



Review on child and forced
labor and land rights in
Nicaragua's sugar industry

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Mill's visited field. Irrigation system.
Sugarcane worker.



Review on child and forced labor and land rights in *Nicaragua's sugar industry*

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The Coca-Cola Company

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All the photos shown in this report were taken while doing the study, with the consent of people involved.

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Table of contents

- 07. Introduction**
- 08. Executive Summary**
- 10. Methodology**
- 13. Desk Research**
 - 15. Nicaraguan Sugar Sector
 - 16. Legal Framework Of Child And Forced Labor
 - 19. Chronic Kidney Disease (Ckd)
 - 23. Land Rights
 - 25. Legal Framework On Land Rights
- 26. Field Research Overview**
- 28. Field Study Findings**
 - 28. General Information
 - 31. Child Labor
 - 31. Forced Labor
 - 33. Land Rights
- 35. Conclusions**
- 36. Annex I**
 - Definitions And Abbreviations / Glossary
- 42. Annex II**
 - Gap Consultores Interview Material
- 48. Annex III**
 - Stakeholders National And International List
- 50. Annex IV**
 - Selection Table Of Visited Sugarcane Growers
- 51. Annex V**
 - Revision History
- 52. References**

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Introduction

The aim of this study is to analyze the sugar supply chain of The Coca-Cola Company (TCCC) in Nicaragua, specifically orientated towards child labor, forced labor and land right statuses.

Although its scope is to obtain a baseline at the country's levels in general terms, the field work was conducted only in a TCCC supplier mill in Nicaragua.

For this purpose, TCCC entrusted GAP Consultores S.R.L. the execution of a study based on public bibliography reviews and exchange with representatives of different organizations related to the sector through visits and / or interviews.

Additionally, a fieldwork was carried out together with the help of authorities from the sugarcane mill supplying the company; based on a representative number of cane producers and sugar cane workers from the departments of León and Chinandega.

These actions correspond to the international commitment assumed by TCCC to develop, together with interested parties present in the region, strategies to mitigate the cases or risks that may be encountered.

About GAP Consultores S.R.L.

GAP consultancy group started in 1979, providing technical assistance to farmers seeking to solve its major production problems, always supported by science, technology and experience. Currently GAP is composed of a team that shares the initial philosophy, offering its expertise to local and international companies looking for sustainability in a continuous improvement system.

Team Leader: Andrés Sylvestre Begnis. 45 years. Agribusiness Magister, Agronomic Engineer.

Team Member: Alejandro Nardone. 39 years. Farmer, Agronomic Engineer and farmer's consultant.



Mill's visited field. Water, Rest, Shade (WRS) System during the manual harvest.

Executive summary

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Nicaragua is considered an emerging country, with significant poverty rates in relation to the rest of the world, where access to basic services is a daily challenge.

This study provides a review of the status of child labor, forced labor and land rights in the Nicaraguan sugar sector, specifically the supply chain for The Coca-Cola Company (TCCC).

TCCC retained GAP Consultores to conduct a qualitative study based on real events observed during the 2017/18 harvest in the León and Chinandega departments through interviews with interested parties as well as an extensive literature review of the information available on the issues in question.

To meet this objective and according to the methodology required by TCCC, the researchers interviewed 30 interested parties, visited 16 supply fields owned by the sugar mill plus 28 supply producers. A total of 76 workers were surveyed about field work among the 44 establishments.

The most relevant findings of the study are summarized below:



Child labor is strongly related to poverty and, therefore, is not completely eradicated in Nicaragua. However, there are specific sectors in the national economy that have made great efforts for its eradication. **Along with the government, the sugar industry is recognized as one of the activities where it has been best managed, culturally setting the importance of overcoming this, as well as promoting the schooling of children.** Globalization and international demands, including certifications, played a crucial role to accelerate these processes.



No evidence was found nor any complaints were received regarding forced labor. Despite the informal economy and poverty, there is evidence of progress in the recognition of labor rights for workers in the sugarcane sector. In recent years, health care of field workers has been improved, reducing the incidence of Chronic Kidney Disease (CKDu), although it is not entirely eradicated. Among the aspects that can be improved is the level of implementation of some good practices. Mainly the quality of drinking water, within the group of independent producers that supply the industry.



The legal possession of productive territories has been in continuous improvement by the government in the last 25 years. After the Land Reform Law in 1981, many properties were confiscated by the government for a decade. At the beginning of the 90s, private properties began a technical-judicial process by which their original owners recovered possession and usufruct. In general terms, and according to published information, there are no conflicts over the use or possession of the land at present, nor were there any cases of community complaints in the area studied.

Methodology

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The methodology used for the development of this country's (Nicaragua) study was based on the "Country Sugar Study Scoping Document" dated November 2015, provided by TCCC. This document describes the objectives, the study criteria, the stages to be followed and the tools to be used.

The stages carried out to structure this qualitative study were the following:

Desk Research

1. Study and review of available information.

This initial phase was carried out with the objective of understanding the general situation of the country, specifically the sector in question, prior to the field visit. For this purpose, public documents of the government were granted, such as the national laws that apply to study subjects and independent organizations such as the World Bank, ILO, UNICEF, USDOL, PAHO and other interested parties.

In the bibliography section the reader can find more details of the works read, analyzed and used in this report.

Details about the read, analyzed and used information in this report can be found by the references.

Field Research

2. Interviews with interested parties.

To obtain a broader point of view about study, various organizations of local, national and international origin were contacted and then interviewed. Prior to contact, a list of interested parties was presented to TCCC to obtain

Review on child and forced labor and land rights in Nicaragua's sugar industry

feedback and approval. Through the exchange with their representatives, information was collected about the actions executed around child labor, forced labor and land rights in the past and present in Nicaragua. In some cases, a personal interview was conducted and in other cases it was through telephone calls or email. In all cases, a guide list with questions related to the topic of interest was used.

A detailed list of the contacted organizations can be found in Annex II: Stakeholders national and international List.

3. Field visits to sugar mills and its cane producers

As a defining part of the study and to draw a baseline based on facts, the field visit was scheduled during the 2018 harvest. The intention was to observe and evaluate the existence of child labor and / or forced labor in the cane production establishments; and confirm the existence or not of acquisition and / or land use transactions that have not been legal in the last 15 years.

Hence, the mill that supplies sugar to TCCC was contacted and asked for information from its suppliers, to meet and map the entire supply chain, as well as to recognize the different types of sugar cane producers. The methodology used to establish a



Mill's visited field. Personal Protection Equipment. Sugarcane cutter.

¹ The Coca-Cola Company. November 2015. Country Sugar Study Scoping Document

Desk Research

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Nicaragua is in the center of the Central American isthmus with a territorial extension of 130,373.47 km² of which 10,034 km² are lakes, lagoons and rivers. It presents a division of three geographical regions: Pacific (predominance of urban population, social and ecological risk, the institutions of goods and services are concentrated), Central North (population with rural predominance, with productive agricultural and livestock development, limited development of road and services infrastructure) and Atlantic (population with indigenous predominance, high rates of extreme poverty, population dispersion, low levels of schooling, little access to social services and high maternal and infant mortality rate)¹. In 2014 the estimated population ascended to 6,198,154 inhabitants.

According to the Country Profile published in 2015 by the Pan American Health Organization (PAHO), levels of poverty and extreme poverty have been decreasing in recent years, a trend that matches the results published by the Survey on the Measurement of the Standard of Living made in 2014 by the National Institute of Development Information². In the same way and in the same period, the Gross Domestic Product (GDP) increased considerably. However, the human

development index places the country with high social inequality regarding healthy living, education and a dignified life.

In relation to the School System Indicators, according to the same PAHO report, school retention rates, school dropout rate and primary school completion rates improved, which shows the improvement of the Education System to get more girls and boys to finish their primary education.

In line with these assertions, the World Bank's Overview states that they have worked jointly with the Government of Nicaragua in the Country Partnership Strategy (Estrategia de Alianza con el País - EAP) for the 2013-2017 period, aiming to reduce poverty and promoting prosperity for more Nicaraguans.

This Strategy (EAP) focused on programs to increase the coverage and quality of pre-school, primary and secondary education, improve maternal and child health indexes, expand access to water and sanitation services and promote the efficiency and transparency of social investment. In addition, it sought improvement in infrastructure, increased productivity, diversification of exports, trade facilitation and access to financial services.

¹ OPS. 2015 Nicaragua Perfil de país.

² Banco Mundial: Nicaragua, panorama general. <http://www.bancomundial.org/es/country/nicaragua/overview#3>

representative number of sugarcane producers to visit was described in the "Country Sugar Study Scoping Document" provided by TCCC. It determines a distribution and number of producers to visit depending on the population. Once in the field and together with the work teams of the mill, the definitive number of sugarcane producers to visit was established according to its size (volume of cane delivered).

The selected producers can be found in Annex IV: Selection table of visited sugarcane growers.



Mill's visited field. WC for field's worker

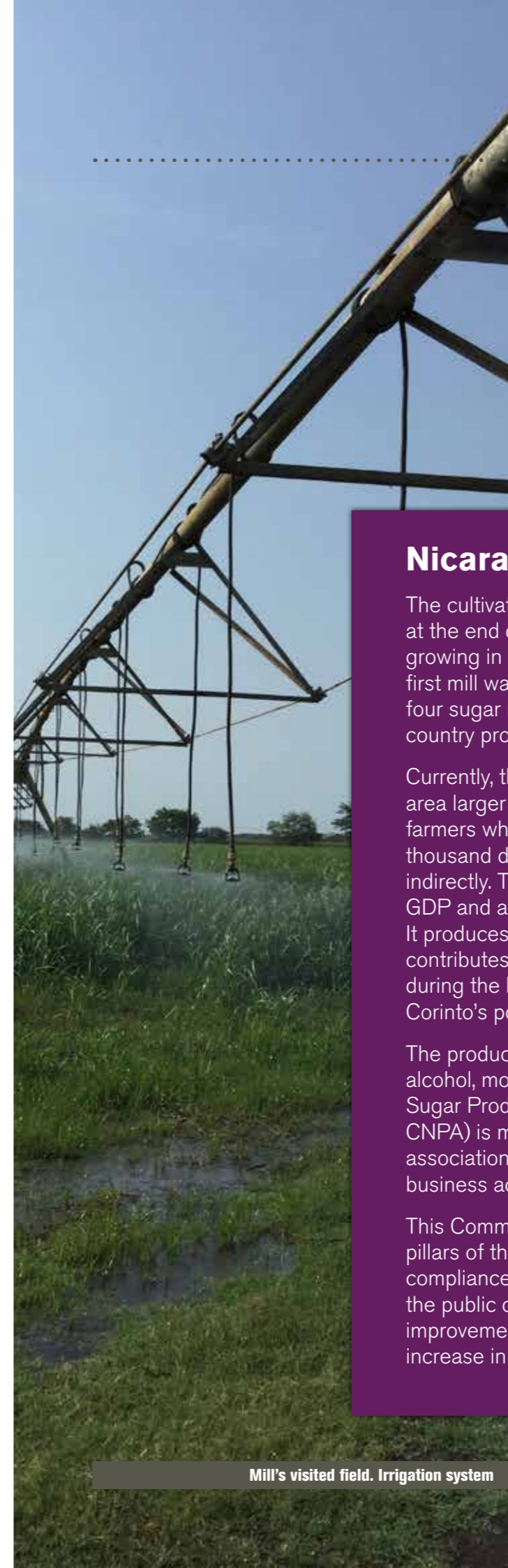


Nicaragua location

Moreover, according to the conclusion of 2016's United States Department of Labor (USDOL) country report³, Nicaragua made a moderate advance in efforts to eliminate the worst forms of child labor. The Government approved the Good Government Plan based on greater control and protection of minors; and the Ministry of Education continued to expand its national school supplies program.

However, in Nicaragua, children continue to participate in labor and the government does not publish key data on these issues in any official report, leaving a long necessary path ahead.

³ USDOL. 2016. Conclusiones sobre las peores formas de trabajo infantil en Nicaragua



Review on child and forced labor and land rights in Nicaragua's sugar industry

Nicaraguan Sugar Sector

The cultivation of sugar cane in Nicaragua was introduced at the end of the 16th century and since then it has been growing in size and importance for the national economy. The first mill was founded at the end of the 14th century and today four sugar mills located on the Pacific Ocean coast of the country process sugarcane.

Currently, the planting of sugarcane in Nicaragua reaches an area larger than 70 thousand hectares; managed by some 800 farmers which added to the fields of the mills, occupy some 35 thousand direct employees and approximately 135 thousand indirectly. The activity generates more than 5% of the national GDP and an investment of more than 270 million US dollars. It produces tax revenues of more than 10 million US dollars, contributes 90 MW of energy to the public electricity network during the harvest period and occupies more than 10% of the Corinto's port movement.

The products offered by the sugar industry include sugar, alcohol, molasses and energy. The National Committee of Sugar Producers (Comité Nacional de Productores de Azúcar-CNPA) is made up of the four sugar mills as a non-profit civil association with the objective of sustainably promoting the business activity of the Nicaraguan sugar industry.

This Committee (CNPA) works on certain fundamental pillars of the commitment to assumed sustainability, such as compliance with the current legal framework, relationship with the public of interest, technological innovation and continuous improvement, prevention and mitigation of impacts and increase in productivity.

Mill's visited field. Irrigation system

Legal Framework of Child Labor and Forced Labor

According to International Labor Organization (ILO)⁴ information system records, Nicaragua ratified its adherence to different agreements throughout the 20th century, which are currently in force.

Thus, it adhered to the international convention No. 29 on Forced Labor in 1934 and later in the mid-60s, it adhered to other conventions concerning the working conditions of workers, covering issues such as union freedom, protection of the right to unite, collective negotiation, equal pay, the abolition of forced labor and discrimination.

In November 1981, it added to Convention No. 138 on the minimum age of employment, designating a limit of 14 years of age and committing itself to following a national policy that ensures the effective abolition of child labor and progressively increases the minimum age for admission to employment or work at a level that makes possible the most complete physical and mental development of minors.

The Political Constitution of the Republic of Nicaragua⁵, issued in 1987, establishes in

its Article 84 the protection against any kind of economic and social exploitation towards children and adolescents, for which the State is committed to take all possible measures to eradicate child labor and guarantee the protection of the work of adolescents, between 14 and 18 years of age. Likewise, Article 40 recognizes that no one shall be subjected to servitude and that slavery and trafficking of any nature are prohibited in all its forms.

At the end of 1996, Law No. 185 called the Labor Code⁶ was passed, which regulates labor relations, establishing workers and employers' minimum rights and duties; contracts forms and types; staff training and promotions; contracts suspensions or terminations; work and rest days and other aspects related to hygiene and safety of workers.

On March 24, 1998, National Law No. 287, the Childhood and Adolescence Code⁷, was passed, which establishes that the State, public or private institutions, with the participation of family, community and school, will provide care and special protection for girls, boys and adolescents who are in situations of conflict.



Mill's visited field. Worker's transportation.

ILO's Convention No. 182 on the Worst Forms of Child Labor was approved by Presidential Decree, finally achieving Ratification by the State of Nicaragua on 23rd October 2000 before the Secretary General of the United Nations, and so it became State party on November 6, 2000.

Law No. 474 of 2003 reforms Title VI of the Labor Code of Nicaragua⁸, establishing the minimum ages, types of work and rights of minors between 14 to 18 years old who integrate the labor force.

In June 2007, the commitment to fight against child labor in agriculture was reinforced by the government and the Nicaraguan trade union and business sectors, through the signing of the Joint Action Agreement "Child Labor Free Agriculture: The Future Harvest"⁹, to direct efforts and effectively implement national legislation on child labor through the prevention and promotion of strategies as well as programs aimed at improving living conditions in rural towns through decent work offers, better work conditions, income and decent wages that facilitate the eradication of poverty, social injustice and thus reduce the gaps between rural and urban schooling of boys and girls.

⁴ OIT. 2001. *Listas de ratificaciones por convenio y por país. Informe III (Parte 2)*

⁵ Asamblea Nacional Constituyente. 2014. *Constitución Política de Nicaragua*.

⁶ Ley 185. 1996. *Código del Trabajo*.

⁷ Ley 287. 1998. *Código de la Niñez*.

⁸ Ley 474. 2003. *Código del Trabajo*.

⁹ Mitrab. 2007. *Acuerdo de Acción Conjunta: Agricultura Libre de Trabajo Infantil*

According to the National Assembly held in 2013¹⁰ under the coordination of the Directorate for International Parliamentary Relations, the regional coordination of the International Labor Organization (ILO) recognized Nicaragua's efforts to develop actions to reduce the hiring of minors. The document mentions actions and programs executed by the government, such as:

- Inspections by the Ministry of Labor, to supervise and control all activities that refer to child labor.
- Basic Education Project, supporting the process of prevention, eradication of child labor and protection of adolescents; financed with UNICEF funds.
- The Roadmap, which articulates the different public policies and complementary interventions with direct and indirect impact; joint work between various government ministries, employer's organizations, worker's organizations and social organizations that have been developed with the support of the International Program for the Eradication of Child Labor (IPEC) and the International Labor Organization (ILO), with the financing

from the Ibero-American Development Bank (IDB) and the Spanish Agency for International Development Cooperation (Agencia Española de Cooperación Internacional para el Desarrollo - AECID).

- The Love Program, aimed at promoting the permanence of minors in the school system.
- Attention to children, adolescents and young people, which carries out a specialized service aimed at young people at high social risk.



Mill's visited field. Personal Protection Equipment. Manual Pest Control.

Chronic Kidney Disease (CKDu)

In 2008, a group of 700 former mill workers filed a complaint with the Compliance Advisor Ombudsman (CAO), which is the independent reparation mechanism available to the International Finance Corporation (IFC) and the Multilateral Investment Guarantee Agency (MIGA) of the World Bank Group¹¹.

The claimants were suffering and dying from Chronic Kidney Disease (CKDu), a disease they thought they had contracted while they were working for the Mill. They also had little information about the disease. Their ability to feed their families, generate income or improve their living conditions was severely compromised due to its progression.

What is chronic kidney disease (CKDu)¹²?

Chronic kidney disease is defined either by a decreased glomerular filtration rate (GFR) or by evidence of kidney damage. The first stages are manifested with mild kidney damage, which is commonly marked by albumin in the urine. Clinical

¹⁰ Asamblea Nacional Nicaragua. Dirección de Relaciones Internacionales Parlamentarias. 2013. Análisis Convenio sobre las peores formas de trabajo infantil y la acción inmediata para su eliminación.

¹¹ CAO. 2008. Informe de Evaluación para las partes interesadas. Referente a preocupaciones de la comunidad y de la sociedad civil relativas a actividades de Nicaragua Sugar Estates Limited (NSEL), Nicaragua.

¹² CAO. 2009. Informe Final de Estudio de Alcance Epidemiología de Enfermedad Renal Crónica en Nicaragua. Informe Independiente Preparado por la Escuela de Salud Pública de la Universidad de Boston.

symptoms often do not appear until later stages when GFR becomes worse. Research on the causes of CKDu suggests that there may be multiple factors involved in each stage, including susceptibility factors (which increase vulnerability to kidney damage), initiation factors (which cause kidney damage), and progression factors (which cause worsening of the damage).

The School of Public Health of the University of Boston (BU) was selected by the participants in the dialogue to carry out the scoping study, bringing together a team of researchers with experience in epidemiology, occupational and environmental health, nephrology and preventive medicine.

BU found that, due to its unique characteristics, the type of CKDu found in Nicaragua, and also present in other countries of Central America, is called by some scientific researchers as "Mesoamerican nephropathy" and by others as CKDu of "non-traditional or unknown etiology". The cause of this type of CKDu is still unknown, but ongoing research by institutions in the region is analyzing a combination of risk factors.

The results of BU¹³ provided evidence

that one or more of these risk factors are occupational and more research is needed to identify them specifically. Heat stress -stress in the body related to strenuous work at high temperatures- is a factor that could play a role in the development of this type of CKDu. Although heat stress itself is an unlikely explanation for this type of disease, it can magnify the effect of low levels of exposure to agents that may be toxic to the kidney, but which, on their own, would not cause a CKDu. Such low-level exposures to toxic agents could occur at work or outside of work, and the susceptibility could potentially vary due to genetic factors. The potential role of non-occupational factors is based on the discovery of BU in that adolescents who had not yet entered the labor force showed biomarkers of kidney damage.

BU's research efforts, along with those of other researchers over the past five years, have helped to understand better where in Nicaragua and Central America CKDu has manifested itself. While most of BU's work focused on Nicaraguan sugarcane workers, where the problem has been well described, BU also found evidence that a CKDu with similar unique characteristics is also present in workers in other industries such as mining, construction and port activities. Mortality data

and the work of other researchers have shown that this disease is prevalent along the west coast of Central America, particularly in the Guanacaste region of Costa Rica and the Bajo Lempa region of El Salvador and in other countries like India and Sri Lanka.

At the moment, the mill collaborates with the organization created by the affected workers in several ways:

- It provides food aid for 2587 people
- 100 houses were build for members of the Association
- Micro-credits for the partners
- Toys and school supplies (school supplies, backpacks)
- Support medical attention for the ill direct (medicines, education and health promotions).
- Support to the Social Security clinic and the hemodialysis clinic in Chichigalpa (medical equipment, equipment and laboratory supplies, infrastructure improvements).
- Monthly funds for the association's proper operation



Farmer's visited field. Mechanic Harvest provided by the Mill.

¹³ CAO. 2015. Informe de Conclusión de la Función de Resolución de Disputas de la CAO- Nicaragua Sugar Estates Limited-01.



Farmer's visited field. Pest Control System provided by the Mill.

Land Rights

The building of land property rights throughout history in Nicaragua has made it possible to demonstrate the coexistence of several sources of rights:

- The rights assigned by the State
- The rights acquired through possession during time
- The rights of native communities

The Agrarian Reform Law¹⁴ sanctioned in 1963 during Engineer Luis Somoza's government, presented "The fundamental transformation of agrarian structure and the reintegration of rural population to economic, social and political development of the nation" as one of its main objectives.

While these benefited thousands of small farmers who received land to produce, most of the land was mainly for prestigious officials and military personnel close to the Somoza family.

Because of this and other economic, social and political reasons, in 1979 the Nicaraguan population rose in a revolutionary and violently, obtaining de facto power through the so-called Sandinista National Liberation Front (Frente

Sandinista de Liberación Nacional - FSLN). This organization erased all existing legal provisions until then¹⁵.

During the 80s, the anti-latifundio and redistributive Agrarian Reform was developed with the aim of transforming the structure of land possession radically. This was implemented through confiscation and expropriation in the process of transition to a centralized and nationalized economy based on state ownership of the means of production, especially the land.

It generated important changes in the redistribution of land ownership, using instruments such as the social function of the land and limiting the maximum property area in full ownership to 500 "manzanas"¹⁶.

Although contrary to the objective sought, the reform favored the concentration of land since small farms decreased their participation in land possessing, increasing the medium-size ones.

That period and from the 90'onwards, was characterized by the return of rural and urban land in compliance with peace agreements and the creation of a new legal and institutional framework. Actions were taken to stabilize the property, including: privatization

¹⁵ *La propiedad de Nicaragua*. <http://www.monografias.com/trabajos5/nicaragua/nicaragua2.shtml#ixzz5EBOslXiZ>

¹⁴ Ley 797. 1963. *Reforma Agraria*

¹⁶ 1 Manzana = 7000 m²

and / or return of state enterprises; the revision of land reform titles; the quantification of compensation to those affected and the establishment of the compensation system through bonds; the continuity of the legalization and titling of the properties in possession of legitimate beneficiaries of the Agrarian Reform¹⁵.

More recently, there is a marked process of land re-concentration, a strong speculative market for land sustained by low prices due to the lack of legal security. Uprising new urbanizations, tourism, commercial and industrial centers, are developed on reformed sector lands, without effective control of how lands change or the environmental impact it generates¹⁶.



Farmer's visited field. Farmer interviewed.

Legal Framework on Land Rights

The Political Constitution of Nicaragua that has been in force since 1987 (with reforms until 2014) establishes the right to private property through its Article 44. In addition, all persons have equal rights before the law and the right of private property of movable and immovable possession as well as instruments and means of production is guaranteed.

The modification made in article 103 of the Magna Carta also refers to property rights, specifically to the various forms of property that are recognized in the country: public, private, cooperative, associative, community, communal, family and mixed.

The right to property is also protected by the Protection Law and Title IV of the Criminal Code. Listed below are the main laws and articles that influenced the regulation of land ownership:

Agrarian Reform Law (Decree 782/81): fundamental instrument for the democratization of property and fair distribution of land, guaranteeing property to the beneficiary farmers. Guarantee of land ownership to those who work it productive and efficiently. Promotion of the voluntary association of farmers in agrarian cooperatives without discrimination of sex.

Decree 826/81: Participation of women in agrarian reform programs by recognizing

equality of rights without discrimination by gender.

Reformed by Law 14/86: Agrarian Reform Law integrated women in the selection of beneficiaries.

Law 28/87 of Autonomy: recognizes the right of all Nicaraguans living in the regions of the Caribbean Coast to communal, collective or individual forms of property.

Law 278/97: Reformed urban and agrarian property, recognizing the legitimacy of property and land tenure granted by the Nicaraguan Institute of Agrarian Reform (INRA). Restriction for 5 years on the sale or encumbrance of land reform parcels. The parcelero can inherit the plot, contribute it to integrate capital of some cooperative, sell it in certain cases or mortgage it. Titles of Agrarian Reform extended in the name of the head of the family shall be understood to be extended also in the name of the spouse or partner in a union of stable fact

Decree 70/2006: General Framework of Land Policy is the guarantee of immovable property rights consigned in the articles 44, 99 and 108 of the Political Constitution of Nicaragua the unrestricted respect to the private property, retaking the precept Constitutional law that prohibits the confiscation of property and the guarantee of land ownership to all owners who work it productive and efficiently.



Field research overview

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The field study involved two different types of work:

1. Interviews with interested parties.
2. Visits to sugar mill fields and sugar cane producers-suppliers.

In the first case, face-to-face meetings, teleconferences and / or communications were conducted via e-mail with 18 local stakeholders and 12 national and international organizations, from February to May 2018.

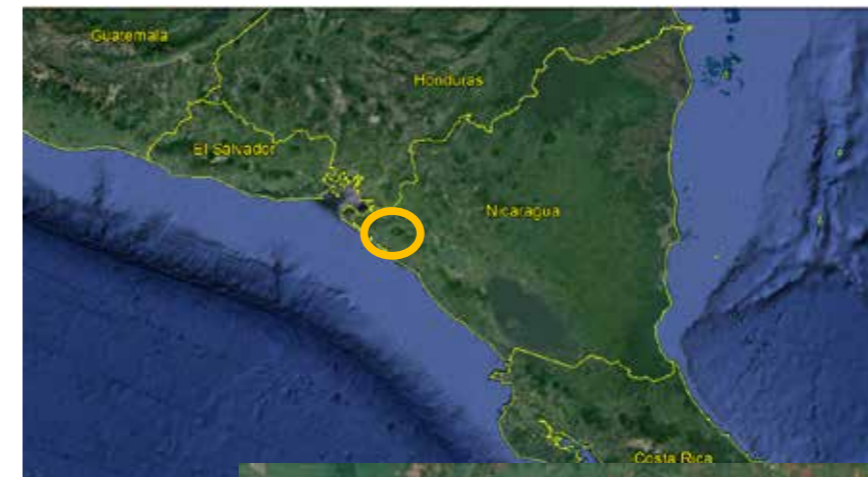
The objective of this exchange was to know what information or opinion regarding the topics of interest they have, what actions they have carried out in the past and what initiatives are being performed by each of the institutions contacted.

To comply with the second modality, the GAP Consultores researchers visited a sugar mill, which belongs to the TCCC supply chain, and its entire area of influence in April 2018.

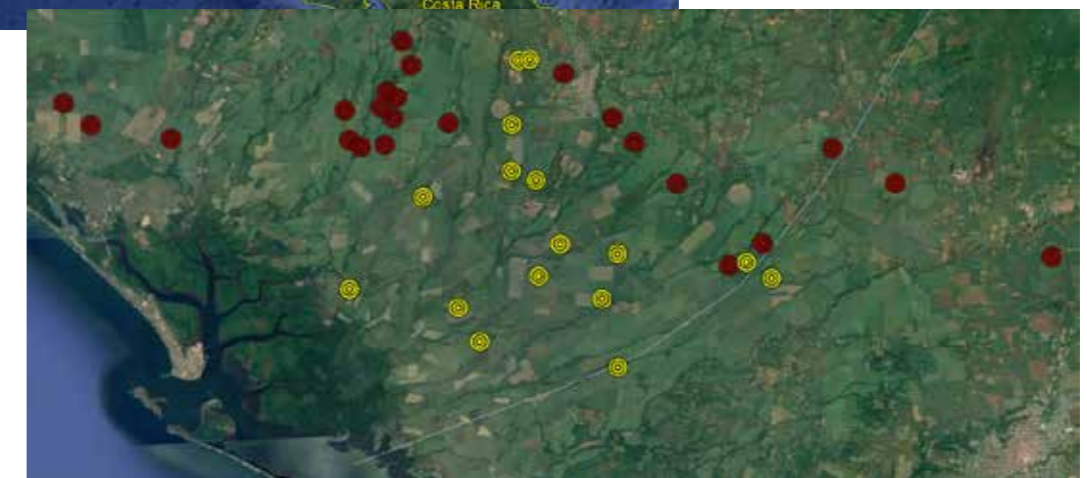
During the field visits, the mill's policies and actions related to the three topics of interest for this study were verified: child labor, forced labor and land right of its own properties as well as those owned by its suppliers. The visited mill has about 210 sugarcane suppliers annually, these represent approximately 44% of the total sugarcane production supply processed by the mill.

44 sugarcane production fields were visited. 16 of which are owned or rented by the mill

Farmer's visited field. Irrigation system provided by the Mill.



Map 1: GAP Consultores study area in Nicaragua.



Map 2: Farms surveyed by GAP Consultores.

and 28 belong to supply producers. The owners (or managers in charge) and workers of supply producer fields were surveyed during the visits.

These field visits happened during the harvest of sugarcane with the objective of observing and interviewing the workers who participate in field work (mechanical harvesting, manual cutting, monitoring of pests, spraying of phytosanitary products, irrigation of fields, replanting of cane and fertilization).

According to the methodology of study requirements, 28 sugarcane producers were visited and surveyed by coordinating the visits along with the mill's field managers. At least 10% of the workers found in each case were interviewed during the visit. A total of 42 workers present during the visit were surveyed, distributed as follows:

- 16 temporary workers and 26 permanent workers.

Also, 34 more workers were interviewed during the visit of the 16 fields that belong to the mill, always surpassing 10% of the present in each case.

Considering the total of annual sugar cane that the mill receives from suppliers, producers were surveyed, who declare to produce some 306 thousand tons of cane, representing a little more than 22%.

The following maps detail the study area within Nicaragua and specifically the location of the sites where the field visits took place.



Mill's visited Hospital. Medical health system.

Field Study Findings

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General Information

A noteworthy aspect of the Nicaraguan sugar sector is the joint work carried out by the sugar industry through the National Committee of Sugar Producers of Nicaragua (CNPA) that brings together the four sugar mills in the country, in a joint and coordinated work, advancing proactively on aspects of Quality Management and Corporate Social Responsibility (CSR).

At the same time, these are nucleated within the Superior Council of the Private Enterprise of Nicaragua (Consejo Superior de la Empresa Privada de Nicaragua - COSEP), where they are integrated with the rest of the chambers and associations of the industry and commerce of the country.

Some of the actions that were carried out in the last years include the signing of an Agreement of Joint Action in 2015 between the COSEP, The Ministry of Labor of Nicaragua and the International Organization of Labor for Central America and Mexico. Training activities, constant support of education and scholarship, promotion of hygiene, security and operation practices; added to the oversight actions by the Ministry of Labor generated changes and improvement in different sectors of the economy.

As part of the Agreement, within the CNPA, this actions were taken and comitted to seriously and with shared vision, particularly regarding hygiene and security. Through

Review on child and forced labor and land rights in *Nicaragua's sugar industry*

constant inspection by the Ministry of Labor in the mills and the following of correction and improvement actions, the situation of the workers improved substantially in all aspects, as well as awarness among the managers and workers.

These outstanding aspects make the sugar sector of Nicaragua one of the pioneers and more powerful in leading the work of mitigating the problems of child labor, forced labor and formalization of the land-use right.

The visited mill has specific references in its internal, written and public policy regarding the prohibition of hiring minors and protection against forced labor. These can be seen displayed in different sectors of the mill and were also mentioned clearly by the workers during their interviews.

These policies are strictly communicated, implemented and monitored within the mill and its properties, mainly by the human resources and occupational health teams.

The practical implementation of this policy is made at the time of hiring employees, requiring the submission of the identity card of the person prior to signing the employment contract, ensuring that he/she is the appropriate age, before formally incorporating him/her as an employee.

The monitoring of the personnel that does field work is carried out daily through planners and supervisors of the human resources

department with the collaboration of the occupational health personnel, controlling that the aforementioned policies are complied with.

As part of the globalization process of the company, the mill has eight international certifications that testify to its commitment to the sustainability criteria of the international market. The ISO9001 Quality Management System; the Food Safety Management System: HACCP (Hazard Analysis & Critical Control Points); the Food Safety Management System: FSSC22000 (Food Safety System Certification); and the Management System for Food Security of the Jewish Community: OK KOSHER; Certification RFS2 EPA (Renewable Fuel Standard # 2); the Management System for Sustainability ISCC (International System Certification & Carbon); the OHSAS 18001 Occupational Health and Safety Systems Occupational Health and Safety Management System and recently the certification of BONSUCRO sugar production and certification of FAIRTRADE USA.

The mill provides extraordinary benefits to all its workers, such as:

Education: infrastructure and quality educational level, from kindergarten to secondary school for the worker's children for free.

Health: Access to the high complexity medical centers, with medical specialists and state-of-the-art equipment. Field medical

brigades with professionals who monitor the health of workers permanently.

Mobility: Free transfer of all personnel from their place of residence to their place of work daily

Food: Provision subsidized by 50% of a basic monthly food basket for the worker and his family.

Regarding their sugarcane suppliers, they did not have formal policies on these issues, however awareness regarding the subjects of study was noticed. The mandatory signing of a contract for the purchase and sale of sugarcane between the producers and the sugar mill over the years may have helped regarding the issues of the Study.

The suppliers have the option to employ the mill for the execution of the field tasks. The high quality of service, the competitive price and the easy payment, mean that a high percentage of the work (sowing, reseeded, pest control) and 100% of the harvest, are employed to the mill.

These last mentioned aspects mean that most of the risky tasks are carried out by personnel of the mill, ensuring a higher quality of environmental and human health protection.

Mechanical harvesting has grown considerably in the last ten years. According to the information provided by the personnel responsible for sugar cane reception at

the mill, mechanized harvest represents approximately 95% of the total harvest these days.

This data coincides with the information gathered in the surveys, since 83% of the producers declared performing 100% mechanical harvesting while 17% do it in a mixed manner (75% mechanical and 25% manual).

Recently, the mill has started adding an addendum in its contracts, where it requires them to comply with the legal standards of child labor and forced labor, both for their employees and for their direct contractors and those of their service contractors.

The visits made by the mill to the supply producers are mainly related to the production and harvesting of sugarcane, therefore there is no formal and specific mechanism of control over the conditions of the workers hired or employed by the suppliers. However, the breach of the signed contract may trigger the temporary or permanent suspension of the commercial relationship between the supply producer and the mill.



Mill's primary School. English lessons.

Child Labor

Child labor is a cultural and multifactorial problem, generated by poverty as a common factor and deepened by other factors such as child marriage, pregnancy and / or teenage fatherhood, among others and is naturalized in the idiosyncrasy of society.

In the fieldwork, 76 workers were surveyed, most of them were cutters, planters and irrigators, 100% of which declared to be over 18 years old. No minors were seen doing other field work during the tours, nor during the transfers to the field.

40% of them are in an age range between 20 and 30 years old and 92% left school during elementary school or in the first years of high school. 33% of the workers have an intermediate age, between 30 and 40 years old, 72% from which did not finish high school and, finally, older workers, with an average of 60 years, did not finish high school by 80%.

Forced Labor

Suppliers

100% of the suppliers' workers declared having water available for drinking, either provided by the producer or taken from their place of residence. However, neither producer nor the worker verify it is suitable for drinking.

Most of the people interviewed declare that they have not signed any type of contract with the employer, although this is not a compulsory requirement by national legislation. On the other hand, many sign a salary receipt form, which is mandatory for both temporary and permanent staff.

From the 28 sugarcane producers visited, 78% (22) claims to give the Equipments (Equipos) claims to give the Personal Protective Equipments (Equipos de Protección Personal) to their workers, especially the protection for spraying work with agrochemicals. Coincidentally, 80% of workers say they use EPP in field work.

Of a total of 26 permanent workers hired by providers, only two (less than 8%) claims not to receive the corresponding extra payment for doing extra hours. Five (less than 20%) claim not having a day off. Also, 10 workers (more than 38%) claims not taking their corresponding holidays. Only 5 of the 42 (12%) workers interviewed on the supply fields claim knowing the existence of at least one union that ties workers together.

Some producers and workers surveyed mentioned that contractors usually present some drawbacks of legal breach, which is why it is currently a figure with low incidence in the provision of temporary work services among suppliers.

Researchers consider that the recent incorporation of the addendum to the contract

for the sale of sugarcane, which obliges the supplier to ensure legal compliance in all workers involved in the cane production process, whether they are owned, hired or hired by contractors, will promote an improvement in cases where there are still irregularities.

Mill

All the mill's workers have drinking water provided by the company. In addition, there are tanks in each field as well as in transport vehicles, for recharging their personal containers. Transportation from residence place to work field is free.

100% of the workers hired by the sugar mill declared having signed a contract for the provision of services in which the rights and obligations of each of the parties are detailed. Although this is not a mandatory requirement of national legislation, it is favorable evidence of transparent labor agreement between the parties.

In addition, when they receive their salary, they receive a written ticket with the details of their work and the amount received. All workers declare that they receive the necessary PPE according to their position and are obliged to use them.

All permanent workers declare to receive the corresponding overtime, as well as celebrate their corresponding annual paid vacation.

The duration of the working day is 7.5 hours on average, 85% being less than 8 hours a

day (average of 6.7 hours), mainly in the most rigorous field work.

50% of the sugar mill workers recognize the existence of at least one union that groups the workers.

The collective labor agreement established between the mill and its workers through the intermediation in the negotiation of the worker's unions, denotes a high degree of commitment of the company and benefits for workers superior to the general labor agreements of other activities or current legal requirements (for example: subsidized food basket, social coverage for the whole family, education for their children, etc).

Moreover, in February 2016, the company decided to eliminate the contractor figure, which oversaw hiring temporary workers under its responsibility, from its work scheme. This decision made by the board meant completely overtaking control of the hiring and so, decreasing the risk of breaches in the working conditions of the employees.

Another important modification was transferring control of the manual harvest and advance harvest groups to be managed by human resources, promoting the prioritization of working conditions of the employees.

The mill makes all field workers who are exposed to thermal heat stress conditions follow the Hydration, Shade and Rest protocol for prevention and protection of their health. It consists of shortened working

hours, limited periods of continuous work, mandatory interruptions for rest and hydration (consumption of drinking water and isotonic rehydration solutions produced in the company's laboratories).

To meet this requirement, mobile tents to generate artificial shade and transportable chemical toilets as well as personnel from fields that distribute drinking water and moisturizing solutions are provided. The correct execution of this protocol is supervised and monitored by medical professionals who arrive in their mobile clinics at the work field and control the workers.

Land rights

Property rights in Nicaragua are a historical problem caused by the alternation of democratic and de facto governments, generating legal uncertainty about private property. Periods of expropriations, confiscations, seizure of lands and irregular assignments generated important conflicts over a prolonged period.

In the last 10 years, the greater political stability of the country and numerous works carried out by governmental entities and international organizations promoted the formalization of private property and especially of land tenure. According to the information provided by the interested parties interviewed, there are currently no conflicts over the land right in the study area.

Conclusions

Review on child and forced labor and land rights in *Nicaragua's sugar industry*

GAP

Gestión Agropecuaria
Profesional

As for land right policies, the mill does not have written policies regarding the established requirements and the necessary conditions for an adequate acquisition, but it counts with a defined revision process of each land to be purchased (or rented) to avoid conflict. The mill owns 14,943 hectares on its own agricultural properties and another 2,134 hectares leased to third parties.

However, managers of the Sugar Mill mentioned that the acquisition of the farms happened always in a legal and fair manner, not registering a demand from their former owners in its 120 years of history, since prior to defining a transaction, a field-expert attorney who is a member of the Commission ensure that there are no conflicts or claims on the property. Likewise, the entire agricultural area under lease has the corresponding written lease agreements between the parties involved.

The supply producers of the mill do not possess any formal politics regarding land right, but the mill requires the submission of corresponding documentation of the land (deed or rent contract) when signing the sugarcane purchase deed, as 'sine qua non' condition.

In all the surveys carried out with producers, workers and interested parties, land rights and the existence of conflicts within land use in the studied area was questioned (see Annex II GAP Consultores Interview Material). There

were no complaints or suspicions currently in existence.

Of the producers interviewed, 97% declared either having their property titled properly or a current rental contract and 100% of the surveyed workers declared no knowledge of conflicts in land right in the study area.

Finally, in the registry office of the corresponding town hall, it was indicated that there have been no complaints in the acquisition of land by the mill, nor any conflicts over land right in the area were common.

Nicaragua is an emerging country with high poverty rates, especially in rural areas and in the Central and Caribbean areas. During the last 40 years it suffered a series of changes in government with different rules creating an unstable context of low legal security.

Despite this, the sugar industry has managed to promote a favorable evolution in joint action with the government and other organizations in the last decade, according to all aspects of the study of this report. The strong influence of international trade through the requirements of the buyers, the financing entities and the control agencies favored the cultural change that was needed. This effort involved a great investment in human and economic resources in a continuous and forceful manner, with the aim of transforming their own structures, and then also doing so in the supply bases that also provide them.

Researchers consider that although child labor is not eradicated in the country, has hardly or if any presence in the sugar sector.

Additionally, there were advances regarding the occupational health care of field workers and the enforcement of their rights, a favorable situation especially among the workers of the sugar mill. These improvements are being carried out throughout the sugar sector in a coordinated manner thanks to the cooperation between the four mills present in the country, through described actions of CNPA and COSEP.

Recommended practices to reduce the incidence of Chronic Kidney Disease are carried out in all tasks of greatest risk: having reduced the duration of the working day, setting mandatory breaks in the shade, having quality water at the operator's mill, measuring dehydration and controlling the workers' health, providing personal protection elements, etc.

Also, the advance of mechanical harvest, which today embodies more than 95% of the sugarcane surface, reduced the number of workers performing manual tasks that represent the highest risk of contraction of the disease.

Finally, despite a long history of changes in land tenure policies, including two agrarian reforms and one counter-reform, there are currently no conflicts over the land right in the study area.

Annex I

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Definitions and Abbreviations / Glossary

BONSUCRO

Bonsucro's vision is a sugarcane sector with thriving, sustainable producer communities and resilient, assured supply chains. Bonsucro's mission is to ensure that responsible sugarcane production creates lasting value for the people, communities, businesses, economies and eco-systems in all cane-growing origins. Bonsucro's strategy builds a platform to accelerate change for the largest agricultural commodity in the world – sugarcane.

Child Labor: 1981 (No. 138) - [ratifications]

According to ILO, it is first necessary to clarify what is not meant by the term child labor. Children's or teenagers' participation in work that does not affect their health and personal development or interfere with their schooling is generally regarded as being something positive. This includes activities such as helping their parents care for the home and the family, assisting in a family business or earning pocket money outside school hours and during school holidays. It contributes to children's development and to the welfare of their families; it provides them with skills,

attitudes and experience, and helps to prepare them to be useful and productive members of society during their adult life.

In no way can such activities be equated with child labor. Child labor refers to work that is mentally, physically, socially or morally dangerous and harmful to children; and interferes with their schooling:

- by depriving them of the opportunity to attend school;
- by obliging them to leave school prematurely; or
- by requiring them to attempt to combine school attendance with excessively long and heavy work.

In its most extreme forms, it involves children being enslaved, separated from their families, exposed to serious hazards and illnesses and/or left to fend for themselves on the streets of large cities - all of this often at a very early age.

Therefore, Child labor is work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. But it is difficult to give a precise dictionary definition of the term "child labor" applicable to all situations and all countries. How can a line be drawn between "acceptable" forms of work by children on the one hand and child labor on the other? If particular forms of work can be called child

labor depends on the child's age, the types of work performed, the conditions under which it is performed and the objectives pursued by individual countries. The answer varies from country to country, as well as among sectors within countries.

Worst Forms of Child Labor Convention: 1999 (No. 182) - [ratifications]

This fundamental convention defines as a "child" a person under 18 years of age. It requires ratifying states to eliminate the worst forms of child labor, including all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict; child prostitution and pornography; using children for illicit activities, in particular for the production and trafficking of drugs; and work which is likely to harm the health, safety or morals of children. The convention requires ratifying states to provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labor and for their rehabilitation and social integration. It also requires states to ensure access to free basic education and, wherever possible and appropriate, vocational training for children removed from the worst forms of child labor.



Farmer's visited field. Temporary workers for irrigation.

Forced Labor: 1934 (No. 29) - [ratifications]

According to ILO Forced labor refers to situations in which persons are coerced to work through the use of violence or intimidation, or by more subtle means such as accumulated debt, retention of identity papers or threats of denunciation to immigration authorities.

Forced labor, contemporary forms of slavery, debt bondage and human trafficking are closely related terms though not identical in a legal sense. Most situations of slavery or human trafficking are however covered by ILO's definition of forced labor.

IFC- International Finance Corporation

IFC is a member of the World Bank Group. It is the largest global development institution focused exclusively on the private sector in developing countries.

Established in 1956, IFC is owned by 184 member countries, a group that collectively determines its policies. Through a Board of Governors and a Board of Directors, its member countries guide IFC's programs and activities. Its mission is to fight poverty with passion and professionalism, for lasting results.

IFC helps to improve the lives of more poor people in the developing world.

ILO – International Labor Organization

The only tripartite U.N. (United Nations) agency, since 1919 the ILO (International Labor Organization) brings together governments, employers and workers representatives of 187 member States , to set labor standards, develop policies and devise programs promoting decent work for all women and men. It was founded in the wake of a destructive war, to pursue a vision based on the premise that universal, lasting peace can be established only if it is based on social justice. The ILO became the first specialized agency of the UN in 1946.

Land rights

It refers to the tenure of the land. IFC (International Finance Corporation) Performance Standard 5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons that use this land. Involuntary resettlement refers both to physical displacement (relocation or loss of shelter) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or other means of livelihood) because of project-related land acquisition and/or restrictions on land use. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in physical or economic displacement.

PAHO

Is the specialized international health agency for the Americas. It works with countries throughout the region to improve and protect people's health. PAHO engages in technical cooperation with its member countries to fight communicable and non-communicable diseases and their causes, to strengthen health systems, and to respond to emergencies and disasters. PAHO is committed to ensuring that all people have access to the health care they need, when they need it, with quality and without fear of falling into poverty. Through its work, PAHO promotes and supports the right of everyone to good health.

La Isla

La Isla Network is dedicated to ending the epidemic of Chronic Kidney Disease of undetermined causes (CKDu) through a collaborative, multidisciplinary approach. They are improving working conditions, standardizing research protocols, supporting responsible transitions to modernized industrial practices, and providing data-driven policy recommendations to address the CKDu crisis.⁴⁰

Solidaridad

It is an international network organization with offices across the globe. The network consists of nine regional expertise centers located in South and South-East Asia, South America, Southern Africa, East and Central Africa, West Africa, China, Central America, North America, and the Netherlands — each with their own specific expertise and focus.

TCCC – The Coca-Cola Company

It is the world's largest beverage company, refreshing consumers with more than 500 sparkling and still brands and more than 3,800 beverage choices.

UNDP – United Nations Development Program

UNDP works in nearly 170 countries and territories, helping to achieve the eradication of poverty, and the reduction of inequalities and exclusion. It helps countries to develop policies, leadership skills, partnering abilities, institutional capabilities and build resilience in order to sustain development results.

UNDP focuses on helping countries build and share solutions in three main areas:

- Sustainable development
- Democratic governance and peacebuilding
- Climate and disaster resilience.

UNICEF – United Nations International Children's Emergency Fund

UNICEF is a leading humanitarian and development agency working globally for the rights of every child. Child rights begin with safe shelter, nutrition, protection from disaster and conflict and traverse the life cycle: pre-natal care for healthy births, clean water and sanitation, health care and education.

UNICEF has spent nearly 70 years working to improve the lives of children and their families. Working with and for children through adolescence and into adulthood requires a global presence whose goal is to produce results and monitor their effects. UNICEF also lobbies and partners with leaders, thinkers and policy makers to help all children realize their rights—especially the most disadvantaged.

USAID - United States Agency for International Development

It is the lead U.S. Government agency that works to end extreme global poverty and enable resilient, democratic societies to realize their potential.

USDOL – United States Department of Labor

The United States Department of Labor mission is to foster, promote, and develop the welfare of the wage earners, job seekers, and retirees of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights.

Water. Rest. Shade (WRS)

Is a protocol developed by the U.S. Occupational Safety and Health Administration to protect agricultural workers against the risks of heat stress. The WE Program applies WRS data to the working conditions of industries affected by CKDu, beginning with sugarcane in Central America, in order to generate recommendations for a healthy and safe working environment.

Annex II: Gap Consultores interview material

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ENCUESTA 2018 A TRABAJADORES RURALES (NICARAGUA)

Número:	Fecha:	Campo / Propietario:	
MASC	FEM	Fecha de nacimiento	
Lugar de nacimiento?		Nivel Educativo	
Donde vive el resto del año?		Primaria	
Patrón:		Secundaria	
D		C	Otro:
Ocupación		Temporal	Desde cuando?
D		C	Otro:
Le dan francos en el trabajo:		Permanente	Le gusta?
Nunca		A veces	Cada X días
Si - Qué hace?		Si	No
Va al pueblo		Se queda	
Va a su casa		Otro	
FUIO - Trabaja hs extras?		Si	No
FUIO - Se las pagan aparte?		Si	No
FUIO - Se toma vacaciones?		Si	No
FUIO - Le dan días por enfermedad, trámites, etc.?		Si	No
Tiene otro trabajo?		Si	No
Si - Es el mismo patrón?		Si	No
NO - Cómo se llama?			
Ud. Produce/cia?		Si	No
Si - Está/ba cerca su chaco (20km)?		Si	No
Si - Trabajan sus hijos en su campo?		Si	No
Edades			
Si - Qué produce/ia en ese campo?		Si - Le vendió/alquiló algo de su campo?	
Si - Firmó algún documento?		Si	No
Si - Su mujer estaba de acuerdo?		Si	No
Si - Recibió compensación en forma justa?		Si	No

Observaciones:

Cuántas horas trabaja por día?	Horarios de trabajo	Horarios de descanso	Anota en algún lado?
Que tipos de trabajos hace?	Corte	Apilado	Maq.
Otros	Domésticos	Firmó contrato escrito?	Si
Qué documentos tuvo que presentar cuando lo contrataron?	No	CI	Cert Nac
Le entregan un recibo de sueldo detalla	Si	No	Le pagan en tiempo y forma?
Cuánto cobró el último mes (\$)?	Si	No	Le pagan fijo o por producción?
Si trabaja domingo o feriado, le pagan más?	Si	No	Si - Por qué debe?
Debe algo a la empresa?	Si	No	Si - Cuánto?
Qué edad tiene el trabajador más joven actualmente?	<14	14-17	>17
Si - Que tipos de trabajos hacen?	Corte	Apilado	Maq.
Alguna vez se accidentó?	Si	No	Si - Tuvo asistencia médica?
Si - Describa			
NO - Sabe de otros?	Si	No	Si - Tuvieron asistencia médica?
Utiliza EPP?	Si	No	Si - Qué EPP debe utilizar en su puesto?
Lo compró usted o se lo entregaron	C	E	Recibió entrenamiento en seguridad?
Si	No	Si	No
Tiene acceso a agua para consumo	Si	No	

Observaciones:

Recibió entrenamiento?	Hidratación	Seguridad e Higiene	Ambiente	Otras	
Duerme en el campamento?	SI	NO	NO - Donde?		
Está con su familia?	SI	NO	NO - Donde esta la flia?		
SI - Integrantes, edades:					
SI - Cuántos duermen en la misma habitación?			Sexos / familias separados?	SI	No
SI - Tiene agua para consumo	SI	No	SI - Les proveen comida?	SI	No
SI - Le cuesta caro o sale lo mismo que en el puebl = / - +					
Sus hijos colaboran en las tareas?	SI	No	SI - Cuales?	Corte	Apilado
Sus hijos van al colegio?	SI	No	SI - Cuando?	Deshojado	Domésticos
No - Porqué?					
Conoce si hubo/hay conflictos por el uso de la tierra?	SI	No	Aumentó el tamaño del chaco en los últimos diez	SI	No
SI - Sabe si existe alguna forma de quejarse o reclamar por estos temas?	SI	No			
Existe un sindicato o agrupación de trabajadores?	SI	No	SI - Es usted miembro?	SI	No
NO - porqué no es miembro?					
SI - Ante un problema, se puede comunicar con ellos?					
SI - Le resuelven sus problemas?					
Reciben visitas del gobierno (salud/trabajo)?	SI	No	Hay forma de asentar quejas en forma anónima?	SI	No
SI - Quién? Cada Cuánto?					

Observaciones:

ENCUESTA 2018 A PRODUCTORES RURALES (NICARAGUA)

Fecha: Latitud: Longitud:

Campo / Productor	MASC	FEM	Nivel Educativo	Primaria	Completo
	MASC	FEM	Secundaria	Incompleto	
	MASC	FEM	Terciario	No lee/escibe	

Responsable/puesto

Vive en el campo? Nunca A veces Siempre Con quien? Mujer Hijos Otros

Tiene hijos? SI No SI - Sus hijos colaboran en las tareas? SI No SI - Cuales? Corte Apilado Deshojado Domésticos Otras

< 10 10 a 14 14 a 17 SI - Otras

SI - Van a escuela? SI No SI - Cuando?

No - Porqué?

Independiente Superficie del chaco (has) Producción de caña Total producción: Total de has

Asociado SOCIO - Cómo? Total Caña

Desde cuando posee este chaco? Posee documentos SI No Cuál/es:

Es propiedad individual o comunitaria? I C Está saneado? SI No Título FS/FES PAT Otro

Tiene políticas sobre Derecho de Uso de la Tierra? SI No SI - Las tiene escritas? SI No SI - Propias o del ingenio? P I

Observaciones:

Qué documentos exige para contratar personal propio? No CI C Nacim. Otros

De qué zonas/países son los trabajadores? SCZ Sucre FOTOSI Otro:

Hablan español? SI No NO - Cómo se comunica con ellos?

	Permanente				Temporal			
	Mayores	10 a 12	12 a 14	14 a 17	Mayores	10 a 12	12 a 14	14 a 17
Oficina								
Producción								
Zafra								
Doméstico								
Filar no paga								
Otros								

H M H M H M H M

SI trabaja algún menor: Tiene autorización de los padres? SI No Cumplen la jornada escolar? SI No

Cómo cosecha la caña en %? Manual Zafra - Contrata Ud o un tercero? Usted Cuántos? Mecánica Tercero Cuántos?

Nombre contratista/Datos:

Observaciones:

Firma contrato con el contratista? Si No SI - Le pide requisitos en la contratación? Si No SI - Cuáles? _____

Posee listado del personal ajeno? Si No Controlan hs de ingreso y egreso de los zafreros? Si No Le entregan recibo de sueldo a los zafrero? Si No

De qué zonas/países son los trabajadores? SCZ _____ Sucre _____ Potosi _____ Otro: _____

Hablan español? Si No NO - Cómo se comunica con ellos? _____

	Permanente				Temporal			
	Mayores	10 a 12	12 a 14	14 a 17	Mayores	10 a 12	12 a 14	14 a 17
Quema								
Corte								
Deshojado								
Apilado								
Flar no paga								
Otros								
	H	M	H	M	H	M	H	M

Si trabaja algún menor: Tiene autorización de los padres? Si No Cumplen la jornada escolar? Si No

Alguna vez hubo un accidente? Si No SI - Hubo asistencia médica? Si No SI - Describe: _____

Descuenta algo a sus empleados? Si No SI - Que? (asistencia médica, comida, alojamiento, etc) _____

Entrega los EPP? Si No Qué EPP deberían usar los trabajadores? Guantes _____ Botas _____ Lona _____ Otros: _____

Los exige utilizar? Si No Organiza y exige entrenamiento en seguridad? Si No Los trabajadores, tienen acceso a agua para consumo? Si No

Observaciones:

Entrega los EPP? Si No Qué EPP deberían usar los trabajadores? Guantes _____ Botas _____ Lona _____ Otros: _____

Los exige utilizar? Si No Organiza y exige entrenamiento en seguridad? Si No Los trabajadores, tienen acceso a agua para consumo? Si No

Observaciones:

Usted provee alojamiento? Si No NO - Por qué? _____ SI - Tiene agua para consumo? Si No

SI - Cuántos duermen en la misma habitación? _____ SI - Sexos separados? Si No SI - Hay baños para cada sexo? Si No

Les proveen comida? Si No SI - Es gratis o la cobra/descuent? G C

Existe un sindicato o agrupación de trabajadores? Si No SI - Permite que sean miembros? Si No NO - por qué no? _____

SI - Ante un problema, se comunican con ellos? Si No _____

SI - Resuelven los problemas? Si No _____

Los empleados tienen alguna forma de asentar quejas en forma anónima? Si No Cuál? _____

Tiene políticas sobre Trabajo Infantil? Si No SI - Las tiene escritas? Si No SI - Propias o del ingenio? P I

El ingenio lo capacitó o informó al respecto de dichas políticas? Si No SI - Capacita o informa al personal respecto de dichas políticas? Si No

Tiene políticas sobre Trabajo Forzoso? Si No SI - Las tiene escritas? Si No SI - Propias o del ingenio? P I

El ingenio lo capacitó o informó al respecto de dichas políticas? Si No SI - Capacita o informa al personal respecto de dichas políticas? Si No

Tuvo que manejar situaciones del estrés? Si No SI - Cómo se maneja/manejó al respecto? _____

Observaciones:

ENCUESTA 2018 A INGENIO (NICARAGUA)

Información General del ingenio:

Fecha: _____ Ingenio: _____ Responsable/puesto: _____

Año creación: _____ Vencimiento de la licencia: _____ Otorgada por? _____

El ingenio posee algún certificado? ISO 9001 Bonsucro Otros: _____

Cuántos empleados tendrá este año? Alta temporada: Permanentes Temporales Oficinistas Hablan todos español? Si No

Cuántos empleados tendrá este año? Baja temporada: Permanentes Temporales Oficinistas NO - Como se maneja? _____

Tiene políticas respecto del trabajo forzoso? _____

La tiene por escrito? Si No SI - Aplica a los productores y contratados? Si No SI - Los capacita o informa al respecto de dichas políticas? Si No

SI - Controlan? Si No SI - Cómo los capacita? _____

Exigen mecanismos de quejas y reclamos (empleados)? Si No Y externo a su empresa (vecinos, productores)? Si No

Qué políticas tiene respecto de los menores? _____

La tiene por escrito? Si No SI - Aplica a los productores y contratados? Si No SI - Los capacita o informa al respecto de dichas políticas? Si No

SI - Controlan? Si No SI - Cómo los capacita? _____

Observaciones:

Qué políticas tiene respecto al derecho de uso de las tierras? _____

La tiene por escrito? Si No SI - Aplica a los productores abastecedores? Si No SI - Los capacita o informa al respecto de dichas políticas? Si No

SI - Controlan? Si No SI - Cómo los capacita? _____

Existen casos de reclamos o conflictos en la zona? Si No SI - Cuáles? _____

Qué volumen de caña propia procesó? _____ Producción de azúcar? _____ Y de etano? _____

Qué volumen de caña externa procesó? _____

SI - Cuál? _____

Aumentó la superficie del ingenio alguna vez? Si No Cuando hizo la/las compra/s de terreno? _____ Hizo análisis de impacto (social/ambiental)? Si No

Compró todo a un solo dueño o fueron varios? U V Tuvo conflictos en la adquisición de esos terrenos? Si No SI - Se resolvieron? Si No

SI - Cómo? _____

SI - Cuando hizo la/las compra/s de terreno? _____

Aumentó la superficie de sus campos propios alguna vez? Si No SI - Compró todo a un solo dueño o fueron varios? U V _____

SI - Tuvo conflictos en la adquisición de esos terrenos? Si No _____

A qué asociaciones/comunidades está afiliado el ingenio? _____

Participan en organizaciones / proyectos en alguno de los 3 temas? Si No SI - Cuáles? _____

Observaciones:

Annex III:

Stakeholders national and international list

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Stakeholders List - Nicaragua

	Category	Organization name	Office location	Type of communication
LOCAL	Government	Alcaldia de Chichigalpa	Chichigalpa	Physical meeting
	Government	Ministerio de Educación Nicaragua (MINED)	Chinandega	E-mail
	Government	Ministerio de Fomento, Industria y Comercio (MIFIC)	Managua	Physical meeting
	Government	Ministerio de Trabajo Nicaragua (MITRAB)	Managua	Physical meeting
	Journalist	No name was given	Managua	Physical meeting
	NGO	Asociacion de Personas Afectadas por ERC (ASOCHIVIDA)	Chichigalpa	Physical meeting
	NGO	Centro Humboldt	Managua	E-mail
	NGO	Federación Coordinadora Nicaragüense (CODENI)	Managua	Physical meeting
	NGO	Fundacion Chinandega 2001	Chinandega	Physical meeting
	Private Sector	Comité Nacional de Productores de Azúcar (CNPA)	Managua	Physical meeting
	Private Sector	Consejo Superior de la Empresa Privada (COSEP)	Managua	Physical meeting
	Private Sector	Ingenio San Antonio (ISA-NSEL)	Chichigalpa	Physical meeting
	Union	Asociación de Productores Privados de Caña de Azúcar de Occidente (APRICO)	Chinandega	Physical meeting
	Union	Confederación Trabajadores Agroindustria Azucarera y Derivados (CONFETRAYD)	Managua	Physical meeting
	Union	Sindicato ISA - Sindicato Faustino Martinez	Nicaragua	Physical meeting
	Union	Sindicato ISA - Sindicato Ronald Altamirano	Nicaragua	Physical meeting
	Union	Sindicato ISA - Trabajadores Democráticos	Nicaragua	Physical meeting
	Union	Union de Productores Agropecuarios Nicaragua (UPANIC)	Chichigalpa	Physical meeting

Review on child and forced labor and land rights in Nicaragua's sugar industry

	Category	Organization name	Office location	Type of communication
NATIONAL / INTERNATIONAL	NGO	Asociación Española de Cooperacion Internacional para el Desarrollo	España	E-mail
	NGO	Bonsucro América Latina	Buenos Aires	Physical meeting
	NGO	La Isla Network	USA	Skype call
	NGO	LANDESA (Rural development Institute)	USA	Skype call
	NGO	OXFAM America	USA	Skype call
	NGO	Save the Children	Managua	Physical meeting
	NGO	Solidaridad Internacional	Buenos Aires	Physical meeting
	NGO	World Wildlife Fund (WWF)	Guatemala	E-mail
	Private Sector	International Finance Corporation (IFC)	Managua	E-mail
	Private Sector	SCS Global Services	USA	E-mail
	UN agency	Fondo de las Naciones Unidas para la Infancia (UNICEF)	Managua	E-mail
	UN agency	International Labor Organization (ILO)	Costa Rica	E-mail

Annex IV: Selection table of visited sugarcane growers

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Range	N° supply farmers	Volume %	Sample %	N° visited farmers	Objective	Surveys
< 0.5%	182	19,48%		minimum 20	24	23
0.5 - 1%	21	13,81%	5%	2	3	5
1 - 5%	7	10,30%	10%	1	2	2
5 - 10%	0		25%	0	0	0
> 25%	1	56,42%	100%	1	1	1

Annex V: Revision history

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Version N° 1

May 2018. Completion of final report.
Following round of internal and external
review.

Version N°2

June 2018. Final report with internal review
comments verified.

Version N° 3

July 2018. Final report with additional
comments.



Mill's visited field. Water, Shade, Rest (WSR)
System during manual seed harvest.

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