and inclusion of employers' organizations throughout the consultation process has been key.
- The Ministry of Labour and Employment is currently reported to be leading an ongoing legal reform to address human rights impacts by manufacturing, large-scale agricultural activities, and new laws regarding contracts for agricultural workers may also present an opportunity. This also has reported as making for an enabling environment. This aspect could not be assessed in detail by the evaluation.
- Capitalizing on an emerging interest from key actors in RBC. During the consultation process a growing number of actors has demonstrated an increasing interest in issues related to RBC (which included unions, CSOs, as well as affected community members and in particular indigenous peoples).
- Transparency in the NAP process: Key stakeholders have emphasised the importance of providing transparency from early on, as to the objective of a NAP, (what exactly it is trying to achieve). This has reduced the fear that employers may lose their influence through a NAP, and has generated an understanding in the private sector that they are part of the dialogue.

Challenges:

Based on the documentary review and interviews with stakeholders, several external factors could be identified that have to some extent adversely affected the implementation of the ILO component of the project in Peru. The evaluators have separated these in contextual challenges (beyond the control of the Project), challenges related to the NAP process and challenges related to the ILO/ILO constituents.

Contextual challenges:

- 1) In terms of challenges in the political context, between 2017 and 2020, the country has faced multiple crises and situations of instability (corruption linked to political campaigns, frequent changes in ministries, dissolution of Congress in 2019, elections for Congress in January 2020).

- 2) Absence of a social dialogue. As mentioned by stakeholders, in Peru there is an absence of social dialogue, and, as confirmed by interviewees, in general, there is a lack of spaces for dialogue, which has prevented the project of engaging stakeholders on aspects of RBC through tripartite dialogue mechanisms.
- 3) High level of informality in the Peruvian economy. Stakeholders from different sectors agreed that the high level of informality in the Peruvian economy is a serious challenge for progress with RBC.
- 4) Insecurity regarding the election outcome. The NAP adoption is currently anticipated for June 30th, 2021. However, around that time, new election outcomes are expected to change the political landscape once again, with uncertain outcomes for the NAP adoption/implementation process, risking postponement or even cancellation.
- 5) The COVID-19 pandemic hit Peru in February 2020, and to date the crisis continues to have particularly devastating consequences for the country. A lack of social security, a large informal sector, and large numbers of workers without any unemployment insurance or other forms of social protection, have made the pandemic particularly deadly, providing a difficult context for the implementation of the Project.

The NAP process:

- 6) Perceptions about the institutional leadership on the NAP process: although generally well appreciated for its sustained efforts by most, some stakeholders in the NAP process have expressed concerns about the perception of the leadership of the MinJusHR, as it some consider that it may lack the political weight to lead this enormous effort moving forward.
- 7) Complexity and delays in the NAP consultation and drafting process: While initially the MinJusHR aimed at the adoption of a National Action Plan before the end of 2019, as time passed, the adoption had to be postponed, to allow for multiple reviews of documents, studies, and baselines, and to include consultations with many stakeholders. Currently, the anticipated date for the adoption of the Plan is set for June 2021. As previously mentioned, the NAP consultation and development process has been complex, and has been described by some as “cumbersome”.
- 8) The elaboration of the NAP has taken up to four years. While it is considered that the process has been thorough, some also consider that the length of the process poses a risk. Some stakeholders are of the opinion that the process has been too complex: the establishment of working groups, with multiple revisions of the baselines studies has resulted in multiple delays in the finalization dates. This has implied a very intensive process for most stakeholders requiring a considerable time commitment.

Related to the ILO constituents

- 9) Lack of action with the national workers organizations: Due to an internal decision of ACTRAV in HQ, to only undertake activities at a regional scale, it has been difficult for the ILO Project to ensure continued engagement with local workers organizations in the project, and to respond to their needs.
- 10) Recurring reluctance from the employers’ sector towards certain aspects related to RBC and to the overall NAP process: Despite the fact that the central employers’ organization

(CONFIEP) has participated in the multi-stakeholder discussion roundtable since the beginning, as explained, the organization has repeatedly expressed concerns about the process, and to date, some employers still maintain that the conversation related to the NAP has been too focused on specific sectors, in particular, on the extractive industry. Another aspect has been the employers' continued reluctance against the potential inclusion of specific actors in the ILO activities in Peru. For instance, while there has been good collaboration of the Project with the regional Chambers of Commerce, it has not been possible to collaborate with the Chamber of Commerce in Lima, which according to some stakeholders, may be a missed opportunity.

- 11) Unclear role of the Ministry of Labour: While this may be linked to the limitations of this MTE, the evaluation has been unable to clearly identify the role of the Ministry of Labour in the Project.

4.4.3. Effectiveness of the project's strategy

The evaluators have found that project's strategy of supporting the national dialogue on the NAP, including and supporting constituents in the process, and creating and strengthening capacities of constituents in relevant areas is a valid strategy. In the case of Peru, it has proven to be a successful approach. However, there are observations among some stakeholders that the overall NAP process has been too long and complex. In addition, some stakeholders as well as key project staff agree that the adoption of a NAP must not be seen as "the end of a process" but rather "it is only the beginning". In the words of one stakeholder: "the real work will start with the NAP's implementation".

Stakeholders who were interviewed have unanimously underscored the importance of the participation of the ILO Project staff in the process of the elaboration of the NAP on Business and Human Rights. Stakeholders reported that for Peru, the consultation process on a NAP on business and human rights has indeed facilitated the unification of national efforts and complementarities in one process.

Stakeholders from different sectors also agreed, that, although the ILO actions under the Project have put a lot of emphasis on the need for regulation and legislation in relevant areas, it is not necessarily through regulation and laws that such issues will be resolved, even if the NAP on Business and Human Rights incorporates the elaboration of such laws and regulations in different areas as an important part of its implementation.

One stakeholder recommended the following to increase the effectiveness of the project's strategy for the remaining time: 1) Providing more tailored support to each of the national constituents/stakeholders, and 2) Designating sufficient project staff to provide the required assistance and accompaniment.

There is agreement amongst stakeholders, that, except for the provision of more support and encouraging a more active involvement of national trade unions in activities, the ILO RBCLAC project has achieved what is within its power, especially in view of the many different external challenges that have occurred, many which are beyond the control of the project.

Effectiveness of the project's crisis response

Stakeholders consider that, overall, the Project's response to the crisis in Peru has been appropriate. After some initial delays in activities that were foreseen in 2020, the Project has increasingly resorted to the organisation of online events, which has, as described in the

Effectiveness section, resulted in higher numbers of participants.

Also mentioned previously, the RBCLAC project has organised activities that specifically focussed on the consequences of the COVID-19 crisis, such as a special webinar on October 2020, which was organized by the three IOs, in response to the COVID-19 pandemic, which was attended by 266 participants, including people from organizations that support indigenous populations and people of African descent.

As also underlined in the regional report for the evaluation, the character and structure of the RBCLAC project prevents it from becoming an emergency response program, and therefore there are limitations as to what can be achieved through this project in terms of mitigating the multiple consequences of the crisis.

4.5 Efficiency

The efficiency section explores how efficiently the ILO has allocated and managed human and financial resources for implementing activities under the RBCLAC project; the extent to which the ILO has been able to take a leadership role in generating partnerships around RBC, and in leveraging national government and partner resources. It also examines the extent to which the project has leveraged new resources or has repurposed existing financial resources to mitigate COVID-19 effects.

The document review reveals that overall, the project implementation has been efficient, especially considering the relatively low staffing levels, and the relatively high demands from constituents and stakeholders. In addition, the surplus that resulted from a reduction in expenses for organising events due to increased virtuality have been redirected to increase the project's effectiveness and impact.

4.5.1 Allocation of resources

The following table is a summary of the execution of the ILO RBCLAC Project budget in Peru to date, as provided by the ILO RBCLAC Project Team. The amounts are in EUROS³². No country budgets had been prepared by the Project.

Considering that the total budget is to be distributed over multiple countries (8 to 6 dependent on the line of activity), the ILO RBCLAC project has allocated the budget according to the need and foreseen activities, in consultation with constituents.

As discussed on the Effectiveness section, there has been a significant level of support provided by the Project in Peru, in relation to the NAP elaboration process, including targeted funding of specific baseline studies, and in addition the project has contributed to relevant activities to create capacity in constituents and stakeholders. In view of their relevance and importance for the overall project, these allocations seem justified, although the ET considers that such expenses are on the lower end, when comparing it to the actual time and effort that was invested overall in the processes and activities in Peru and taking into account the general agreement amongst stakeholders that the project in Peru is currently understaffed.

³² They were executed in dollars.

Table 2: RBCLAC Project Expenses in Peru per activity line (2019-2020)

| PERÚ | | | |
|---------------------|---|---|------------------------|
| | 7. Raise awareness and share knowledge on the labour dimension of RBC, with a focus on challenges, opportunities and sharing of good practices at the national level | National (Chile, Argentina, Brazil, Peru, Colombia, Costa Rica, Panama and Mexico) | |
| Activity 7 | 7.1. Conduct a series of tripartite roundtables/seminars with governments, employers' and workers' organizations to share knowledge on the labour dimension of RBC, tailored to national specific opportunities and challenges, with a view to foster effective engagement of governments, employers' and workers' organizations in the NAP process (design, adoption and implementation) | 51,300.00 | - |
| | 9. Facilitate knowledge sharing and peer-to-peer learning among employers' organizations on business and human rights (labour issues) | National (6 countries) | |
| | | 112,860.00 | 11,580.10 (10%) |
| Activity 9. | 9.1. National trainings and knowledge sharing events for employers' organizations to foster knowledge sharing and peer learning on the labour dimension of RBC and facilitate their effective participation in the adoption and implementation of NAPs | 102,600.00 | 11,580.10 |
| | 9.2. As an input to the organization of trainings and knowledge sharing events for employers' organizations, a guide on relevant frameworks and instruments to promote RBC (labour dimension) will be produced | 10,260.00 | 0.00 |
| | 10. Facilitate knowledge sharing and peer-to-peer learning among workers' organizations on business and human rights (labour issues) | National (6 countries) | |
| | | 112,860.00 | 11,244.12 (10%) |
| Activity 10. | 10.1. National trainings and knowledge sharing events for workers' organizations to foster knowledge sharing and peer learning on the labour dimension of RBC and facilitate their effective participation in the adoption and implementation of NAPs | 102,600.00 | 11,244.12 |
| | 10.2. As an input to the organization of trainings and knowledge sharing events for workers' organizations, a guide on relevant frameworks and instruments to promote RBC (labour dimension) will be produced | 10,260.00 | 0.00 |
| | 11. Support the drafting and adoption of NAPS (labour dimension) | National (6 countries) | |
| | | 333,450.00 | 44,397.06 (13%) |
| Activity 11 | 11.1. Contribute to the design and implementation of a NAP, in line with the Santiago Declaration (2013), by providing technical support to the government on labour and employment issues | 153,900.00 | 27,143.50 |
| | 11.2. Facilitate the engagement of employers' and workers' organizations in the process of drafting a NAP, including through technical advice and fostering knowledge sharing | 179,550.00 | 17,253.55 |
| | TOTAL | 277.020 | 67,221.27 (24%) |

ILO staff reported that, due to the pandemic, and the increased organization of online events, a reduced cost of events led to a surplus in funds in 2020. In response to the increasing demands for support, the Project used these surplus funds to digitalize some products and was able to request an extension of the contract of one project staff member (Communications Officer) until March 2022. This staff member had been responsible for the joint communication aspect of the RBCLAC project but had also provided project support the project including in representing the organization in meetings in the Andean Countries.

4.5.2 Connectedness and Coordination

Synergies between the IOs have reduced the administrative costs of the overall project: the organization of joint events and/or participation in each other's events have reduced the potential costs that would have occurred if separate agencies would have had to organize their respective activity separately. Mutual learning was reported to have occurred among stakeholders of the respective IOs, including among the respective leadership, managers, and staff of the IOs and the EU. In addition, constituents, counterparts, Government staff, academia, and the range of partners, who have participated in these events, have had increased access to learning opportunities and materials presented by the three IOs, especially through the virtual events and access to a larger number of free online tools.

As reported by stakeholders, in some regions in the country, some synergies have been created through the RBCLAC project, about themes related to RBC. National stakeholders reported in this regard that, In Peru, there is a stark difference between the national, regional, and local governance levels. One key stakeholder stated that at the local levels, the focus is more on concrete solutions, and that discussions of the NAP that were held in some of the regions has proven to be a useful for the alignment of actors in the regions (IOs, workers' organizations and indigenous populations).

Finally, several stakeholders also confirmed that, thanks to the regional character of the RBCLAC Project, the national consultation process in Peru has benefitted from the experience with the NAPs processes in Chile and Colombia.

Coordination between agencies:

As stated in the general report, multiple stakeholders have reported on a constructive and positive coordination and coordination between the IOS. However, the evaluation has observed that at national levels such interagency coordination is not formalized in a formal joint interagency workplan.

Internal and external stakeholders are however of the opinion that, in general, there has been a good coordination and constructive communication between the IOs. In this regard, it was noted by some stakeholders that working with natural allies is leading to a logical distribution of tasks, for instance, OHCHR has been involved in training of indigenous peoples and NGOs, whereas the ILO has been more focused on working with its constituents.

The general perception is that the agencies have been able to speak with one voice. Another important and positive detail that was reported by some national stakeholders is the feedback that has been received from the respective agencies on the national process as well as the different products that have been created during the process.

Connection and coherence within the ILO:

The ET has not been presented with evidence about concrete synergies at the national level between the ILO Country office, Regional Office and the DW Team in support for the RBCLAC project. Peru has no Decent Work Country Programme, but instead has a two-year programme that identifies activities for the ILO. It is therefore not completely evident from the documentation that was reviewed how the ILO Project fits within the national ILO programming.

In addition, as mentioned there are challenges with tripartism and social dialogue in Peru (or the absence thereof). Stakeholders commented in this regard, that in general, social dialogue would extend beyond the dialogue about a NAP on Business and Human Rights, whereas the national dialogue on the NAP is therefore limited to business and human rights, and therefore, in their view, what the project can only aim to achieve is to ensure the inclusion of tripartite constituents in the consultation about the National Plans, but other aspects must be addressed through other mechanisms.

Connectedness and Coordination with others (synergies)

Several interviewees underlined that Peru does not have a strong tradition of dialogue, which can be attributed to the fact that traditionally there is a considerable level of mistrust between different stakeholders. In the context of the dialogue of the NAP this has implied an intensive effort had to be made by the Project, to ensure that a dialogue between the different parties on relevant issues could continue.

Some reported in this regard that at times, in the context of the consultation on the NAP, the views of some stakeholders were diametrically opposed to others, and that only with time it has been possible to rebuild bridges and soften extreme views on different sides, to allow for more listening to the other parties. In particular, the conversation on human rights in Peru can at time generate profound sensitivities and differences, especially between actors of civil society and employers' organizations.

In terms of coordination and connectedness between agencies, it is important to note that the extent of what each IO can do is naturally limited by their respective mandate.

One issue that is somewhat linked to connectedness and coordination between agencies was brought forward by one national stakeholder was the expectations that had been created by the RBCLAC Project agencies at the launch of the Project: it was felt the expectations that were set may have been set too high, and that the Project had lacked transparency in terms of the available funds for activities for stakeholders in each country. According to this view, agencies should have been more open about the fact that funds were limited and not proportional to the project's objectives. In this regard, it was felt that the project could also have been more transparent about the level availability of funds for concrete projects of the constituents, including with regard to the funding made available through the RBCLAC Fund. It was felt in this regard, that there had been insufficient financial support available for projects for the employers' sector.

4.6 Impact Orientation and Sustainability

The impact section relates to the strategic orientation applied in influencing wider and long-term development changes. The sustainability section assesses the likelihood that ILO's support to RBCLAC interventions and/or whether the achievements will be continued or even scaled up and replicated by national partners.

4.6.1 Impact Orientation

Although it may be too early to assess impact, as this evaluation is undertaken at a little over halfway through the implementation, the ET has identified the following emerging impacts, based on interviews with stakeholders and document review.

As mentioned by key stakeholders, the inclusion of the MNE Declaration in the NAP was

considered a major achievement of the RBCLAC project in Peru, which would not have been possible without the Project's participation in the dialogue. Stakeholders are unanimous in the positive impact of the process of the multi-stakeholder dialogue which has taken place in Peru, both at the national level as well as at regional levels. The process has been considered of a fundamental importance and an important step forward for the country. Another potential impact is the pending adoption of the NAP, which is anticipated for June 2021.

Stakeholders highlighted the importance of maintaining a good dialogue on the NAP, as well as on the continued participation of employers in the process. To quote a key stakeholder: *"Once employers understand that the NAP can be a business card, they will engage"*. In general, stakeholders confirmed that there had been a lot of fear in the private sector of losing their influence, and it has been important to eliminate and overcome that fear through their engagement. CONFIEP has now reactivated its Human Rights Committee, and through a communication campaign, it has actively promoted the business and Human Rights agenda among SMEs in provinces. Another important actor in the business sector has been the *National Mining Association*, which has actively promoted RBC amongst its members, with a potential of significant impact.

With regard to the awareness raising campaign for SMEs that is being implemented by CONFIEP and Global Compact in Peru, stakeholders are of the opinion that this has had, and continues to have, a wide impact, as many SME have participated in the process. Bringing together the RBCLAC, the ILO and ACT/EMP, Global Compact and the Organization of SMEs, which has been an important joint effort to generate increased visibility for human rights and RBC-related efforts.

The evaluation considers that the RBCLAC Project to which the ILO Project has contributed, has thus succeeded in bringing together the individual efforts of many institutions, and thanks to the flexibility of the project, especially when faced with the pandemic that has forced activities to be held online, the objective of the project was found to have been achieved to a great extent in terms of creating more awareness and knowledge about relevant topics amongst stakeholders.

4.6.2 Sustainability prospects

Although no final Draft of the NAP is yet available to the evaluators, stakeholders have confirmed that the draft NAP foresees many actions in many different areas.

One indicator for this is the large number of baseline studies that has been prepared (23 in total), which have served as input for action areas for the NAP. As mentioned by some stakeholders. The ET was informed that the MinJusHR intends to publish all the studies that have been undertaken, which may be an added value for other stakeholders in Peru, as well for other countries that are in the process of elaboration of a NAP.

In this regard, the ET wishes to underline the remarks made by some stakeholders that the different action areas under the NAP will most likely require regulation and standard setting as well as further technical capacity building of different stakeholders. In addition, developing and adopting the required relevant legislation and regulations may yet take a long time, before being eventually ready for implementation.

Also, since some stakeholders have emphasized the fact that legislation alone is not going to resolve the many RBC issues, which will make it important, in order to ensure sustainability that different entities allocate budgets for continued support of relevant actions, and that

investments are made through the funding of such relevant actions, to ensure their effective implementation.

Finally, some stakeholders have remarked that it will be impossible for the Government of Peru and stakeholders to address everything at once, and, since the current draft NAP is so ambitious, it may be necessary to prioritize some action lines over others.

At this point, it is unclear what may happen in and following the upcoming elections. The current technical team in the MinJusHR has been reported to have made an effort to ensure sustainability of the results achieved so far, by preparing for a handover in case there will be a new team to take over, however, some external follow up and support from the RBCLAC Project may be needed to ensure that there will be no delays if there is indeed a handover.

5. LESSONS LEARNED AND GOOD PRACTICES

The evaluation will identify some lessons learned and good practices which were driven by some of the challenges faced as well as the positive results obtained. In this section we list the most relevant of these, so they can be taken into consideration in current and/or future interventions.

5.1. Lessons Learned

About the NAP process in general

1. Engaging in, consulting about, and contributing to the development of a NAP on Business and Human Rights and engaging and following up the with constituents and other stakeholders, requires a lot of effort from the IOs. These processes are long and complicated and require a lot of time and attention from the Project staff.
2. There are not many spaces for national dialogue in Peru, yet the NAP dialogue process related to the elaboration of the NAP has managed to create such a space. The continued support/ follow-up by IOs, through a joint and continued dialogue will be important, as well as ensuring coherence amongst the different spaces in which the thematic dialogues are held and will be implemented once the NAP is approved. There is, overall, still much room of improvement for a better dialogue in Peru.
3. The continued engagement and clear leadership of the Government agency that was in charge (in this case the MinJusHR) has been indispensable for a continuation of the national consultation process. In this regard the MINJUSHR has benefitted from the continued engagement of the technical team of the Vice-Ministry of Human Rights, which has been in charge of the process, which has averted the potential risk of suspension of the process in the past. This has been important, especially considering that for some previous Ministers this NAP may not have been a priority. However, the MinJusHR technical team has managed to continue to lead the way.
4. Multi-stakeholder participation has been a priority from the beginning in the process. Those with an interest in the process have been allowed to participate, resulting in more than a hundred engaged and participating actors, which has been considered an important factor for the level of national ownership of the process.
5. Going forward: Prioritization in the implementation of the lines of action may be needed as it may be impossible "to do everything at once". While stakeholders consider that being thorough and ambitious is important, it has also implied the investment of a lot of time and effort from the different stakeholders. In this regard, the need for a speedy adoption of a policy or plan must be weighed against the priorities. It may not be possible to do everything at the first go.

About the ILO RBCLAC support

6. There is an identified need for continued Project support to the NAP adoption and implementation process. The participation of representatives with opposite visions in the NAP processes has made it at times difficult to agree on all aspects. In this regard, some interviewees mentioned a somewhat conservative attitude amongst some actors in the employers' sector, while others referred to an assertive attitude amongst representatives of civil society. It is therefore important that the continued NAP processes are not

dominated by one or more stronger actors, and that all voices, including those from all ILO constituents, will continue to be heard. There is a risk that the NAP may eventually not be fully accepted by all. Hence, there is an important role for the ILO RBCLAC Project, ensuring the continued commitment of its stakeholders, while monitoring the adoption and implementation of the NAP, and ensuring follow up with its constituents and partners, when appropriate.

7. *There is an identified interest in the employers' sector for representing the progress with RBC approaches among Multi-National Enterprises:* Some stakeholders reported that in the case of many of the large multinational companies, especially those with mother companies abroad, much progress has already been made in certain areas of RBC, and these examples could be highlighted more. In this regard, the creation of connections between such companies and SMEs could also be promoted.
8. *Increased attention to quality of "best RBC practices" practices of employers.* Some stakeholders from the employers' sector expressed the need for highlighting what already is being done by employers of all sizes, including SMEs, as a lot of companies already are starting to apply such practices. However, when referring to the dissemination of such "good/best practices" of companies, some stakeholders have underlined the importance of ensuring that the dissemination of such practices is authentic and evidence-based, avoiding any impression of misrepresentation, being self-serving or false advertisement.

5.2. Good Practices

1. *Creating channels of constructive dialogue and communication between different stakeholders and the Government* has proven to be valuable to create trust among stakeholders even if they may start out with opposing views.
2. *Exercising quiet diplomacy in the context of the NAP dialogue has been crucial to keep constituents engaged in the process at challenging moments.* Such quiet diplomacy efforts may imply one or more of the following: Engaging in bilateral or multi-lateral conversations to address concerns about specific aspects of the consultation process, that may be points of contention; reducing (potential) tension between constituents and other stakeholders; bringing tripartite stakeholders into the dialogue; and, in case of challenges in the actual dialogue exercising encouraging constituents/stakeholders to not abandon the process, but instead return to the dialogue, and assume an active role in an area of their interest, thus ensuring their continued participation.
3. *Creating a multi-stakeholder Committee, multistakeholder thematic working groups and discussion platforms.* In the case of Peru, it has been found particularly important to engage in a dialogue amongst multiple stakeholders, and to discuss the different thematic action lines with them.
4. *Listening to and addressing concerns from constituents.* In the case of Peru, the concerns raised by employers about the risks linked to the high levels of informality and to the generalized lack of RBC practices in the informal sectors, especially amongst SMEs, have been acknowledged in the NAP process. The undertaking of a baseline study on this topic, followed by a dialogue amongst many stakeholders, has contributed to more evidence and knowledge in this regard. The baseline study is also used for the definition of action lines in the context of the NAP. The response and subsequent uptake on this issue has been crucial for the continued engagement of employers in the NAP process.

5. Bringing the consultation to stakeholders at regional levels. In the case of Peru, as stated by stakeholders, there is an important difference between the “national” and “regional levels”. As a largely decentralized nation, concerns at regional and local levels can be very different. It has been important to bring the dialogue about the NAP to the regions, where specific concerns could be identified and addressed, while feeding such inputs from the regions back into the NAP.

6. RECOMMENDATIONS

1. ***Further strengthen and expand interagency collaboration between the IOs, in a more formalised and systematic manner.***

Addressed to: The European Union, IOs

Priority: High

This is particularly relevant for Peru, in view of the risk, yet again, of a changing political landscape following the elections. Interagency efforts must focus on not losing the momentum that has been created, through the national consultation process, through engagement in aligned, joint efforts to support the approval process of the NAP on Business and Human Rights, as well as a plan for continued interagency collaboration and engagement with national stakeholders, against the changing context (in view of the potential of radically different political context that may follow the elections).

2. ***Prioritization of activities with constituents that are likely to generate the largest impact.***

Addressed to: ILO, European Union, IOs.

Priority: High

In view of the limitations of national programming with national workers' organizations, it is important to focus on activities that will continue to ensure their engagement in activities related to the promotion of RBC principles and practices, for instance in bipartite or tripartite national activities or processes.

3. ***Allocation to funds for dissemination of good practices of employers***

Addressed to: the European Union and the IOs

Priority: High

During the remaining time, it is important to ensure the continued engagement of employers. Employers in Peru have highlighted the fact that they already have developed experiences and practices that would be beneficial for others to learn from. The continuation and expansion of the awareness raising campaign for SMEs, for instance, appears to provide an easy and relatively quick opportunity to reach more SMEs across the country. Employers also already expressed a desire to actively engage through the dissemination of best practices. While funds may be more readily available for actors of civil society and NGOs, making funding available for such initiatives may provide an incentive for employers' organizations to continue to engage in impactful activities. In this regard, as good examples already exist in specific sectors, especially in companies with international connections, this could be a priority in a second phase of the project.

4. ***Continue with awareness raising efforts together with employers' organizations about human rights and labour related aspects of RBC for SMEs.***

Addressed to: the ILO, European Union, the IOs

Priority: High

Stakeholders reported on good results from such campaigns, amongst SMEs. In addition, they have recommended connecting SMEs with formal enterprises that already have good RBC practices in place. This may be particularly relevant in Peru, in view of the high levels of informality.

5. ***Create more synergies with other ILO programming.***

Address to: ILO

Priority: Medium

At the middle long term, and only if sufficient human resources are available, it will be important for the Project to define the intersection of the RBCLAC project with the Decent Work agenda of the ILO in Peru, as well as with other ongoing ILO programming. As has been the case in other countries, technical cooperation programmes and DW programming can potentially provide important leverage for the introduction of other RBC related themes in the national agenda.

6. ***Support the adoption and implementation of the NAP on Business and Human Rights, upon its approval.***

Addressed to: The ILO, European Union, IOs, and national stakeholders.

Priority: High

The IOs and the EU must fully engage to support the adoption of the NAP before the political handover to a next Government. In this regard, interviewees stated that, to ensure a solid implementation process, ***financial support*** as well as ***technical assistance and follow up*** may be required to facilitate and ensure the effective implementation of particular action lines of interest in the NAP.

7. ***Continue to create and support solid connections and to build trust between employers' organizations and with other stakeholders.***

Addressed to: The ILO, European Union, IOs, and national stakeholders.

Priority: High

Engaging in continuing processes of dialogue rather than threatening with regulation through mandatory norms, listening to different opinions and visions, and ensuring the reduction and eventual elimination of the fear of employers who tend to see RBC yet as a punishment. Instead, ensuring that RBC is understood as a comparative advantage for both employers, workers, and Governments, and that all have a role to play in its compliance.

8. *Knowledge sharing through conversations amongst (national and international) peers:*

Addressed to: The ILO, ILO constituents, European Union, IOs

Priority: High

Sharing and disseminating successful experiences and knowledge amongst similar stakeholders and widely sharing examples and good practices from employers, constituents, including Government agencies, workers and companies, where appropriate including with countries across the region.

9. *Provide solid political, institutional support for the ILO RBCLAC Project (national and regional).*

Addressed to: The ILO, Including HQ and RO as well as the ILO CO for the Andean countries

Priority: High

Solid support political and institutional support is needed for continued ILO RBCLAC programming in Peru, as well as for the respective activities to be undertaken by the project. In this regard, encourage bilateral, high-level meetings (Ministers, Presidents, Pacific Alliance etc.).

10. *Support the development of a communication plan for the NAP upon its approval.*

Addressed to: The ILO, EU, IOs

Priority: Medium

The OHCHR has provided guidelines on the development of a communication plan (typography, dissemination etc.). The implementation of this plan may require funding and support from the three IOs and potentially from other donor agencies. The ILO is already working on an implementation agreement with the MindJusHR, to fund a part of the communication plan for the NAP.

Annex 1 List of persons interviewed

| Name | Institution, DG/Department, title, location | Role in the project | Location/Country |
|---|---|---|------------------|
| Project team | | | |
| Olga Orozco | ILO, Regional Office, Lima | Project manager | Lima |
| Nicolas Torres | ILO, DTW/CO Santiago, Chile | National Officer | Santiago |
| Catalina Muñoz | ILO, DWT/CO, San José, Costa Rica | National Officer | San José |
| Project backstopping, HQ | | | |
| Githa Roelans | ILO, Multinational Enterprises Unit, Unit Head, Geneva | Overall strategic guidance | Geneva |
| Annie van Klaveren | ILO, Multinational Enterprises Unit, Specialist, Geneva | Technical backstopping | Geneva |
| Project partners, ILO | | | |
| Amanda Villatoro | ILO, Bureau for Activities with Workers (ACTRAV), Senior Specialist, Geneva | Focal point for activities with workers | Geneva |
| Andres Yuren | ILO, Bureau for Activities with Employers (ACTEMP), Regional Specialist | Focal point for activities with employers | Geneva |
| Implementing partners | | | |
| Costanzo Fisogni | EU, EEAS, Brasilia | Programme manager, EU | Brasilia |
| <ul style="list-style-type: none"> • Alexia Ghyoot • Luis Rodriguez- Pinero | Project Manager, OHCHR, Geneva OHCHR, Geneva | Programme manager, OHCHR OHCHR | Geneva |
| <ul style="list-style-type: none"> • Froukje Boele • German Zarama | Project Manager, OECD, Paris OECD, Focal Point LAC | Programme manager, OECD | Paris |
| National stakeholders | | | |
| Marcela Paiva | Ministry of Foreign Affairs, OECD NCP, Chile | Government representative/beneficiary | Santiago |
| Magdalena Castillo | CAT Chile | Workers' representative/beneficiary | Santiago |

| Name | Institution, DG/Department, title, location | Role in the project | Location/Country |
|--------------------------|--|---|------------------|
| Daniel Sánchez | Ministry of Justice and Human Rights, Vice-Minister of Human Rights and Access to Justice Peru | Government representative/beneficiary | Lima |
| José Luis Altamiza Nieto | National Confederation of Private Entrepreneurial Institutions (CONFIEP), Head of Regions and Relations with SMEs, Peru | Employer representative /beneficiary sector | Lima |

Annex 2 Documents reviewed

ILO RBCLAC - Project related documentation.

1. TPRs 2019.
2. TPR 2020.
3. Financial information submitted by the ILO RBCLAC Project.

Other ILO documentation.

4. *Summary of Peru's Decent work Agenda for 2018-2019: wcms_639726.pdf (ilo.org).*

OECD

5. *Government at a Glance, Latin America and the Caribbean, 2020, Country Fact Sheet, Peru*, OECD and Interamerican Development Bank.
6. *Responsible Business Fact Sheet Peru*, OECD, 2019.

Relevant National Documentation.

7. *National Action Plan on Human Rights 2018-2021.*
8. *Rutas para la implementación del Plan Nacional de Acción en Empresas y derechos humanos en el Perú, memoria del conversatorio*, UN, Ministry of Justice and Human Rights, National Ombudsman, National Institute for democracy and human rights of the Catholic Pontific University of Peru. 2018.
9. *Plan Nacional de Acción Empresas y Derechos Humanos, Comité Multiactor, Ministerio de Derechos Humanos y Justicia. 2019.* [Microsoft Word - Integrantes de la Mesa Multiactor Nacional \(www.gob.pe\)](#)
10. Reuniones de trabajo en el marco del proceso de elaboración del plan nacional de acción sobre empresas y derechos humanos; Reuniones de grupos de trabajo, sesiones de mesa multi actor, actividades de capacitación y otras actividades oficiales en el marco del proceso del plan nacional e acción sobre empresas y derechos humanos; participación en actividades con otras organizaciones. [Listado-de-reuniones plan-nacional-empresas-ddhh.pdf.pdf \(www.gob.pe\)](#) (26 January 2021)
11. Matriz de aportes de los actores a la metodología para el proceso de elaboración del plan nacional de acción sobre empresas y derechos humanos. Aportes a la primera versión de la metodología. [Matriz-de-aportes.pdf.pdf \(www.gob.pe\)](#) (13 January 2021)
12. *Plan Nacional de Acción sobre Empresas y Derechos Humanos será un eje central del trabajo de MINJUSSHH en el segundo semestre del año, 2019.* [Plan Nacional de Acción sobre Empresas y Derechos Humanos será un eje central del trabajo del MINJUSDH en el segundo semestre del año | Gobierno del Perú \(www.gob.pe\)](#).
13. MINJUSDDHH: Plan de Acción nacional incluirá el nuevo contexto nacional originado por la emergencia sanitaria. 2 June 2020. [MINJUSDH: Plan de Empresas y Derechos Humanos incluirá el nuevo contexto nacional originado por la emergencia sanitaria | Gobierno del Perú \(www.gob.pe\)](#)

Annex 3 – ILO’s Technical Cooperation Portfolio in Peru (2019-2020)

In the biennium 2019-2020, the following projects, funded by multiple donors, were implemented:

| Project symbol | Project title | Year | Outcome | Total project budget |
|----------------|---|------|--|----------------------|
| PER/20/01/RBS | Empresas sostenibles como generadoras de empleo y promotoras de innovación y trabajo decente | 2020 | Output 1.1. Increased institutional capacity of employer and business membership organizations (EBMOs) | 380000 |
| PER/20/01/RBS | Empresas sostenibles como generadoras de empleo y promotoras de innovación y trabajo decente | 2020 | Output 4.2. Strengthened capacity of enterprises to adopt new business models, technology and techniques to enhance productivity and sustainability | 380000 |
| PER/20/01/RBS | Empresas sostenibles como generadoras de empleo y promotoras de innovación y trabajo decente | 2020 | Output 4.3. Increased capacity of member States to develop policies, legislation and other measures that are specifically aimed at facilitating the transition of enterprises to formality | 380000 |
| RLA/19/03/USA | Integración económica de Migrantes y Refugiados Venezolanos en Perú y Ecuador con Trabajo Decente | 2020 | Output 7.5. Increased capacity of constituents to develop fair and effective labour migration frameworks, institutions and services to protect migrant workers | 3960396 |
| GLO/19/53/EUR | Improving synergies between social protection and Public Finance Management | 2020 | Output 8.1. Increased capacity of member States to develop new or reformed sustainable national social protection strategies, policies or legal frameworks to extend coverage and enhance benefit adequacy | 6849424 |
| PER/19/01/DRM | Programa de Asistencia técnica - Derrama Magisterial | 2019 | Output 8.1. Increased capacity of member States to develop new or reformed sustainable national social protection strategies, policies or legal frameworks to extend coverage and enhance benefit adequacy | 372472 |
| PER/19/01/DRM | Programa de Asistencia técnica - Derrama Magisterial | 2020 | Output 8.1. Increased capacity of member States to develop new or reformed sustainable national social protection strategies, policies or legal frameworks to extend coverage and enhance benefit adequacy | 372472 |
| RLA/18/01/RBS | Promoción de la integración en el mercado de los migrantes y refugiados Venezolanos en los países latinoamericanos y caribeños mediante el trabajo decente y el crecimiento económico inclusivo con equidad | 2019 | Output 7.5. Increased capacity of constituents to develop fair and effective labour migration frameworks, institutions and services to protect migrant workers | 1000000 |
| RLA/18/01/RBS | Promoción de la integración | 2020 | Output 7.5. Increased capacity of | 1000000 |

| | | | | |
|---------------|--|------|---|---------|
| | en el mercado de los migrantes y refugiados Venezolanos en los países latinoamericanos y caribeños mediante el trabajo decente y el crecimiento económico inclusivo con equidad | | constituents to develop fair and effective labour migration frameworks, institutions and services to protect migrant workers | |
| RLA/18/03/IDO | Strengthening of national initiatives and enhancement of regional Cooperation for the environmentally sound management of POPs in Waste of Electronic or Electrical Equipment (WEEE) in Latin-American countries | 2019 | Output 4.2. Strengthened capacity of enterprises to adopt new business models, technology and techniques to enhance productivity and sustainability | 224672 |
| RLA/18/03/IDO | Strengthening of national initiatives and enhancement of regional Cooperation for the environmentally sound management of POPs in Waste of Electronic or Electrical Equipment (WEEE) in Latin-American countries | 2020 | Output 4.2. Strengthened capacity of enterprises to adopt new business models, technology and techniques to enhance productivity and sustainability | 224672 |
| PER/17/51/USA | Action against child trafficking for labour and sexual exploitation in Peru Phase II | 2019 | Output 7.1. Increased capacity of the member States to ensure respect for, promote and realize fundamental principles and rights at work | 5689135 |
| PER/17/51/USA | Action against child trafficking for labour and sexual exploitation in Peru Phase II | 2020 | Output 7.1. Increased capacity of the member States to ensure respect for, promote and realize fundamental principles and rights at work | 5689135 |
| PER/18/01/UND | ACCESO A EMPLEO DIGNO PARA PERSONAS CON DISCAPACIDAD EN EL PERU | 2019 | Output 7.1. Increased capacity of the member States to ensure respect for, promote and realize fundamental principles and rights at work | 111815 |
| PER/18/01/UND | ACCESO A EMPLEO DIGNO PARA PERSONAS CON DISCAPACIDAD EN EL PERU | 2020 | Output 7.1. Increased capacity of the member States to ensure respect for, promote and realize fundamental principles and rights at work | 111815 |
| RLA/17/09/ESP | Capacitación sobre Convenio sobre los Pueblos Indígenas y Tribales, 1989 (C. 169) de la organización Internacional del Trabajo (OIT). | 2019 | Output 7.1. Increased capacity of the member States to ensure respect for, promote and realize fundamental principles and rights at work | 71090 |
| GLO/17/15/EUR | Eliminating child labour and forced labour in the garment value chain an integrated approach | 2019 | Output 7.1. Increased capacity of the member States to ensure respect for, promote and realize fundamental principles and rights at work | 7581008 |
| GLO/17/15/EUR | Eliminating child labour and forced labour in the garment value chain an integrated approach | 2020 | Output 7.1. Increased capacity of the member States to ensure respect for, promote and realize fundamental principles and rights at work | 7581008 |

| | | | | |
|---------------|--|------|--|---------|
| PER/17/50/MUL | Sustaining Competitive and Responsible Enterprises (SCORE) Phase III Peru | 2019 | Output 4.2. Strengthened capacity of enterprises to adopt new business models, technology and techniques to enhance productivity and sustainability | 2176500 |
| PER/17/50/MUL | Sustaining Competitive and Responsible Enterprises (SCORE) Phase III Peru | 2020 | Output 4.2. Strengthened capacity of enterprises to adopt new business models, technology and techniques to enhance productivity and sustainability | 2176500 |
| PER/17/50/USA | Action against child trafficking for labour and sexual exploitation in Peru phase I | 2019 | Outcome 8 - Protection of workers from unacceptable forms of work | 10865 |
| PER/17/50/USA | Action against child trafficking for labour and sexual exploitation in Peru phase I | 2020 | Outcome 8 - Protection of workers from unacceptable forms of work | 10865 |
| PER/15/50/USA | From Protocol to Practice: A Bridge to Global Action on Forced Labor (The Bridge project - Peru) | 2019 | Output 7.1. Increased capacity of the member States to ensure respect for, promote and realize fundamental principles and rights at work | 2405523 |
| PER/15/50/USA | From Protocol to Practice: A Bridge to Global Action on Forced Labor (The Bridge project - Peru) | 2020 | Output 7.1. Increased capacity of the member States to ensure respect for, promote and realize fundamental principles and rights at work | 2405523 |
| PER/14/05/PER | Fortalecimiento institucional del Seguro Social de Salud. | 2019 | Output 8.1. Increased capacity of member States to develop new or reformed sustainable national social protection strategies, policies or legal frameworks to extend coverage and enhance benefit adequacy | 540804 |
| PER/14/05/PER | Fortalecimiento institucional del Seguro Social de Salud. | 2020 | Output 8.1. Increased capacity of member States to develop new or reformed sustainable national social protection strategies, policies or legal frameworks to extend coverage and enhance benefit adequacy | 540804 |

Source: i-eval Discovery. ILO Development Cooperation Dashboard

Annex 4 Thematic baseline studies

| Thematic Baseline Studies undertaken for NAP | |
|--|--|
| 1 | Informality * |
| 2 | Persons with disability |
| 3 | Seniors |
| 4 | Foreign migrants |
| 5 | People of African descent |
| 6 | Large-scale Agriculture |
| 7 | Child Labour |
| 8 | Transparency, integrity and the fight against corruption |
| 9 | Human rights defenders |
| 10 | Rights of indigenous populations |
| 11 | Social conflict |
| 12 | LGBTI persons |
| 13 | Women's Rights* |
| 14 | Trade unions and collective bargaining* |
| 15 | Private security |
| 16 | The use of force and social protest |
| 17 | Environmental Impact studies |
| 18 | Mining |
| 19 | Hydrocarbon |
| 20 | Judicial remedy mechanisms |
| 21 | Extra-judicial remedy mechanisms |
| 22 | Entrepreneurial due diligence mechanisms |
| 23 | Training needs on business and human rights |

Source: Based on Internal ILO RBCLAC document. * Indicates study was funded by the ILO-RBCLAC Project.