



### THIRD ITEM ON THE AGENDA

## **Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work**

### **Part I**

#### **Introduction by the ILO Declaration Expert-Advisers to the compilation of annual reports**

1. The Annex to the ILO Declaration on Fundamental Principles and Rights at Work provides for reports to be requested annually of member States under article 19, paragraph 5(e), of the ILO Constitution. The Office is responsible for preparing a compilation of the reports. Paragraph II.B.3 of the Annex states: “With a view to presenting an introduction to the reports so compiled, drawing attention to any aspects which might call for a more in-depth discussion, the Office may call upon a group of experts appointed for this purpose by the Governing Body.” At its 274th Session (March 1999) the Governing Body decided to set up such a group of experts, composed of seven Expert-Advisers, whom it most recently appointed at its 282nd Session (November 2001). The Governing Body assigned to them the responsibility, in line with the objectives of the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work as set out in the Annex to the Declaration, for –
  - (a) examining the information compiled by the Office on the basis of the replies from Members that have not ratified the relevant Conventions to the report forms sent by the Office in accordance with article 19, paragraph 5(e), of the Constitution, as well as any comments on those replies made in accordance with article 23 of the Constitution and established practice;
  - (b) presenting to the Governing Body an introduction to the compilation based on those reports, drawing its attention to aspects that seem to call for more in-depth discussion;

- (c) proposing to the Governing Body, for discussion and decision, any adjustments that they think desirable to the report forms.<sup>1</sup>
- 2. The annual reports and related comments of employers' and workers' organizations, compiled by the Office in accordance with established practice, were accordingly submitted to the Group of Expert-Advisers, who met from 9 to 14 January 2002. The 2002 compilation,<sup>2</sup> and the attached Introduction prepared by the Expert-Advisers are submitted for review by the Governing Body.
- 3. In paragraphs 40 to 46 of their Introduction, the Expert-Advisers make a number of recommendations for consideration by the Governing Body.
- 4. *The Governing Body may wish to examine the attached Introduction by the Expert-Advisers and the compilation of annual reports, and to take the appropriate decisions on the recommendations in paragraphs 40 to 46 of the Introduction.*

Geneva, 22 January 2002.

*Point for decision:* Paragraph 4.

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<sup>1</sup> Governing Body, Minutes of the 274th Session, sixth sitting.

<sup>2</sup> GB.283/3/2.

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**Review of annual reports under the follow-up to the ILO  
Declaration on Fundamental Principles and Rights at Work, 2002**

**Part I**

**Introduction by the ILO Declaration Expert-Advisers  
to the compilation of annual reports**

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## Abbreviations

ALO	–	Arab Labour Organization
ARIATA	–	Asian Regional Initiative Against Trafficking in Women and Children
CEDAW	–	(United Nations) Convention on the Elimination of All Forms of Discrimination Against Women
EPZ	–	export processing zone
GB	–	Governing Body
GCC	–	Gulf Cooperation Council
ICFTU	–	International Confederation of Free Trade Unions
IFP	–	InFocus programme
ILO	–	International Labour Organization/International Labour Office
IOE	–	International Organisation of Employers
IOM	–	International Organization for Migration
IPEC	–	International Programme on the Elimination of Child Labour
MDT	–	multidisciplinary advisory team
MERCOSUR	–	Common Market of the Southern Cone
NGO	–	non-governmental organization
PRODIAF	–	ILO/Belgian programme on social dialogue in French-speaking Africa
RBTC	–	Regular budget for technical cooperation
SIMPOC	–	Statistical Information and Monitoring Programme on Child Labour
TC	–	technical cooperation
UN	–	United Nations
UNDP	–	United Nations Development Programme
UNESCO	–	United Nations Educational, Scientific and Cultural Organization
UNFPA	–	United Nations Population Fund
UNHCR	–	Office of the United Nations High Commissioner for Refugees
UNICEF	–	United Nations Children's Fund
UNIFEM	–	United Nations Development Fund for Women
WCL	–	World Confederation of Labour
WHO	–	World Health Organization

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## A. Structure of the Introduction

1. This Introduction to the compilation of annual reports under the 2002 annual review contains information about what was contained in the reports and comments received by the Office, as well as observations and recommendations the Expert-Advisers have made based upon the compilation.
2. The revised structure of this Introduction clearly indicates when the Expert-Advisers' views are being stated. These appear in the overall observations in Part B, the recommendations in Part C, and in the concluding sections of Part D, under each category of principles and rights.

## B. Expert-Advisers' overall observations

### *The Declaration framework*

3. **Shared values.** In a context of global change, the ILO Declaration on Fundamental Principles and Rights at Work expresses basic values and goals endorsed by the international community. Human dignity lies at the core of these values.
4. **New tools.** At the same time, the Declaration provides new tools to support efforts to promote, realize and respect these principles and rights at work: an annual review, global reports, promotional activities and enhanced technical cooperation.
5. **A question of human rights.** Promotion of the Declaration takes place within the framework of broader human rights, and builds upon instruments such as the Universal Declaration of Human Rights. When Heads of State met at the Copenhagen Social Summit in 1995, they singled out four concepts of primordial importance in the world of work that became the heart of the ILO Declaration:
  - freedom of association and effective recognition of the right to collective bargaining;
  - the elimination of all forms of forced or compulsory labour;
  - the effective abolition of child labour; and
  - the elimination of discrimination in employment and occupation.
6. **Common minimum conditions.** There are some common minimum conditions for ensuring respect for all four categories of principle: awareness of problems, political will to tackle them, an adequate legal framework, practical initiatives that improve people's daily lives, and institutions to ensure that rights are enforceable.
7. While the socio-economic circumstances for promoting fundamental principles and rights at work differ, the principles and rights themselves are immutable and universal. The political will to promote them can be demonstrated under any economic circumstances and across all cultures.
8. **Measures to close the gap.** We are interested in learning about steps being taken to close the gap between fundamental principles and rights at work and the actual situation that pertains in many countries. The reports this year have contained many positive signals, but too many indicate that denial of some basic rights persists.

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- 9. All four categories are interlinked.** We see increasing evidence of the interlinkages between the four categories of principles and rights at work. They are mutually reinforcing. The information we have reviewed points to a relationship in particular between forced labour and the three other categories. We are especially concerned by the use of forced labour as a means of punishing the expression of political views or trade union activities, and as a manifestation of discrimination on grounds of ethnicity.
  - 10. No exclusions from fundamental principles and rights.** Fundamental principles and rights extend to everyone, without exclusion. We are concerned by the continued exclusion of particular groups from legislative provisions and the failure of practical measures designed to respect fundamental principles and rights at work to reach them. The enjoyment of these rights cannot be denied to a particular group, such as ethnic minorities or domestic workers, or in particular circumstances, such as the informal economy. Across all categories, the denial of basic rights for migrant workers is of special concern to us.

*The importance of change over time*

- 11. Efforts need to be made.** The purpose of the annual follow-up is to review, each year, the efforts made by States coming within its scope. To us, this implies that some efforts will in fact be made each year to promote the fundamental principles and rights in the Declaration.
- 12. We expect to see change.** Under the follow-up, governments are asked to report on any changes that may have taken place in their law and practice since the last annual review. Change covers a wide spectrum, from minor fine-tuning to major transformation. In the context of legislative reform, for example, steps in the process can be reported even before the final texts are adopted. As far as practice is concerned, we cannot accept that there can really be a situation of no change. Promoting the fundamental principles and rights at work is a continuing obligation for all member States. We have therefore indicated under each category of our Introduction the countries which reported “no change”. In some cases this means that they report no change in the situation as it existed three years ago.

*The mandate of the Expert-Advisers*

- 13. The framework for our work.** Our mandate is an essential element of the follow-up to the Declaration. As the initial step in the process, the annual review has a key role to play with a follow-up that is to be promotional, meaningful and effective. As independent Expert-Advisers, we believe we must both highlight situations where there has been progress, and to indicate others where there has been little or none. A promotional follow-up does not mean a follow-up that closes its eyes to difficulties. Calling attention to them can heighten awareness, and such awareness is the first step to tackling them at the national level.

*The Declaration follow-up and the supervisory procedures*

- 14. Avoiding double scrutiny.** At the same time, the follow-up must avoid double scrutiny in relation to the ILO standards supervisory procedures. In particular, there must be no confusion between the Declaration follow-up and procedures available under the Committee on Freedom of Association, since they fulfil different roles. The information sought under the Declaration follow-up is not about complaints, or how Conventions are or would be applied. To fulfil our role under the Declaration follow-up, we are interested in what is happening in reality as regards efforts made to promote, respect and realize fundamental principles and rights at work.

- 15. Using the follow-up to its best advantage.** Moreover, we note that a number of constituents still do not seem to appreciate the difference between the supervisory procedures and the follow-up to the Declaration, or indeed between the requirements of ratified Conventions and the obligation to respect fundamental principles and rights. When constituents use the same information for different purposes, such as the Declaration and article 22 reports, they are not using the Declaration follow-up in a way that is in tune with its promotional nature, or to best advantage.

*Reporting under the follow-up*

- 16. Reporting rate.** We find it interesting that there seems to be no connection between the size of a country's population or economy and its willingness to report under the Declaration follow-up; reports have been sent by a number of small countries with limited resources as well as by some of the larger ones. The overall number of reports is down slightly this year (see table 1). One reason may be the inclusion of new countries not yet familiar with reporting under the Declaration, which were called upon to report for the first time (i.e. those that have not yet ratified Convention No. 182). In addition, there were several late reports that would normally be reviewed next year.<sup>1</sup>

**Table 1. Reports due and received by category of fundamental principle and right, 2000-02**

Category	Number due			Number received (per cent received)			Change of %	
	2000	2001	2002	2000	2001	2002	2001 2000	2002 2001
Freedom of association/ collective bargaining	52	47	42	35 (67)	33 (70)	34 (81)	+ 3	+11
Forced labour	41	36	28	21 (51)	19 (53)	18 (64)	+ 2	+11
Child labour	92	72	102	47 (51)	49 (68)	57 (56)	+17	-12
Discrimination	43	38	31	24 (56)	28 (74)	19 (61)	+18	-13
<b>Total</b>	<b>228</b>	<b>193</b>	<b>203</b>	<b>127 (56)</b>	<b>129 (67)</b>	<b>128 (63)</b>	<b>+11</b>	<b>-4</b>

Note: The number of reports due in relation to child labour increased in the 2002 round because of the entry into force of the Worst Forms of Child Labour Convention, 1999 (No. 182). Five late reports were received in 2002: one for the elimination of all forms of forced or compulsory labour, and four for the effective abolition of child labour (not included in figures above).

Source: ILO.

- 17. Reporting rate differs by category.** As regards freedom of association/collective bargaining and forced labour, we welcome the increase in the rate of reporting. But we must express our concern at the drop in reporting on discrimination in employment and occupation, as well as at the persistent lack of reports from certain governments. Box 1 lists the countries that have failed to report on one or more categories.

<sup>1</sup> Received from the Governments of **Benin, Burundi, Cameroon, Colombia, Latvia, Nigeria** and **Venezuela** regarding one or more categories.

**Box 1. Governments failing in their reporting obligations under the Declaration follow-up  
in relation to particular categories of principles and rights**

*A. Governments that did not report for 2000, 2001 and 2002  
in relation to a particular category (ten countries in total)*

Freedom of association and collective bargaining: **Afghanistan, Fiji, Solomon Islands, Uzbekistan** (four countries)

Forced or compulsory labour: **Afghanistan, Mongolia, Sao Tome and Principe, Solomon Islands, The former Yugoslav Republic of Macedonia** (five countries)

Child labour: **Afghanistan, Fiji, Mongolia, Sao Tome and Principe, Sierra Leone, Solomon Islands, Swaziland, Uzbekistan** (eight countries)

Discrimination: **Antigua and Barbuda, Fiji, Solomon Islands** (three countries)

*B. Other governments that did not report by 1 September 2001 in relation to  
relevant categories (37 countries, some of which have since ratified the relevant Convention(s))*

Freedom of association and collective bargaining: **Iraq, Mauritania, Nepal, Somalia** (four countries)

Forced or compulsory labour: **Bolivia, Federal Republic of Yugoslavia, Lao People's Democratic Republic, Nepal** (four countries)

Child labour: **Antigua and Barbuda, Bangladesh, Bolivia, Bosnia and Herzegovina, Cameroon, Cape Verde, Chad, Colombia, Congo, Costa Rica, Côte d'Ivoire, Djibouti, Eritrea, France, Grenada, Guinea, Haiti, Israel, Jamaica, Kyrgyzstan, Lao People's Democratic Republic, Liberia, Mauritania, Nepal, Nigeria, Paraguay, Saint Kitts and Nevis, Somalia, Tajikistan, The former Yugoslav Republic of Macedonia, Turkmenistan, Uganda, Federal Republic of Yugoslavia, Zambia** (34 countries)

Discrimination: **Djibouti, Grenada, Lao People's Democratic Republic, Liberia, Mauritania, Nigeria, Somalia, Suriname, United Republic of Tanzania** (nine countries)

**18. Countries never having reported.** The Governments of **Afghanistan, Antigua and Barbuda, Fiji, Mongolia, Sao Tome and Principe, Sierra Leone, Solomon Islands, Swaziland, Uzbekistan** and **The former Yugoslav Republic of Macedonia** have never submitted any reports under the Declaration follow-up (Part A of box 1 shows the categories for which reports are owed). They are thus referred to in our recommendations (Part C).

**19. Quality of information provided.** The Expert-Advisers are concerned that the information in a number of reports continued to be inadequate. Where governments can obtain information relevant to the report forms, they should provide it. Reporting fully offers an opportunity for governments to assess the constraints to be addressed. It also identifies how the ILO could provide support to the governments and the social partners. We think it is preferable for countries to state the challenges they face in respecting, promoting and realizing fundamental principles and rights at work.

**20. More information needed on practice.** In line with the broad promotional nature of the follow-up, the Expert-Advisers would prefer to see much more information on the situation in practice in addition to information on legal provisions. At present, relatively little information is given regarding policies and practical efforts being made to promote, respect and realize the fundamental principles and rights at work, while many reports are overly rich in legal details.

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*Report forms to elicit practical information*

- 21. New report forms.** This was the first year for governments to provide information using the new report form on child labour that was designed so as to elicit more practical information. We were struck by the much more focused replies this new report form elicited, particularly for identifying challenges and prioritizing their technical cooperation needs. In contrast, the rather incomplete information as regards practice that was provided by some governments in relation to the other three categories of principles reinforces the need for new report forms that would place greater emphasis on the situation in practice.

*Involvement of the social partners*

- 22. Greater engagement of employers' organizations.** We were encouraged by the strong statement of support for the Declaration made by the International Organisation of Employers, detailing the initiatives it has taken, the training materials it has produced and the key role it is playing in relation to the Global Compact. The increased role played this year by national employers' organizations in participating in the preparation of government reports and commenting on them was also a positive development.
- 23. Workers' organizations remain actively involved.** This year, the International Confederation of Free Trade Unions and the World Confederation of Labour, working with their affiliates, made their views known on all four categories of principles. Their voices were joined by a greater number of national workers' organizations than in the past; this was a welcomed trend. In addition to carrying out activities of their own, workers' organizations at the national and the international level have enriched the information made available by governments.

*Encouraging dialogue*

- 24. The basis for true social dialogue.** We are convinced that unless workers and employers are free to join and establish organizations of their own choosing, without interference, there can be no true collective bargaining or social dialogue. Failure to respect the principles and rights regarding freedom of association and collective bargaining makes genuine social dialogue impossible, since people have no way to truly defend their interests. The imposition of single trade union structures remains of particular concern.
- 25. Governments are responding.** We appreciate the work done by governments, including those with rather limited means, to provide information in response to issues raised by employers' and/or workers' organizations. Most have taken the matter seriously, displaying an openness to dialogue, which is encouraging. Given the political delicacy of some of the questions, such dialogue is essential for working out solutions at the national level.

*Technical cooperation*

- 26. Technical cooperation on the rise.** We are heartened to see that many countries that have identified challenges have been able to see the launching of technical cooperation projects to address them. We look forward to seeing the practical impact of these projects in relation to fundamental principles and rights at work reflected in future reports. The demonstration effects of such projects are very useful, and diffusion of their results could motivate others. The response of donors has been quite positive, and we urge that this continue and expand.

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- 27. Fundamental principles and rights at work in post-conflict situations.** We reiterate that failure to respect fundamental principles and rights at work can contribute to the emergence of armed conflict. Restoration of respect for them can help to create an environment for durable reconstruction and development in post-conflict situations. While the international community has the opportunity to demonstrate this in several countries around the world, we call attention to the urgency of work by the ILO in close consultation with the United Nations to assist in the rebuilding of Afghanistan, including in matters falling under the Declaration follow-up. We are convinced that embedding respect for fundamental principles and rights at work into the reconstruction of this country, as in others, will help to foster sustainable peace.

*Stepping up promotional activity*

- 28. Diverse promotional efforts.** The Expert-Advisers are encouraged by the diverse promotional efforts made by the Office in advocating the principles and rights in the Declaration and wish to encourage more work in this direction. It will be important to continue such initiatives with ministries of labour, employers' organizations and workers' organizations.
- 29. Broad-based outreach.** Given the urgency of familiarizing the general public about the Declaration, the Expert-Advisers see a need to expand outreach to as many people as possible. Universities, professional associations, business circles, and adult education courses are among those that could be promising vehicles, since they would have a multiplier effect. The values in the Declaration need to be discussed and embraced by a broad base of people. Working alongside the social partners, civil society groups can be effective champions of programmes for the promotion of fundamental principles and rights at work.

*Ratification of fundamental Conventions*

- 30. Ratification as a step.** Ratification of the core Conventions clearly denotes a commitment by a member State to observe their provisions, and it is encouraging to see more and more countries ratifying them (see box 2). Promotion of the fundamental principles and rights in the Declaration remains the task of all member States (even those that have ratified the eight fundamental Conventions), the social partners, the Office and their various partners.
- 31. Intentions to ratify.** While the number of governments that stated intention to ratify (see annex tables 5 to 8) is a positive sign, it should not stop all other efforts to promote the fundamental principles and rights at work. Nor does it relieve a country from the obligation to report under the Declaration follow-up. Indeed, the gathering of information by the government in order to report under the Declaration will help it assess whether the situation in practice as well as in law is ripe for ratification.

**Box 2. Recent ratifications of fundamental Conventions**

*Freedom of association and the effective recognition of the right to collective bargaining*

Convention No. 87: **Angola, Bahamas, Democratic Republic of the Congo, Equatorial Guinea, Gambia, Kazakhstan, Saint Vincent and the Grenadines, Federal Republic of Yugoslavia** (eight countries, bringing the total ratifications to 139 by 31 December 2001)

Convention No. 98: **Equatorial Guinea, Gambia, Kazakhstan, Mauritania, Federal Republic of Yugoslavia** (five countries, bringing the total ratifications to 151 by 31 December 2001)

*Elimination of all forms of forced or compulsory labour*

Convention No. 29: **Equatorial Guinea, Gambia, Kazakhstan, Namibia, Rwanda, Federal Republic of Yugoslavia** (six countries, bringing the total ratifications to 159 by 31 December 2001)

Convention No. 105: **Bosnia and Herzegovina, Democratic Republic of the Congo, Equatorial Guinea, Gambia, Kazakhstan, Lesotho, Namibia, Ukraine** (eight countries, bring the total ratifications to 155 by 31 December 2001)

*Effective abolition of child labour*

Convention No. 138: **Angola, Bahamas, Benin, Brazil, Cameroon, Colombia, Democratic Republic of the Congo, Gambia, Kazakhstan, Lesotho, Mauritania, Namibia, Papua New Guinea, Syrian Arab Republic, Federal Republic of Yugoslavia** (15 countries, bringing the total ratifications to 116 by 31 December 2001)

Convention No. 182: **Albania, Algeria, Angola, Argentina, Austria, Bahamas, Bahrain, Bangladesh, Benin, Bosnia and Herzegovina, Botswana, Burkina Faso, Cape Verde, Chad, Costa Rica, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Dominica, Dominican Republic, Estonia, Equatorial Guinea, Finland, France, Gabon, Gambia, Greece, Guatemala, Guyana, Honduras, Iraq, Ireland, Japan, Kenya, Republic of Korea, Lebanon, Lesotho, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Mauritania, Mongolia, Morocco, Namibia, New Zealand, Nicaragua, Norway, Oman, Pakistan, Paraguay, Philippines, Romania, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Seychelles, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Sweden, United Republic of Tanzania, Thailand, Turkey, Uganda, Ukraine, United Arab Emirates, United States, Uruguay, Viet Nam, Zambia, Zimbabwe** (76 countries, bringing the total ratifications to 113 by 31 December 2001)

*Elimination of discrimination in employment and occupation*

Convention No. 100: **Bahamas, Gambia, Kazakhstan, Kenya, Mauritania, Pakistan, Saint Vincent and the Grenadines, Federal Republic of Yugoslavia** (eight countries, bringing the total ratifications to 156 by 31 December 2001)

Convention No. 111: **Bahamas, Democratic Republic of the Congo, Equatorial Guinea, Gambia, Kenya, Luxembourg, Namibia, Saint Vincent and the Grenadines, United Arab Emirates, Federal Republic of Yugoslavia** (ten countries, bringing the total ratifications to 154 by 31 December 2001)

*Follow-up to earlier recommendations*

32. **Recommendations made last year to the Office.** The Expert-Advisers appreciate the consideration given by the Governing Body to the series of recommendations they made last year and the broad endorsement they received.<sup>2</sup> In an effort to stimulate continued efforts by countries falling under the follow-up, we have included a series of similar recommendations this year.
33. We are glad to learn, in particular, that the mobilization of resources, provision of technical assistance and media outreach initiatives by the Office have been notably successful. The positive response from the donor community has been especially gratifying. Further information on these aspects appears in Parts G and H of this Introduction.

<sup>2</sup> GB.280/3/1 (Mar. 2001), paras. 30-34.

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- 34. Recommendations encouraging dialogue with governments.** Last year, we called attention to certain aspects of government reports with a view to encouraging dialogue in relation to the governments that, by the 2001 annual review, had not yet provided any reports under the Declaration follow-up. We are encouraged to see that half of this group has now responded, and we salute the efforts made by these governments as well as by the Office to reach this result.
  - 35.** The Expert-Advisers acknowledge, in particular, the high-level dialogue and agreement on a plan of activities between the Office and the Governments of **Bahrain, Oman, Qatar, Saudi Arabia** and the **United Arab Emirates**. We would encourage a deepening of this process over the next year and look forward to seeing the results of these efforts to respect these principles and rights in law and practice in relation to freedom of association.
  - 36.** The Expert-Advisers express their disappointment with the forced labour report prepared jointly by the Government of **China**, the China Enterprise Confederation and the All China Federation of Trade Unions, which states that there has been no change since the last report. In 2001 we expressed our concern with the persistence of forced labour for persons “who are interned for rehabilitation through labour” in that country. We would appreciate seeing, in future reports, detailed information and clarification from the Government of China with regard to efforts it has made since 2000 to respect, promote and realize the principle of the elimination of all forms of forced labour.

*A need for greater integration of fundamental principles and rights at work*

- 37. Integrated efforts more effective.** The information supplied in most reports shows the need for better integration of the efforts made to ensure fuller respect for fundamental principles and rights at work. While the problems evoked in reports are often complex, the type of information received suggests to us that the respondents are not drawing on sources outside a particular office in the Ministry of Labour to seek solutions. By contrast, the information supplied in reports on child labour shows how institutions cooperating from various angles can have a much greater impact than compartmentalized programmes. Such an approach will be essential in the fight against human trafficking, which is a form of forced labour as well as a worst form of child labour.
- 38. International financial institutions.** In recent years, the international financial institutions have made strides in understanding the relevance of respect for fundamental principles and rights at work in their programmes. Having institutions such as the International Monetary Fund, the World Bank and the regional development banks carry out their mandates in a manner that ensures respect for fundamental principles and rights at work could produce more coherent policy and action. Policy integration looks like a promising path for greater respect, in practice, for all categories of fundamental principles and rights.

*A word of appreciation*

- 39. Appreciation.** The Expert-Advisers appreciated the approval by the Governing Body of the new report form in relation to the effective abolition of child labour, as well as the additional day for their meeting (9-14 January 2002). This made it easier to devote proper attention to the compilation of reports and comments provided by governments and the social partners. We wish to congratulate the Office, in particular the InFocus Programme on Promoting the Declaration, for the high quality of its work in general, as well as for the careful preparation of the compilation and the services provided during our meeting (9-14 January 2002).

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## C. Expert-Advisers' recommendations

### *Recommendations to the Governing Body in relation to its own work*

40. The Expert-Advisers recommend approval of amended report forms for three categories of principles and rights (freedom of association and effective recognition of the right to collective bargaining, elimination of all forms of forced or compulsory labour and elimination of discrimination in employment and occupation), in order to include questions more specifically aimed at identifying challenges and technical cooperation needs in relation to all aspects of the particular category.
41. During the review of this agenda item by the Governing Body, the Expert-Advisers recommend that, with a view to a more in-depth discussion of certain aspects of this Introduction, the Governing Body invite clarifications from the following governments in relation to the following points:
  - (a) initiation of a dialogue with the 11 governments which have never reported under the Declaration follow-up since its inception (**Afghanistan, Antigua and Barbuda, Fiji, Mongolia, Sao Tome and Principe, Sierra Leone, Solomon Islands, Somalia, Swaziland, Uzbekistan, The former Yugoslav Republic of Macedonia**), with a view to encouraging them to take stock of their own situations in relation to fundamental principles and rights at work;
  - (b) continuation of steps undertaken by the Governments of **Bahrain, Oman, Qatar, Saudi Arabia** and the **United Arab Emirates**, in cooperation with the Office, in relation to the principle of freedom of association and effective recognition of the right to collective bargaining;
  - (c) efforts made by the Government of **China**, since its report for the 2000 annual review, in relation to the principle of the elimination of all forms of forced or compulsory labour.
42. The Expert-Advisers recommend that the Governing Body request the Office to approach the authorities of **Afghanistan** in relation to technical cooperation, in close consultation with the United Nations, to pursue reconstruction efforts that encompass promotion of the fundamental principles and rights at work as part of a development strategy. Information on this should be included in reports under the Declaration follow-up.
43. It is recommended by the Expert-Advisers that the Governing Body ensure that the wide range of work done by the Office on the promotion of fundamental principles and rights at work can count on sufficient regular budget resources.

### *Recommendations for the Governing Body in relation to the Office*

44. The Expert-Advisers recommend that the Governing Body request the Office to:
  - (a) continue to mobilize extra-budgetary resources to meet countries' needs in relation to the realization of fundamental principles and rights at work;

<sup>3</sup> This year, the Government did respond to a comment made by a workers' organization, but did not supply a report (the elimination of discrimination in respect of employment and occupation).

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- (b) offer technical assistance to countries which are encountering problems in the realization of fundamental principles and rights at work, with a view to overcoming them (giving priority to the countries indicated in paragraphs 41 and 42 above);
  - (c) identify the reasons why countries, especially those referred to in paragraph 41(a) above, have not reported under the Declaration, develop new ways of encouraging them to do so, including through high-level contacts, and provide assistance in the preparation of their reports;
  - (d) approach a range of developed, developing and transition countries with a view to having four national studies carried out on obstacles hindering the full respect and realization of fundamental principles and rights at work, to be followed by discussion of the study's results at national tripartite seminars where follow-up steps should be considered (one such study and seminar should be held on each category of fundamental principles and rights at work in the course of a year);
  - (e) foster cooperation between various ministries within countries as a step towards policy integration in relation to fundamental principles and rights at work;
  - (f) collect and disseminate best practices in relation to measures that have enhanced respect for fundamental principles and rights at work;
  - (g) enlist innovative means best suited to spread the word about the Declaration among broader audiences;
  - (h) engage a wide range of stakeholders in promotional activities focused on fundamental principles and rights at work;
  - (i) continue to urge all parts of the Office to include the promotion of fundamental principles and rights at work in all relevant facets of their work, especially employment, social protection and social dialogue; and
  - (j) pursue greater integration of fundamental principles and rights at work by other multilateral institutions, particularly the International Monetary Fund, the World Bank and regional development banks as part of their own work at the country level.

*Recommendations to the Governing Body  
in relation to governments*

- 45.** The Expert-Advisers further recommend that the Governing Body call upon governments to:
- (a) meet their constitutional obligations in relation to reporting under the Declaration follow-up;
  - (b) use the revised report forms to provide a fuller picture of the situation in practice, in addition to information on legislative texts;
  - (c) support the social partners in a manner which permits them to express their views on government reports under the Declaration;
  - (d) gain a clearer picture of the specific challenges in relation to the realization of fundamental principles and rights at work, by undertaking studies on issues of growing importance, such as human trafficking;
  - (e) eliminate the imposition of single trade union structures where these are still in place, so as to promote freedom of association.

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*Recommendations to the Governing Body in relation to employers' and workers' organizations*

- 46.** Finally, the Expert-Advisers recommend that the Governing Body encourage employers' and workers' organizations to be more active in relation to promotion of the Declaration, in line with its promotional character. This could include:
- (a) actively promoting the Declaration among their memberships as well as with partners;
  - (b) training their members in what respect for the fundamental principles and rights at work means in practice;
  - (c) participating in the preparation of government reports under the Declaration follow-up;
  - (d) providing comments on those reports; and
  - (e) at the national level in the framework of social dialogue, discussing the implications of the information in the reports and the comments.

**D. Efforts made in respecting, promoting and realizing fundamental principles and rights at work**

*Introductory note*

- 47.** The information in the first portions of sections 1 to 4 of this Part is a summary of statements contained in government reports and comments submitted to the Office by national and international employers' and workers' organizations for the annual review of 2002.<sup>4</sup> In the second portion of sections 1 to 4, the Expert-Advisers have provided comments in relation to the material examined under each category of principles and rights at work.

**1. Freedom of association and effective recognition of the right to collective bargaining**

**(a) Reporting**

- 48.** Out of a total of 34 countries (81 per cent of those owing reports) reporting under this category for the 2002 annual review, one country (**Kiribati**) reported for the first time.

**(b) Reports mentioning efforts**

- 49. Legislative changes.** Most efforts reported in the annual review 2002 refer to legislative changes. The majority of these efforts reflect the countries' intentions to bring existing legislation into line with the principle. The actions reported are at different stages of progress. Some countries report that their efforts culminated in 2001 with the adoption

<sup>4</sup> Neither the Expert-Advisers nor the Office have verified the accuracy of the information received and reproduced in the compilation.

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and/or entry into force of legislation. However, the majority of countries provide information on revision efforts recently initiated or still in progress.

50. Certain countries finalized revisions of legislation or the entry into force of new legislation. The Government of **Armenia** reports that the choice of Conventions subsequently to be brought to the National Assembly for ratification (among which are Conventions Nos. 87 and 98), coincided with the drafting of the new Labour Code which is to take their provisions into account. The Government of **Sudan** reports that the Trade Union Act of 1992 has been replaced by the Trade Union Act of 2001 and that the new Act is in line with the principle. The Government of **Thailand** and the ICFTU refer to the positive development in the adoption of the State Enterprise Labour Relations Act (SELRA), which grants employees of state enterprises the right to join trade unions and bargain collectively. The ICFTU also refers to a number of difficulties. However, the ICFTU and the National Congress of Thai Labour comment on the inconsistency between the SELRA and the Labour Relations Act as regards the possibility of state enterprise employees' unions to join federations incorporating private sector employees. The Government, in its reply, notes that the Labour Relations Act has been amended and came into force in November 2001. The Government of the **United Arab Emirates** reports a change in legislation intended to permit the Federation of Chambers of Commerce and Industry to operate without government interference.
51. Two of the reports providing information on changes in legislation refer to the establishment of new mechanisms for social dialogue. The Government of **Canada** reports that in the Province of Quebec, a new labour authority for trade union certification, dispute settlement and all other matters concerning the application of the Labour Code has been created. It replaces the Labour Court, which dealt previously with these matters. The measure is intended to lead to a more flexible approach to dealing with inquiries, interventions, and administrative reviews where accepted by the social partners. Measures of this kind are encouraging because they address problems of backlogs in the labour courts and the overall low enforcement rate of labour legislation.
52. In **Saudi Arabia**, the Government notes that a Decree approving rules for the establishment of labour committees at the enterprise level has been approved by the Council of Ministers and will be applied as soon as formalities are completed. These committees are seen by the Government as a step forward for organizing workers in a way compatible with national needs and conditions (high percentage of foreign workers in the labour force). The same rules provide for a tripartite Consultative Labour Council, with responsibility for examining proposals and different work-related issues.
53. Amendments to legislation still awaiting approval have been reported by ten countries. In **Brazil**, a proposed constitutional amendment has been sent to Congress; it deals, among other issues, with the abolition of the single-union principle, which is seen as a persistent challenge to the social dialogue machinery. Several other amendments to the labour legislation have reportedly been undertaken between 1998 and 2001. Their common thread is the emphasis on collective bargaining. The Government of **Uganda** reports on the completion of the review of labour legislation, which has been under way for some time, with the support of the ILO and the UNDP. The Bills are now ready for submission.
54. In **Zimbabwe**, the Labour Relations Amendment Bill, which is intended to harmonize the laws with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), is before Parliament. With the adoption of this Bill, also prepared with ILO assistance, all employees in the private and public sectors would be governed by a single set of labour laws. The Government expresses its hope that the legislation will pass before the end of 2001 and notes that this will pave the way for Zimbabwe to ratify the Convention. The Government of **Oman**, in its reply to comments made by the ICFTU, reports on progress made with the review of the Labour Code. Ministries of Social

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Development and of Manpower have been created. The promulgation of the new law is pending until the complete collection of all observations of the Ministry of Legal Affairs, but the Government hopes to promulgate it as soon as possible. The new law contains an article providing explicitly for the establishment of workers' committees.

55. Two governments provide information on special entities that have been set up to review labour legislation. The Government of **Kenya** in May 2000 appointed a Task Force to review all of the country's labour laws.<sup>5</sup> It will strive to incorporate all stakeholders' views in the final recommendations, which are expected by August 2002. Among other issues, the banning of the Civil Servants' Union will be reconsidered. The Government states that the social partners have been assured that the matter of civil servants and the right to organize is receiving serious and special attention from the Government and that a final decision will be made soon on the reinstatement of the Civil Servants' Union; the same holds true for organizations of professors, doctors and dentists. With reference to **Lebanon**, the Government reports that a tripartite committee has been created by the Ministry of Labour to address recommended amendments to the draft Labour Code. It will examine, in particular, the provisions regarding trade unions and the principle of freedom of association.
56. The Government of **Myanmar** states its willingness to take into account observations by ILO supervisory bodies. **Thailand** is receiving technical assistance from ILO specialists on international labour standards. The Government of **Qatar** has sought the technical assistance of the ILO to undertake a review of legislation. In **Kuwait**, the Government is carrying out a study to compare the legislation in force and provisions of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), with a view to ratifying it. The Kuwait Chamber of Commerce and Industry and General Federation of Trade Unions of Kuwait discussed the content of the annual report with the Government and expressed a favourable opinion as regards ratification.
57. **Promotional or advocacy activities.** The second most mentioned efforts undertaken by governments are activities to promote the principle. They range from institutionalized policies or programmes, including training and the organization of workshops and symposia (e.g. the Government of **Canada**). The Canadian Government reports the negotiation of a cooperation agreement, the Canada-Costa Rica Agreement, which explicitly refers to the ILO Declaration. The signatories to this Agreement commit themselves to guarantee the principles and rights enshrined in it. The Government of **Kiribati** has started a programme aimed at the ratification of the fundamental ILO Conventions. It included the ILO-funded translation of Conventions No. 87 and No. 98 into the national language, under the guidance of a tripartite committee. The next step is intended to be a tripartite seminar, which should pave the way for ratification. The Government of **Brazil** reports on its wide-ranging programme for promoting collective bargaining through seminars and training as well as the publication and dissemination of handbooks on the subject. The Governments of **Singapore** and **Qatar** report that they have set up special committees to study labour-related issues (Singapore) or the Declaration and the principles and rights contained therein (Qatar).
58. **Training.** Training was identified as an important medium for promoting respect for the principle. The Government of **Mauritius** states that it provides funding to the Trade Union Trust Fund (TUTF) for training and education programmes organized by trade union federations. The TUTF has commissioned a study on the low rate of unionization in the country, and in September 2001, with the help of the ILO, it organized a national trade

<sup>5</sup> An ILO Declaration project involving **Kenya**, **Uganda** and the **United Republic of Tanzania** is providing technical input to this Task Force. See under Part G.

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union conference to map out a way forward for the labour movement. At the Government's request, the university is running a part-time course in industrial relations for government officials, trade unionists and representatives of employers' organizations. The Government of **China** notes that the China Enterprise Confederation (employers) carried out a national survey on the role of the employers' association in tripartism, with the cooperation of the ILO. Based on the results of the survey, assessment seminars were held in two cities to discuss the strengthening of employers' associations and ways of raising their status and enhancing their roles. The Governments of **Kenya** and **Uganda** also report on frequent efforts for the training of government officials or other social actors in the labour field. The Governments of **Morocco** and **Mauritania**, in their replies to workers' comments, point out that there have been recent workshops and seminars, covering topics such as globalization, labour standards, and social dialogue, as well as training for wage negotiators.

- 59. Broaden policy reforms.** Only a few countries provided information on efforts made concerning broader regulatory or policy reforms, and the cases vary considerably in their content. The Government of **New Zealand** reports a higher number of registered trade unions, as well as an increase in trade union representation and extensive coverage of workers by collective bargaining agreements under the Employment Relations Act 2000. The Government of **El Salvador** states that it has been possible to develop a more coherent institutional policy on industrial disputes. In the same vein, one of the new activities undertaken is the strengthening of the role of the Ministry of Labour and Social Security as an agency responsible for the application of the principles. Labour inspectors have been given training in the prevention of industrial disputes and the Inter-Institutional Commission on the Handling and Prevention of Disputes in Enterprises in the Free Zones has been strengthened. The Government of **Thailand** reports that a "Project on labour standards development to promote free trade" is being launched. The project seeks to broaden knowledge and understanding of the importance of international labour standards in export production as a tool for competing successfully. The Government states that it will pursue a policy to promote the establishment of a labour relations system that will improve the settlement of labour disputes.
- 60.** Several governments state their intention in the short or long term to bring national legislation into line with the fundamental ILO Conventions (e.g. **Kiribati**, **Lebanon**, **Morocco**, **United Arab Emirates**, **Oman**). Some governments refer to other efforts under way in this regard. For example, the Government of **Bahrain** states that it is supporting workers' efforts to form trade unions of their own. The Government of **Brazil** emphasizes the importance of fostering a culture of negotiation as an equally important means to promote the principle. In **New Zealand**, the Government notes that a fund has been set up to provide employment relations education leave for employers, trade unionists and others involved in the labour relations field.
- 61. Data collection and dissemination.** Several governments provide updated statistics to illustrate the situation in their respective countries as regards the promotion of the principle (e.g. **Canada**, **India**, **Mexico**, **New Zealand**, **Thailand**, **United Arab Emirates**). The data range from basic information on the number of organizations and their membership numbers to the number of collective agreements, public mediation procedures (e.g. **Brazil**) or number of strikes. Some governments provide updates for contextual data on trends in the national labour market before going into the specific principle-related data (e.g. **Canada**).
- 62.** The Government of **Kiribati** is in the process of establishing a Labour Market Information System and requested funding for this project. The Government of **New Zealand** states that the Department of Labour has upgraded its system for disseminating information about the Employment Relations Act and minimum employment standards, and revised its database on employment-related matters. The Government of **Uganda**, with the financial

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assistance of the ILO, carried out a survey that included questions relating to the principle, which will help in assessing the factual situation.

**(c) Challenges mentioned**

- 63. Economic factors.** Certain reports point out the challenges that must be overcome in order to promote and respect the principle fully. General economic and social conditions in **Lebanon** are having adverse consequences in different spheres, reports the Government. The Government of **Uganda** notes the impact of structural adjustment programmes on trade union membership and collective bargaining. The ICFTU mentions the effects on economic conditions on the observance of the principle (e.g. in the **Islamic Republic of Iran**, 70 per cent of the population lives below the poverty line, and complaints about unpaid wages and wage arrears are widespread; in **India**, according to the ICFTU, less than 10 per cent (30 million) of the total workforce of 400 million is in the formal industrial sector, which is covered by the labour legislation). In reply, the Government of **India** notes that the labour legislation does not distinguish between the organized and unorganized sectors as far as the protection of workers' rights is concerned. Moreover, a special task force and an inspection programme have been put into place in a bid to implement the labour laws in the unorganized sector.
- 64. Legal and institutional challenges.** The Government of **Brazil** acknowledges that the persisting single-union principle remains a challenge to the full observance of the principle. The Government of **Kiribati** mentions an inadequate institutional and legislative framework and the fact that there is little collective bargaining between organized labour and employers. With regard to **Nepal**, the ICFTU notes the lack of organizational structures within which collective bargaining can take place.
- 65.** Much of the information regarding persistent challenges is found in the comments of national and international workers' organizations, mainly the International Confederation of Free Trade Unions (ICFTU) which sent comments on 34 countries. The issues concern: (i) limitations on the right to organize, (ii) the exemption of certain categories of workers from protections under the principle, (iii) limitations on the right to strike, and (iv) alleged violation of basic labour rights in export processing zones (EPZs).

**(d) Reports indicating no change**

- 66.** A few governments state that there has been no change since the last report, apart from minor updates in statistics (**India, Jordan, Malaysia, Mexico, United States, Viet Nam**).
- 67. Limitations on the right to organize.** Referring to certain countries, the ICFTU claims that the right to organize or join trade unions still does not exist due to the lack of legislation providing for their recognition and protection (e.g. in **Myanmar, Oman, Qatar, United Arab Emirates**). A recurring issue is the existence of legal and political barriers to the emergence and functioning of multiple trade union structures, which is another serious limitation to the right to organize. The ICFTU points to the persistence of this type of barrier in **Kuwait**. The Government of **Oman**, in its response to the ICFTU, asserts that it is making efforts to bring its legislation into line with international labour standards, and to find mechanisms that ensure the development of the roles of the social partners.
- 68.** As regards **Brazil**, the Single Central Organization of Workers (CUT) shares the view of the ICFTU regarding the single-union principle per territory and occupational category. The Government of **Brazil** itself notes that the existing requirement poses certain problems for the application of the principle. The Government of the **Republic of Korea** states that union pluralism will not be introduced as foreseen in 2002, but will be postponed until

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2007. The ICFTU states that in certain countries there is only one official trade union or national trade union centre that is legally recognized or tolerated in practice (e.g. **Islamic Republic of Iran**, **Viet Nam**). It considers some of these unions to be subject to government interference or influence (e.g. **China**, **Iraq**, **Lao People's Democratic Republic**). As regards the **United States**, the ICFTU maintains that while the law provides for freedom of association, the right to join trade unions and participate in collective bargaining is in practice denied to large segments of the workforce in both the public and private sectors.

69. Other major concerns raised by the ICFTU relate to complex registration procedures for the establishment of a workers' or employers' organization or ample powers for state authorities to dissolve a trade union. The power of the registrar or the entity issuing the authorizations are bound to be seen as excessive, states the Government of **Kenya** in its reply to the ICFTU's comments. According to the ICFTU, similar situations are reported to exist in other countries (**El Salvador**, **Jordan**, **Lebanon**, **Mauritania**, **Singapore**). The Government of **Lebanon**, in its reply to the ICFTU's comments, states that the revision of labour legislation has been completed and that a Bill amending provisions of the Lebanese Labour Code is to be submitted to Parliament. It will abolish the power of the political authority to dissolve a trade union, leaving it to the competent legal authority. The Government of **Singapore** notes, in its reply to the ICFTU, that union registration is not intended to control but rather to confer rights to a registered trade union as well as to avoid a proliferation of trade unions that would endanger the interests of workers and employers. As regards **Mexico**, the ICFTU suggests that unions not affiliated to the large trade union centres (i.e. independent trade unions) face more difficulties to be registered than affiliates of such federations. Data provided by the Government of **Mexico** show that the gap between the number of registered independent trade unions and those which are affiliated to national trade union centres is narrowing.
70. **Exemption of certain categories of workers.** Among the categories of workers frequently excluded from protections relevant to the principle of freedom of association and collective bargaining are public service workers, foreign workers, domestics, seafarers, agricultural workers and temporary workers (e.g. various of these categories in **Lebanon**, **Malaysia**, **Morocco**, **Saudi Arabia** and the **United Arab Emirates**). In the case of **Kenya**, the Government, in its reply to the ICFTU's comments, acknowledges that difficulties persist and have to be tackled in order to provide for the full application of the principle (see Part G on the role of ILO technical cooperation in this regard). For some countries, the ICFTU as well as the governments themselves report that there have been no changes in the situation of public service workers since the last annual review (e.g. **India**, **Lebanon**). The Government of **India** states that government employees are treated differently from other workers with regard to trade union rights in order to guarantee their neutrality in the context of a highly politicized national trade union movement. In its reply to the ICFTU, the Government of **Lebanon** makes reference to the Bill which will give public servants the right to set up trade unions and associations of their own choice. The Government of **Malaysia** states that it is not practical for employees of a statutory body to form a national union, as they are legal entities with different functions and objectives. It also notes that foreign workers, while not prohibited from organizing, are not encouraged to do so, since they do not enjoy the same privileges as citizens. As regards agricultural workers, the Government of **Morocco** refutes the ICFTU's comments about the exclusion of such workers. In several countries, other categories of workers such as domestics, seafarers and agricultural, temporary and foreign workers continue to be exempt from the coverage of labour legislation.
71. **Limitations on the right to strike.** Such limitations continue to exist to varying degrees in a number of countries, according to the comments of the ICFTU. In the case of **China**, the ICFTU reports that no changes have been undertaken to reinstate the right to strike in the Constitution, from which it was removed in 1982. It notes that in several countries, the

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limitation on the right to strike consists mainly in lists of “essential services” which prohibit various categories of workers from striking (e.g. in **India, Nepal, New Zealand, Singapore**). In certain countries (e.g. in **Iraq, Mauritius, Myanmar, Uganda, Viet Nam, Zimbabwe**), the ICFTU states that pre-strike procedures are so complex that they render the application of the right to strike very difficult, and in some cases even impossible.

- 72. Export processing zones (EPZs).** The ICFTU’s comments suggest that in some countries workers in EPZs are still not covered by labour legislation (e.g. in the **Islamic Republic of Iran, Sudan, Zimbabwe**). The Government of **Zimbabwe** states in its reply to the ICFTU that in the EPZs there are employment rules similar to the Labour Relations Act, and that they were drawn up with the participation of workers’ and employers’ organizations. In other countries, the existing laws are not properly enforced in these zones, leading to low rates of unionization and alleged violations of trade union rights, according to the ICFTU (e.g. in **El Salvador, Malaysia, Mauritius, Mexico**). The Government of **Mauritius** responds to the ICFTU by stating that the rate of unionization in the country is generally low. The Government of **Mexico** states that the number of labour inspections exceeded targeted goals in 2001, including in states with a large number of EPZs. In two countries, **India** and the **Republic of Korea**, workers’ rights in EPZs are limited, the ICFTU states, because of the national definition of these enterprises as “public utilities” or as “being of public interest”. The Government of **India** notes in its reply to the ICFTU that the classification of any establishment as a public utility for the purpose of the Industrial Disputes Act does not restrict the rights of the workers; the Government of the **Republic of Korea** reports that the situation of workers in EPZs with regard to labour rights does not differ from that of other workers.

## **2. Comments by the Expert-Advisers on freedom of association and the effective recognition of the right to collective bargaining**

- 73.** The Expert-Advisers reiterate that all principles and rights in the Declaration are interlinked. When respect for the principles and rights of freedom of association and collective bargaining is denied, and when no true collective bargaining or social dialogue takes place, there can be no real progress in relation to the other categories of principles. Freedom of association enables workers and employers to manage their own affairs, to negotiate with one another, and to make their voice heard vis-à-vis the State. The situation in countries where this basic right is denied is fundamentally different from those where it is respected.
- 74.** The Expert-Advisers also recall that the principles of freedom of association and collective bargaining must be respected regardless of the specific economic, social, cultural and political conditions of countries. Every ILO member State has a constitutional obligation to promote and realize these universal principles. The Expert-Advisers note a few positive changes that have been reported with regard to the legislation on collective bargaining and social dialogue, but we urge more visible and accelerated efforts in the review of existing legislation.
- 75.** Some governments continue to report on the incompatibility between some provisions of national laws or regulations and the fundamental Conventions on freedom of association and collective bargaining, and their countries’ consequent inability to ratify these instruments. This does not lessen the obligation to respect the underlying principles through appropriate legal frameworks and practical realization. The gap between what some governments report, and what national or international workers’ organizations allege, indicates to us that a great deal still remains to be done before many governments can claim to be respecting these principles.

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- 76.** The Expert-Advisers regret that legislative obstacles to the realization of the principles continue to exist, and wish to highlight certain legislative restrictions that should be changed. Among these, denial of the right to organize, denial of the right to strike, imposed single trade union structures, and complex and arbitrary union registration procedures are of particular concern. They should be immediately abolished.
  - 77.** Several categories of workers continue to be excluded from legal protection in a large number of countries. Migrant workers are a particular case in point. The Expert-Advisers urge governments to extend full freedom of association and collective bargaining rights to them. Other categories include public service workers, domestic workers, agricultural workers, and those in export processing zones. Professional workers should likewise have these rights extended to them in law and in practice.
  - 78.** The Expert-Advisers wish to stress the importance of the principle of freedom of association for all employers, and in particular for those in small enterprises and enterprises in export processing zones. We recall that freedom of association is a right not only of workers but also of employers. We hope that employers' organizations will continue to play a vital role in the promotion of this principle. However, we note difficulties faced in some countries by employers in the exercise of their right to freedom of association.
  - 79.** Effective recognition of the right to collective bargaining must be promoted and encouraged in the interests of both employers and workers. We note that several technical cooperation projects under the auspices of the Declaration (in the Caribbean and East Africa, among others) are assisting employers in relation to this principle.
  - 80.** In effect, we are heartened that governments continue to express interest in technical cooperation with the ILO in matters relating to freedom of association and collective bargaining, and we welcome the greater level of political commitment that these requests reflect.
  - 81.** The Expert-Advisers acknowledge the intentions of the Government of **Kenya** to extend the right to organize to public employees and to reinstate the Civil Servants' Union. They look forward to a positive resolution of this matter.
  - 82.** The Expert-Advisers acknowledge, in particular, the high-level dialogue and agreement on a plan of activities between the Office and the Governments of **Bahrain, Oman, Qatar, Saudi Arabia** and the **United Arab Emirates**. We would encourage a deepening of this process over the next year and look forward to seeing the results of these efforts to respect these principles and rights in law and practice in relation to freedom of association.

### **3. Elimination of all forms of forced or compulsory labour**

#### **(a) Reporting**

- 83.** Out of the 18 countries (64 per cent) that submitted reports under this category, four (**Armenia, Kiribati, Myanmar, Oman**) did so for the first time. The information submitted by the Government of **Myanmar** deals exclusively with the application of a ratified Convention (the Forced Labour Convention, 1930 (No. 29)), and therefore falls outside the scope of the Declaration follow-up. In all, 18 out of 28 reports (64 per cent) due for this annual review were received (not counting a late report).

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- 84.** Some aspects of the first-time government reports are worth mentioning. The Government of **Armenia** reports on the stage of the ratification process and its plans to adopt new legislation to realize the principle. The Government of **Oman**, noting the high-level discussions between ILO member States of the Gulf Cooperation Council (GCC) to increase awareness of the Declaration (including training on international labour standards and the Declaration), states that there is no forced labour in the country and the existing laws suffice to guarantee the observance of this category of principles and rights. The Government of **Kiribati** also indicates that there is no forced labour in the country, but that it is attempting to establish a small statistical capacity so that information can be collected.

**(b) Reports mentioning efforts**

- 85. Raising awareness at different levels.** The Government of **Mozambique** organized national tripartite seminars in 2001 to promote the Declaration, as part of its preparatory activities for the future ratification of fundamental Conventions. Since forced or compulsory labour is one of the ways in which the worst forms of child labour manifests themselves, the two categories of principles and rights have been the topics of national tripartite seminars, including in the interior of the country. The ICFTU's comments underline the effects of poverty, the vulnerability of certain groups (women and children), and the importance of cooperation among governments of bordering countries in addressing the issue of forced labour.
- 86.** The Government of **Qatar** states that it is attempting to take the discussion of fundamental principles and rights at work beyond the scope of the Ministry of Labour. An Inter-Ministerial Committee comprising the Ministers of Civil Service Affairs and Housing, the Interior, Finance, the Economy and Commerce, has been set up, and there are plans to organize discussions with public and private sector personnel at different levels, on the implications of fundamental principles and rights for the country.
- 87. Introducing appropriate legislation.** The Government of **Armenia** reports that the choice of ILO Conventions to be considered for ratification coincided with the drafting of the new Labour Code that will contain provisions aimed at strengthening the observance of the principle.
- 88.** Notwithstanding the very topical nature of international trafficking, only the Government of **Canada** makes extensive reference to the “growing phenomenon of human trafficking” from which this country, like others, is not immune. In keeping with the provisions of the United Nations Convention against Transnational Organized Crime and its Supplemental Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Bill C-11 was introduced in Parliament in 2001, to criminalize human trafficking for the first time. It provides for heavy fines of up to Can.\$1 million and prison sentences that may go up to life imprisonment.
- 89. Capacity building.** The Government of **Qatar** has embarked on capacity-building initiatives, with technical support from the ILO. The aim is to boost the effectiveness of its labour inspection services in relation to the issue of forced labour, through training, and by raising awareness of the relationship between international labour standards, fundamental principles and rights at work, Arab labour conventions, and inspection activities.
- 90. New initiatives.** In its report the Government of **Madagascar** declares its political commitment to combat forced labour. A national programme with this objective was launched at the end of a national tripartite seminar in October 2001. The programme, for which support will be provided by funds available to the Declaration Programme by the Government of France, will consist of a policy-oriented national study, a national debate on the findings of the study, followed by an action programme that will help to pave the

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way for the possible ratification of the relevant fundamental Convention. The Independent Trade Unions of Madagascar (USAM) pinpoint some of the critical issues that will have to be addressed. They note the lack of information to grasp fully the situation as regards forced labour in the country, and draw attention to the ineffectiveness of a Commission that was set up by a 1970 Decree to propose measures for harmonizing national legislation with ratified ILO instruments.

91. The ICFTU notes the adverse effects of not adopting a comprehensive approach to tackling forced labour in **Nepal**. In the absence of supporting legal and institutional frameworks and policy measures, the July 2000 Ministerial Declaration, to put an immediate end to the practice of bonded labour, had entailed a number of difficulties for former bonded labourers and their families. They suddenly found themselves without shelter, food or adequate institutional support to make the transition to a new life. It is worth noting that projects relating to forced labour are either in progress in this country, or are being planned within the framework of ILO's technical cooperation activities, and under the Declaration Programme (see Part G).

**(c) Challenges mentioned**

92. Challenges encountered with respect to realizing the principle of the elimination of all forms of forced or compulsory labour are identified by national and international workers' organizations, either through governments (**Japan, Republic of Korea, Sri Lanka**) or directly to the ILO (organizations in **Japan** and **Madagascar**, and the ICFTU with respect to **Mozambique, Nepal** and the **United States**). The following challenges have been identified by the workers' organizations: poverty, certain legislation and regulations in force, practices with respect to the recruitment and conditions of employment of migrant workers, including domestic servants, lack of intergovernmental cooperation to address migrant labour issues, weak institutional capacity to address the issue of forced labour and the consequences of its elimination, failure to respect other fundamental principles and rights and legislation in force.
93. Very few governments identify, either explicitly or indirectly, the challenges to realizing fully the principle of eliminating forced or compulsory labour. A mere five countries out of a total of 18 from which the Office received government reports indicate the challenges they face and the means they are using to meet them. These responses include awareness-raising efforts (**Mozambique, Qatar**), the passing or amending of laws (**Armenia, Canada**), upgrading of institutional capacity (**Qatar**), or the launching of major programmes to stamp out forced labour (**Madagascar**). The even smaller number of reports that explicitly ask for some form of technical cooperation do not really articulate their needs in terms of seeking support to overcome obstacles, although this may be considered to be implicit.

**(d) Reports indicating no change**

94. Five governments state explicitly that there have been no changes since the last reports (**China, Malaysia, Sri Lanka, United States, Viet Nam**).
95. The Government of **Japan** reports that there are still legal prohibitions or restrictions on political activity by all regular government personnel, including persons with temporary or conditional appointments, and sanctions including penal servitude for breaches of the National Public Service Law, the Local Public Service Law and the Mariners Law. The Japanese Trade Union Confederation (JTUC-Rengo), in its comments, describes the scope of these prohibitions as "excessive" limitations on civil liberties, adding that they stand in the way of fully realizing the principle. It reiterates its call for the ratification of the relevant fundamental Conventions by **Japan**.

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- 96.** Other situations considered by workers' organizations to have forced labour characteristics, and in relation to which no changes have been mentioned in government reports, include: prohibitions on the political and collective activities of public officials (**Republic of Korea**); compulsory public service, and restrictions on the activities of public service personnel, workers in essential services, and workers involved in industrial disputes (**Sri Lanka**); and prison labour (**Singapore**), including the contracting out of prison labour to private commercial interests (**Malaysia, United States**).
- 97.** Certain workers' organizations have made known their views on the situation in some of these countries. The Korean Confederation of Trade Unions (KCTU) opines that the "... threat of punishment is, in effect, forcing employees to work in Korea". The Government of the **Republic of Korea** considers this statement to be incompatible with the Declaration and its follow-up, which "should be of a strictly promotional nature and for technical cooperation, which will help ILO members to implement effectively the core Conventions". In the case of **Sri Lanka**, the Lanka Jathika Estate Workers' Union (LJEWU) states that to its knowledge, the health authorities have had a change of policy with respect to the implementation of the Compulsory Public Service Act No. 780 of 1961. A concern shared by the LJEWU and the Ceylon Workers' Congress (CWC) is that of a decline in working conditions. In the case of the CWC, the focus is on the situation of plantation workers.
- 98.** The ICFTU reiterates its concern about prison labour in the **United States** and calls for the ratification of the relevant fundamental Convention as well as the phasing out of production by prisoners for commercial purposes.
- 99.** Even when certain countries have indicated that nothing changed since their last reports, they have in some cases made statements that did not appear in earlier reports. The Government of **Singapore**, for example, referring to the fundamental Convention that it denounced in 1979, questions whether "... a more explicit phrasing of the Prisons Act to reflect the voluntary nature of prison work, would mean that Singapore would be in compliance with the Abolition of Forced Labour Convention, 1957 (No. 105)". The Government of **Japan** mentions changes in legal provisions that have implications for the observance of the principle. The Government of **Ethiopia** does not state that there have been no new developments since the last review, but a comparison of this year's report with that of its report for 2000, shows that no changes have occurred. The Government of the **Philippines** notes that no substantive change has occurred on the status of ongoing initiatives for ratification and cites excerpts of constitutional provisions that guarantee protection against forced or compulsory labour.

#### **4. Comments by the Expert-Advisers on the elimination of all forms of forced or compulsory labour**

- 100.** The Expert-Advisers were disappointed by the general lack of detail and depth in government reports on forced or compulsory labour. Awareness of this issue is still limited in the world today, and it does not yet receive the same serious attention as gender questions or child labour. But there is little doubt that several forms of forced labour, such as the quasi-enslavement of some domestic workers or the trafficking of girls, can be found across the globe. Well-meaning affirmations of the kind contained in one government report, "forced labour does not exist ... in any form", would seem to us to reflect lack of awareness and call for more examination.

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- 101.** While the Office informed us that the Global Report discussed at the International Labour Conference of June 2001, *Stopping forced labour*, gave the issue demonstrable international attention, the ILO needs to be much more active and to collaborate with other international organizations. The approval by the Governing Body in November 2001 of a Special Action Programme to Combat Forced Labour (SAP-FL) will entail further awareness raising and, hopefully, technical assistance to countries willing to be helped. The Expert-Advisers urge governments to participate in SAP-FL both as donors and as beneficiaries. We look forward to seeing this new programme reflected in future government reports.
- 102.** For this principle, too, governments' reports provided primarily information on legislation. Yet, it is clear that even the widespread ratification of the ILO's two forced labour Conventions and the existence of national laws and regulations are insufficient to eliminate the phenomenon. They are necessary, and they need to be applied strictly, notably when it comes to punishing perpetrators; but they can only be a beginning. Pockets of forced labour need to be identified, staff must be trained at national and local levels, forced labourers have to be set free, rural or similar workers' organizations need to be fostered or encouraged to integrate former forced labourers, rehabilitation and economic support measures have to ensure that populations escaping from or being threatened by forced labour can say no to people who have no scruples exploiting vulnerability. We trust that good practices will soon result and be disseminated by the ILO.
- 103.** The Expert-Advisers appreciate that there were a few mentions of one of the most widespread, degrading and apparently expanding forms of forced labour, i.e. forced labour resulting from trafficking. It takes place within poor countries, between poor countries, as well as from poor to rich countries. We would like governments and the social partners to pay a great deal more attention to this phenomenon both in their countries and in the reports under the Declaration follow-up.
- 104.** The Expert-Advisers noted that forced prison labour continues to concern several governments and workers' organizations. There appears to be no decline in the numbers involved; quite the contrary. We urge governments condoning forced prison labour to review their laws and practices.
- 105.** The Expert-Advisers are especially concerned by the use of forced labour as a means of punishing the expression of political will or trade union activities, and as a manifestation of discrimination on grounds of ethnicity.
- 106.** The Expert-Advisers express their disappointment with the forced labour report prepared jointly by the Government of **China**, the China Enterprise Confederation and the All China Federation of Trade Unions, which states that there has been no change since the last report. In 2001 we expressed our concern with the persistence of forced labour for persons "who are interned for rehabilitation through labour" in that country. We would appreciate seeing, in future reports, detailed information and clarification from the Government of China with regard to efforts it has made since 2000 to respect, promote and realize the principle of the elimination of all forms of forced labour.

## **5. Effective abolition of child labour**

### **(a) Reporting**

- 107.** This year's reports covered, for the first time, the principles underlying the Worst Forms of Child Labour Convention, 1999 (No. 182). The annual report form concerning the effective abolition of child labour, approved by the Governing Body at its March 2001

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session,<sup>6</sup> differs from those used for the other three principles. Furthermore, there were no comparisons possible with previous reports as regards Convention No. 182, since countries not having ratified it fell within the scope of the Declaration follow-up only as from the current round of reporting.

108. Out of the 57 countries that reported (56 per cent of the reports owed) in regards to the effective abolition of child labour, 19 reported for the first time under this category.

**(b) Reports mentioning efforts**

109. **Recognition of the principle.** According to government reports, the principle of the effective abolition of child labour is recognized in the Constitution of approximately 20 countries (e.g. **Bahamas, Cambodia, China, Cuba, Czech Republic, Egypt, Ethiopia, Georgia, Ghana, Guatemala, India, Islamic Republic of Iran, Kazakhstan, Kiribati, Lithuania, Mexico, Pakistan, Peru, Suriname, Syrian Arab Republic, Thailand**). The principle is most frequently recognized in legislation (40 governments said this was the case) and least often recognized in collective agreements (only in, for example, **Bahrain, China, Guatemala, Lithuania, Suriname, Syrian Arab Republic**). In some countries it is recognized in the Constitution, legislation, judicial decisions and collective agreements (e.g. **China, Guatemala, Lithuania, Suriname, Syrian Arab Republic**).

110. **National policy/plan.** Twenty-eight of the governments that filed a report indicate that the country has a national policy or plan aimed at ensuring the effective abolition of child labour. Two governments state they were planning to adopt a plan (**Georgia** (by 2002) and **Suriname** (no date indicated)), while others noted they have no policy and do not intend to adopt one (e.g. **Kiribati, Latvia, New Zealand, Saudi Arabia**).

111. The focus of national policies differs from country to country. For example, the Government of the **Czech Republic** reports that the National Plan, adopted in July 2000, includes a set of long-term measures aimed at eliminating child trafficking, prostitution, abuse and pornography.

112. The Government of **Ghana**'s national programme focuses on prostitution, street children, those working as domestic workers, head porters and in small-scale mines. Priority is given to children engaged in extremely hazardous or inhumane working conditions, those under 12 years of age and girls.

113. The “Youth Programme” adopted by the Government of **Kazakhstan** in February 2001 aims to create legal, economic and organizational machinery for the implementation of a state youth policy. Among the main objectives is safeguarding the social rights of youth in the area of work, education and health and the creation of favourable conditions to enable them to meet their social and economic needs.

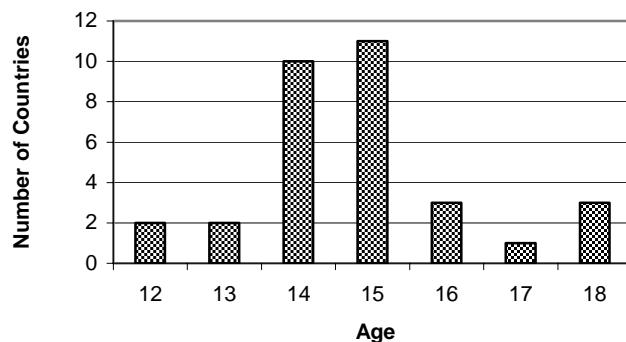
114. Under its National Plan, reports the Government of **Mexico**, it established the National Council on Childhood and Adolescence in July 2001. The aim of the Council is to promote support for the development of children and adolescents through the design and implementation of the agenda guiding action by the Government and society in favour of children.

115. **Minimum age legislation for admission to employment.** Forty-one (91 per cent) of the governments that sent reports indicate they have legislation establishing a general

<sup>6</sup> GB.280/12/1 (Mar. 2001).

minimum age for admission to employment. Very few state this was not the case (e.g. **Australia**, **Canada**, **India**, **New Zealand**). In **Australia** and **Canada**, the governments indicate that there is compulsory education in their country and school-aged children cannot work during school hours. In addressing the issue of sex differences regarding minimum age for admission to employment, all governments state there is no discrimination between girls and boys. Among respondents, 15 years is the most common minimum age (e.g. **Azerbaijan**, **Belgium**, **Cambodia**, **Czech Republic**, **Georgia**, **Islamic Republic of Iran**, **Latvia**, **Poland**, **Russian Federation**, **Syrian Arab Republic**, **Thailand**). The lowest age, 12 years, occurs in two countries – **Peru** and **Trinidad and Tobago** (the Government of Trinidad and Tobago reports that the Ministry of Labour and Co-operatives has recommended raising the minimum age for admission to employment to 16 years); the highest age, 18 years, is reported by **Mali**, **Myanmar** and **Qatar**. See figure 1 for variance across ages.

**Figure 1. Minimum age for employment**



Source: Data compiled from government reports on the effective abolition of child labour, under the 2002 follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.

116. The legislation encompassing minimum age for employment usually covers the following types of work: work performed in a family-owned or family-operated enterprise; work performed in enterprises below a certain size; home work; domestic service; self-employed work; commercial agriculture; family and small-scale agriculture; light work; work performed in export processing zones; and other types of work.
117. **Compulsory schooling.** Thirty-two of the governments responding to this question state that there is compulsory schooling in their country. Four countries indicated this was not the case (**India**, **Oman**, **Qatar**, **Saint Vincent and the Grenadines**). **India** indicates that it envisages free compulsory education as a measure to eliminate the worst forms of child labour. The Government reports that the Constitution (83rd Amendment) Bill, 1997, provides for making education for children from 6 to 14 years of age a fundamental right. The Bill is pending approval by Parliament. The Government of **Oman** states that education is free, but not compulsory.
118. Drop-out rates in countries with compulsory schooling legislation were observed in a few countries. The ICFU notes that, even though education in **Ghana** is free and compulsory until the age of 14 years, children, especially girls, frequently drop out of school due to economic pressures. It comments that child labour is widespread in practice, estimating that 12 per cent of children aged 10 to 14 are economically active. The Government of **Lebanon** also highlights the issue of school drop-out rates. Despite the fact that education is free and compulsory in Lebanon, the high unemployment rate amongst those with diplomas leads a number of students, while still very young, to enter the labour market to earn a living or learn a trade or occupation “on the job”.

- 119.** There are 16 countries for which data are available to compare the age at which compulsory schooling ends with the minimum age for employment (**Azerbaijan, Belgium, Cambodia, Cuba, Egypt, Ethiopia, Georgia, Guatemala, Kiribati, Lithuania, Mexico, Republic of Moldova, Saint Lucia, Syrian Arab Republic, Thailand, Trinidad and Tobago**). In only six countries do these ages dovetail (i.e. a person is prohibited from employment until she/he completes compulsory education): **Belgium, Cambodia, Ethiopia, Guatemala, Lithuania, Trinidad and Tobago**. Seven countries permit children to work before the end of compulsory schooling: **Azerbaijan, Egypt, Kiribati, Mexico, Republic of Moldova, Saint Lucia, Thailand**. Three countries put the employment admission age well above the compulsory age for schooling: **Cuba, Georgia** and the **Syrian Arab Republic**. See table 2.

**Table 2. Comparison of the minimum age at which compulsory schooling ends and the minimum age for admission to employment**

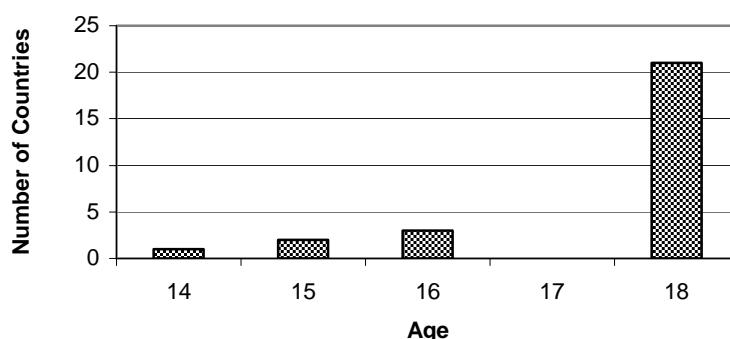
Country	Minimum age at which compulsory schooling ends	Minimum age for admission to employment
Azerbaijan	17	15
Belgium	15	15
Cambodia	15	15
Cuba	15	17
Egypt	15	14
Ethiopia	14	14
Georgia	14	15
Guatemala	14	14
Kiribati	16	14
Lithuania	16	16
Mexico	15	14
Republic of Moldova	16	14
Saint Lucia	15	14
Syrian Arab Republic	12	15
Thailand	18	15
Trinidad and Tobago	12	12

Source: Data compiled from government reports on the effective abolition of child labour, under the 2002 follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.

- 120.** The Government of **Saint Lucia** recognizes that the age at the end of compulsory schooling does not correspond with the minimum age for admission to employment. A revision to the Labour Code has been drafted to address this by increasing the minimum age for admission to employment to 15 years. The Kiribati Chamber of Commerce points out that the term “general” minimum age is unclear and poses problems. It comments that legislation in **Kiribati** is not consistent in this regard and, therefore, the minimum age for admission to employment is debatable (18 years is recommended in some legislation; 15 years prescribed in other legislation; and 14 years prescribed in other legislation). The Confederation of Mexican Workers notes that in **Mexico** work is restricted to six hours per day for those between the ages of 14 and 16.

- 121. Hazardous work.** Thirty-three of the governments that address this issue have legislation defining hazardous work; approximately ten do not (e.g. **Cambodia, Guinea-Bissau, India, Kiribati, Mali, New Zealand, Oman, Pakistan, Saint Lucia, Suriname**). Some countries (e.g. **Cuba, India, Kazakhstan, Peru, Saint Lucia, Syrian Arab Republic, Thailand**) note that hazardous work is not defined directly in a single law, but tends to be covered, indirectly, through a combination of legislation and/or regulations.
- 122.** The overwhelming majority of governments (26) state that the minimum age for hazardous work is the same for girls and boys. The Governments of **Guinea-Bissau** and **Latvia** report a minimum age for hazardous work for boys only; the Government of **Myanmar** states that girls are prohibited from employment in hazardous work. The minimum age for such work is most commonly 18 years (e.g. **Azerbaijan, Belgium, Cambodia, China, Cuba, Czech Republic, Ethiopia, Georgia, Guatemala, Guinea-Bissau, Islamic Republic of Iran, Kazakhstan, Latvia, Lithuania, Republic of Moldova, New Zealand, Russian Federation, Saudi Arabia, Suriname, Syrian Arab Republic, Thailand**). The youngest ages for which legislation establishes a minimum age for hazardous work is 14 years (**India**) and 15 years (**Germany**). For a distribution of legislated minimum ages reported for hazardous work, see figure 2. Some governments indicating that they had legislation to define hazardous work did not respond to the question asking what the age is (e.g. **Bahrain, Ghana, Lebanon, Qatar**).

**Figure 2. Minimum age for hazardous work**



Source: Data compiled from government reports on the effective abolition of child labour, under the 2002 follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.

- 123. Laws/regulations to eliminate the worst forms of child labour.** Twenty-six (79 per cent) of the governments which addressed this question indicate that there are laws/regulations in place to eliminate the worst forms of child labour (e.g. **Australia, Azerbaijan, Belgium, Cambodia, China, Cuba, Czech Republic, Egypt, Ethiopia, Georgia, Germany, Ghana, Guatemala, India, Islamic Republic of Iran, Kazakhstan, Lebanon, Lithuania, New Zealand, Oman, Pakistan, Qatar, Russian Federation, Saint Vincent and the Grenadines, Syrian Arab Republic, Thailand**); seven governments state that there are none (e.g. **Bahrain, Kiribati, Latvia, Republic of Moldova, Peru, Saudi Arabia, Suriname**). Many countries mention that steps are currently being taken to modify or introduce legislation to address the elimination of the worst forms of child labour (e.g. **Australia, Cambodia, Canada, Czech Republic, Ethiopia, Georgia, Guatemala, Guinea-Bissau, India, Islamic Republic of Iran, Kazakhstan, Lebanon, Lithuania, Oman, Peru, Russian Federation, Saudi Arabia, Suriname, Syrian Arab Republic**).

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- 124.** The intention to reform legislation was mentioned in some countries. The Government of the **Czech Republic** reports proposed amendments to the Penal Code to cover child trafficking (illegal adoption) and the trafficking of women (under 18 years of age) and to extend protection to all persons regardless of their sex. According to the Government, steps are currently being taken in **Georgia** to amend the Labour Code so that it will reflect, more precisely, the provisions of the Worst Forms of Child Labour Convention, 1999 (No. 182). The draft Code states, “it is not permitted to hire under age persons in: gaming houses; night clubs; cabarets and in the production of pornographic material; for the production of drugs and toxic materials; and prostitution”. Some governments indicate they have no legislation and that no steps are being taken to introduce any (e.g. **Bahrain**, **Kiribati**, **Latvia**).
- 125. Worst forms of child labour.** Governments have identified the worst forms of child labour that they believe or suspect exist in their country; sales and trafficking of children and prostitution (amongst both girls and boys) are the most common. According to their reports, the governments of a number of countries suspect that the sale and trafficking of children exists (e.g. **Cambodia**, **China**, **Czech Republic**, **Gabon**, **Ghana**, **Guatemala**, **India**, **Kazakhstan**, **Latvia**, **Lithuania**, **Mali**, **New Zealand**, **Russian Federation**, **Thailand**). Child prostitution is suspected to exist in equally as many countries (e.g. **Australia**, **Cambodia**, **Canada**, **Czech Republic**, **Gabon**, **Germany**, **Ghana** (girls), **Guatemala** (girls), **India**, **Kazakhstan**, **Latvia**, **Lebanon** (girls), **Lithuania**, **Mali** (girls), **Republic of Moldova** (girls), **New Zealand**, **Peru**, **Russian Federation**, **Suriname**, **Thailand**, **Trinidad and Tobago**). The ICFTU states that child prostitution and trafficking in children (especially girls) exists between West African countries. According to government reports, forced recruitment for armed conflict is the least common worst form of child labour; 28 (91 per cent) of the responses to this question indicated that it did not exist, but two countries (**Georgia** and the **Republic of Moldova**) did not know whether or not it existed.
- 126. Specific measures or programmes of action to bring about the effective abolition of child labour.** In 38 countries specific measures or programmes of action were implemented or envisaged to bring about the effective abolition of child labour. Inspection/monitoring mechanisms are the most common measure to enforce minimum age(s) for employment, while civil or administrative sanctions are the least common. Employment creation/income generation is the measure implemented least often but it is the one most envisaged. See table 3 for a list of measures implemented or envisaged.
- 127.** Awareness raising/advocacy is the most common measure implemented or envisaged to eliminate the worst forms of child labour, followed by legal reform and inspection/monitoring mechanisms. See table 4 for the complete list.

**Table 3. Measures to enforce minimum age(s) for employment**

Rank	Measure	Per cent of governments reporting measures		
		(a) Implemented	(b) Envisaged	Total (a) + (b)
1	Inspection/monitoring mechanisms	45	2	47
2	Vocational and skills training for young workers	40	4	44
3	Legal reform	35	7	42
4	Awareness raising/advocacy	38	2	40
4	Penal sanctions	33	7	40
4	Free compulsory education	33	7	40
5	Special institutional machinery	32	7	39
6	International cooperation programme or projects	34	4	38
6	Social assistance (e.g. stipends, subsidies, vouchers)	36	2	38
6	Child rehabilitation following removal from work	34	4	38
7	Employment creation/income generation	25	11	36
8	Civil/administrative sanctions	31	2	33

Note: Total percentages exceed 100 because several options could be chosen.

Source: Data compiled from government reports on the effective abolition of child labour, under the 2002 follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.

**Table 4. Measures to eliminate the worst forms of child labour**

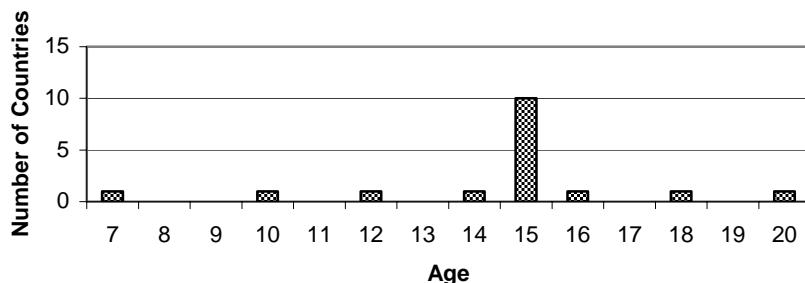
Rank	Measure	Per cent of governments reporting measures		
		(a) Implemented	(b) Envisaged	Total (a) + (b)
1	Awareness raising/advocacy	36	14	50
2	Legal reform	25	23	48
3	Inspection/monitoring mechanisms	27	18	45
4	International cooperation programmes or projects	32	11	43
5.	Penal sanctions	27	14	41
6	Vocational and skills training for young workers	23	16	39
7	Civil/administrative sanctions	29	7	36
7	Child rehabilitation following removal from work	20	16	36
8	Free compulsory education	25	9	34
8	Social assistance (e.g. stipends, subsidies, vouchers)	25	9	34
9	Special institutional machinery	25	7	32
9	Employment creation/income generation	21	11	32

Note: Total percentages exceed 100 because several options could be chosen.

Source: Data compiled from government reports on the effective abolition of child labour, under the 2002 follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.

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- 128.** In order to crack down severely on the illegal exploitation of child labour in **China**, the Ministry of Labour and Social Security, the Legislative Office of the State Council, the State Economic Commission, Ministry of Public Security, State Administration for Industry and Commerce, Ministry of Education, the All-China Federation of Trade Unions, Central Communist Youth League and the All-China Federation of Women, decided to carry out a comprehensive country-wide inspection of the application of the Regulation on the Prohibition of Child Labour in 2001.
- 129.** Of the 38 countries which indicate that specific measures or programmes of action were implemented or envisaged, 20 countries state that special attention is given to the needs of particular groups of children: disabled children (e.g. **Australia, Canada, Cuba, Kazakhstan, Syrian Arab Republic**); street children (e.g. **Ethiopia, Mexico**); those performing hazardous work (e.g. **Lebanon, Pakistan**); girl child workers (e.g. **India**); children with disadvantaged backgrounds (e.g. **Belgium, Russian Federation**); orphaned/abandoned children (e.g. **Kazakhstan, Russian Federation, Syrian Arab Republic**); children in rural areas (e.g. **Canada, Mali, Thailand**); or children in the informal sector (e.g. **Mali, Mexico**).
- 130. Data collection.** Few countries record information in relation to the abolition of child labour. If they do, it is more likely to be in regard to sanctions applied to users of child labour (gathered from court records, for example, making this aspect easier to assess) (e.g. **Belgium, Egypt, Georgia, Guatemala, India, Kazakhstan, Lebanon, Pakistan, Russian Federation, Saint Lucia, Syrian Arab Republic, Thailand**).
- 131.** Fewer countries record the number of children withdrawn from child labour (e.g. **Cambodia, Georgia, Guatemala, India, Kazakhstan, Lebanon, Syrian Arab Republic, Thailand**); or the number of former child labourers now pursuing formal or non-formal education (e.g. **Cambodia, Georgia, Guatemala, India, Kazakhstan, Lebanon, Syrian Arab Republic**). Very few countries attach details of the information recorded. According to the Government of **India**'s records, 213,000 children who have been withdrawn from work are pursuing education.
- 132.** Approximately 20 countries (64 per cent of those reporting) indicate that the government carries out surveys that provide statistical information on the extent and/or nature of child work; less than half indicate that the surveys are undertaken regularly (e.g. **Belgium, Guatemala, India, Latvia, Lithuania, Mali, Russian Federation**). Where surveys are carried out, the results tend to be presented by sex, age, occupation, type of activity and, less often, by number of hours worked.
- 133.** In the majority of countries, 15 years is the lowest age of persons for whom questions were asked about economic activity in the most recent population census (e.g. **Australia, China, Cuba, Czech Republic, Kazakhstan, Kiribati, New Zealand, Oman, Saint Lucia, Saint Vincent and the Grenadines**). Questions about economic activity of those seven years and over are asked in **Cambodia**, the youngest age group for whom information is sought. The oldest age group for which information is sought is 20 years (**Azerbaijan**). Figure 3 portrays the spread.

**Figure 3. Lowest age of persons for whom questions were asked in the last census about economic activity**



Source: Data compiled from government reports on the effective abolition of child labour, under the 2002 follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.

- 134. **Special measures.** Many countries report that special measures have been undertaken which can be regarded as successful examples in the abolition of child labour (e.g. Australia, Belgium, Cambodia, Canada, Cuba, Egypt, Ethiopia, Georgia, Guatemala, Guinea-Bissau, India, Kazakhstan, Lebanon, Lithuania, Oman, Pakistan, Peru, Suriname, Syrian Arab Republic, Thailand).
- 135. Very few countries gave details about the special measures in their reports. The Government of **Egypt** highlights efforts made by trade unions to target working children in the district of Fayoum as well as the children of workers in the chemical and textile sectors. The families of these children are being encouraged to develop income-generating projects in cooperation with the ministries concerned, particularly the Ministry of Agriculture.
- 136. The Government of **Belgium** indicates that a draft law on social labelling, which aims to ascertain socially responsible production, is currently under discussion. A label would be created for goods and services produced in a socially responsible manner. Enterprises that meet the criteria (respect for the four Declaration principles) would be able to affix this label to their products.
- 137. The All Pakistan Trade Union Congress (APTUC) notes that, under the supervision of the Government, with the technical assistance of the ILO and the financial assistance of the employers, an educational programme for child workers has been launched in Sialkot, Karachi and Mirpurkhas. The ICFTU adds that several programmes have been undertaken, in cooperation with the trade unions, ILO-IPEC, the Government, UNICEF and manufacturers and importers, to address child labour in the soccer-ball stitching industry and the carpet industry in **Pakistan**. According to the ICFTU, some reports suggest that approximately 6,000 children have been successfully removed from the soccer-ball industry.
- 138. The Government of **Thailand** notes that the Department of Labour Protection and Welfare has introduced a telephone and postal hotline for receiving complaints about child labour or unfair treatment of young workers; it has also established a special unit to assist women and children in cases of emergency.

**(c) Challenges mentioned**

- 139.** Government reports identify a range of challenges encountered with respect to realizing the principle of the effective abolition of child labour (see table 5).

**Table 5. Obstacles or challenges mentioned in government replies relating to child labour**

<b>A. Practical difficulties with respect to:</b>					
Resources	Awareness or understanding	Labour inspection	Implementing regulations	Lack of data	Current laws
Cambodia	Cambodia	Cambodia	Cambodia	Kazakhstan	Suriname
Cuba	Ethiopia	Lebanon	Lebanon	New Zealand	Russian Federation
Ethiopia	Lebanon	Pakistan	Russian Federation	Russian Federation	
India	Peru	Syrian Arab Republic			
Pakistan					

<b>B. Economic factors:</b>				
Poverty	Low living standards	Unemployment or underemployment	Precarious or informal employment	Being a transition economy
Ethiopia	Azerbaijan	India	Peru	Azerbaijan
India	Egypt	Lebanon		
Russian Federation	Lebanon			
Syrian Arab Republic				

<b>C. Other factors:</b>			
Political	Cultural	Uncontrolled migration	Monitoring "shadow economy"
Cuba	Ethiopia	Russian Federation	Belgium

- 140.** Of the countries that mention challenges encountered with respect to realizing the principle of the effective abolition of child labour, some see no need for technical cooperation with the ILO to assist in overcoming the challenges (e.g. **Belgium, Cuba, New Zealand**). The types of technical cooperation ranked of highest importance among the remaining countries are: capacity building for responsible government institutions (e.g. labour inspection and administration) and a special programme for the elimination of the worst forms of child labour.

**(d) Reports indicating no change**

- 141.** The Government of the **United States** reports that no changes have taken place since it submitted its last report.

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## **6. Comments by the Expert-Advisers on the effective abolition of child labour**

- 142.** To the Expert-Advisers, the greater awareness of the undesirability of having children start work too early in their lives, or to carry out activities that harm them, seems reflected in the more intensive involvement of governments and the social partners in the fight to combat child labour throughout the world. The reports received mirror the growing attention given to the principle of abolishing child labour as a priority for human development.
- 143.** It was disturbing to see the reports confirm that modernization and high per capita incomes do not, by themselves, lead to the disappearance of all forms of child labour. Rich countries are not immune to what is dubbed today the *worst forms* of child labour – hazardous work, prostitution, trafficking, etc. International trafficking, in particular, needs to be tackled more effectively by countries that would appear to have the resources to do so.
- 144.** Several of the reports received from developing or transition countries point to poverty, particularly in agriculture and the informal sector, as being at the origin of various forms of child labour. Other factors include lack of education, legislation that is not adequate or not forcefully applied. The fact that the reports mention the adoption of national action plans and refer to ILO-IPEC's integrated approach and time-bound programmes, holds promise that the tide can be turned against child labour. We appeal to the international organizations that need to contribute to good governance, schooling and the reduction of poverty, notably the international financial institutions, UNDP, UNICEF and UNESCO, to orient their work in consultation with governments, the social partners and the ILO in such a way that ILO-IPEC's time-bound programmes can achieve their goals.
- 145.** Lack of good-quality schooling at the primary level is one reason why children work more than they should; and the mismatch between the end of compulsory schooling and the minimum age for work, revealed by several reports, is another. This underlines, to us, the need for collaboration by relevant government agencies, in particular by the planning, financial or economic bodies that play a key role in the allocation of resources in developing and transition countries.
- 146.** The Expert-Advisers would like governments concerned to report more information regarding forced or compulsory recruitment of children for use in armed conflict as well as, generally, more information on the factual situation of children in the informal sector.
- 147.** The Expert-Advisers are gratified to see, from the reports, that national and international employers' and workers' organizations are more active than before in this field – on their own and in tripartite or broader consultation mechanisms set up to combat child labour. We also acknowledge the contributions that can be made by civil society groups in terms of awareness raising, identification of the problem, etc.
- 148.** The Expert-Advisers were informed that the Global Report to be submitted for discussion to the June 2002 International Labour Conference is dedicated to the subject of child labour. We hope that it will stimulate new ideas, more in-depth research and reinforce programmes that contribute effectively to the abolition of child labour, especially ILO-IPEC.
- 149.** Finally, we wish to express our satisfaction with the new report form that was used during the current review of child labour. It provided more useful and broader information than the old form, even though there remained a tendency to specify legal details where this was not always necessary. The new form also helped constituents to identify more specifically their own needs in this area.

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## **7. Elimination of discrimination in employment and occupation**

### **(a) Reporting**

- 150.** Out of the 19 countries (61 per cent of those owing reports) that provided reports on the elimination of discrimination in employment and occupation, two countries, one of which joined the ILO in 2000, reported on this category of principles for the first time (**Kiribati, Saint Vincent and the Grenadines**).

### **(b) Reports mentioning efforts**

- 151. Legislation.** Certain governments report that they are in the process of adopting new laws (e.g. **Estonia, Pakistan**), or revising existing ones to better reflect the principle (e.g. **Malaysia, Uganda**), or that they plan to do so (e.g. **Mauritius**). The Government of **Pakistan** is considering new legislation to introduce a job evaluation scheme in the workplace.<sup>7</sup> The Government of **Thailand**, in its response to comments by the National Congress of Thai Labour (NCTL) on gender inequality, including with respect to wage increments and the retirement age, states that it has endorsed many laws, regulations and resolutions to ensure equality in this regard, among other things. The Government of **Uganda** indicates that a draft Employment Decree of relevance to the promotion of the principle of non-discrimination in employment is under consideration.
- 152.** Almost all the government reports state that there are provisions concerning non-discrimination in the Constitution and legislation. These governments include those which indicate that discrimination does not exist in general (**Bahrain, Oman, Qatar**) or with regard to certain issues such as religion and race (e.g. **Estonia**). These laws address various grounds of discrimination, i.e. race, colour, sex, religion, political opinion, national extraction and social origin (e.g. **Kiribati, Saint Vincent and the Grenadines**). Several governments note that protection from discrimination in their national laws encompasses grounds such as language (e.g. **Estonia**); creed (e.g. **Kiribati**); age (e.g. **Oman, Thailand**); disability (e.g. **Bahrain, Mauritius, Thailand, Uganda**); social status (e.g. **Estonia**); and migrant worker status (e.g. **Mauritius, Thailand**). The Government of **Estonia** states that the Wages Act prohibits the increase or reduction of wages on the grounds of an employee's sex, nationality, colour, race, native language, social status, previous activities, religion, political or other opinions.
- 153.** The Governments of **Mauritius** and **Thailand** note that migrant workers are covered by the same laws that apply to national workers. The ICFTU maintains that the migrant workers in **Mauritius** face tough living and working conditions. The Government of **Mauritius** states that migrant workers are entitled to the same working conditions, hours of work and wages as local workers in the respective industry. The Government notes that its "Special Unit" of the Ministry of Labour inspects enterprises employing foreign labour and investigates representations made by expatriates regarding their conditions of work. The Government of **Malaysia** reports that migrant workers are not covered by the non-discrimination provisions it cites in its report, as these workers are a recent phenomenon in the country and are employed on a temporary basis in specified jobs and sectors. However,

<sup>7</sup> The Expert-Advisers were informed that the new law being considered is part of the Government's effort to promote pay equity, in line with its new obligations under Convention No. 100 (recently ratified). The Office is providing technical assistance to the Government in this respect.

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the Government points out that they are covered in the implementation of the principle through access to the country's tribunals.

154. The Free Confederation of Workers of Mauritania (CLTM) claims that slaves and descendants of slave origin (*haratine*) are marginalized and excluded from the law concerning working life just as they are from social, economic and other rights. In its reply to this observation, the Government of **Mauritania** states that slavery does not exist in the country, and that no one is a slave or considered as such. It also states that the CLTM's statements about the percentage of slaves or descendants of slaves and their treatment vis-à-vis the laws in force are erroneous.<sup>8</sup>
155. A few governments (e.g. **Bahrain**, **Estonia**, **Oman**, **Thailand**) report that they provide special legislative provisions and measures aimed at protecting and/or boosting the employment opportunities for particular groups that are vulnerable to discrimination. The Government of **Thailand**, for example, cites the Royal Decree on the Rehabilitation of the Disabled (1991), which encourages enterprises with at least 200 workers to employ one disabled worker. Moreover, persons with disabilities are provided with free vocational training, thereby opening up more possibilities for their employment and giving them more choices with regard to occupation, according to the Government. The Government adds that it has provided disabled workers with job-placement services. Similarly, the Government of **Uganda** states that the Ugandan Constitution provides for affirmative action in favour of marginalized groups of people on the basis of gender, age or disability, for the purpose of redressing imbalances. The Government of **Oman** also refers to special legal provisions for women with regard to night work and special types of work allocated to disabled workers. As regards women workers, the Government of **Estonia** states that it is prohibited to employ women in some categories of jobs and work.
156. In order to enforce legislation on non-discrimination, governments cite various mechanisms: tribunals (e.g. **Malaysia**, **Mauritania**); labour inspection of workplaces (e.g. **Japan**, **Mauritius**); and the investigation of complaints received (e.g. **Mauritius**, **Singapore**). The Government of **Singapore** states that all complaints of alleged discrimination received by the Ministry of Manpower are investigated, and employers found culpable are warned and advised not to engage in discriminatory acts. The Government comments that these employers take the warning and advice seriously, and that this has contributed to the elimination of discriminatory job advertisements.
157. **Institutions to promote equality.** A few governments state that institutions have been set up or that they are considering establishing institutions to enforce the legislation (e.g. **Mauritius**) as well as to promote and aid in general in the realization of the principle (e.g. **Estonia**, **Myanmar**, **Uganda**). The focus tends to be mainly on gender issues. In **Mauritius**, a Gender Bureau has been set up in the Ministry of Women, Family Welfare and Child Development, to implement a gender management system and ensure gender mainstreaming at all levels. Ministries and departments have gender focal points. A National Women's Council conducts literacy and family counselling sessions. In addition, the Government of **Mauritius** refers to the National Advisory Committee on the Status of Women which is to provide inputs and direction for the Gender Bureau, and which includes civil society groups, non-governmental organizations, the media, academics, professionals, and various ministries and departments. The ICFTU in its observations on **Antigua and Barbuda** states that there is a Directorate of Women's Affairs to promote the economic advancement of women, but that it has had "a negligible effect". In its reply, the

<sup>8</sup> The Expert-Advisers were informed by the Office that a new programme involving **Mauritania** is being planned in relation to respect for all four categories of fundamental principles and rights at work.

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Government refutes this statement. A number of governments provide examples of other governmental agencies having been set up to deal with discrimination issues – e.g. the Bureau of Equal Rights in the Ministry of Social Affairs of **Estonia**; government ministers and officials such as the Minister responsible for Ethics and Integrity under the President’s Office and the Inspector General of Government (**Uganda**); and non-governmental groups such as women’s groups (e.g. **Estonia**, **Kiribati**) and church groups (**Kiribati**). Their reports imply that there is a need for the support of these agencies, officials and members of civil society in the efforts of governments to implement the principle effectively.

- 158. Grounds of discrimination.** In general, there is more information on gender-based discrimination in the reports as a whole, as compared with other grounds of discrimination (e.g. race, religion, national extraction, social origin). The ICFTU in its observations on the **United States** and **Mauritius** highlights the “glass ceiling” women encounter with regard to career advancement and promotion to senior posts. The Government of the **United States**, which said that there had been no change since its report for the 2000 annual review (GB.277/3/2), had earlier noted provisions on non-discrimination, including with regard to gender. According to the ICFTU, women in **Mauritius** have less representation in senior positions, and according to data from 1999, women occupied only a quarter of managerial posts. The Government of **Mauritius** responds that the participation of women in senior positions has been progressing in the public service and that since 2000 the number of female permanent secretaries has increased from one to nine. Women’s participation at the senior managerial level is now about 30 per cent. The Government of **Qatar** refers to the increase of women in the private and mixed sectors in recent years. Women now make up 10 per cent of workers in the mixed sector, while in the banking and insurance sector, they account for 38 per cent of all workers. The Government notes the Department of Labour’s efforts to find job placements for men and women in the private and public sectors and in the banking sector. The Department reportedly works with employers whose recruitment criteria are based on the educational and technical qualifications of applicants. A few governments mention grounds of discrimination other than those covered by Convention No. 111, as well as steps for addressing them. Several refer to measures concerning persons with disabilities (e.g. the Governments of **Bahrain**, **Mauritius**, **Oman**, **Thailand**, **Uganda**). The ICFTU also mentions this with respect to **Mauritius** and the **United States**.
- 159.** As regards migrant workers, the governments of two countries mention that they are covered by the same laws as nationals (**Mauritius** and **Thailand**), and in the case of **Malaysia**, the Government reports that “the principle is implemented through labour tribunals and industrial tribunals”, which also cover migrant workers.
- 160. Awareness raising and advocacy.** A number of governments mention that they have been involved in awareness-raising activities (e.g. **Japan**, **Thailand**) or envisage carrying out such activities (e.g. **Mauritius**). The Government of **Japan** states that the Equal Employment Department in the Prefectural Labour Bureau visits offices with regard to the Equal Employment Law. It finds out about the employment management system of each enterprise, about the implementation of the aforementioned law, and provides information on good practices with regard to equal opportunity and treatment for men and women.
- 161.** Certain government reports mention some key factors that contribute to discrimination in respect of employment and occupation, and the measures being taken to deal with them (e.g. **Mauritius**, **Thailand**). An extract of the National Gender Action Plan, annexed to the reply of the Government of **Mauritius** to the ICFTU’s comments, notes the lack of encouragement in the home and at school, as one of the reasons for the disadvantages women may face in employment and occupation. The Government says that it has sought technical assistance from the ILO to bring regulations concerning wages for men and women into line with Convention No. 100. The Government of **Thailand** notes that there are fewer women workers who have had basic education, compared with their male

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counterparts, and that the adoption of legislation has led to an increase in educational opportunities for girls.

162. The Government of **Mauritius** reports that it is undertaking a major education reform programme to promote the education of girls and broaden their scope for employment. There are also plans to have training programmes for women to develop their communication skills. Similarly, the Government of **Thailand** states that it has been raising the awareness of employers and workers on issues relating to equality in employment and on the need to promote vocational training for women. The Government of **Malaysia** states that institutions of higher learning and training facilities are open to all members of Malaysia's multi-racial society.

(c) ***Challenges mentioned***

163. **Legislation.** The ICFTU submitted observations in relation to efforts made by **Pakistan**, where it claims that special legislation in export processing zones (EPZs) does not include provisions prohibiting discrimination, even though 80 per cent of EPZ workers are women. Thus, according to the ICFTU, women workers have no protection from discrimination in EPZs. It also adds that women and religious minorities suffer legal discrimination and that there is widespread gender-based discrimination in employment.
164. It also refers to inadequacies in the national legislation of **Mauritius** that hinder efforts to uphold the principle. Even though the legislation provides for the employment of persons with disabilities (all large enterprises are to reserve 3 per cent of jobs for these workers), there is no legislation concerning the accessibility of workplaces for them. In its reply, the Government of **Mauritius** notes that access to workplaces for the disabled is covered by existing legislation and specific regulations are also being drafted.
165. **Enforcement.** The enforcement of legislation is an issue on which the Free Confederation of Workers of Mauritania (CLTM) makes observations. It acknowledges that **Mauritania** has legal provisions on non-discrimination. However, it says that weak labour inspection services, due to the limited number of inspectors, lack of resources, and the conduct of the inspectors who reportedly "behave as representatives of the employers ...", the service is ineffective in enforcing the legislation. The Government of **Mauritania** refutes the statement concerning the relationship between employers and labour inspectors. It does, however, recognize that there is a need to strengthen the capacity of the labour administration and has thus called on the ILO for support in this regard.
166. The ICFTU also comments on the enforcement of legislation in the **United States**, where it claims that due to the weak enforcement of the immigration law, employers make great use of illegal migrant workers who suffer discrimination.
167. **Other considerations.** A few governments point out the lack of relevant data (e.g. **Pakistan**, **Uganda**) or institutional capacity (e.g. **Kiribati**) to assess effectively the factual situation in their respective countries. The Government of **Uganda** cites structural adjustment as having affected women workers more acutely than men; while the Government of **Thailand** mentions recession as having similar effects. Certain governments refer to culture, custom, and societal beliefs and norms as barriers to efforts to uphold the principle (e.g. **Kiribati**, **Mauritius**, **Thailand**).

(d) ***Reports indicating no change***

168. Two governments state explicitly that there have been no changes since the last report (**Namibia**, **United States**). The report of the Government of **Bahrain** is virtually the same as its report for 2001 (GB.280/3/2 (March 2001)).

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## **8. Comments by the Expert-Advisers on the elimination of discrimination in employment and occupation**

- 169.** The Expert-Advisers regret the decline in the number and quality of the reports submitted on this category. A downward trend would undermine the principle of the elimination of discrimination in employment and occupation and does not reflect the persistence, pervasiveness and seriousness of discriminatory practices in the labour market across the world. The Expert-Advisers reiterate the importance of providing adequate qualitative and quantitative information to evaluate general progress in the fight against discrimination at work, and particularly of the effectiveness of different institutional settings and policy measures.
- 170.** Most reports focus mainly on gender-based discrimination. However, in addition to information on gender, the Expert-Advisers would like increased attention to be paid to other grounds of discrimination, including religion, political opinion, national extraction, race or social origin. Their interlinkages with gender should be set out.
- 171.** The reports mention grounds on which discrimination at work is prohibited, but they do not provide a clear definition of what discrimination consists of and how it manifests itself. The Expert-Advisers underline the need to address these questions so that governments and the social partners can scrutinize patterns of inequalities and devise meaningful and effective anti-discrimination measures.
- 172.** The Expert-Advisers observe that this year's reports do not show any positive change with regard to women's unemployment levels compared to men's, women's confinement to a narrower spectrum of occupations, restrictions on upward mobility, differentials in remuneration between men and women or the disproportionate incidence of non-standard forms of employment among women.
- 173.** Inequalities in remuneration between the two sexes or between workers at the top and bottom ends of the occupational ladder receive scant attention in the reports (with the notable exceptions of **Pakistan, Mauritius, Estonia**). Occupations at the bottom often include workers who suffer from discriminatory treatment because of their race, colour, national extraction, social origin or religion – such as migrant workers, members of ethnic minorities or unskilled workers. Equality in remuneration is a key component of the principle of the elimination of discrimination in employment and occupation. It is important not only to the conditions and status of disadvantaged or vulnerable categories of workers, but also crucial to curbing poverty, promoting social equity and enhancing productivity. The Expert-Advisers ask governments to make available, in future reports, information on the measures devised to combat inequalities in remuneration.
- 174.** The Expert-Advisers welcome the references made in the reports to migrant workers and would suggest that further efforts be made to remove the obstacles and discriminatory treatment faced by this category of workers.
- 175.** The reports point to the need for multi-faceted and multi-level strategies to combat discrimination at work. They also identify a range of factors (such as legal inadequacies, societal and cultural beliefs and norms, institutional weaknesses, adverse socio-economic conditions or economic restructuring) that account for the persistence of discriminatory practices against particular groups of workers. However, the reports tend not to go into detail and, instead, dwell on the legal framework. The Expert-Advisers urge governments to provide in future much more information on the manifestation of discrimination in practice.

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- 176.** The Expert-Advisers wish to highlight the discrepancy between the information provided by governments and that supplied by trade unions. The Expert-Advisers call upon the governments and social partners to engage in sustained dialogue on the non-discrimination principle. Progress depends on the commitment and support of all parties concerned.
- 177.** We were pleased to see that the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, South Africa, 2001), in its Programme of Action, urges States to make every effort to apply fully the provision of the ILO 1998 Declaration and “encourages representative trade unions and the business sector to advance non-discriminatory practices in the workplace”. However, the Expert-Advisers note with regret that the reports received under the follow-up this year contain no relevant information on this.
- 178.** In the light of the above, the Expert-Advisers call upon the Governing Body to adopt the new report form regarding the elimination of discrimination in employment and occupation. We believe that it would help governments to furnish more relevant and accurate information, and the social partners to engage in a discussion of the most effective and appropriate ways to combat discrimination.

## **E. The role of employers' and workers' organizations**

### **1. General involvement**

- 179.** The reports received for this year's annual review confirm the continued interest of the social partners in the ILO Declaration and its follow-up. This is borne out by the level of participation of employers' and workers' organizations in the reporting process, and their involvement, to varying degrees, in efforts to promote the Declaration and encourage widespread observance of its principles.

### **2. Employers' organizations**

- 180. The International Organisation of Employers.** One very encouraging development this year has been the receipt of a statement from the International Organisation of Employers (IOE), outlining its position and activities with regard to the Declaration and its follow-up, which is reproduced hereunder in its relevant parts without change:

The IOE and its constituents remain strongly supportive of its initiative that led to the adoption of the Declaration in 1998. The IOE continues its work in supporting both the promotion of the Declaration itself, and its follow-up. Since 1998, efforts by employers' organizations have noticeably moved from one of educating their members about ways to address the content of the Declaration, to working with them on specific projects or initiatives designed to imbed the principle of the Declaration. The IOE has produced a *Guide for Employers on the Declaration*, in English, French and Spanish, which has been distributed around the world. In it, the IOE explains the role of employers' organizations in the follow-up and encourages its members to promote greater awareness of the principles amongst their own membership. The call by the United Nations Secretary-General to the business community, to address nine universal principles in the areas of labour, human rights and the environment, through the Global Compact, has resulted in the IOE taking the lead role amongst employers in promoting the principles, particularly those in the labour sphere, which are drawn from the Declaration and need to be promoted in a manner that is consistent with it. In its guide to employers regarding the Global Compact, the IOE stresses these principles. In the training material that is developed, the IOE will continue to promote the principles of the Declaration among its members. A further example of the IOE's commitment to promoting the principles

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of the Declaration can be found in the update of its 1998 *Handbook on Child Labour*, in cooperation with the ILO Bureau for Employers' Activities (ACT/EMP) and the ILO-International Programme on the Elimination of Child Labour (IPEC). Whilst continuing with its main purpose to educate and assist employers in responding to these issues, the Handbook now contains a wealth of information and practical examples of the seriousness with which employers view this matter. In conclusion, the IOE remains steadfast in its support for the Declaration and the principles it contains. The Declaration is an outstanding example of ways in which the ILO should, and can react, to pressing social issues through its process of consensus building. However, that strength can only be truly sustained if the Declaration retains its tripartite support.

- 181. National employers' organizations.** The majority of governments sent copies of their reports to national employers' organizations in keeping with article 23(2) of the ILO Constitution. Many of them did not only furnish copies of their reports to both employers' and workers' organizations for their information and possible comments, they also held consultations with them during the preparatory stages. This approach seems to have been widely used for the reports on child labour, for which many consulted employers' organizations and took their views into account (e.g. **Australia, Belgium, China, Cuba, Czech Republic, Egypt, Georgia, Ghana, Guinea-Bissau, India, Kazakhstan, Kiribati, Latvia, Mexico, Russian Federation, Saint Lucia, Syrian Arab Republic, Thailand**). The Governments of **China** and **Comoros** held discussions with employers to prepare their reports on the principle of the elimination of discrimination, while the Government of **Singapore**, for example, incorporated comments by the Singapore National Employers' Federation in its report on this subject.
- 182.** Several governments state that employers' organizations did not comment on the government reports that were sent to them. Where comments were received, they were either reproduced in government reports (e.g. for **Kiribati, Mexico, New Zealand** on freedom of association), or forwarded to the ILO (e.g. by the **Republic of Korea** on freedom of association and forced labour). In some cases both courses of action were taken (e.g. **Kiribati, Republic of Korea, New Zealand**).
- 183.** The receipt of government reports has enabled certain employers to express their views on matters on which their opinions differ from those of the government. For example, the Kiribati Chamber of Commerce, unlike the Government of **Kiribati**, perceives child labour to be an emerging problem in some parts of the country and identifies technical cooperation priorities for dealing with it.
- 184.** Besides participating in the reporting process, national employers' organizations also take part in activities aimed at putting into practice fundamental principles and rights at work. Several government reports mention that employers take part in the drawing up and reform of social and labour policies and legislation, matters relating to labour institutions, the development and implementation of projects and programmes in areas covered by the fundamental principles and rights at work, policy-oriented studies and surveys, and awareness-raising activities.

### **3. Workers' organizations**

- 185. International workers' organizations.** The International Confederation of Free Trade Unions (ICFTU) contributed to the annual review again this year by submitting comments on the situation in different countries, while the World Confederation of Labour (WCL) encouraged its affiliates to prepare statements which it then forwarded to the Office. The ICFTU sent observations on all four categories of principles, with freedom of association and collective bargaining accounting for the largest number of them (34 countries). As for previous reviews, these comments have provoked reactions from a number of

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governments, thereby providing the opportunity for them to shed more light on recent changes and other developments that are planned.

- 186. National workers' organizations.** For the most part, the views of national workers' organizations arrived through the same route as those of the employers. Several governments report that workers' organizations are consulted and their opinions taken into account for the preparation of the report (e.g. **Belgium, Cambodia, Comoros, Ethiopia, Guatemala, New Zealand, Russian Federation, Singapore**). They may be reproduced in government reports as observations (e.g. **Egypt, New Zealand**), transmitted to the ILO by the government (e.g. **Brazil, Kiribati, Mexico, Pakistan, Republic of Korea, Sri Lanka, Thailand**), sent directly to the Office (e.g. **Japan, Madagascar**), or sent through an international workers' organization such as the WCL (e.g. **Bangladesh, Lithuania, Pakistan, Poland**). There are situations in which workers' comments are the only source of information in the absence of a government report (e.g. **Gabon, Sao Tome and Principe**). They may also motivate the government to provide information where it had not sent a report initially (e.g. **Mauritania**).
- 187.** Most governments report that workers' organizations, like those representing employers, are very active in tripartite bodies or events, while they also spearhead activities and undertake joint activities with employers to address issues relating to fundamental principles and rights at work.

#### **4. Involvement in respect of particular categories of fundamental principles and rights at work**

- 188. Freedom of association and collective bargaining.** The reports indicate that it is essentially within the framework of tripartite consultative, policy-making and programmatic activities that employers' and workers' organizations contribute to efforts to promote and realize this category of principles and rights. These organizations are active in tripartite committees to discuss amendments to labour legislation (e.g. Government of **Lebanon**), examine proposals for the ratification of fundamental Conventions (e.g. Government of **Kuwait**) and exchange views and experiences through workshops and seminars (e.g. Governments of **Brazil, Morocco, Singapore**). According to the reports, the social partners are involved in activities to upgrade skills and knowledge in different key areas (e.g. collective bargaining and dispute settlement in **Brazil**; wage negotiations in **China**; part-time university courses in industrial relations in **Mauritius**; and training seminars on strengthening labour relations administration (**Uganda**)). They are key players in efforts to address labour-related problems such as employment for retrenched workers (e.g. through the tripartite National Task Force on Employment in **Singapore**), and to foster a culture of constructive social dialogue (e.g. through government-funded labour-management labour relations networks in **Canada**, and, as reported by the Government of **Morocco**, through national and regional tripartite seminars and workshops under the ILO/Belgium Project to promote social dialogue in French-speaking Africa (PRODIAF)). The Government of **China** notes that the China Enterprise Confederation carried out a national survey on the role of employers' organizations in tripartism, with follow-up seminars on ways of building such organizations, as well as raising their status and improving their roles. A number of the aforementioned initiatives have been undertaken with some form of ILO support (e.g. in **Brazil, China, Mauritius, Morocco, Uganda**).
- 189. Forced or compulsory labour.** Only a few government reports explicitly mention the roles of the social partners in matters relating to forced or compulsory labour, and the enactment of new laws with a bearing on this subject (as in e.g. **Canada**). In **Mozambique**, there have been national tripartite seminars on the Declaration and its follow-up as well as on fundamental Conventions being considered for ratification. The Government of **Ethiopia** recognizes the importance of tripartite consultative mechanisms

for dealing with labour matters and notes the increasing appreciation for social dialogue in the country's labour relations culture. In the case of **Madagascar**, the Government reports that tripartism is the cornerstone of the recently launched national programme to combat forced labour. The social partners have been involved in all the preparatory activities and they are to participate in implementing the programme, which is being financed by the Government of **France**.

- 190. Child labour.** Many governments note the involvement of employers' and workers' organizations in the development and implementation of specific measures or programmes to bring about the effective abolition of child labour: e.g. **Bahamas, Belgium, Cambodia, Ethiopia, Georgia, Germany, Ghana, India, Kazakhstan, Kiribati, Lebanon, Lithuania, Mexico, Mozambique, New Zealand, Pakistan, Peru, Poland, Qatar, Russian Federation, Saint Lucia, Syrian Arab Republic, Thailand**. This involvement came in a number of forms. The Governments of **Cambodia, India, Lebanon** and **Pakistan** refer to national steering committees (ILO-IPEC). In **Belgium, Peru** and **Thailand**, national labour councils address issues concerning the effective abolition of child labour. The Tripartite Council of Lithuania deals with social, economic and labour-related problems, including child labour.
- 191.** The Governments of **Georgia, Germany, Russian Federation, Saint Lucia** and **Thailand** report that they consult employers' and workers' organizations on law reform. **Saint Lucia** established a tripartite task force, which drew up a draft Labour Code in 2001. The 2000-2001 General Agreement between the Russian trade union confederations, the Russian employers' associations and the Government of the **Russian Federation** provides for the drafting of proposals to improve legislation on employment, including on the employment of young persons. The 2001 General Agreement between the Government, employers' and workers' organizations of **Kazakhstan** includes, for the first time, a special section on rights and safeguards for women and young persons; it is intended that regional and branch agreements as well as collective agreements will respect the rights of these two groups.

**Box 3. Two examples of action by employers' and workers' organizations, reported by governments**

The Government of **Ethiopia** reports that workers' organizations have carried out surveys in selected plantations and designed appropriate intervention mechanisms based on their results. The report indicates that this has resulted in awareness-raising programmes for communities near to plantations as well as the families of working children.

In the case of **Ghana**, the Government notes that the Ghana Employers' Association and the Trade Union Congress participate in research, data collection and training, as well as other activities carried out in the framework of an action plan for the elimination of the worst forms of child labour.

- 192.** Tripartite meetings, seminars and/or symposia have been held in **China, Mozambique** and **Thailand**. The Government of **Qatar** intends to seek the assistance of the ILO for the organization of a symposium or meeting for officials and workers in the public and private sectors to discuss the Declaration.
- 193. Equality in employment and occupation.** Formal tripartite arrangements for promoting equality of opportunity and treatment in employment and occupation were reported by some countries. Specific reference to actions and the roles of employers' organizations was made by the Government of **Estonia**, which recalled that in 2000, the Confederation of Employers launched a training project for Russian minority groups in the north-east of the country to acquire the skills for setting up their own enterprises. The Government of **Myanmar** mentions the involvement of the Myanmar Women Entrepreneurs' Association in seminars for raising awareness about women in the world of work. The Government of **Singapore** notes that employers and workers are active in the tripartite committee that drew up the Tripartite Guidelines on Non-discriminatory Job Advertisements, which the

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Government says are widely observed. On the workers' part, one national organization (the All Pakistan Trade Union Congress) mentioned the role of trade unions in carrying out surveys to assess the situation with respect to this category of principles, and in taking measures to promote the principle in **Pakistan**.

## F. Government relations with regional and international organizations

194. As in previous annual reviews, governments mention regional and international organizations occasionally in their reports.
195. Some governments of countries that are signatories to regional agreements refer to them in relation to the ILO Declaration, to show the efforts being made on several fronts to respect, promote and realize fundamental principles and rights at work. In certain cases references in past reports have been repeated because there continue to be activities within the framework of these agreements. The report of the Government of **Brazil** on the principle of freedom of association and collective bargaining mentions the *Social and Labour Declaration* of the Common Market of the Southern Cone (MERCOSUR), which refers to the ILO Declaration on Fundamental Principles and Rights at Work and has provisions aimed at promoting these principles and rights. As a member of MERCOSUR, Brazil is a signatory to the *Social and Labour Declaration*. The Government also notes that awareness-raising seminars and training in collective bargaining and dispute settlement procedures have been carried out with the joint support of ILO and the Organization of American States.
196. Regional meetings offer another avenue for taking collective action to promote fundamental principles and rights at work. The Government of **Thailand** refers to three meetings on subjects that cover the principles relating to forced labour and child labour – i.e. the Regional Conference on Trafficking in Women and Children, the Ministerial Seminar for Asia and the Pacific Region regarding Transnational Crime Suppression, and a seminar on Asia-Pacific Regional Initiatives Against Trafficking in Women and Children.
197. The Arab Labour Organization (ALO) has been involved with the ILO and the Government of **Lebanon**, according to its report, to further fundamental principles and rights at work. With reference to the principle of freedom of association and the effective recognition of the right to collective bargaining, the Governments of **Qatar** and **Saudi Arabia** note that members of the Gulf Cooperation Council (GCC) and the ILO will continue dialogue and technical cooperation.
198. Certain governments referred to United Nations instruments to which the countries are signatories, to show that by signing these instruments the countries are committed to promoting fundamental principles and rights at work (e.g. the Governments of **Myanmar**, **Thailand** and **Uganda** mention the Convention on the Elimination of All Forms of Discrimination Against Women). Some 25 governments report that they work with international organizations other than the ILO (e.g. IOM, UNDP, UNESCO, UNICEF, UNIFEM and WHO), mainly in the fields of child labour, and trafficking in women and children, which falls within the scope of forced labour (e.g. **Australia**, **Belgium**, **Cambodia**, **Canada**, **Cuba**, **Czech Republic**, **Honduras**, **India**, **Kazakhstan**, **Lebanon**, **Mali**, **Russian Federation**, **Syrian Arab Republic**, **Thailand**).

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## G. Technical assistance

### 1. General considerations

199. The Expert-Advisers recall that the 1998 Declaration puts obligations not only on member States in regard of this new instrument but also on the ILO to help them to respect, promote and realize the fundamental principles and rights underlying the eight core Conventions. The Declaration Programme spearheads the ILO's activities and has acted as a focal point for donors interested in supporting countries expressing their requests for assistance in realizing their commitments.<sup>9</sup> Numerous activities help countries to implement ratified core Conventions, or enable them to ratify, and this is not the place to mention them. They have drawn upon the broad expertise of both field and headquarters units, and rely on regular budget resources as well as extra-budgetary funds.
200. The Expert-Advisers have been encouraged by the response from the donor community to assist countries demonstrating the necessary political will. The next section hereunder illustrates technical assistance of a sizeable nature financed by the **Netherlands**, **France** and the **United States** in countries that owe reports. ILO's assistance in these cases is designed to help them better to respect and realize the fundamental principles and rights at work or even to ratify these Conventions. We wish to draw attention to the availability of this kind of assistance, some of which can be funded through the Organization's regular budget technical cooperation allocation. In the final section, needs and requests mentioned in the current reports are summarized.

### 2. International assistance provided in countries owing reports

201. **All categories.** All four categories of fundamental principles and rights were the object of a project supported by the **Netherlands** in **Bolivia** that focused on legislative, statistical and institutional questions and included a media campaign. French-funded activities in **Benin** and **Mauritania** focused on identifying obstacles standing in the way of ratification or proper implementation of core Conventions. The ILO baseline study was the object of tripartite national seminars that adopted various action plans and follow-up activities.<sup>10</sup>
202. **Freedom of association and the effective recognition of the right to collective bargaining.** Three East African countries (**Kenya**, **United Republic of Tanzania**, **Uganda**) are participating in a United States-funded project that addresses labour law reform, labour administration, labour courts and other dispute settlement mechanisms, as well as the improvement of relations between workers and employers. A good deal of support already has been provided regarding the steps to be taken to respect the principle of freedom of association and collective bargaining, including a seminar on Conventions Nos. 87 and 98, development of a new labour law in **Kenya** and a seminar on the new labour legislation for parliamentarians in **Uganda**. This year's annual report by the Government of **Uganda** deals with this project in some detail. The Expert-Advisers were

<sup>9</sup> For more complete information on the Declaration Programme's technical assistance activities – those that were undertaken as well as those envisaged – readers may wish to consult the action plans submitted to the Governing Body each November (see GB.279/TC/3 (Nov. 2000) and GB.282/TC/5 (Nov. 2001)).

<sup>10</sup> In the case of Benin it has been published. See Bertin C. Amoussou: *Défis et opportunités pour la Déclaration au Bénin*, Declaration Working Paper 3/2002 (ILO, Geneva, Aug. 2001).

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informed of the strong support the project has from the tripartite partners in the three countries and the promise it holds out for improved respect for the principle as a result.

- 203.** A particularly innovative project in 14 **Caribbean** countries or territories is working directly with small, medium, and large enterprises (in collaboration with ministries of labour and workers' and employers' organizations) on innovation and competitiveness through workplace partnerships and respect for fundamental workers' rights. It promotes best practices on worker participation, dispute prevention and settlement, and non-discrimination, not only as desirable in and of themselves, but also as good for business, in terms of productivity and competitiveness.
- 204.** The Expert-Advisers were further informed that new projects concerned with the respect of the principle of freedom of association and collective bargaining have just been approved and will be launched at the beginning of 2002. For example, the ILO will assist the governments and social partners in **Morocco** and **Jordan** to upgrade the management skills of the Ministry of Labour, improve understanding and implementation of the labour law, and facilitate social dialogue and collective bargaining at the enterprise and sectoral level. In **Viet Nam**, a project aims to strengthen the Ministry's capacity to formulate modern industrial relations policies, and promote workplace democracy and dispute settlement mechanisms, at the enterprise, provincial and national levels.
- 205.** **Elimination of all forms of forced or compulsory labour.** A joint Declaration-IPEC project in **Nepal** funded by the **United States** seeks to assist the Government in eliminating a system of bonded labour and to rehabilitate the adult and children bonded labourers. Through capacity building and awareness raising at the national and local level, as well as direct interventions through NGOs, former bonded labourers will be converted to paid labourers and receive vocational training and credits, while children will be integrated into schools and communities. A project funded by **France** has just been launched in **Madagascar**, where the Government would like to ratify Convention No. 105 and institute a policy aimed at combating all forms of forced labour.
- 206.** **Child labour.** ILO's International Programme on Child Labour (ILO-IPEC) carried out projects or linked operations in a number of countries that recently ratified Conventions Nos. 138 and/or 182 and which no longer owe reports under the Declaration follow-up. Countries falling within the annual reporting framework of the Declaration and in which ILO-IPEC was active at the time of the drafting of this introduction include **Bangladesh**, **Cambodia**, **Colombia** (**Costa Rica**),<sup>11</sup> **Egypt**, **Ethiopia**, **Ghana**, **Guatemala**, **Haiti**, **Honduras**, **India**, **Jamaica**, **Lao's People Democratic Republic**, **Lebanon**, **Madagascar**, **Mali**, **Mongolia**, **Nepal**, **Nigeria**, **Pakistan**, **Paraguay**, **Russian Federation**, **United Republic of Tanzania**, **Thailand**, **Uganda**, **Viet Nam**, **Zambia**.
- 207.** **Discrimination in employment and occupation.** The Government of **Mauritius** provides the terms of reference of an ILO advisory mission that was undertaken by the Office in August 2001. They included the following: assistance with legal reform for the national legislation to reflect better the provisions of Convention No. 100 and the principle in general; awareness raising with regard to gender equality at work; and a review of the need for an Equal Opportunity Commission and its contribution vis-à-vis the promotion of equality of opportunity and treatment with regard to the principle.
- 208.** The ILO has also been involved in promoting the general ideals of the non-discrimination principle in other member States. According to the Government of **Thailand**, the ILO

<sup>11</sup> Costa Rica ratified Convention No. 182 between the deadline for submitting annual reports and the preparation of this Introduction.

cooperated with the Ministry of Labour and Social Welfare in a project entitled “Expansion of employment opportunities for women in Thailand,” aimed at empowering women. Similarly, the Government of **Estonia** states that the Office has instituted a Pilot Project on More and Better Jobs for Women and will facilitate a tripartite seminar on this principle. There is further recognition of the ILO’s work in promoting the Declaration by the Government of **Qatar**, which reports that the Office has explained the Declaration to employees and provided technical assistance to the Department of Labour. The Government continues to provide the Family Association (a private establishment) with support for conducting studies, and with expert advice on employment opportunities for women. The Government of **China** has cooperated with the ILO in holding seminars preparatory to the ratification of Convention No. 111, with the participation of both governmental and non-governmental institutions. The latest seminar took place in September 2001.

### **3. Reporting countries’ international assistance needs or requests**

- 209.** Governments as well as employers’ or workers’ organizations have referred to many needs and spelt out some of their assistance requests in respect of freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour, and the elimination of discrimination in employment and occupation. Table 6 indicates which governments manifested their needs through the reports.
- 210.** Among national workers’ organizations, the Bangladesh Sanjukta Sramic Federation (BSSF), the Kiribati Chamber of Commerce and the All Pakistan Trade Union Congress (APTUC) formulated several requests aimed at the elimination of child labour. The Japanese Trade Union Confederation (JTUC-Rengo) enquired whether the ILO could have an expert go to **Japan**, as part of technical cooperation, to explain the situation and experiences of other countries with regard to Convention No. 111.

**Table 6. Government needs or requests for technical assistance by category of principle**

Type of technical cooperation*	Freedom of association/ collective bargaining	Forced or compulsory labour	Effective abolition of child labour**	Elimination of discrimination
<i>Awareness raising, legal literacy and advocacy</i>	Qatar (awareness raising), Kenya (promotion of Declaration)	Qatar (awareness raising)	Ethiopia, Georgia, Ghana, Guinea-Bissau, Pakistan, Trinidad and Tobago	Qatar (awareness-raising)
<i>Capacity building, e.g. labour inspection and administration</i>	Brazil, Thailand, Uganda		Azerbaijan, Cambodia, China, Czech Republic, Egypt, Ethiopia, Georgia, Ghana, Guatemala, Guinea-Bissau, Islamic Republic of Iran, Kazakhstan, Lebanon, Mali, Pakistan, Suriname, Syrian Arab Republic	Comoros
<i>Cross-border cooperation</i>			Ghana, Georgia	

Type of technical cooperation*	Freedom of association/ collective bargaining	Forced or compulsory labour	Effective abolition of child labour**	Elimination of discrimination
<i>Data collection and analysis</i>	Thailand (improve relevant statistics)	Kiribati	Egypt, Guatemala, Islamic Republic of Iran, Lithuania, Pakistan, Russian Federation, Saint Lucia, Suriname	Kiribati (data analysis)
<i>Employment creation, skills training and income generation</i>			Azerbaijan, Georgia, Ghana, India, Pakistan, Peru, Russian Federation, Syrian Arab Republic, Thailand	
<i>Inter-institutional coordination</i>			Georgia, Pakistan	
<i>Legal reform</i>			Czech Republic, Guatemala, Guinea-Bissau, Russian Federation	Kiribati (ratification of Convention No. 111)
<i>Policy advice</i>	Kiribati (ratification of Convention No. 98)		Czech Republic, Islamic Republic of Iran, Lebanon, Lithuania, Myanmar, Suriname	Kiribati (ratification of Convention No. 111), Thailand
<i>Sharing experiences across countries/regions</i>	Brazil		Azerbaijan, Georgia	
<i>Social protection systems</i>			Azerbaijan, Georgia, Ghana, Guinea-Bissau, Kazakhstan, Republic of Moldova, Myanmar, Pakistan, Peru, Suriname, Thailand	
<i>Time-bound programme for the elimination of the worst forms of child labour</i>			Azerbaijan, Cambodia, Comoros, Ethiopia, Georgia, Ghana, Guinea-Bissau, Kazakhstan, Republic of Moldova, Pakistan, Peru, Russian Federation	
<i>Strengthening capacity of employers' and workers' organizations</i>			Egypt, Georgia, Pakistan, Russian Federation, Thailand	Comoros (social dialogue)
<i>Technical studies</i>		Sri Lanka (relevant national laws and practices)		
<i>Training of other officials (e.g. police, judiciary, social workers, teachers)</i>			Ghana, Guinea-Bissau, Lebanon, Republic of Moldova, Pakistan, Saint Lucia, Syrian Arab Republic, Thailand	
<i>Translation of relevant documents</i>			Armenia	

\* Specific requests appear in brackets following the country.

\*\* The comparatively large number of countries under this heading is, no doubt, in part due to the new report forms used.

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## H. Effect given to past recommendations

### 1. Reporting and dialogue

211. In the 2001 Introduction, the Expert-Advisers made a series of recommendations.<sup>12</sup> The Governing Body considered draft revised report forms, and approved the one dealing with the effective abolition of child labour. This matter will be reconsidered at the March 2002 session of the Governing Body. The Governing Body approved the recommendation to extend the Expert-Advisers' meeting by one day.
212. Efforts have been made to initiate dialogue with most of the countries that had not yet provided any reports. At the same time, it was recognized that there are some countries that remain in exceptional circumstances, where it would have been unrealistic to have expected reports, e.g. **Afghanistan**.
213. In the Caribbean, the international labour standards MDT specialist has made special efforts in **Antigua and Barbuda**, **Grenada**, **Saint Lucia** and **Saint Vincent and the Grenadines**. This resulted in reports from the latter two countries. In Asia, missions have been undertaken to **Lao People's Democratic Republic** and **Mongolia**, which have promoted dialogue between the Office and the Ministries of Labour and their social partners in these countries on the subject of the follow-up to the Declaration. This has resulted in **Lao People's Democratic Republic** providing a report in time for consideration in this annual review.
214. A major advocacy effort, which is expected to result in reports for the next cycle from **Fiji** and the **Solomon Islands**, is being undertaken by the relevant Area Office and MDT. MDT specialists in Africa and the Arab States have also continued to provide active assistance to governments in relation to reporting under the Declaration. It seems that translating the report forms into Russian, and some concerted efforts between the Declaration team and the Moscow MDT, have resulted in some countries fulfilling their reporting obligations (**Armenia** and **Kazakhstan**).
215. In response to the Expert-Advisers' recommendation that the Governing Body request further information from a number of Gulf countries, an ILO delegation, led by the Director-General and including the Executive Director for Standards and Principles and Rights at Work, visited **Saudi Arabia** and then **Bahrain**. In **Bahrain**, the Office participated in the Meeting of Ministers of Labour and Social Affairs of the Gulf Cooperation Council (GCC), which includes **Bahrain**, **Kuwait**, **Oman**, **Qatar**, **Saudi Arabia** and the **United Arab Emirates**. An agreement was reached between the Council of Ministers of Labour and Social Affairs of the GCC and the ILO on a range of activities for 2002-03. These activities will include national and subregional seminars, the subjects of which will be decided on the basis of specific requests and will include freedom of association, social dialogue, the elimination of forced labour, discrimination and child labour. Requests have been received from **Saudi Arabia**, the **United Arab Emirates** and **Qatar**. A mission is scheduled in January 2002 to discuss future regulatory conditions for establishing workers' committees in **Saudi Arabia**. This will be followed by similar activities in the **United Arab Emirates** and **Bahrain**. The ILO International Training Centre in Turin has supported these developments with courses for labour officials on the Declaration and fundamental Conventions in 2000 and 2001.

<sup>12</sup> GB.280/3/1 (Mar. 2001), paras. 30-34.

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- 216.** In relation to the Expert-Advisers' recommendation regarding **China**, the Government has signed a Memorandum of Understanding with the Office, which includes work on the follow-up to the Declaration. It is expected that this follow-up work will provide the Office and the Government with opportunities for further dialogue, including on forced labour. **China** has provided more information on efforts to promote the principle of the effective abolition of child labour in its current annual report on the subject.
  - 217.** With reference to the various recommendations made by the Expert-Advisers for Office action, it is worth stressing the value of providing assistance to countries in fulfilling their reporting obligations and of translating the report forms into Russian. Another practical effort has been the development of a simple database on child labour, on the basis of information received through the use of the new report form on this subject. This will be useful not only for the next Global Report on child labour, but also for the ILO-International Programme on the Elimination of Child Labour.
  - 218.** External resource mobilization has continued with some notable success (from **Germany**, **France**, **Netherlands**, **United Kingdom**, **United States**). This has allowed for the establishment of a new action programme on forced labour. With support from the Government of **Italy** and the ILO, the ILO International Training Centre in Turin launched a programme to train judges and lawyers in freedom of association principles.

## **2. Internal Office mainstreaming**

- 219.** Meetings and information exchange with the Sector on Employment and the Sector on Social Dialogue have contributed to mainstreaming the Declaration within the Office. While this has allowed an exchange of views and rendered ILO staff more sensitive to the Declaration, a more effective means has been through technical cooperation projects, and other collaborative activities from the design stage onwards. Examples are the United States-funded projects, the majority of which are carried out with field offices and units in other sectors, especially those relating to social dialogue. For instance, within the framework of the Declaration Project for the Promotion of Management-Labour Cooperation, in November 2001 the ILO MDT in Port-of-Spain organized a subregional tripartite seminar on the High Road to Productivity and Competitiveness through Workers' Participation and Equality.
- 220.** Another means of mainstreaming has been the reliance on specialists from other units from all four sectors to address the principles and rights as these relate to their areas of work, such as for briefings and training seminars provided to the World Confederation of Labour and to Education International. A broader means of helping other officials to address the Declaration is the production of a multi-media presentation on the Declaration.

## **3. Outreach and research**

- 221.** Initial links with the African Development Bank, in terms of briefing their staff on the Declaration, and with the Asian Development Bank, through a joint study on the effects of discrimination, forced labour and child labour, have been established. More work with these and other international financial institutions is planned in 2002-03, with a view to mainstreaming Declaration principles in their policy and operational work. In 2000, the Declaration InFocus Programme (IFP) collaborated with the World Bank, the Department for International Development (DFID) of the **United Kingdom**, the North-South Institute in **Canada** and a variety of developmental NGOs and trade unions, and familiarized staff of the Canadian International Development Agency (CIDA) with the Declaration as it relates to poverty reduction.

- 222.** In 2001, the Declaration IFP participated in a Workshop on Human Rights, Asset and Livelihood Security, and Sustainable Development, organized by the Overseas Development Institute (ODI) of the **United Kingdom**. That workshop brought together participants from the World Bank, UNICEF, the United Nations Development Programme, the European Union, bilateral donors/governments and NGOs from developing countries. Its objective was to ensure that a strong social development perspective informs the concept of sustainability, in the next World Development Report 2002/3 by the World Bank, which will be on sustainable development. Another link is through the development, together with the Inter-Parliamentary Union, of a manual on the Declaration to permit wide diffusion of the Declaration principles to politicians and members of civil society.
- 223.** Tripartite seminars dealing with the Declaration included those held in Ankara for Central Asian countries (May 2001) and in San José for Central American countries (October 2001).
- 224.** Activities with employers included an exercise, with their organizations in the Asia and Pacific region, in developing enterprise case studies of good practices, in relation to one or more of the Declaration principles, for use within the framework of the Global Compact. This is a way of bringing more enterprises from developing countries into the Global Compact.
- 225.** Activities carried out with the World Confederation of Labour in 2000 and with Education International in 2001 were designed closely with the trade union partners to train their officials from the field. Key concerns were to ensure greater worker involvement in the follow-up, including on reporting, and to identify how to use the Declaration and its principles as part of their organizational drives and for collective bargaining purposes.
- 226.** In addition, following its kick-off promotional activity relating to the Rights at Work poster, the IFP has produced and/or disseminated videos produced in conjunction with the first two Global Reports, on freedom of association and collective bargaining, and on forced labour. It also placed public service announcements on television and is commissioning other material for both radio and TV (e.g. radio in East Africa, TV in the **Russian Federation**). One means of obtaining broader media coverage will be through training media specialists in the Declaration principles. The website ([www.ilo.org/declaration](http://www.ilo.org/declaration)) continues to expand.
- 227.** The research efforts of the Declaration IFP are now visible, with the launch of a Working Paper series (see box 4), in which six papers have been published in 2001, covering selected issues in South Asian and West African countries, in addition to the three conceptual pieces prepared in 2000.

**Box 4. Research on fundamental principles and rights at work**

The In Focus Programme on Promoting the Declaration recently launched its Working Paper series. The papers published so far are:

- Ercelawn, A. and Nauman, M. *Bonded labour in Pakistan*, June 2001.
- Mishra, L. *A perspective plan to eliminate forced labour in India*, July 2001.
- Amoussou, B.C. *Défis et opportunités pour la Déclaration au Bénin*, August 2001.
- Oumarou, M. *Défis et opportunités pour la Déclaration au Niger*, August 2001.
- Meurs, D. *Egalité de rémunération au Mali*, August 2001 and
- Konate, S. *Défis et opportunités pour la Déclaration au Burkina Faso*, September 2001.

There will be policy-oriented research, in particular, on forced labour in 2002. Together with other ILO units and Public Services International (the international trade union secretariat), the IFP sponsored research on pay equity in the public service in developing countries, and brought these researchers together with experts on the topic from developed countries (see box 5). The results will be published in 2002, and used to develop a practical manual.

**Box 5. PSI/ILO partnership on pay equity**

The ILO and Public Services International (PSI) have joined forces to promote pay equity in the public service across the globe. Between May and October 2001, workplace surveys have been conducted in a number of countries at different stages of socio-economic development.

The aim of these surveys was to assess the magnitude of the wage imbalances between men and women in the public sector, as well as trade union experiences and strategies for redressing them. National researchers in Argentina, Latvia, Philippines and Namibia conducted workplace studies in the health sector. The outcomes of the country research were discussed in a PSI/ILO technical consultation on this subject matter (Geneva, 27-29 November 2001) and a manual is being produced.

- 228.** Steps are being taken to encourage other researchers, both in the Office and in other institutions, to analyse Declaration concerns and present their work in seminars. At the same time, it seems increasingly clear that the relationship between fundamental principles and rights at work and broader development issues is best considered in operational terms. It is more a question of properly documenting good practice than undertaking more abstract theoretical research.

## Annex tables

**Annex table 1. Governments that owed and submitted reports on freedom of association and the effective recognition of the right to collective bargaining for the annual review of 2002 (excluding late reports)**

Armenia, Bahrain, Brazil, Canada, China, El Salvador, Guinea-Bissau, India, Islamic Republic of Iran, Jordan, Kenya, Kiribati, Republic of Korea, Kuwait, Lao People's Democratic Republic, Lebanon, Malaysia, Mauritius, Mexico, Morocco, Myanmar, New Zealand, Oman, Qatar, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Sudan, Thailand, Uganda, United Arab Emirates, United States, Viet Nam, Zimbabwe (34 countries).

**Annex table 2. Governments that owed and submitted reports on the elimination of all forms of forced or compulsory labour for the annual review of 2002 (excluding late reports)**

Armenia, Canada, China, Ethiopia, Japan, Kiribati, Republic of Korea, Madagascar, Malaysia, Mozambique, Myanmar, Oman, Philippines, Qatar, Singapore, Sri Lanka, United States, Viet Nam (18 countries).

**Annex table 3. Governments that owed and submitted reports on the effective abolition of child labour for the annual review of 2002 (excluding late reports)**

Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Belgium, Cambodia, Canada, China, Comoros, Cuba, Czech Republic, Egypt, Estonia, Ethiopia, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea-Bissau, Honduras, India, Islamic Republic of Iran, Kazakhstan, Kiribati, Latvia, Lebanon, Lithuania, Mali, Mexico, Mozambique, Myanmar, Netherlands, New Zealand, Oman, Pakistan, Peru, Poland, Qatar, Republic of Moldova, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Sudan, Suriname, Syrian Arab Republic, United States, United Republic of Tanzania, Thailand, Trinidad and Tobago, Viet Nam (56 countries).

**Annex table 4. Governments that owed and submitted reports on the elimination of discrimination in respect of employment and occupation for the annual review of 2002 (excluding later reports)**

Bahrain, China, Comoros, Estonia, Japan, Kiribati, Kuwait, Malaysia, Mauritius, Myanmar, Namibia, Oman, Pakistan, Qatar, Saint Vincent and the Grenadines, Singapore, Thailand, Uganda, United States (19 countries).

**Annex table 5. Intentions to ratify ILO Conventions Nos. 87 and 98<sup>1</sup>**

*Convention No. 87:* Armenia,\* Bahrain, Brazil, El Salvador, Fiji, Iraq, Islamic Republic of Iran, Jordan,\* Kenya,\* Kiribati,\* Lao People's Democratic Republic, Lebanon,\* Mauritius, Morocco,\* Nepal, New Zealand, Oman, Qatar, Saudi Arabia, Solomon Islands, Sudan, Thailand, Uganda, United Republic of Tanzania, United States, Zimbabwe\* (total 26).

*Convention No. 98:* Armenia,\* Bahrain, Canada, El Salvador, Islamic Republic of Iran, Kiribati,\* Kuwait, Lao People's Democratic Republic, Myanmar, New Zealand, Oman, Qatar, Saudi Arabia, Thailand, United States (total 15).

<sup>1</sup> Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001). The countries in the list have given indications of intentions to ratify the Conventions. Please note that these countries are at different stages in the process of ratification – from considering ratification to having sent the instrument of ratification to the International Labour Office (but not yet received or registered by the Director-General).

Note: No country which had stated its intention to ratify, and did so by 31 December 2001, appears in this list.

\* The governments of these countries mentioned their intention to ratify in their report under the annual review for 2002.

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**Annex table 6. Intentions to ratify ILO Conventions Nos. 29 and 105<sup>1</sup>**

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*Convention No. 29: Armenia,\* Bolivia, Canada,\* Ethiopia, Kiribati, Latvia, Mongolia, Mozambique,\* Nepal, Philippines,\* Republic of Korea, Sao Tome and Principe, United States, Viet Nam (total 14).*

*Convention No. 105: Armenia\*, Japan, Kiribati, Lao People's Democratic Republic, Madagascar\*, Mongolia, Nepal, Oman, Qatar, Republic of Korea, Sao Tome and Principe, Sri Lanka, The Former Yugoslav Republic of Macedonia, Viet Nam (total 14).*

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<sup>1</sup> Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001). The countries in the list have given indications of intentions to ratify the Conventions. Please note that these countries are at different stages in the process of ratification – from considering ratification to having sent the instrument of ratification to the International Labour Office (but not yet received or registered by the Director-General).

Note: No country which had stated its intention to ratify, and did so by 31 December 2001, appears in this list.

\* The governments of these countries mentioned their intention to ratify in their report under the annual review for 2002.

**Annex table 7. Intentions to ratify ILO Conventions Nos. 138 and 182<sup>1</sup>**

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*Convention No. 138: Armenia,\* Bahrain, Canada, Cape Verde, Chad, Comoros,\* Côte d'Ivoire, Czech Republic,\* Djibouti, Estonia, Fiji, Gabon, Ghana,\* Grenada, Haiti, India, Islamic Republic of Iran, Jamaica, Kiribati, Lao People's Democratic Republic, Latvia, Lebanon, Mali, Mexico, Mongolia, Mozambique,\* Myanmar, Nigeria, Oman, Paraguay, Peru, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Sudan,\* Suriname, Thailand, Trinidad and Tobago, Uganda, United States, Uzbekistan (total 44).*

*Convention No. 182: Antigua and Barbuda, Armenia,\* Australia, Azerbaijan, Belgium,\* Bolivia, Cameroon, China, Comoros,\* Côte d'Ivoire,\* Djibouti, Egypt,\* Eritrea, Ethiopia, Fiji, Georgia,\* Germany,\* Haiti, India, Islamic Republic of Iran,\* Israel, Jamaica, Kazakhstan,\* Kiribati, Latvia, Lithuania, Republic of Moldova,\* Mozambique,\* Myanmar, Nepal, Netherlands,\* Nigeria, Peru, Poland, Russian Federation, Sudan,\* Suriname, Syrian Arab Republic, Tajikistan, Trinidad and Tobago, Uzbekistan, Venezuela (total 42).*

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<sup>1</sup> Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001). The countries in the list have given indications of intentions to ratify the Conventions. Please note that these countries are at different stages in the process of ratification – from considering ratification to having sent the instrument of ratification to the International Labour Office (but not yet received or registered by the Director-General).

Note: No country which had stated its intention to ratify, and did so by 31 December 2001, appears in this list.

\* The governments of these countries mentioned their intention to ratify in their report under the annual review for 2002.

**Annex table 8. Intentions to ratify ILO Conventions Nos. 100 and 111<sup>1</sup>**

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*Convention No. 100: Antigua and Barbuda, Bahrain, Fiji, Kiribati, Kuwait,\* Lao People's Democratic Republic, Mauritius, Namibia, Oman, Qatar, Singapore,\* Solomon Islands, Suriname, Uganda, United Republic of Tanzania, United States (total 16).*

*Convention No. 111: China, Comoros,\* Djibouti, Estonia,\* Fiji, Japan, Kiribati,\* Lao People's Democratic Republic, Mauritius, Nigeria, Oman, Solomon Islands, Suriname, Thailand, Uganda, United Republic of Tanzania, United States (total 17).*

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<sup>1</sup> Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001). The countries in the list have given indications of intentions to ratify the Conventions. Please note that these countries are at different stages in the process of ratification – from considering ratification to having sent the instrument of ratification to the International Labour Office (but not yet received or registered by the Director-General).

Note: No country which had stated its intention to ratify, and did so by 31 December 2001, appears in this list.

\* The governments of these countries mentioned their intention to ratify in their report under the annual review for 2002.

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## **Annex 1**

### **ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up**

Whereas the ILO was founded in the conviction that social justice is essential to universal and lasting peace;

Whereas economic growth is essential but not sufficient to ensure equity, social progress and the eradication of poverty, confirming the need for the ILO to promote strong social policies, justice and democratic institutions;

Whereas the ILO should, now more than ever, draw upon all its standard-setting, technical cooperation and research resources in all its areas of competence, in particular employment, vocational training and working conditions, to ensure that, in the context of a global strategy for economic and social development, economic and social policies are mutually reinforcing components in order to create broad-based sustainable development;

Whereas the ILO should give special attention to the problems of persons with special social needs, particularly the unemployed and migrant workers, and mobilize and encourage international, regional and national efforts aimed at resolving their problems, and promote effective policies aimed at job creation;

Whereas, in seeking to maintain the link between social progress and economic growth, the guarantee of fundamental principles and rights at work is of particular significance in that it enables the persons concerned to claim freely and on the basis of equality of opportunity their fair share of the wealth which they have helped to generate, and to achieve fully their human potential;

Whereas the ILO is the constitutionally mandated international organization and the competent body to set and deal with international labour standards, and enjoys universal support and acknowledgement in promoting fundamental rights at work as the expression of its constitutional principles;

Whereas it is urgent, in a situation of growing economic interdependence, to reaffirm the immutable nature of the fundamental principles and rights embodied in the Constitution of the Organization and to promote their universal application;

The International Labour Conference,

1. Recalls:

(a) that in freely joining the ILO, all Members have endorsed the principles and rights set out in its Constitution and in the Declaration of Philadelphia, and have undertaken to work towards attaining the overall objectives of the Organization to the best of their resources and fully in line with their specific circumstances;

(b) that these principles and rights have been expressed and developed in the form of specific rights and obligations in Conventions recognized as fundamental both inside and outside the Organization.

2. Declares that all Members, even if they have not ratified the Conventions in question, have an obligation arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely:

(a) freedom of association and the effective recognition of the right to collective bargaining;

(b) the elimination of all forms of forced or compulsory labour;

(c) the effective abolition of child labour; and

(d) the elimination of discrimination in respect of employment and occupation.

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3. Recognizes the obligation on the Organization to assist its Members, in response to their established and expressed needs, in order to attain these objectives by making full use of its constitutional, operational and budgetary resources, including by the mobilization of external resources and support, as well as by encouraging other international organizations with which the ILO has established relations, pursuant to article 12 of its Constitution, to support these efforts:
    - (a) by offering technical cooperation and advisory services to promote the ratification and implementation of the fundamental Conventions;
    - (b) by assisting those Members not yet in a position to ratify some or all of these Conventions in their efforts to respect, to promote and to realize the principles concerning fundamental rights which are the subject of those Conventions; and
    - (c) by helping the Members in their efforts to create a climate for economic and social development.
  4. Decides that, to give full effect to this Declaration, a promotional follow-up, which is meaningful and effective, shall be implemented in accordance with the measures specified in the annex hereto, which shall be considered as an integral part of this Declaration.
  5. Stresses that labour standards should not be used for protectionist trade purposes, and that nothing in this Declaration and its follow-up shall be invoked or otherwise used for such purposes; in addition, the comparative advantage of any country should in no way be called into question by this Declaration and its follow-up.
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## **Annex**

### **Follow-up to the Declaration**

#### **I. Overall purpose**

1. The aim of the follow-up described below is to encourage the efforts made by the Members of the Organization to promote the fundamental principles and rights enshrined in the Constitution of the ILO and the Declaration of Philadelphia and reaffirmed in this Declaration.
2. In line with this objective, which is of a strictly promotional nature, this follow-up will allow the identification of areas in which the assistance of the Organization through its technical cooperation activities may prove useful to its Members to help them implement these fundamental principles and rights. It is not a substitute for the established supervisory mechanisms, nor shall it impede their functioning; consequently, specific situations within the purview of those mechanisms shall not be examined or re-examined within the framework of this follow-up.
3. The two aspects of this follow-up, described below, are based on existing procedures: the annual follow-up concerning non-ratified fundamental Conventions will entail merely some adaptation of the present modalities of application of article 19, paragraph 5(e) of the Constitution; and the global report will serve to obtain the best results from the procedures carried out pursuant to the Constitution.

#### **II. Annual follow-up concerning non-ratified fundamental Conventions**

##### **A. Purpose and scope**

1. The purpose is to provide an opportunity to review each year, by means of simplified procedures to replace the four-year review introduced by the Governing Body in 1995, the efforts made in accordance with the Declaration by Members which have not yet ratified all the fundamental Conventions.
2. The follow-up will cover each year the four areas of fundamental principles and rights specified in the Declaration.

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## B. Modalities

1. The follow-up will be based on reports requested from Members under article 19, paragraph 5(e) of the Constitution. The report forms will be drawn up so as to obtain information from governments which have not ratified one or more of the fundamental Conventions, on any changes which may have taken place in their law and practice, taking due account of article 23 of the Constitution and established practice.
2. These reports, as compiled by the Office, will be reviewed by the Governing Body.
3. With a view to presenting an introduction to the reports thus compiled, drawing attention to any aspects which might call for a more in-depth discussion, the Office may call upon a group of experts appointed for this purpose by the Governing Body.
4. Adjustments to the Governing Body's existing procedures should be examined to allow Members which are not represented on the Governing Body to provide, in the most appropriate way, clarifications which might prove necessary or useful during Governing Body discussions to supplement the information contained in their reports.

## III. ***Global report***

### A. Purpose and scope

1. The purpose of this report is to provide a dynamic global picture relating to each category of fundamental principles and rights noted during the preceding four-year period, and to serve as a basis for assessing the effectiveness of the assistance provided by the Organization, and for determining priorities for the following period, in the form of action plans for technical cooperation designed in particular to mobilize the internal and external resources necessary to carry them out.
2. The report will cover, each year, one of the four categories of fundamental principles and rights in turn.

### B. Modalities

1. The report will be drawn up under the responsibility of the Director-General on the basis of official information, or information gathered and assessed in accordance with established procedures. In the case of States which have not ratified the fundamental Conventions, it will be based in particular on the findings of the aforementioned annual follow-up. In the case of Members which have ratified the Conventions concerned, the report will be based in particular on reports as dealt with pursuant to article 22 of the Constitution.
2. This report will be submitted to the Conference for tripartite discussion as a report of the Director-General. The Conference may deal with this report separately from reports under article 12 of its Standing Orders, and may discuss it during a sitting devoted entirely to this report, or in any other appropriate way. It will then be for the Governing Body, at an early session, to draw conclusions from this discussion concerning the priorities and plans of action for technical cooperation to be implemented for the following four-year period.

## IV. ***It is understood that:***

1. Proposals shall be made for amendments to the Standing Orders of the Governing Body and the Conference which are required to implement the preceding provisions.
  2. The Conference shall, in due course, review the operation of this follow-up in the light of the experience acquired to assess whether it has adequately fulfilled the overall purpose articulated in Part I.
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The foregoing is the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up duly adopted by the General Conference of the International Labour Organization during its Eighty-sixth Session which was held at Geneva and declared closed the 18 June 1998.

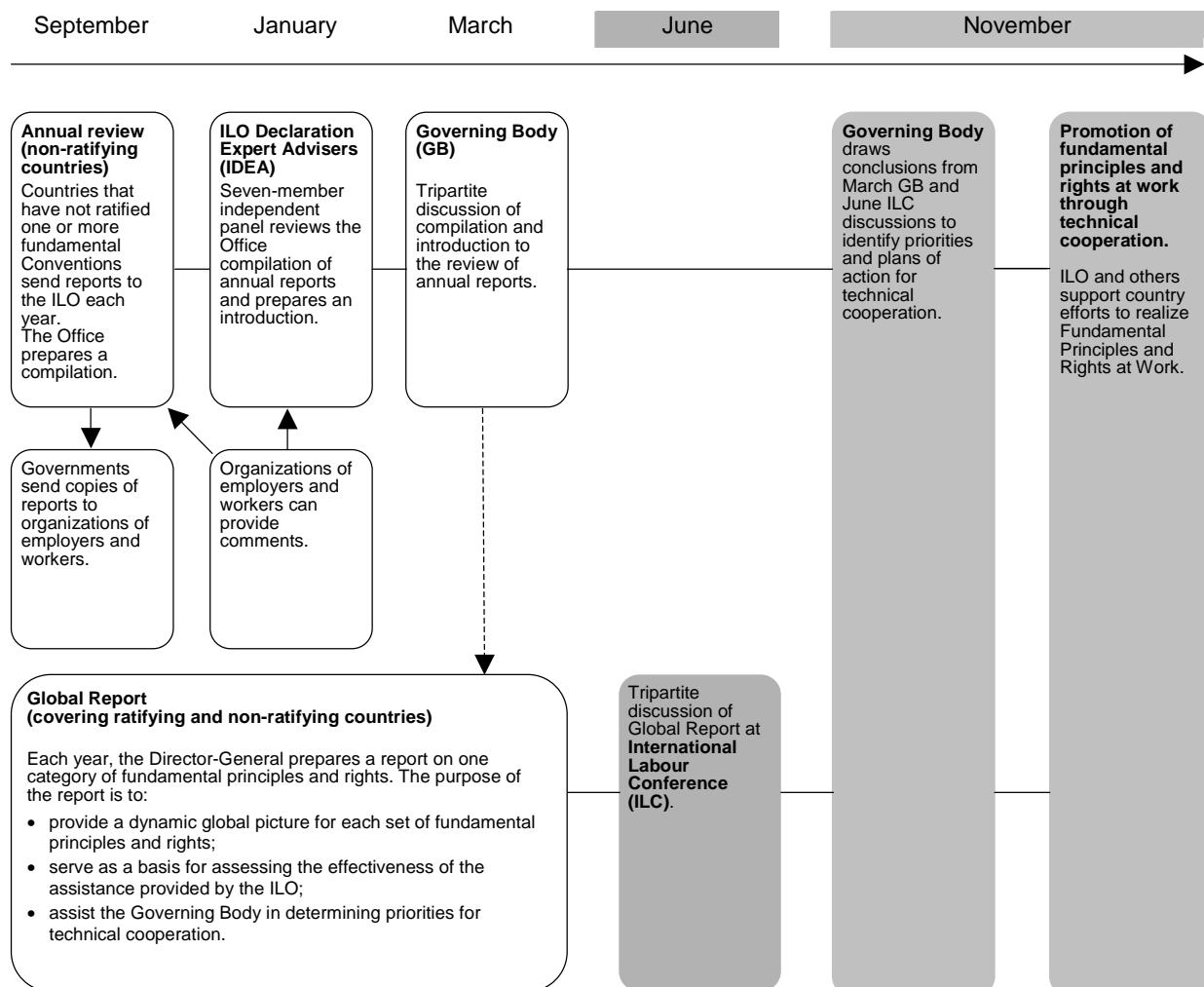
IN FAITH WHEREOF we have appended our signatures this nineteenth day of June 1998.

The President of the Conference,

The Director-General of the International Labour Office.

## Annex 2

### Flow chart of the follow-up reporting procedures



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## **Annex 3**

### **ILO Declaration Expert-Advisers**

#### **Ms. Thelma Awori (Uganda-Liberia)**

International consultant on development issues; Former positions: Assistant Administrator and Director of the Regional Bureau for Africa of the United Nations Development Programme (UNDP); Deputy Assistant Administrator, Bureau for Policy and Programme Support, UNDP; United Nations Resident Coordinator and Resident Representative, UNDP (Zimbabwe); Deputy Director, United Nations Development Fund for Women (UNIFEM); Chief of the Africa Section of UNIFEM; Lecturer in Continuing Education and Director of the Diploma in Adult Education Course at the University of Nairobi, Kenya; Senior Tutor, Centre for Continuing Education, Makerere University, Kampala, Uganda. She is the author of several publications on gender, development and adult education. Degrees: Bachelor of Arts (*Hons. cum laude*) in Social Relations and Cultural Anthropology, Harvard University, Cambridge, Massachusetts, United States (US); Master of Arts in Adult Education and Humanistic Psychology, University of California, Berkley, US; Doctoral candidate, Columbia University, New York, US.

#### **Ms. Maria Cristina Cacciamali (Brazil)**

Professor at the School of Economics, University of São Paulo (USP), Brazil; President of USP's Graduate Programme on Integration in Latin America; Technical Director of the Association of Economists of São Paulo and Vice-President of the Brazilian Association for Labour Studies. Coordinator of the International Cooperation Project on "globalization, social regulation and contemporary patterns of development in Brazil in the context of regional integration" involving the Institute for Advanced Latin American Studies (IHEAL) of the University of Paris III (Sorbonne nouvelle), and the University of Lille I (France). Author of publications on labour markets, public policy and the informal sector; Consultant to national and international institutions. Degrees: Master's degree and Doctorate in Economics, University of São Paulo, Brazil.

#### **Ms. Maria Nieves Confesor (Philippines)**

Professor at the Asian Institute of Management for Public and Social Policy, Management, Conflict Resolution and Negotiation; Head, Panel of Experts to the Joint Congressional (Philippine Legislature) Commission Amending the Labor Code. Chair of Kybernan Group (international consultants for institutional reform and governance) and Strategic Options, Inc. Director/Government representative of Philippine National Bank (for privatization), MetroBank of the Philippines, Philippine National Oil Company. Formerly, Philippine Secretary of Labor and Employment, and Presidential Adviser on International Labor Affairs. Served as Chair of the ILO Governing Body. Chairperson of the Philippine Overseas Employment Administration and the National Wages and Productivity Commission. Consultant/external collaborator to the World Bank and ILO. Served as chairperson of various national groups, ASEAN Labour Ministers' Meeting. Degrees: Master in Public Policy and Administration, Harvard University; Master of Business Administration, Ateneo de Manila University; Bachelor of Arts, Maryknoll College.

#### **Mr. Ahmed El Borai (Egypt)**

Professor and Head of Labour Legislation, Faculty of Law, and Director of the Centre for Labour Relations, University of Cairo. Member of the Committee of Experts of the Arab Labour Organization. Formerly representative of Egypt to UNESCO and consultant to UNDP, ILO and ALO. Author of books and articles in Arabic and French on labour law and labour administration. Degrees: Licence en Droit, University of Cairo; D.E.S. and Doctorat d'Etat (public law), University of Rennes (France).

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**Ms. Mária Ladó (Hungary)**

Senior adviser to the Employment Office (Budapest), and leader of the Inter-Ministerial Working Group on Social Policy, which is responsible for the accession affairs of Hungary in this field. Formerly, Director of the Institute of Labour Research. Lecturer on industrial relations and European social dialogue at Szeged University. Member of the High-Level Group on the future of industrial relations and managing changes, set up by the European Commission, according to the Social Policy Agenda adopted at the Nice European Council in December 2000. Has served as a consultant/external collaborator for various international institutions, including the World Bank and the ILO on employment and industrial relations issues. Author of several books and articles in Hungarian and English. Degrees: Engineering degree and postgraduate diploma in business engineering, Technical University, Budapest; Doctorate in Sociology, Budapest (formerly Karl Marx) Economics University.

**Mr. Jean-Jacques Oechslin (France)**

Retired; formerly Chairperson of the Executive Committee of the International Organisation of Employers (IOE), Executive Secretary and Assistant to the Secretary-General of the IOE, and Director and Head of Section of International Social Affairs, French National Council of Employers. Served as Chairperson and Vice-Chairperson of the ILO Governing Body, President of the 1998 session of the International Labour Conference, President of the European Community Social Commission of the Federation of Industry, and Employer spokesperson of the European Union Standing Committee on Employment. Degrees: Diploma and Doctorate in Law, Institute for Political Studies, Paris.

**Mr. Robert White (Canada)**

Retired; President Emeritus, Canadian Labour Congress and former President Canadian Auto Workers' Union. Has also served as President of the Trade Union Advisory Committee (TUAC) of the Organisation for Economic Co-operation and Development (OECD), Chairperson of the Commonwealth Trade Union Council, and Chairperson of the Human and Trade Union Rights Committee of the International Confederation of Free Trade Unions. Degrees: honorary degrees from York University, the University of Windsor, St. Francis Xavier, and University of Western Ontario.