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### FOURTH ITEM ON THE AGENDA

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

#### Purpose of the document

The Governing Body is invited to take note of the information submitted under the Annual Review for the period from October 2015 through to 31 December 2016 and to provide guidance on key issues and priorities for helping member States to respect, promote and realize fundamental principles and rights at work (see the draft decision in paragraph 362).

**Relevant strategic objective:** Promote and realize standards and fundamental principles and rights at work.

**Main relevant outcome/cross-cutting policy driver:** Outcome 2: Ratification and application of international labour standards.

**Policy implications:** Subject to the guidance of the Governing Body.

**Legal implications:** None.

**Financial implications:** None.

**Follow-up action required:** Subject to the guidance and decisions of the Governing Body.

**Author unit:** International Labour Standards Department (NORMES).

**Related documents:** GB.325/INS/4; GB.328/POL/7.

**NB:** *The information in this report is a summary of the statements contained in government reports, country baselines and comments submitted to the Office by national and international employers' and workers' organizations for the Annual Review 2016. The Office has not verified the accuracy of the information received and reproduced.*



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## Executive summary

This document provides an overview of developments and trends concerning the fundamental principles and rights at work in countries that have not yet ratified the relevant fundamental Conventions and the Protocol of 2014 to the Forced Labour Convention, 1930.<sup>1</sup>

In November 2015, the Governing Body postponed its review of this document until November 2016 in order to take into account the outcome of the evaluation of the impact of the ILO Declaration on Social Justice for a Fair Globalization, adopted in 2008, by the International Labour Conference (ILC) at its 105th Session in June 2016.<sup>2</sup> Moreover, in October 2016, the Officers of the Governing Body decided to postpone the submission of the 2016 Declaration's Annual Review from the November 2016 session to the March 2017 session of the Governing Body so as to extend the time for governments and social partners to report in respect of the new questionnaire on the Protocol of 2014.<sup>3</sup>

In view of the timelines for the preparation of Governing Body papers, the Office has integrated into this Annual Review under the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted in 1998, all updated reports and information received from governments and from employers' and workers' organizations during the period from October 2015 to 31 December 2016.

As at 31 January 2017, 11 member States (Argentina, Czech Republic, Estonia, Finland, France, Mali, Mauritania, Niger, Norway, Panama and United Kingdom) had ratified the Protocol, leaving 176 member States with a new obligation to report under the framework of the Annual Review. Moreover, Cyprus indicated that its Parliament had ratified the Protocol and that the Instrument of Ratification would be sent to the Office for registration in due course. The reporting rate for the Protocol alone under this review is almost 70 per cent. To address this issue, the Office provided special reporting assistance to targeted countries of Asia and Africa in November and December 2016.

Some States provided reports under the Protocol but did not update their information in relation to the other fundamental Conventions. Lastly, the extent of the response of employers' and workers' organizations to the new report form has been less than their participation in previous years, but significant as compared to the number of government reports received.

Although more States have stated or confirmed their intention to ratify one or more of the fundamental Conventions, only four new ratifications of these instruments were registered as at 31 January 2017. Not including the Protocol, a further 131 ratifications are still required before the goal of universal ratification of all fundamental Conventions is attained.

In addition to the welcomed ratifications of the Protocol in 11 member States, a number of other States have indicated that they were in the process of doing so or have reported their intention to ratify the Protocol in the near future.

<sup>1</sup> For the list of reporting States and the corresponding unratified fundamental Conventions, see the appendix.

<sup>2</sup> Resolution on Advancing Social Justice through Decent Work, ILC, 105th Session (2016); [GB.325/INS/4](#).

<sup>3</sup> [GB.326/PV](#), para. 524 [GB.326/LILS/5](#).

Most reports from governments and from employers' and workers' organizations have provided substantial information regarding intentions, challenges and actions taken in realizing fundamental principles and rights at work.<sup>4</sup> This valuable information on challenges and efforts undertaken through promotional activities, labour law reform, judicial decisions, tripartite dialogue and international cooperation will enrich the dialogue at national and international levels on how to better achieve progress in promoting and realizing the principles and rights set out in the 1998 ILO Declaration.

Although a number of steps have been taken to meet the outstanding requests of reporting States under the Annual Review, more action is required. Further efforts to refresh the universal ratification campaign by establishing ambitious, clear and achievable targets could be considered. Moreover, the "50 for Freedom" campaign to end modern slavery, launched by the ILO in collaboration with the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC), has raised awareness of the call to ratify the Protocol.

<sup>4</sup> For further information, refer to each country baseline table under the 1998 Declaration Annual Review, available at: <https://www.ilo.org/intranet/english/support/lib/resource/ilodatabases.htm>.

## I. Introduction: Context of the Annual Review 2016

1. The Annual Review process provides an opportunity for tripartite dialogue in the reporting States and can guide ILO technical assistance to those member States to achieve fuller realization of the fundamental principles and rights at work. This process is of heightened importance since the adoption of the Protocol of 2014 to the Forced Labour Convention, 1930, providing a key occasion for governments and their social partners to determine appropriate steps for achieving the effective and sustained suppression of forced or compulsory labour, including trafficking.
2. Office continued to facilitate various informal tripartite consultations in order to update baseline information for various countries during the 105th Session of the ILC, in the framework of technical assistance missions in the field or during the May–June course on international labour standards held at the International Training Centre of the ILO in Turin. The Office also provided targeted reporting assistance to a number of countries in November–December 2016. Nonetheless various factors have meant that a higher percentage of reports was not received.
3. During the reporting cycle, in addition to the aforementioned ratifications of the Protocol, only four new ratifications of fundamental Conventions were registered as at 31 January 2017. In May 2016, **Timor-Leste** ratified the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), while **Canada** ratified the Minimum Age Convention, 1973 (No. 138), in June 2016 and **Uzbekistan** ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) in December 2016.
4. With these new ratifications, the Worst Forms of Child Labour Convention, 1999 (No. 182), remains the most ratified fundamental Convention, closely followed by the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), Convention No. 111 and Convention No. 100. Convention No. 87 and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), yet remain the least ratified fundamental Conventions.
5. Nevertheless, some countries have reported important developments in their review of unratified Conventions, including Convention No. 98, while a number of others either reiterated their intention to ratify one or more fundamental Conventions or have expressed their interest in adhering to the recently adopted Protocol.

## II. Developments and trends concerning the four categories of fundamental principles and rights at work under the Annual Review 2016

### A. Freedom of association and the effective recognition of the right to collective bargaining

#### 1. *Ratifications*

6. The Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) remain the least ratified fundamental Conventions. Convention No. 87 continues to be the least ratified fundamental Convention, pending ratification by 33 member States, while 23 member States have yet to ratify Convention No. 98.
7. **Uzbekistan** is the only country to ratify Convention No. 87 during the current review.
8. In **Sudan**, the Government, the Sudanese Businessmen and Employers Federation (SBEF) and the Sudanese Workers' Trade Union Federation (SWTUF) reiterated their support for the ratification of Convention No. 87.
9. The Government of **Kenya** stated that it was keen to move ahead with the ratification of Convention No. 87. It reiterated the need for ILO assistance to organize a national tripartite workshop on the 1998 Declaration with a special focus on Convention No. 87, with the participation of parliamentarians, and for study tours and sharing of experiences as a means to induct them into international and regional jurisprudence on industrial relations.
10. In **Lebanon**, the Government reported that Parliament was frozen due to the presidential elections, which affected the ratification process. The Association of Lebanese Industrialists (ALI) reiterated its support for the ratification of Convention No. 87.
11. A number of other governments reiterated their intention to ratify Convention No. 87 and/or Convention No. 98 (**Iraq, Islamic Republic of Iran, Jordan, Kenya, Lebanon, Mexico, Morocco, Myanmar, Nepal, South Sudan and Sudan**), while a number of others indicated that they were reviewing the possibility of ratifying the Conventions (**Bahrain, Brunei Darussalam, Canada, Cook Islands and Lao People's Democratic Republic (PDR)**).
12. The Government of **Canada** indicated that it was conducting technical reviews of Convention No. 98.
13. The Government of **Iraq** indicated that tripartite discussions for the ratification of Convention No. 87 were ongoing.
14. The Government of the **Lao PDR** indicated the need to better understanding the content, implications and requirements of Conventions Nos 87 and 98 prior to their ratification. The Lao National Chamber of Commerce and Industry reaffirmed its support for the ratification of Conventions Nos 87 and 98, while indicating the need for continuous tripartite discussions.
15. The Government of **Myanmar** stated that various awareness-raising steps were being taken in a climate where industrial relations still needed to mature. The Confederation of Trade



Unions of Myanmar (CTUM) indicated that the new Government was expected to ratify Convention No. 98.

16. The Government of **Nepal** reported no change in the ratification process of Convention No. 87, even though the labour law provided for the right to organize and the Government was now fully functioning.
17. The Government of **Malaysia** reported that it did not immediately intend to ratify Convention No. 87; however, it strove to adopt the principles embodied therein. The Malaysian Trades Union Congress (MTUC) formed a committee to campaign for the ratification of Convention No. 87. According to the MTUC, the Government is trying to amend some laws in the spirit of the Convention, in accordance with the Trans-Pacific Partnership Agreement (TPPA) labour chapter.
18. The Government of **New Zealand** reported that although Convention No. 87 had not yet been ratified, under the Employment Relations Act 2000 employees had the freedom to choose whether or not to form a union or be members of a union for the purpose of advancing their collective employment interests; the exercise of preference or undue influence over whether a person was or was not a member of a union was forbidden; and that the legal and administrative requirements for union registration under the Act did not pose any significant barriers to the formation or operation of unions. The New Zealand Council of Trade Unions (NZCTU) continued to advocate for legal changes to bring New Zealand law into compliance with Convention No. 87, and for its ratification.
19. Under the current review, the Governments of **Brazil, India, Republic of Korea, Malaysia, New Zealand** and **Saudi Arabia** maintained their positions that they had no intention to ratify either one or both Conventions, or that they were unable to do so owing to legal incompatibility or for contextual reasons. The Government of **Brazil** reiterated that national laws needed to be amended to allow the application of Convention No. 87. This would entail a series of discussions, including on the need for constitutional amendment.

## 2. **Changes in legislation**

20. Some States indicated relevant legislative changes (**Canada, Iraq, Jordan** and **New Zealand**).
21. The Government of **Canada** indicated that subsequent to the decision in 2015 of the Supreme Court of Canada in *Saskatchewan Federation of Labour v. Saskatchewan*, which recognized the right to strike as a fundamental part of the collective bargaining process that is constitutionally protected by section 2(d) of the Canadian Charter of Rights and Freedoms, the Alberta Court of Queen's Bench ruled in *AUPE v. Alberta* that certain articles of Alberta's Labour Relations Code and its Public Services Employee Relations Act, which imposed prohibitions on strikes and lockouts, violated the Charter. In response, the Government of Alberta introduced Bill 4: An Act to Implement a Supreme Court Ruling Governing Essential Services, which came into force on 27 May 2016. The Bill amended the province's Labour Relations Code and the Public Services Employee Relations Act in various respects, including to: (a) define "essential services" as those that if interrupted would endanger the life, personal safety or health of the public, or that were necessary to the maintenance and administration of the rule of law or public security; (b) allow certain categories of workers previously prohibited from participating in a work stoppage, including employees of the Government of Alberta, to engage in strike action, provided that essential services were maintained; and (c) require most public service employers and unions to negotiate essential services agreements prior to a work stoppage.

22. In **Iraq**, the Government indicated that the new Labour Code had been adopted on 17 August 2015 and was in force. The Government of **Jordan** reiterated that it had yet to amend its Labour Code and the current interim law needed to be submitted to the House of Representatives for adoption as a permanent law.
23. In **Malaysia**, the Government reported that a comprehensive effort had been made to amend the Trade Union Act of 1959 and its regulations in accordance with the principles of freedom of association to comply with the requirements of the TPPA and ILO Conventions.
24. In **Myanmar**, the Government and the CTUM reported that efforts were being made to review and amend the Labour Organization Act of 2011 in consultation with international organizations including the ILO.
25. The Government of **Nepal** reported that a new Constitution had been adopted and come into effect on 20 September 2015 and that the new employment policy had been endorsed in the same year.
26. According to the Government of **New Zealand**, the Employment Standards Legislation Bill of 2015 proceeded through Parliament in March 2016 and came into force on 1 April 2016 through specific amendments to the previous legislation. These changes served to: extend paid parental leave to more workers and increase the flexibility of the scheme; strengthen the enforcement of employment standards; and address issues such as “zero-hour contracts” and other unfair employment practices.
27. In **Thailand**, various tripartite legal committees are meeting on a regular basis to draft the labour relations laws which will be submitted to public hearing to all stakeholders including ILO experts.

### 3. **Promotional activities**

28. Governments and/or social partners in a majority of reporting States have carried out or participated in activities to promote the realization of this principle and right, including **Bahrain, Brazil, Brunei Darussalam, Canada, China, Iraq, Kenya, Lao PDR, Malaysia, Mexico, Myanmar, Nepal, New Zealand** and **Thailand**. Such promotional activities include consultation processes, training activities and workshops, awareness-raising activities, sharing experiences between countries, preparation and promotion of legal change, capacity-building activities for social partners and dissemination of information, as well as research and data collection.
29. The Government of **Canada** reported that during the period 2015–16, the Labour Program, through its Federal Mediation and Conciliation Services, supported federally legislated employers and unions in the renewal of their collective agreements. Conciliation and mediation officers provided assistance in approximately 230 collective bargaining disputes. In 94 per cent of cases, disputes were resolved without a work stoppage. With respect to dispute prevention activities, during the fiscal year 2015–16, a total of 143 relationship development services were provided. These services encompassed presentations, training, facilitation of joint initiatives, a diagnostic of the parties’ relationship and grievance mediation.
30. According to the Government of **China**, various regions have in recent years vigorously promoted the collective contract system and implemented the “Rainbow Plan” and the “Programme for Overcoming Obstacles”. With emphasis placed on promoting collective consultation on wages, special efforts are made to improve the quality of collective consultation and to boost the effectiveness of collective contracts. Meanwhile, to guide enterprises to reasonably determine workers’ wages through collective consultation, the

Chinese Government has actively promoted the establishment of a wage distribution macro-guidance system across the country. Adapting to the current new situations in which workers have frequent contact with the Internet, China explores innovative ways to facilitate workers to join trade unions conveniently and quickly, including by guiding and encouraging workers to submit applications online, by email or through mobile apps.

31. According to the Government of **Cook Islands**, the following specific measures are envisaged to respect, promote and realize freedom of association and effective recognition of the right to collective bargaining: (a) training and capacity building of responsible government officials and employers' and workers' organizations; (b) tripartite consultations; and (c) awareness raising and advocacy.
32. The Government of **Malaysia** stated that in 2015, its Ministry of Human Resources held talks and briefings through its Trade Union Department on the right to form trade unions and related issues in Malaysia. The Ministry also organized the Convention of Trade Unions involving 600 participants from various trade unions. The MTUC indicated that it had sent several communications to the Government requesting the commencement of discussions on the ratification of Convention No. 87.
33. The Government of **New Zealand** reported that it continued to provide information about the right to join or not join a union, union membership and collective bargaining activities through various Ministry of Business, Innovation and Employment (MBIE) channels. These included the MBIE website and the Employment New Zealand website, contact centre and mediation services. The MBIE also operated union registration processes, provided online resources for supporting workplace partnerships and reported on collective employment agreement information online. As of 2016, maintenance of the collective employment agreements database had been contracted to the Centre for Labour, Employment and Work at Victoria University. Further to its comments under the Declaration reports in 2013 and 2014, the NZCTU pointed out that the Government continued to cut funding for programmes designed to promote freedom of association and collective bargaining and asserted that many of the Government's promotional efforts listed above were informational only.
34. A number of governments, employers' and workers' organizations generally stated or reiterated the practice of social dialogue in the consideration or preparation of ratification (**Brunei Darussalam, Iraq, Jordan, Kenya, Lao PDR, Lebanon, Oman, Saudi Arabia and South Sudan**).
35. In **Sudan**, the SBEF stated that eight workshops, five of which related to social security and labour laws and three to the informal economy, had been organized in cooperation with the Arab Labour Organization and the ILO Decent Work Technical Support Team for North Africa and Country Office for Egypt and Eritrea (DWT/CO-Cairo). The SWTUF indicated that two tripartite workshops on issues of Convention No. 87 had been organized in cooperation with DWT/CO-Cairo.
36. As successful example in relation to freedom of association and the right to collective bargaining, the Government of **Thailand** referred to its programme on labour harmonization for productive economy in the country which was implemented in eight provinces involving 4,886 workers in 871 enterprises. The programme's outcome evaluated by indicator, showed that 98.74 per cent of the enterprises which participated in this programme did not have labour disputes or conflicts.

#### 4. **Statistical information**

37. Statistical information and specific data provided by reporting States focused on the following topics: general sources and methods of information gathering, ongoing surveys

and assessments, institutional changes, statistics on trade unions, judicial decisions, budgetary conditions and restrictions. According to the Government of **Malaysia**, 729 trade unions were registered in 2015.

- 38.** The Government of **New Zealand** reported that based on the returns received by the MBIE to 31 August 2015, total union membership as at 1 March 2015 was 359,782 representing 18.3 per cent of the employed labour force. Total union membership declined by 1.4 per cent compared with the previous year; the employed labour force increased by 1.3 per cent (to 2,369,000) over the same period. The ten largest unions had a total membership of 283,900, accounting for 78.9 per cent of total union membership. In those unions that provided sex-disaggregated data, more women (213,735 or 57.8 per cent) were members than men (149,177). Union membership was highest in the public sector and in large enterprises in the private sector. The total number of collective employment agreements fell by 5.5 per cent, from 1,969 in 2014–15 to 1,867 in 2015–16. Coverage across those agreements decreased by 4.2 per cent (13,719 employees) to 314,999. Agreements covering more than 500 employees accounted for the majority of collective bargaining coverage (69.6 per cent).
- 39.** Business New Zealand observed that although union membership and the total number of collective agreements had fallen, that apparent decline was largely attributable to the fact that New Zealand had for some years had a comprehensive suite of minimum employment standards to which every employer, large or small, must adhere. Holidays, a minimum wage, health and safety, wage payments and so on were all statutorily protected. Consequently, for some employees, the traditional protective role of trade unions must now appear to be of less importance than was once the case. It also noted that a gradual decline in union membership and coverage was apparent in most developed economies and could also be traced back to the advent of globalization which had in turn diminished the protected domestic economies in which unions were born in the nineteenth century.
- 40.** The NZCTU indicated that despite the ratification of Convention No. 98, the Government did not promote collective bargaining vis-à-vis individual bargaining. The opposite was true. For example, legislation had been passed allowing employers to refuse to bargain on a multi-employer basis and restricting rights to strike. The Government statistics on decline in unionization and collective bargaining rates, cited above, were prime examples of its failure to promote collective bargaining and the effects of that policy in practice.
- 41.** The Government of **Thailand** communicated a statistical table showing that in the fiscal year 2015, there were 418 unfair practice cases submitted to the Labour Relations Committee involving 418 employees in 68 enterprises, while 429 cases were settled covering 429 workers in 80 enterprises by means of mediation.

## 5. Challenges

- 42.** Challenges and obstacles in the ratification processes and in realizing the principle of the freedom of association and the right to collective bargaining continue to exist.
- 43.** Tripartite partners reported on: (i) lack of reporting capacity (**Brunei Darussalam, Marshall Islands**); (ii) lack of government capacity (**Lebanon and Nepal**); (iii) lack of trade union capacity (**Marshall Islands, Oman, South Sudan**); (iv) lack of political will as a concern (**Bahrain, India**); (v) legal incompatibilities with Convention No. 87 and/or Convention No. 98 (**Bahrain, Kenya, Republic of Korea, Malaysia**); (vi) inconsistencies in interpretation of the law (**Bahrain**); (vii) lack of law enforcement/monitoring in general (**India, Nepal, Sudan**) and/or in specific sectors or categories of workers (**Bahrain, Brunei Darussalam, Republic of Korea, Morocco**); (viii) lack of organizational resources or capacity, often in specific governance areas (**Brunei Darussalam, Lebanon, Nepal, Oman**,

**South Sudan, Sudan**); (ix) lack of awareness of the principle and right and the benefits of the Conventions (**India, Kenya, Lao PDR, Marshall Islands, Myanmar, Nepal**); (x) lack of social dialogue (**Marshall Islands, Nepal**); (xi) unfavourable political, economic and security factors (**Iraq, Lebanon, Nepal, South Sudan**); and (xii) lack of implementation of the Decent Work Country Programme (DWCP) (**Oman**).

44. **Brunei Darussalam** reiterated that the challenges related to the realization of the principle and right in small and medium-sized enterprises, which made up a significant part of the economy. Furthermore, a lack of resources and capacity to fulfil ILO reporting obligations obstructed the ratification by the Government of further instruments before reporting capacity had been strengthened.
45. The Government of the **Cook Islands** reported that the main difficulties encountered in the realization of the principle and right were: (a) lack of public awareness and support; (b) lack of capacity of responsible government institutions and employers' and workers' organizations; and (c) absence of social dialogue.
46. The Government of **Kenya** noted again the lack of awareness on the part of employers, workers and newly appointed judges of the Industrial Court had an impact on industrial relations principles and practices as well as on the principle and right.
47. The Government of the **Republic of Korea** reiterated that the provision of the labour law concerning the right of public officials to organize might serve as a barrier to the ratification of the Conventions. The Korea Employers' Federation indicated that current national laws (such as the Operation of Public Officials' Trade Unions Act) restricted the right of some public officials to organize, such as those employed at Grade 5 or above and firefighters, and that this remained a barrier for the ratification of Conventions Nos 87 and 98. The Korean Confederation of Trade Unions reiterated that the main challenge was the difficulty of realizing the principle and right in the public sector. It further reiterated that self-employed workers, workers in precarious employment and in small and medium-sized enterprises, as well as those under subcontracting arrangements, did not enjoy the right to freedom of association.
48. In **Lao PDR**, the Government indicated the need for ILO technical assistance to improve tripartite understanding of the principle and right.
49. In **Lebanon**, the AIL reiterated that the main challenges affecting the realization of the principle and right related to: (i) political instability (ii) lack of capacity in government institutions; (iii) the Parliament's lack of capacity; (iv) the economic and social situation; and (v) legal obstacles.
50. In **Malaysia**, the Government indicated that in-house union rivalry, national or non-enterprise union rivalry and disputes within unions had constituted major problems.
51. In **Myanmar**, the Government indicated that although the Labour Organization Law had been enacted, compliance was weak and it remained difficult to build trust between workers and employers.
52. In **Nepal**, the Government reiterated that the Ministry of Labour had a low number of labour inspectors and lacked capacity in respect of the fundamental principles and rights at work.
53. The Government of **New Zealand** indicated that the Employment Relations Act contained detailed provisions and mechanisms to promote a process of orderly collective bargaining that recognized the interests of employees and employers and was conducted in good faith. However, given that in practice most bargaining was conducted individually between

employer and employee, most employees were not union members and most collective bargaining took place at the enterprise level, unions might experience difficulties in recruiting and organizing members across industries.

54. In **Sudan**, the Government reiterated that labour inspection was weak. Employers' organizations reiterated that employers in the informal economy need guidance and support in order to organize and integrate into the formal economy. The SBEF reiterated that the main challenge for ratification was the lack of political will.
55. In the **United States**, the Government indicated that the growing number of workers in the "gig economy", declining union membership, right-to-work legislation, and competing views on legal questions relating to joint employment, employee and independent contractor status, among other issues, continue to pose challenges to collective bargaining. There is a lack of consensus among elected officials about where to set the balance between, on the one hand, the rights of employees to increased collective bargaining and more protective employment standards and, on the other hand, the need to protect the legitimate interests of business from unnecessary or harmful regulation. In 2016, West Virginia became the 26th State to enact right-to-work legislation, when its legislature overrode its governor's veto. In right-to-work states, unions and employers are prohibited from entering into agreements that require union membership or the payment of agency fees to offset the costs of union representation.
56. In **Viet Nam**, the Government reported that the country is deeply involved in international integration, which imposes great challenges to the assurance of the right to freedom of association and the right to organize without the intervention by the employer. The biggest challenge is how to ensure the effective participation of the employee in the establishment of the trade union to represent their own voice. The awareness of the public in general and social partners in particular is inadequate. Addressing this challenge is time-consuming and needs both human and financial resources. Furthermore, employers' lack of awareness of their responsibility to comply with the law concerning collective agreement, especially in small enterprises, has been an important challenge. Accordingly, employers do not really negotiate or do not fully follow the procedure of collecting opinions, notifying the employee of the content of the signed collective agreement, do not register the agreement with the competent authority and do not strictly implement the commitments in the agreement. Employers often try to avoid negotiation and are usually not cooperative with the enterprise trade union executive board in the negotiation on signing collective agreement. On the part of trade unions: the status, capacity and skills of enterprise trade unions are very limited while the trade union at the higher level does not provide effective assistance for the enterprise trade unions in negotiation. On the side of the state management agencies for labour, due to the small number of inspectors, the inspection and examination cannot be conducted frequently. As a result, they do not detect and address violations of collective agreement. In addition, the system of legal documents on collective agreement is not adequate, timely and specific enough, which leads to the limitations in the implementation, and sanctions are not strong enough to prevent violations of the regulation on the procedure and process of collective agreement.

## 6. ***Requests for technical assistance***

57. The requests for technical assistance echoed to a large extent pending requests made under the previous review, and included one or more of the following: (i) support in the ratification process (**Bahrain, Marshall Islands and South Sudan**); (ii) legal reform and compliance (**Iraq, Jordan**); (iii) awareness raising, better understanding of the principle and right and its implications (**India, Jordan, Kenya, Republic of Korea, Lao PDR, Lebanon, Marshall Islands, Nepal, Oman, Saudi Arabia and South Sudan**); (iv) capacity building for governments (**Bahrain, Iraq, Kenya, Lao PDR, Marshall Islands, Nepal, Oman**,

**South Sudan and Sudan**); (v) strengthening the capacity of employers' and workers' organizations (**Bahrain, Brazil, Iraq, Jordan, Kenya, Republic of Korea, Lao PDR, Marshall Islands, Myanmar, Nepal, Oman, Saudi Arabia, South Sudan and Sudan**); (vi) strengthening collective bargaining, tripartism and social dialogue (**Bahrain, India, Islamic Republic of Iran, Kenya, Republic of Korea, Marshall Islands, Nepal, Oman and Uzbekistan**); (vii) training of other officials, such as members of the judiciary, Ministry of Justice officials and parliamentarians (**Kenya, Marshall Islands, Nepal, South Sudan and Sudan**); (viii) sharing of good practice and experience across countries and regions (**Lao PDR**); (ix) support through DWCPs (**Bahrain, Oman and South Sudan**); and (x) improving the culture of trade unionism (**Oman**).

58. For example, the Government of **Brazil** reiterated that technical assistance which enhanced the benefits of adopting the provisions of Convention No. 87 would contribute greatly to ensuring compliance between national legislation and the provisions of the Convention.
59. The Government of the **Cook Islands** indicated the need for technical assistance by the ILO including: (a) awareness raising, legal literacy and advocacy; (b) capacity building of the relevant government institutions and employers' and workers' organizations; (c) strengthening tripartite social dialogue; (d) strengthening data collection and capacity for statistical analysis; (e) training of other officials (police officers, members of the judiciary, social workers, teachers); (f) legal reform (labour law and other relevant legislation); and (g) experience sharing.
60. In **Kenya**, the Government and the Central Organization of Trade Unions reiterated the need for ILO assistance with respect to training and sensitization activities on fundamental principles and rights at work and Convention No. 87.
61. The Government of the **Lao PDR** requested ILO assistance to strengthen the capacity of employers' and workers' organizations on the content and implications of Conventions Nos 87 and 98.
62. In **Lebanon**, AIL reiterated that ILO technical assistance was required in order to raise awareness of the provisions of Convention No. 87 and the implications of its ratification.
63. In **Malaysia**, the Government reported that consultation sessions with an ILO expert team had been conducted in June 2016 in order to assist Malaysia with the reform of its labour laws, following its entry into the TPPA. The initial consultation had been mainly to ensure that the amendments introduced with regard to the Labour Consistency Plan were in conformity with ILO labour standards. The consultation process had involved the Department of Labour, the Department of Industrial Relations and the Department of Trade Union Affairs. The Government of Malaysia would welcome ILO technical assistance on the requirements of Convention No. 87, should the need arise.
64. The Government of the **United States** reiterated that to the extent that the ILO might be able to recommend relevant forms of tripartite technical cooperation, the United States would welcome such proposals.
65. In **Viet Nam**, ILO technical assistance is being provided in: (a) studying and considering the feasibility of ratifying ILO Conventions Nos 87 and 98 and the possible modification and amendment of related legal documents; (b) training trainers, professionals and enterprise trade union officers on the skills to negotiate and supervise the implementation of collective agreements; and (c) developing the document on skills to negotiate and sign collective agreements for the training of trade union officers at different levels.

66. Employers' and workers' organizations at national level generally reiterated their support for and commitment to the ratification of Convention No. 87 and/or Convention No. 98.

## **B. The elimination of all forms of forced or compulsory labour**

### **B.I. Conventions Nos 29 and 105**

#### **1. Ratifications**

67. No new ratifications of the Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105) were registered during the reporting period. Nine countries have yet to ratify Convention No. 29 while 12 have yet to ratify Convention No. 105.

68. The Government of **Timor-Leste** indicated that Convention No. 105 would be submitted to the Council of Ministers in 2017, in accordance with the National Action Plan on ratification.

69. The Government of **China** reported that the conditions necessary for the ratification of Convention No. 29 and Convention No. 105 are becoming increasingly mature. The current laws and regulations of China such as the Labour Law and the Criminal Law as well as some of the judicial interpretations by the Supreme People's Court have laid down prohibitive provisions on forced labour.

70. **Brunei Darussalam, Japan, Lao PDR, Marshall Islands and Myanmar** stated that they were considering ratification of one or both of these instruments. The Government of **Lao PDR** indicated the need to better understand the content, implications and requirements of Convention No. 105 prior to its ratification.

71. In the **United States**, the Government has indicated that the President's Committee on the ILO (PC/ILO) continues to support the work of the Tripartite Advisory Panel on International Labour Standards (TAPILS) in reviewing the legal feasibility of US ratification of Convention No. 29.

72. The Government of **Viet Nam** indicated that the timeline to study the possibility of ratification of Convention No. 105 is by 2020. However, the Viet Nam Chamber of Commerce and Industry and the Viet Nam General Confederation of Labour reiterated their support to the ratification of this instrument as soon as possible.

73. The **Republic of Korea** reiterated that it was unable to ratify Convention No. 29 and Convention No. 105, while **Malaysia** reiterated that it did not intend to ratify Convention No. 105.

74. Employers' and workers' organizations at national level generally reiterated their support for and commitment to the ratification of Convention No. 29 and/or Convention No. 105.

#### **2. Changes in legislation and judicial decisions**

75. In **Myanmar**, the Government reported that a law amending the Factories Act of 1951 had been enacted on 20 January 2016, while the Payment of Wages Act and the Shops and Establishment Act had been enacted on 25 January 2016.



### 3. *Promotional activities*

76. Several countries reiterated that they had conducted promotional activities through awareness-raising campaign and capacity-building activities, including tripartite workshops and skills enhancement for specialized institutional machinery (**Brunei Darussalam, China, Japan, Marshall Islands and Myanmar**).
77. In **China**, a concentrated crackdown on forced labour was launched in 2011 in Henan and other places, during which eight criminal cases involving forced labour of people with mental retardation and children were cracked.
78. In **Myanmar**, the Ministry of Labour, Immigration and Population implemented joint awareness-raising programmes and training of trainer activities with the ILO with a view to ensuring the elimination of forced labour. During the training, the Ministry acted alone to deliver lectures for senior officials. Furthermore, the Department of General Administration held a total of 13,178 awareness-raising workshops on forced labour and delivered 1,336 lectures on that topic to ward or village tract administrators throughout the country's states and regions, including Nay Pyi Taw Union Territory.

### 4. *New initiatives and progress made in advancing this principle and right*

79. The Government of **Myanmar** stated that forced labour complaints continued to be settled through a complaint mechanism established under the Supplementary Understanding as a result of which the number of complaints had been decreasing since 2011.
80. In **Timor-Leste**, the Government has completed a national survey on forced and child labour in 13 municipalities.

### 5. *Challenges*

81. The reporting governments and their social partners reiterated that the following challenges constituted obstacles to the realization of the principle and right: (i) legal incompatibilities (**China, Republic of Korea, Malaysia and Tuvalu**); (ii) lack of capacity of responsible government institutions and of employers' and workers' organizations (**Lao PDR and Myanmar**); (iii) lack of awareness and experience sharing (**Lao PDR and Tuvalu**); unfavourable socio-economic conditions (**Myanmar**); (iv) lack of social dialogue on the elimination of forced labour (**Myanmar**); and (v) lack of resources in the institutional framework (**Myanmar**).
82. The Government of **China** reported that the challenges encountered in the elimination of forced or compulsory labour include: (a) China's Labour Law provisions are fairly general to be sufficiently operational, while the scope of the definition of forced labour is relatively narrow; (b) there is an urgent need for the government departments to strengthen labour law enforcement; and (c) the relevant responsible authorities need to enhance collaboration.
83. The Government of **Lao PDR** reiterated that lack of technical experts knowledgeable about Convention No. 105, and financial constraints to implement the national plan for decent work programme are existing challenges.
84. The MTUC reiterated that in **Malaysia**, by law, no person may be in possession of another person's passport. Since employers are not exempted from the law, the Government should prosecute employers who violate it.

## 6. *Requests for technical assistance*

85. Various governments and employers' and workers' organizations reiterated the need for ILO technical assistance in the following areas: (i) reporting issues (**Brunei Darussalam** and **Marshall Islands**); (ii) support in the ratification process (**Brunei Darussalam**); (iii) legal reform and interpretation (**Brunei Darussalam**); (iv) awareness creation, training and capacity building (**Brunei Darussalam, China, Lao PDR, Marshall Islands, Myanmar, Timor-Leste, Tuvalu** and **Viet Nam**); and (v) sharing of experiences across countries (**Lao PDR** and **Marshall Islands**).

## B.II. **The Protocol of 2014 to the Forced Labour Convention, 1930**

### 1. *Ratifications*

86. Eleven member States (**Argentina, Czech Republic, Estonia, Finland, France, Mali, Mauritania, Niger, Norway, Panama** and **United Kingdom**) have ratified the Protocol of 2014 to the Forced Labour Convention, 1930. A total of 176 countries have yet to ratify the Protocol.

87. **Cyprus** indicated that ratification of the Protocol took place at national level and will be communicated to the ILO.

88. In February 2016, the Government of **Australia** decided to formally consider the Protocol for ratification. An assessment of law and practice has commenced. The question of whether current legislation ensures access to justice and remedies for all victims, irrespective of their presence or legal status in Australia, is being examined as part of the assessment.

89. The Government of **Djibouti** reported that its proposal for the ratification of the Protocol of 2014 was unanimously supported by the employers' and workers' organizations, and that the ratification procedure for the Protocol was launched accordingly.

90. In **Ethiopia**, the national tripartite constituents expressed their support to the ratification of the Protocol of 2014.

91. In **Ghana**, the National Tripartite Committee expressed support to the ratification of Protocol of 2014, which is now pending before Cabinet for approval and onward submission to Parliament for ratification.

92. The Government of **Mozambique** reported that a proposal for the ratification of the Protocol of 2014 approved by the National Tripartite Committee, was submitted to Parliament. It is anticipated that the ratification would take place in 2017.

93. In the **Netherlands**, the ratification process of the Protocol of 2014 is also under way. In April 2016, the Council of Ministers decided to solicit the constitutionally prescribed advice from the Council of State before it submits this ratification to Parliament for approval after its 2016 summer recess. The National Federation of Christian Trade Unions and the Netherlands Trade Union Confederation fully support the Government's ratification of the Protocol.

94. **South Sudan** is in the process of ratifying the Protocol of 2014. A government proposal has been submitted to Parliament for discussion.

95. The Government of **Switzerland** reported that the process of ratification of the Protocol had been initiated. The Swiss Federal Council, at its meeting of 24 August 2016, had adopted a decision to ratify the Protocol, which it would submit to the Swiss Parliament for ratification.
96. The Government of **Zambia** has generated a Cabinet Memorandum for approval of the ratification of the Protocol of 2014. The Zambia Federation of Employers and the Zambia Congress of Trade Unions have expressed full support to this ratification.
97. The Government of **Sweden** is currently examining the possibility of ratifying the Protocol.
98. Employers' and workers' organizations at national level generally expressed their support for and commitment to the ratification of the Protocol.

## 2. *Relevant action plans, legislation and judicial decisions*

### (i) Action plans and national policies

99. A number of States reported that they had national policies and plans of action that not only aimed to realize the principle of effective and sustained suppression of all forms of forced or compulsory labour through prevention, victim protection and access to remedies but also set out measures and specific actions for combating trafficking in persons (**Angola, Antigua and Barbuda, Australia, Bangladesh, Belgium, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Canada, Chile, Colombia, Cuba, Dominican Republic, Ecuador, Equatorial Guinea, Ethiopia, Ghana, Greece, Guatemala, Honduras, Iceland, Ireland, Italy, Jordan, Republic of Korea, Lao PDR, Republic of Maldives, Republic of Moldova, Mozambique, Myanmar, New Zealand, Peru, Portugal, Saudi Arabia, Spain, Swaziland, Switzerland, United Republic of Tanzania, Tunisia, Ukraine, Vanuatu, Zambia**).
100. **Australia** has a National Action Plan to Combat Human Trafficking and Slavery 2015–19. **Azerbaijan** has adopted a National Action Programme on the fight against human trafficking: 2014–18. The Government of **Bangladesh** reported that a National Plan of Action 2012–14 has been implemented to combat human trafficking. **Belgium** has a Government Action Plan to Combat Human Trafficking for the period 2015–19 that aims to help non-specialized agents trace human trafficking victims who are not entitled to protection. **Brazil** has the Second National Plan for the Eradication of Slave Labour, which establishes a series of coordinated actions by a variety of state entities, geared to both prevention and suppression, with a view to the eradication of slave labour in its various forms. **Bulgaria** approved a National Programme for Prevention and Countering of Human Trafficking and Protection of Victims of Trafficking prepared by the National Commission for Combating Trafficking every year; the 2016 programme envisages new activities to prevent human trafficking for the purposes of labour exploitation and to prevent trafficking risks among vulnerable ethnic minorities. In **China**, the Government will continue its implementation of the National Action Plan against Human Trafficking. **Croatia** has a National Plan for Combating Trafficking in Human Beings for the period 2012–15; a Protocol on identification, assistance and protection of victims of human trafficking; a Protocol on procedures during voluntary return of victims of human trafficking; and a Protocol on trafficking in human beings and victims' integration/reintegration.
101. In the **Democratic Republic of the Congo**, measures to combat forced or compulsory labour are taken by a committee composed of members of the judiciary, the police, labour inspectors and the army.

- 102.** The Government of **Canada** indicated that its National Action Plan to Combat Human Trafficking built on Canada's current responses and commitment to work together with key partners to prevent and combat this crime. It leveraged and built on Canada's international and domestic experience to date and provided new initiatives in order to address human trafficking in all its forms. The Government's commitments under the National Action Plan were situated within the internationally recognized "four Ps" approach – prevention, protection, prosecution and partnerships – and were being implemented with the cooperation and collaboration of the federal departments and agencies that made up the Human Trafficking Taskforce. The Human Trafficking Taskforce, led by Public Safety Canada, comprised key federal departments including the Canada Border Services Agency, the Royal Canadian Mounted Police, the Labour Program; Employment and Social Development Canada, Immigration, Refugees and Citizenship Canada, Indigenous and Northern Affairs Canada, Global Affairs Canada, Status of Women Canada, and Justice Canada.
- 103.** The Government of **Denmark** reported that in June 2015, Denmark launched its fourth National Action Plan to Combat Trafficking in Human Beings 2015–18. The current Action Plan focuses on five areas, namely: (a) prevention of trafficking in human beings in Denmark and internationally; (b) seeking out and identification of victims of trafficking; (c) offering victims of trafficking individually tailored and coordinated support; (d) prosecution of traffickers; and (e) partnership and coordination. The Danish Centre against Human Trafficking (CMM) is responsible for the development and implementation of the main elements of the National Action Plan and engages in capacity building to combat human trafficking, working closely with a range of non-governmental organizations (NGOs), public sector authorities and organizations, as well as with the private sector and trade unions.
- 104.** In **Georgia**, a state programme for inspecting labour conditions was adopted in January 2016. The Interagency Coordinating Council on Combating Trafficking in Persons adopts a national action plan every two years to address trafficking effectively. The Council has a permanent working group composed of competent legal advisors and experts from international organizations and NGOs. The Georgian Employers' Association noted that it is not a member of that group and was not involved as a social partner in the working process of the Council. It expressed the view that the Council should be composed of tripartite constituents.
- 105.** In **Ghana**, national action for combating trafficking in persons is provided for under the Human Trafficking Act, 2005, which is supplemented by the Human Trafficking Prohibition Regulations, 2015, and sections 21–29 of the Labour Regulations, 2007. These texts provide for the investigation, prosecution, judgment and sanction of offenders; for the protection, rescue, temporary care, counselling, family tracing and rehabilitation and compensation of trafficked persons; and for the establishment of a Human Trafficking Fund and a Human Trafficking Management Board.
- 106.** In **Hungary**, the Government adopted the National Strategy against Trafficking of Human Beings for 2013–16 in May 2013. In **India**, the Ministry of Labour and Employment has a plan of action under the ILO International Programme on the Elimination of Child Labour which includes trafficking in children and child labour migration. The Centrally Sponsored Plan Scheme for Rehabilitation of Bonded Labour, launched in 1978, was revamped in May 2016. In **Israel**, the Committee of Directors-General responsible for coordinating policy on combating trafficking in persons in January 2007 approved a national plan to combat slavery and trafficking in persons for the purpose of slavery or forced labour. In **Lithuania**, the Anti-Trafficking Action Plan for 2017–19 has been adopted in the context of implementation of the State Security Development Programme for 2015–25. In **Latvia**, the national policy for the elimination of human trafficking is defined in the guidelines for the development of social services.

107. The Government of **Iceland** indicated that its national action plan was based on the “four Ps” approach. The main authorities responsible for implementation are the Ministry of the Interior and the Ministry of Welfare, with a steering committee overseeing implementation.
108. The Government of **Indonesia** has indicated that they have a National Action Plan for Combating Human Trafficking (RAN PTPPO) 2015–19 aiming to provide guidance for the Task Force for the Prevention and Control of Human Trafficking in implementing the prevention and handling of human trafficking and the National Action Plan for Child Protection (NAP-PA) in 2015–19.
109. In **Ireland**, a second National Action Plan to Prevent and Combat Human Trafficking has been developed. The Action Plan sets out priority measures proposed to deal with trafficking for labour exploitation. It outlines both the Government’s strategic approach to human trafficking, as well as setting out a clear work programme for the relevant state authorities to collaborate with civil society and agencies in other jurisdictions in advancing the fight against trafficking and enhancing the protection of victims.
110. In **Japan**, in March 2015 and June 2016, based upon the 2014 Action Plan to Combat Trafficking in Persons, the Government convened ministerial-level meetings concerning measures against trafficking in persons and other forms of exploitation including forced labour.
111. The Government of the **Republic of Korea** reported that its national policy and plan of action aimed to suppress all forms of forced or compulsory labour in an effective and sustained manner through prevention, victim protection and access to remedies.
112. In **Luxembourg**, there is a National Action Plan to Combat Human Trafficking. A national identification and orientation system has been set up to facilitate the identification of victims. The Action Plan envisages the strengthening of support in respect of the status of victims and the provision of appropriate accommodation for victims of forced labour. A mobilization campaign was planned for December 2016 under Benelux.
113. In the **Republic of Maldives**, the Anti-Human Trafficking Five-year National Action Plan was adopted and launched by the Government in April 2015.
114. The Government of **Peru** indicated that it has a national policy and a national action plan to implement the principle and right through prevention and access of victims to justice. To this end, it has designed a system of comprehensive care for rescued victims, which creates sufficient conditions to prevent recurrence in the future.
115. In **Poland**, a detailed report on the implementation of the National Action Plan against Trafficking in Human Beings 2013–15 has been adopted. The draft National Action Plan against Trafficking in Human Beings 2016–18 includes measures to prevent and combat trafficking in human beings for forced labour and raise public awareness of this offence.
116. In **Romania**, in 2012, the National Agency against Trafficking in Persons developed a national strategy for 2012–16, as well as two additional action plans for its implementation that aim to combat trafficking by addressing all forms of exploitation, including forced labour.
117. In **Senegal**, the national action plan is managed by the National Anti-Trafficking Unit, established in 2010. The strategic plan of action is based on prevention, victim protection and the prosecution of offenders.

118. The Government of the **Slovakia** reported that it has a National Action Plan for Combating Trafficking in Persons for the period 2015–18, containing measures for victim care, education and awareness raising.
119. In **Sweden**, an action plan against trafficking, exploitation and sexual abuse of children 2014–15 was launched by the Government, including a number of activities aimed specifically at improving the protection of children in contexts where they might be particularly vulnerable. The activities have continuously been reviewed and the plan was updated for the period 2016–18 in June 2016. The new action plan will include measures to meet new and previously identified challenges and improve the protection of children against trafficking, exploitation and sexual abuse.
120. In the **former Yugoslav Republic of Macedonia**, the National Commission on Combating Human Trafficking and Illegal Migration is the inter-ministerial body responsible for implementing activities under the national action plan for 2013–16.
121. In the **United States**, the Government has indicated that they have adopted a National Action Plan for Combating Human Trafficking through legislation called the Justice for Victims of Trafficking Act of 2015 and Trade Facilitation and Trade Enforcement Act (TFTEA).
122. The Government of the **Bolivarian Republic of Venezuela** reported that it under the guidance of the Ministry of Popular Power for the Interior, Justice and Peace, it is currently working with various national stakeholders on the design and implementation of a national plan against trafficking in persons 2016–19.
123. Many other States reported that they did not have national policies and plans of action against human trafficking (**Bahrain, Comoros, Cook Islands, Costa Rica, Djibouti, Egypt, Germany, Ghana, Iraq, Lebanon, Malawi, Nepal, Nigeria, Paraguay, Saint Lucia, Samoa, Somalia and Swaziland**), and most of them requested ILO technical assistance in this developing such policies.
124. In the **Comoros**, a plan of action to combat human trafficking does not exist. However, an inter-ministerial committee is responsible for tracing victims of human trafficking. The Government envisages that a plan of action will be adopted by 2021.
125. Currently, there is no national policy or plan of action in the **Cook Islands** but the Government envisages that one will be adopted by 2018.
126. The Government of **Djibouti** reported that it envisages adopting a national plan of action against trafficking in human beings and to strengthen its criminal justice system upon validation of a recently completed study report which has evaluated the capacity of the Government and NGOs in assisting victims of human trafficking.
127. In **Egypt**, although no action plan or policy is yet in place, it is envisaged that one will be as soon as possible.
128. The Government of **Germany** reported that at present, the Federal Government has no comprehensive plan of action to tackle human trafficking. Competences are divided between various government ministries. Furthermore, the Federal Government introduced an Act Regulating the Business of Prostitution and Protecting Persons Working in Prostitution which was adopted by the Bundestag in July 2016. The law aims, in particular to: improve the situation of persons working in prostitution and better protect them from exploitation, violence and human trafficking; empower and enable them to exercise their right to self-determination; and create a specific legal framework to curtail criminality in prostitution. The Confederation of German Employers' Associations (BDA) indicated that under German

law any form of forced labour is prohibited, in accordance with the requirements of the ILO and that the BDA supports Ministry of Labour and Social Affairs activities to effectively prevent possible violations.

- 129.** While **Mauritius** has no national policy for combating trafficking in persons, the measures taken so far to combat trafficking for the purposes of forced or compulsory labour include the establishment of an inter-ministerial committee and a steering committee comprising police officers from the Central Investigation Division, Police Prosecutions Office, Child Protection Unit (*Brigade pour la protection des mineurs*), Crime Prevention Unit, Passport and Immigration Office and the Police Training School.
- 130.** **Nigeria, Samoa and Uganda** have not adopted a national policy or plan of action but envisage to do so by 2021.

(ii) Legislative provisions

- 131.** In **Angola**, article 5 of the new General Labour Law (Law no. 7/15) prohibits forced or compulsory labour and Law No. 33/2014 of 10 February on the criminalization of offences underlying money laundering, provides for sanctions in cases of trafficking in persons, sexual trafficking of persons and minors, pimping and pimping of minors.
- 132.** In **Antigua and Barbuda**, the Trafficking in Persons Act, 2010, was introduced to combat trafficking in persons.
- 133.** In **Australia**, human trafficking, slavery and slavery-like practices are criminalized by a comprehensive range of provisions under the Criminal Code and other domestic legal frameworks such as the Commonwealth Crimes Act and the Commonwealth Migration Act. In **Austria**, an amendment introduced to the Criminal Code in 2013 relating to sexual offences defined the offence of human trafficking and pimping more clearly and expanded the definition of exploitation to include exploitation for the purpose of begging and for the commission of an offence. In **Azerbaijan**, article 17 of the Labour Code prohibits obliging an employee to perform a job not included in his job description through any kind of duress or under the threat of termination of the employment contract. Forced labour shall be permitted only in connection with military and emergency situations if the work is performed under the supervision of national authorities under the relevant law or court order.
- 134.** The Government of **Bangladesh** reported that it has enacted a number of pieces of legislation to tackle human trafficking issues. These include: the Human Trafficking Deterrence and Suppression Act, 2012; the Vagrancy Act, 2011 (to ensure shelter and rehabilitation of homeless people, including street children); the Overseas Employment and Migrants Act, 2013; and the Pornography Control Act, 2012.
- 135.** In **Belgium**, human trafficking is prohibited and punishable by law, under article 433 of the Criminal Code. The Criminal Code of **Bulgaria** prescribes penalties against forced labour. In **Bosnia and Herzegovina**, human trafficking constitutes a criminal offence under article 186 of the Criminal Code, as amended in 2015. In **Burkina Faso**, forced or compulsory labour is prohibited under Act No. 029-2008/AN of 15 May 2008.
- 136.** In **Brazil**, the legal provisions relating to slave/forced labour are established by section 149 of the Brazilian Penal Code, as amended by Act No. 10.803 of 11 December 2003. The Act made it clear that the crime of subjecting a worker to slavery-like conditions can be constituted by exposing the victim to one of the following four situations: (i) forced labour; (ii) exhausting hours of work; (iii) degrading working conditions; and (iv) restriction of freedom of movement by whatever means to keep the worker in the workplace because of debts incurred (debt bondage).

137. The Government of **Cambodia** indicated that it has adopted a law on the suppression of human trafficking and sexual exploitation.
138. In **Croatia**, the Criminal Code establishes human trafficking as a criminal offence.
139. The Government of **Djibouti** indicated that the new law of 2016 on combating trafficking in persons and smuggling of migrants defines trafficking in persons and smuggling of migrants as well as procedures for prosecution and conviction of offenders. The same law further provides protection and psychological, medical, legal, social and material assistance (accommodation, interpretation services) to victims.
140. In **Ethiopia**, Proclamation No. 909/2015 provides for the prevention and suppression of trafficking in persons and smuggling of migrants. In February 2016, the Government introduced Ethiopia's Overseas Employment Proclamation No. 923/2016, which promotes and protects the rights, safety and dignity of Ethiopians in overseas employment.
141. In **Georgia**, amendments were introduced in July 2015 to the Human Trafficking Act and the Control of Entrepreneurial Activity Act. According to the Georgian Employers' Association, the amendments introduced were not helpful as the previous legislation regulated the issues concerned more effectively. The Georgian Trade Union Confederation considers that article 17(b) of the Georgian Labour Code permits forced labour as it obliges employees to work overtime without compensation for private employers (rather than for the public good).
142. In **Ghana**, forced labour is prohibited under the Human Trafficking Act of 2005 (Act No. 694), the Human Trafficking Prohibition (Protection and Reintegration of Trafficked Persons) Regulations, 2015 (L.I. 2219), and the Labour Regulations, 2007 (L.I. 1833), sections 21–29.
143. The Government of **Greece** reported that in accordance with the Code of Immigration and Social Integration (Law No. 4251/2014), the firm goal of Greece's national migration policy is the sound management of legitimate migration flows while respecting the fundamental rights of non-nationals and human dignity, without discrimination on the grounds of their nationality and placing emphasis on the rights of children and groups in need of protection. Under article 19A, paragraph 1(d) of Law No. 4332/2015, amending the Code of Immigration and Social Integration (Law No. 4251/2014), a residence permit on humanitarian grounds is granted to third-country nationals who were employed either under severe exploitative working conditions or as minors, in accordance with the provisions of article 89, Law No. 4052/2012, that inter alia, harmonizes Directive No. 2009/52/EC on sanctions against employers of illegally staying third-country nationals.
144. In **Israel**, the Anti-Trafficking Act was enacted in 2006. Inter alia, the Act amended the Criminal Code by creating five core offences which together encompass the main aspects of trafficking in persons.
145. In **India**, the Bonded Labour System (Abolition) Act, 1976 and the Criminal Code contain provisions and provide for penalties of imprisonment and/or fines for offences relating to forced or bonded labour.
146. In **Indonesia**, the Government reported that there is legislation to prevent, suppress and punish human trafficking, especially the women and children and the Protocol against the Smuggling of Migrants by Land, Sea and Air.
147. In **Kenya**, forced labour is prohibited under the Employment Act. In the **Republic of Korea**, forced or compulsory labour was prohibited under certain constitutional provisions and



article 6 (prohibition of forced labour) of the Labour Standards Act, which applied to both citizens and foreigners. Previously, any forced labour practice that violated the Labour Standards Act found as a result of an inspection and investigation was punished by a maximum term of five years' imprisonment or a maximum fine of 30 million Korean won, but no separate special law prohibited trafficking in persons. However, in April 2013, the Republic of Korea amended its legislation and comprehensively defined and thereby incorporated the concept of human trafficking in article 289 of the Criminal Code. Under article 292 of the Act, it was a punishable offence to kidnap, abduct or traffic in persons for the purpose of committing another offence such as labour exploitation, sex trafficking, sexual exploitation or organ harvesting. Separate requirements were established to ensure that the recruitment, transportation or transfer of a person with the intent to kidnap, abduct or traffic in persons, among other offences, were considered to constitute independent offences in respect of which harsh penalties could be applied. In addition, article 288(2) of the Act stipulated that kidnapping and abducting a person for the purpose of labour exploitation, sex trafficking, sexual exploitation or organ acquisition was liable to a penalty of imprisonment ranging from a minimum of two years to a maximum of 15 years.

148. In **Latvia**, forced labour is criminalized under article 154.1 of the Human Trafficking Act. The Criminal Code of **Lithuania** defines trafficking in human beings.
149. In **Malawi**, human trafficking is punishable by law under the Trafficking in Persons Act; offenders are liable to a term of imprisonment ranging from 14 to 21 years without the option of a fine; beneficiaries of an exploitation offence are liable for a term of five years' imprisonment.
150. In the **Republic of Maldives**, prohibition of forced labour is provided under the Employment Act, 2008, and the Anti-Human Trafficking Act, 2013, which for the first time declared trafficking as a criminal act and ensures legal protection and assistance to victims.
151. In **Morocco**, in accordance with the provisions of Act No. 65-99 concerning the Labour Code, no person may prevent any other person from working or force them to do so against their will. Section 12 of the Labour Code further provides that any employer who does not respect the law shall be liable to a fine and a penalty ranging from six days to three months imprisonment. At the beginning of 2016, the House of Representatives adopted the Human Trafficking Act (Act No. 27-14), article 448(1) of which defines forced labour as any work or service extracted under threat and not offered voluntarily. The concept of forced labour does not include military service, penal labour or any other work or service requested in the event of an emergency.
152. In **Mauritius**, the Combating of Trafficking in Persons Act prevents and combats trafficking in persons, protects and assists trafficking victims, including non-citizens, and addresses trafficking in persons for the purposes of forced labour. In the **Republic of Moldova**, the Labour Code and the Criminal Code include provisions on forced labour and trafficking in human beings. In **Myanmar**, labour recruitment and placement process are supervised under the 1959 Employment Restriction Act and 1960 Employment Restriction Rules. Moreover, existing labour laws are being reviewed to ensure that they remain relevant to the current socio-economic situation.
153. In **Mozambique**, the national legislation penalizes any forced exploitation of labour, with the exception of penal labour. Law No. 7 of 9 July 2008 addresses the issue of trafficking in persons, in particular by defining it and providing for its prevention, combating, repression (penalties for offenders), and victims' protection.
154. In **Poland**, the Criminal Code contains provisions regarding trafficking in human beings, and offences against the rights of persons engaged in gainful employment. Under the

Foreigners Act, foreigners who are victims of human trafficking may be granted permanent residence permits. In **Romania**, the Criminal Code contains provisions relating to forced or compulsory labour.

- 155.** In the **Russian Federation**, Article 127.1 of the Criminal Code defines trafficking in persons as buying or selling a human being, conducting any other transaction in respect of a human being, or recruiting, transporting, transferring, concealing or receiving a human being with a view to his or her exploitation. Exploitation is understood in this article to mean procurement for prostitution or other forms of sexual exploitation, slave labour and services, and servitude. The same Code further defines the use of slave labour as the use of a person as a worker where the authority exercised over that person is characteristic of ownership and where that person is unable, for reasons beyond his or her control, to refuse to perform the work or services concerned.
- 156.** The Government of **Saint Lucia** reported that the Counter Trafficking Act No. 7, 2010, makes trafficking in persons for the purpose of forced or compulsory labour an offence.
- 157.** In **South Africa**, forced labour is prohibited by law. Failure to comply with forced labour policy constitutes a criminal offence and offenders are liable to a penalty of imprisonment and a fine.
- 158.** In **Sweden**, forced or compulsory labour is defined in and criminalized under the Criminal Code. Under Swedish law, the police or prosecution authority must initiate criminal proceedings as soon as there is reason to believe that an offence subject to public prosecution has been committed. The prosecutor must initiate proceedings *ex officio*, regardless of whether the victim has complained or is unknown.
- 159.** In **Togo**, article 4 of the Criminal Code recognizes and prescribes penalties for compulsory and forced labour. In **Zimbabwe**, a bill on labour immigration policy and labour legislation addresses forced labour issues involving immigrants to the country.
- 160.** In **Ukraine**, the legislative Act on Combating Trafficking in Human Beings sets out the procedural and legal aspects of preventing trafficking in persons. It guarantees gender equality, basic trends in government policy and international cooperation in this area, powers of the executive authorities, the procedure for designating a person as a victim of human trafficking and the process of providing support to victims.
- 161.** In the **United States**, the Government reported that the Federal Acquisition Regulation (FAR), Subpart 22.17 and the Combating Trafficking in Persons Clause (FAR 52.222-50) are legislation which allow combating human trafficking as well as the 2012 Presidential Executive Order (EO) 13627, “Strengthening Protections Against Trafficking in Persons in Federal Contracts” and Title XVII of the National Defense Authorization Act.
- 162.** In **Zambia**, the Anti-Human Trafficking (AHT) Act of 2008 and the Penal Code prohibit forced labour. The Anti-Human Trafficking Act defines forced labour and human trafficking and provides for prevention and prohibition of forced labour practices. It further provides for victim identification, protection, rehabilitation and access to the remedies. The same Act also provides for the establishment of the Committee on Human Trafficking and the Human Trafficking Fund. The Penal Code under Part XV provides for sanctions in case of offences against morality and in particular as regards abduction, prostitution and harmful cultural practices. It further provides for sanctions in cases of procuring of children and other persons for prostitution, and selling or trafficking in children.

## (iii) Judicial decisions

**163.** A few reporting States have made reference to actual **judicial decisions**.

**164.** The Government of **Bulgaria** referred to a relevant ruling of the Criminal Division of Stara Zagora Regional Court in June 2013. **Croatia** referred to a final judgment handed down in 2014 convicting a defendant accused of forcing the complainant to beg money for him/her, thus by using force and threats the defendant recruited and hosted a person for the purpose of exploiting them for forced or compulsory labour. The sentence imposed in this case was unconditional imprisonment for a term of five years and eight months.

**3. Information and data collection**

## (i) Mechanisms for data collection

**165.** The governments of a number of countries (**Angola, Bangladesh, Brunei Darussalam, Cambodia, Canada, Chile, Colombia, Dominican Republic, Ecuador, Estonia, Germany, Ghana, Guatemala, Honduras, Italy, Jordan, Lebanon, Republic of Maldives, Mozambique, Nepal, New Zealand, Portugal, Saudi Arabia, Serbia, Ukraine, Vanuatu, and Zambia**) reported that they collect and analyse statistical data and other information on the nature and extent of forced or compulsory labour. A number of other countries (**Bahrain, Costa Rica, Cuba, Ghana, Iceland, Iraq, Republic of Korea, Paraguay, Peru, Spain, Somalia, Swaziland, Switzerland and Tunisia**) indicated that they conduct systematized data collection and analysis.

**166.** The Government of **Angola** collects and analyses data, especially through the Inter-ministerial Commission against Human Trafficking, which includes the following entities: the Ministry of Social Assistance and Reintegration, the Ministry of Interior, the Ministry of Public Administration, Labour and Social Security, the Ministry of Foreign Affairs, the Ministry of Family and Women Promotion and the Ministry of Youth and Sports.

**167.** The Government of **Bangladesh** specified that it collects and analyses various types of data on forced and compulsory labour. The data include the number and type of: (a) cases instituted concerning trafficking; (b) victims trafficked; (c) victims recovered; (d) traffickers involved (accused persons); (e) traffickers arrested by police and surrendered in Court; (f) manner of rehabilitation of recovered victims; (g) cases ended in conviction; (h) cases ended in acquittal; (i) cases disposed; and (j) nature of conviction.

**168.** In **Brazil**, the Ministry of Labour has a database containing records of 21 years of inspection activities for the eradication of forced labour and also of released victims who have received unemployment benefit payments since 2003.

**169.** According to the Government of **Brunei Darussalam**, data are collected through the police force and the Immigration and Internal Security departments. No cases of human trafficking have been reported so far in the country.

**170.** The Government of **Cambodia** reported that data and statistics on human trafficking and sexual exploitation are collected on a yearly basis by the Ministry of Interior, especially as regards the number of victims of human trafficking or sexual exploitation, the actions taken to protect them and suppress human trafficking, and court actions.

**171.** In **Canada**, a number of departments are involved in collecting data on human trafficking, including forced labour. For instance, the Royal Canadian Mounted Police collects data on human trafficking offences, including convictions and cases before the courts. The Canadian Centre for Justice Statistics has revised the Transition Home Survey to include the category

“human trafficking” under the heading “Reasons for seeking shelter”, which will capture data on the number of female residents in a shelter as a result of human trafficking.

- 172.** In **Croatia**, the Government’s Office for Human Rights and Rights of National Minorities is responsible for maintaining a database of presumed and identified victims of trafficking in human beings, in cooperation with the Ministry of the Interior; the data are disaggregated by sex, age, type of exploitation and country of origin. In addition, the Office of the Public Prosecutor maintains a database on trafficking cases, including the number of prosecutions and convictions. In **Georgia**, the secretariat of the Interagency Coordinating Council on Combating Trafficking in Persons collects and analyses statistical data on human trafficking cases, giving particular attention to labour exploitation. No cases of forced labour or labour exploitation have been identified in Georgia in recent years.
- 173.** In **Ghana**, the police is in charge of collecting data together with the Ministry of Gender and Social Protection, and the Child Labour Unit under the Ministry of Employment and Labour Relations.
- 174.** In **Hungary**, the Unified Statistical System of Investigations and Prosecutions records data on criminal cases. Data on final judgments are collected in court statistics handled by the National Office for the Judiciary. In **Japan**, the Government has assessed and analysed the cases of trafficking in persons through the “trafficking in persons database”, police activities and other measures. An annual government report is published on these cases.
- 175.** In **Greece**, the National Referral Mechanism (NRM), as the coordinating authority of protective actions for potential or officially identified trafficking in human beings (THB) victims in Greece, is responsible for data collection with regard to the following: profile information, recruitment and exploitation background information, cooperation with law enforcement, numbers of officially identified THB victims, residence permit issuances, provision of psychosocial and legal support services, participation in penal procedures, compensations granted. In addition, the Ministry of Justice, Transparency and Human Rights collects data on THB for convictions, trafficking for sexual exploitation, and trafficking for forced labour, among others. The Ministry of Justice has an ongoing project on the electronic organization of courts, in the framework of which a data collection system is foreseen. This system will provide coherent and standardized statistics on prosecutions and convictions in THB, including online child sexual exploitation. Furthermore, the Hellenic police keeps THB for labour exploitation quantitatively (number of cases, victims, perpetrators) and qualitatively (ways of action, nationalities of victims–perpetrators, regions where the phenomenon is observed) disaggregated.
- 176.** The Government of **Ireland** reported that it has developed a comprehensive data collection system whereby all allegations of human trafficking (which are made to NGOs active in the anti-human trafficking field and to An Garda Síochána (the National Police)) are reported to the Anti-Human Trafficking Unit in a standardized format. This data strategy provides a useful framework for information in relation to the nature and extent of human trafficking in Ireland.
- 177.** In **Latvia**, data on victims of human trafficking are collected by the social rehabilitation services.
- 178.** The Government of **Lebanon** indicated that it collects and analyses statistical data and other information on the nature and extent of forced or compulsory labour obtained from the Ministry of Interior and from NGOs.
- 179.** In **Lithuania**, data are collected and managed by each agency within the sphere of its competence. Criminal investigations are led and controlled by prosecutors; information from

trials is managed by the National Courts Administration; and administrative checks are carried out by the State Labour Inspectorate under the Ministry of Social Security and Labour and its local subdivisions.

- 180.** In the **former Yugoslav Republic of Macedonia**, a database is maintained by the National Commission on Combating Human Trafficking and Illegal Migration.
- 181.** In the **Republic of Moldova**, statistical data on human trafficking for purposes of labour exploitation are held by the Centre for Combating Trafficking in Persons, under the Ministry of Interior.
- 182.** In **Morocco**, a database is being created in which information to be gathered on human trafficking will be stored.
- 183.** In **Mozambique**, statistics related to forced labour and trafficking in persons is collected by the Ministry of Interior.
- 184.** In **Oman**, statistics related to forced labour are gathered by the Ministry of Manpower, the National Committee for Combating Human Trafficking, the Public Prosecution Service, the Royal Oman Police, the Ministry of Health and the Ministry of Social Development.
- 185.** In **Poland**, the National Prosecutor's Office collects data on human trafficking for forced labour, in particular information pertaining to proceedings that have been instituted, and analyses them. An annual report on the coordination of preparatory proceedings related to human trafficking is prepared on this basis. In the **Bolivarian Republic of Venezuela**, statistical data on the nature and extent of forced or compulsory labour is not collected and analysed; however, it is envisaged that the statistical system will be strengthened under the national plan.
- 186.** In **Romania**, an integrated information technology system is used to monitor and evaluate trafficked persons. Data and information on trafficking are collected, stored and processed through the system and used by the Research and Public Awareness Centre to produce studies and analyses. In **Sweden**, the Swedish National Council for Crime Prevention, an authority under the Ministry of Justice, produces and publishes official national crime statistics, including reported offences, the number of prosecutions initiated and the number of convictions.
- 187.** In **Saint Lucia**, the Government indicated that there have been no reports of any forms of forced labour; however, the Department of Labour would continue to monitor the situation to ensure that this practice remains a non-issue.
- 188.** In **Serbia**, collection of data on victims of forced labour is done within the social protection system. Data are collected and processed by the Centre for Human Trafficking Victims Protection, which is a national institution in charge of identification of victims and coordination of the support, and keeping the database on victims of human trafficking. The data on victims of human trafficking cover: biographical, family and social and economic status, transport, exploitation forms, manner of force recruitment and exploitation duration, and support provided.

(ii) Data collected on the nature and extent of forced labour

- 189.** Certain countries reported on the data collected on the nature and extent of forced labour. The Government of **Brazil** reported that in 2016, the number of workers discovered in slavery-like conditions in the course of labour inspections passed the 50,000 mark. In **Bulgaria**, 309 victims of human trafficking were identified in 2015, 238 of whom were

victims of sexual exploitation (235 women, including 17 underage girls; and three men, including one boy in the age group 14–16 years). In **Croatia**, the number of victims identified rose in 2013 and 2014 (to 31 and 37, respectively) in comparison with previous years (14 victims identified in 2011 and 11 in 2012). Between 2007 and 2015, the number of victims of trafficking identified in **Denmark** has increased by 511 victims. Trafficking for sexual exploitation remains the most prevalent form.

- 190.** In **Israel**, during the past year there have been four convictions for trafficking for the purpose of slavery and forced labour; three cases remain pending, and there are five plea bargains. In **Latvia**, one case of human trafficking sexual exploitation was identified in 2015; three criminal cases were brought against eight persons for human trafficking and four criminal cases were brought against five persons for sending a person for sexual exploitation.
- 191.** In **Ireland**, between January 2009 and December 2015, a total of 417 alleged victims of human trafficking were reported to or detected by the National Police. When divided according to each of the seven years for which data is available, 78 persons were reported in 2009; 66 in 2010; 57 in 2011; 48 in 2012; 44 in 2013; 46 in 2014; and 78 in 2015. In terms of the types of human trafficking reported the largest group were alleged victims of sexual exploitation (282 persons). The second largest group were alleged victims of labour exploitation (94 persons). Other groups included those who reported experiencing uncategorized exploitation (22 persons), a small number (six persons) who reported experiencing both labour and sexual exploitation and those (13 persons) who experienced other forms of trafficking, including for forced begging and forced criminality.
- 192.** In the **former Yugoslav Republic of Macedonia**, three women were identified as human trafficking victims in 2015, of whom two were minors.
- 193.** In **Mauritius**, eight cases of trafficking in persons were prosecuted under the Child Protection Act of 1994 during the period 2015–16, in addition to a further ten human trafficking-related cases. One case of child labour, one case of forced labour and one case of torture by a public official were registered.
- 194.** In the **Republic of Maldives**, the Government maintains data of reported cases and cases under prosecution. Currently, there are three human trafficking cases under prosecution.
- 195.** In the **Republic of Moldova**, according to data provided by the State Labour Inspectorate, between 2010 and 2016 no cases of forced labour were reported to the Inspectorate, nor were any complaints filed. In **Romania**, 92 human trafficking cases came before the courts in 2015 and 67 cases were referred to the Court of Appeal, of which 51 and 44 were solved, respectively. Moreover, 172 trafficking cases involving trafficking in minors came before the courts and 100 such cases were referred to the Court of Appeal, of which 110 and 84 were solved, respectively. In **Sweden**, the number of human trafficking offences reported has ranged between 40 and 180 annually since 2006. In 2015, the Stockholm County Administrative Board received special funding to conduct a national survey of suspected child victims of human trafficking and a report on this matter was presented in December 2015. The survey identified 210 suspected child victims of human trafficking during the period 2012–15.
- 196.** In **Ukraine**, the Ministry of Social Policy has, since September 2012, been designating victims of trafficking in persons. As of 15 June 2016, 217 citizens had been identified as victims of human trafficking in persons, of whom 127 were victims of forced labour.
- 197.** Other reporting States (**Antigua and Barbuda, Cook Islands, Djibouti, Ethiopia, Lao PDR**) indicated that they do not currently collect and analyse data but required technical

assistance to do so. In **Malawi**, data are not collected; however, the Government envisages the possibility of collecting data and information in the future.

#### 4. **Prevention/monitoring, enforcement and sanctions mechanisms**

- 198.** Reporting States have provided information on various mechanisms and bodies dedicated to the prevention and monitoring of forced labour.
- 199.** In **Angola**, the Inter-ministerial Commission against Trafficking of Human Beings was established by Presidential Order No. 235/2014.1, to guarantee the protection, recovery, rehabilitation and reintegration within the society of victims of trafficking. The Commission is coordinated by the Minister of Justice and Human Rights.
- 200.** In **Antigua and Barbuda**, a Trafficking in Persons (Prevention) Committee was established under the Trafficking in Persons (Prevention) Act, 2010. The Committee meets on a regular basis to deal with matters relating to human trafficking and forced or compulsory labour. There is also a hotline with operators trained to identify and assist human trafficking victims. In addition, the Government carried out a public education campaign as part of awareness-raising efforts and amendment of the Human Trafficking Act to strengthen and broaden the coverage of the legislation.
- 201.** The strategy deployed by **Australia** to combat human trafficking and slavery is monitored by means of annual reporting under the performance management framework, annual reporting to the Australian Parliament by the Interdepartmental Committee on Human Trafficking and Slavery and, also, reporting to the National Roundtable on Human Trafficking and Slavery and its supplementary Senior Officials' Meeting. In **Azerbaijan**, the state labour inspectorate under the Ministry of Labour and Social Protection of Population carries out the control on labour legislation and imposes sanctions in accordance with the Code of Administrative Offences while detecting the cases of violation of labour law.
- 202.** The Government of **Bahrain** reported that it had taken a number of measures for the prevention of all forms of forced or compulsory labour, including: (a) dissemination of information through publications issued in different languages; (b) facilitation of easy electronic access for expatriate workers to check their work permit information prior to arrival; (c) forging cooperation with sending countries' embassies through awareness-raising programmes in order to promote safe and regular migration; (d) promulgation of the Human Trafficking Prevention Act (Act No. 1 of 2008); and (e) establishment of an unemployment scheme that provides basic social security guarantees and covers foreign workers.
- 203.** The Government of **Bangladesh** reported that, in addition to legal measures taken, a number of government actions have been taken, including: (a) the establishment of the Rescue, Recovery, Repatriation and Integration (RRRI) Task Force and the Anti-Human Trafficking database; (b) an Alliance to Combat Trafficking in Women and Children (ACTWC); (c) the ratification of the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution by Bangladesh in July 2002; (d) the training of border police and law enforcement personnel, including female personnel on human trafficking issues; and (e) the promotion of public awareness raising through the media and the organization of anti-trafficking activities for labour exploitation, and forced and bonded labour by law enforcement agencies including the police and the counter trafficking committees, and prosecutors.
- 204.** The Government of **Brazil** reported that in 1995, as a measure to suppress the exploitation of slave labour in its various forms and to rescue the victims of this illegal practice, the

Ministry of Labour established the Special Mobile Inspection Group (GEFM), reporting to the Division of Inspection for the Eradication of Slave Labour (DETRAE) at the Secretariat of Labour Inspection. The GEFM's primary inter-institutional task is to secure the release of victims of the various forms of slave labour and hold the perpetrators accountable, working for change in the conduct of employers and raising human and labour rights standards. Each GEFM team consists of labour inspectors and also representatives and officers of the federal police, federal highway police, prosecutors from the Labour Prosecution Service, staff of the Attorney-General's Office and public defenders, which are involved in the aspects of the Second National Plan for the Eradication of Slave Labour that relate to suppression and operations. In addition, representatives of employers, workers, civil society, the ILO and state bodies make up the National Commission for the Eradication of Slave Labour (CONATRAE), which is coordinated by the Special Human Rights Secretariat at the Ministry of Justice and Citizenship.

- 205.** The Government of **Canada** reported on a number of measures. In July 2015, the West Coast Domestic Workers' Association marked the second World Day against Trafficking in Persons by launching a new public service announcement to raise awareness about trafficking in persons for the purpose of labour exploitation, targeting migrant worker communities in particular. Public Safety Canada provided a grant to the Association. Employment and Social Development Canada updated its Temporary Foreign Worker Program website to announce tougher consequences for employers who violate the conditions of the Program. Immigration, Refugees and Citizenship Canada has also updated its website to reflect reforms that have an impact on temporary foreign workers. In addition, the pamphlet entitled "Temporary foreign workers: Your rights are protected", which is available online in seven languages, was distributed to stakeholders in key forums. Furthermore, the *Local safety audit guide: To prevent trafficking in persons and related exploitation* aims to help communities assess the nature and scope of trafficking and related exploitation and develop an action plan tailored to their specific local contexts. Moreover, through its contribution to the ILO's Tripartite Action for the Protection and Promotion of the Rights of Migrant Workers in the ASEAN Region (the ASEAN TRIANGLE project), the Government of Canada aimed both to significantly reduce the exploitation of labour migrants across the Association of Southeast Asian Nations (ASEAN) region and to enhance regional governance mechanisms. The Government worked in partnership with the Office to Combat Trafficking in Persons in British Columbia to update its online training programme, which provides training to front-line service providers and first responders throughout the country on how to identify and support trafficked persons and provide appropriate referral services.
- 206.** In the **Cook Islands**, prevention measures aimed at employers and at migrant and domestic workers are envisaged, including: the provision of information, education and awareness-raising, in particular targeting people in situations of vulnerability and employers; addressing the root causes of forced labour; and capacity building for the competent authorities.
- 207.** In **Chile**, the Government has taken a number of measures with a view to preventing all forms of forced or compulsory labour. These include: (a) the establishment of inspection/monitoring mechanisms; (b) the introduction of criminal penalties; (c) the introduction of civil or administrative penalties; (d) the provision of rehabilitation for persons rescued from forced labour; and (e) capacity building.
- 208.** In **Croatia**, prevention of human trafficking is incorporated into school programmes, in accordance with the curriculum decided by the Ministry of Science, Education and Sports.
- 209.** In **Djibouti**, the Government envisages strengthening the prevention of all forms of forced or compulsory labour through various measures, such as: (a) transposing the new human trafficking law in the Penal Code and the Criminal Procedure Code; (b) regulating and



supervising the labour recruitment and placement process through the National Agency for Employment, Training and Professional Integration (ANEFIP); (c) promoting safe and regular migration through the ANEFIP as well as the National Coordination Committee to combat trafficking in human beings and smuggling of migrants; (d) provision of capacity-building training and awareness for magistrates, officials of the national police and gendarmerie, the judicial police officers of the coast guard corps, employers' and workers' organizations and NGOs; and (e) promoting due diligence by the public and private sectors.

- 210.** The Government of **Ethiopia** reported that various measures have been taken for the prevention of all forms of forced or compulsory labour, including, inter alia: (a) awareness-raising initiatives, such as the community conversation programmes; (b) the incorporation in the draft amendment to the Labour Proclamation of a provision to prohibit any employers from recruiting or imposing work on a person without his/her consent; (c) the regulation and supervision of the labour recruitment and placement process, both in public and private manpower establishments, through labour inspection systems; (d) the alleviation of the root causes of forced labour through the implementation since 2001 of various urban and rural safety net programmes to reduce poverty; (e) the introduction of a new Proclamation No. 923/2016 which promotes migration and safe working condition of Ethiopians in overseas employment as part of promoting safe and regular migration; (f) including training on forced labour as part of the education curriculum; (g) the launching of regular mass media programmes to advocate prohibition of forced labour and migration; (h) the implementation of regular government training programmes on human trafficking for legislators, judiciary and government officials, in cooperation with the ILO; and (i) the establishment of a national health service benefit system and pension schemes, including a safety net for the poor.
- 211.** In **Hungary**, the National Coordination Mechanism monitors the National Strategy against Trafficking in Human Beings for the period 2013–16.
- 212.** The Government of **Germany** reports that the federal Government set up a joint working group with the Länder, tasked with fighting human trafficking for labour exploitation and forced labour and headed by the Federal Ministry of Labour and Social Affairs. In addition to developing a strategy to combat such trafficking, a further long-term goal is to create coherent structures which facilitate effective cooperation between all relevant stakeholders, at all levels. Representatives of the social partners and the customs units responsible for enforcing the law on illegal employment and benefit fraud are also important stakeholders in the joint working group headed by the Federal Ministry of Labour and Social Affairs.
- 213.** In **Ghana**, the Government has taken various measures to raise awareness, strengthen coverage of legislation, supervise the labour recruitment and placement process, promote due diligence by public and private sectors, provide advocacy and vocational guidance, as well as to promote safe and regular migration.
- 214.** In **Greece**, the Office of the National Rapporteur on Trafficking in Human Beings has a mandate to promote a comprehensive inter-agency approach that includes initiatives in proactive prosecution, protection, prevention and partnership (*the 4Ps Strategy*). The Office has already established: (a) a permanent coordination mechanism with public authorities, which includes senior government and police officials; (b) the National Referral Mechanism (NRM), a platform for inter-agency cooperation, managed by the National Centre for Social Solidarity (EKKA/Ministry of Labour), on issues such as identification, support, protection and promotion of the rights of victims (and potential victims) of trafficking; (c) a Permanent Consultation Forum with civil society to ensure better cooperation among different stakeholders and better coordination of the available services offered; (d) a Memorandum of Cooperation with the private sector aimed at targeting the demand for trafficked victims and implementing awareness-raising projects with businesses and consumers which commits major private sector stakeholders to “slave-free” supply chains; and (e) an agreement with a

specialized NGO in order to provide free legal aid to victims of trafficking. In addition, a number of other measures have been taken including: (a) a festival launched in 2015 to educate the public about the reality of human trafficking, in an attempt to reduce demand for products or services extracted from exploitative, slave-like conditions; (b) the establishment of a parliamentary subcommittee on issues related to trafficking in June 2016; and (c) a number of training programmes, including anti-trafficking training seminars offered by the anti-trafficking unit of the Hellenic Police and the National Centre for Social Solidarity (EKKA) following the training of trainers model.

- 215.** In **India**, the National Human Rights Commission has appointed Special Rapporteurs who monitor the situation with regard to bonded labour and human rights on the ground, including access to justice and health care services. In **Israel**, the Labor Law Enforcement Administration is responsible for monitoring, investigating and prosecuting violations of labour laws, which apply to all workers in Israel, including foreign workers. The Police Foreign Workers' Investigation Department, which is responsible for investigating trafficking in persons offences, fraud, forgery and inflated brokerage fees, includes eight investigators and specializes in crimes against migrant workers. Moreover, the State Attorney's Office is responsible for handling cases involving serious offences. A lawyer is appointed in each District Attorney's Office to coordinate the handling of trafficking in persons cases. In **Latvia**, the function of the State Labour Inspectorate is to monitor and supervise employment relationships and labour protection. In **Mauritius**, the Special Migrant Workers' Unit of the Ministry of Labour ensures that migrant workers' conditions of employment comply with national laws by carrying out inspections when migrant workers commence work.
- 216.** In **Iraq** and **Vanuatu**, the following measures are taken for the prevention of all forms of forced or compulsory labour: (a) dissemination of information and awareness raising; (b) strengthening and expanding the coverage of the Labour Code through consultations and advice; (c) forging cooperation with other concerned authorities in the regulation and supervision of labour recruitment and placement processes; and (d) capacity building through education or vocational training. In addition to these measures, the Government of **Lebanon** promotes safe and regular migration through entrusting the administration of work permits to the Ministry of Labour as well as through the basic social security guarantees provided by the Office of the United Nations High Commissioner for Refugees and NGOs. **Nepal** supports due diligence by public and private sectors and provides education or vocational training on the issue.
- 217.** The Government of **Ireland** has a broad-based prevention strategy which focuses on: (a) training for front-line personnel; (b) awareness-raising activities; (c) vulnerability reduction; (d) a data collection system designed to ensure knowledge of emerging trends; (e) enhanced coordination and cooperation among stakeholders; and (f) reduction in the demand for services of victims of human trafficking.
- 218.** The Government of **Portugal** reported that it had taken measures with respect to the enforcement of stricter penalties to curb forced labour practices, including confiscation of assets and criminal liability of legal persons.
- 219.** In the **Republic of Korea**, employment contracts must be in writing so that workers themselves can clearly understand their working conditions. Labour inspections and awareness-raising campaigns ensure that essential working conditions – such as minimum wage compliance, the ban on overdue wages and the prohibition of forced labour – are met.
- 220.** In the **Republic of Maldives**, the following measures have been taken: (a) under the Anti-Human Trafficking Act, a multi-stakeholder national steering committee was formed to advise, monitor and oversee implementation of the Act and ensure that actions are taken to

prevent trafficking in the country; (b) the five-year national plan outlines the priority activities to be implemented by various stakeholders to ensure prevention and protection of human trafficking victims and prosecution of cases; (c) a national hotline was established in 2016 for the reporting of human trafficking and forced labour cases; (d) the prevention of the human trafficking mandate is currently under the purview of the Ministry of Economic Development which coordinates government activities; (e) under the Anti-Human Trafficking Act, the Maldives police service is mandated to investigate reported cases and determine whether a person is a victim or not; (f) information leaflets on human trafficking are distributed to all persons at their arrival in the country; and (g) the Labour Relations Authority and Maldives Immigration undertake regular inspection and monitoring activities.

- 221.** In the **Republic of Moldova**, the activities to prevent and combat trafficking in human beings and ensure the cooperation of public administration authorities with international organizations, NGOs and other institutions and civil society representatives are coordinated by the National Committee for Combating Trafficking in Human Beings, a governmental advisory body with a permanent secretariat.
- 222.** In **Mozambique**, the Government has taken measures in the areas of information dissemination and awareness creation; promotion of safe and regular migration; legal protection of victims; free legal aid; as well as provision of penalties for forced labour offenders.
- 223.** In **Poland**, under the Free Legal Assistance and Legal Education Act of 2015 public authorities are obliged to take action to increase legal awareness in society.
- 224.** In the **Russian Federation**, in cases of human trafficking or use of slave labour, the Criminal Code, article 127, provides for sanctions through work at a designated place with deduction of earnings for up to five years and/or a custodial sentence of up to 15 years.
- 225.** The Government of **Spain** indicated that measures have been taken to strengthen legislation relating to forced labour, including by the regulation and supervision of the labour recruitment and placement process, the promotion of safe and regular migration and capacity building for the competent authorities. In the **Bolivarian Republic of Venezuela**, measures have been taken or are envisaged in the area of education and awareness raising, regulation and supervision of the labour recruitment and placement process, promotion of safe and regular migration and capacity building for the competent authorities.
- 226.** In **Ukraine**, Decision No. 111 of the Cabinet of Ministers of 24 February 2016 approved the Government's social programme for the prevention of trafficking in persons until 2020. This envisages implementing a series of measures to inform the public of the risks of becoming involved in trafficking of persons; the conduct of inspections at enterprises and organizations to minimize the use of labour or services of victims of trafficking in persons and the investigation of companies' financial flows; the introduction of ethical codes of behaviour to minimize the use of labour or services of victims of trafficking in persons (using inspectors of working conditions, trade unions, employment agencies, business entities and the public); increasing the role of inspectors and other responsible experts in uncovering victims of trafficking in persons for the purposes of forced labour.
- 227.** In **Zambia**, national action for combating trafficking in person is provided for under the Anti-Human Trafficking (AHT) Act 2008, in particular through investigation, prosecution, judgment and sanctions to offenders. The Government has also been undertaking measures to raise awareness, promote safe and regular migration, building capacities of competent authorities as well as providing basic social security guarantees for victims as specified under the AHT Act.

**5. *Victim's identification, release, protection, recovery and rehabilitation, and access to remedies***

- 228.** In **Angola**, the Government has taken measures to ensure awareness raising; strengthen legislation; provide legal, privacy and identity protection; promote due diligence, and safe and regular migration; provide medical, material and rehabilitation and reintegration support to victims of forced labour and trafficking, and training and education and capacity building for competent authorities.
- 229.** In **Antigua and Barbuda**, the Government reported that the Trafficking in Persons Act lays out remedies for victims and the provision of access to justice which applies to all victims irrespective of their legal status.
- 230.** In **Australia**, the Government's Support for Trafficked People programme, delivered by the Australian Red Cross, provides support to victims of human trafficking, slavery and slavery-like practices, including forced marriage and forced labour. It includes access to health care, including counselling, access to Medicare and the Pharmaceutical Benefits Scheme, and assistance with additional medical costs. The programme also provides assistance with obtaining employment and training if desired, and links to social support. Australia currently provides victims with access to civil mechanisms, such as the Fair Work Ombudsman, in addition to the ability to pursue civil and administrative remedies, including for unpaid wages and entitlements, irrespective of their nationality. The courts may order offenders to make reparation to victims for any loss suffered or expense incurred by reason of the offence. In **Austria**, a number of measures aim at empowering victims and potential victims. In particular, these include the provision of reliable information on rights, entitlements and support services. In 2014, UNDOK – a trade union advice centre for undocumented workers was established on the basis of cooperation between various trade unions, the Vienna Chamber of Labour, the Students Union Federal Agency and NGOs, among others. The centre was established as a contact point for individuals without an official residence and labour permit; it offers free individual counselling and support with a view to enforcing workers' rights and social welfare entitlements. Nevertheless, the number of criminal proceedings brought against perpetrators remains small. In **Azerbaijan**, there are measures for rehabilitation, medical and psychological assistance, social and professional reintegration as well as for appropriate accommodation for victims.
- 231.** The Government of **Bahrain** established a number of shelters to accommodate male and female victims of human trafficking. The shelters provide various services, including legal consultation and medical assistance. The Ministry of Labour and Social Development provides legal assistance services free of charge and all labour dispute cases are exempt from fees.
- 232.** The Government of **Bangladesh** indicated that victims of forced labour will be provided with legal protection, including protection of privacy and identity; medical, psychological and material assistance; rehabilitation support to facilitate their social and professional reintegration, as well as with access to remedies through facilitating free legal assistance and proceedings.
- 233.** In **Brazil**, the labour inspectorate has the institutional and legal mandate to undertake inspection activities for the eradication of slave labour in its various forms, which entails the power to secure the release of victims and the payment of unemployment benefits owed to workers subjected to such situations. The Second National Plan to Eradicate Slave Labour establishes a set of measures for reintegration, prevention, information and training, indicating the bodies responsible for each of them, with some measures the responsibility of the Ministry of Labour. However, as regards public policies for the prevention of the various

forms of slave labour and for the reintegration of victimized or vulnerable groups, the number of actions implemented by the Brazilian State as a whole is limited. Workers released from forced or compulsory labour as a result of inspections are entitled to receive unemployment benefits amounting to three monthly minimum wages. Moreover, these workers are defined as a priority group for registration in social programmes such as the “Bolsa Família”, which grants benefits in the form of a minimum income provided by the State. Specifically, the signing of a Technical Cooperation Agreement (TCA) in August 2015 aimed at pooling efforts of its signatory bodies for the treatment of workers who have been released from slave labour, in terms of the provision of vocational training, psychological and social assistance, and reintegration into the labour market.

- 234.** According to the Government of **Brunei Darussalam**, victims of forced or compulsory labour can report their situation to the Royal Brunei Police Force.
- 235.** In **Bulgaria**, in accordance with the terms of the Crime Victim Assistance and Financial Compensation Act and the procedures set out therein, support is provided to victims who have incurred financial and non-financial damages as a result of crimes, including human trafficking. Victims can receive legal aid and counselling. Persons found to be imposing or using forced labour are prosecuted and subject to penalties. However, a mechanism for the provision of compensation to all victims of forced labour remains to be established. In the **Cook Islands**, the Government envisages that it will provide information and counselling for victims (migrants and domestic workers) regarding their rights; develop forced labour indicators; and build the capacity and increase the resources available to the competent authorities. The authority responsible for the identification of victims of human trafficking in **Croatia** is the Ministry of the Interior. In 2006, a Victim and Witness Support Department was created in the Ministry of Justice. In 2008, victim and witness support offices were established at county courts and in 2010, a national committee tasked with the monitoring and development of the victim and witness support system, was set up.
- 236.** The Government of **Canada** reported on a number of measures, including the following: (a) the Royal Canadian Mounted Police and the Labour Program have partnered to raise awareness of human trafficking for forced labour among provincial labour inspectors and other labour officials, including about indicators of forced labour, industries at risk and possible areas of cooperation between federal, provincial and territorial labour officials, law enforcement and other parties concerned. As part of ongoing efforts to support the identification of possible victims of human trafficking at the Canadian border, the Canadian Border Services Agency (CBSA) updated its training material and is ensuring that all staff with human trafficking-related functions; (b) Immigration, Refugees and Citizenship Canada officers are authorized to issue temporary resident permits to foreign nationals who may be victims of human trafficking in order to allow them to consider their options and receive assistance; (c) with some funding from Justice Canada, a pilot project from the Action Coalition on Human Trafficking Alberta coordinates services for victims of human trafficking in Alberta, including by streamlining services for victims of human trafficking, and by collecting and analysing data on victims of human trafficking to inform the development of community-based protocols for victim assistance; (d) the Justice Canada Victims Fund provides grants and contributions to support projects and activities that encourage the development of new approaches, promote access to justice, improve the capacity of service providers, foster the establishment of referral networks, and/or increase awareness of services available to victims of crime and their families; (e) the Immigration and Refugee Protection Act and the Immigration and Refugee Protection Regulations were amended to provide tougher penalties for employers who break the rules and to improve protections for workers in the Temporary Foreign Worker Program. Employment and Social Development Canada will continue to monitor the new Tip Line and Online Fraud Reporting Tool to identify possible improvements; (f) in 2015, the updated *Handbook for Criminal Justice Practitioners on Trafficking in Persons* was published and subsequently distributed

to law enforcement across the country, with the aim of providing guidance to criminal justice practitioners in the investigation and prosecution of human trafficking cases; and (g) in the case of a victim of human trafficking who was allegedly forced to undertake criminal activities, Crown counsel would have to consider whether a prosecution would best serve the public interest, taking into consideration, inter alia both the nature of the alleged offence, including significant mitigating or aggravating circumstances related to the underlying conduct, and the level of culpability and circumstances of the accused, including level of involvement and whether the accused was in a position of authority or trust.

- 237.** According to the Government of **Denmark**, the CMM coordinates the support and assistance to victims of trafficking, partly to ensure that all victims are offered comprehensive support, including accommodation, access to medical treatment, psychological assistance, counselling (including translation and interpretation) and information. A range of accommodation is available for victims of trafficking, regardless of whether victims of trafficking are staying in Denmark legally or not. All victims of trafficking are offered a “prepared return”, if they have to leave Denmark, i.e., an individually planned repatriation and reintegration programme, which involves activities in Denmark, education or vocational training, and six months upon return, reception, housing and help with small business start-up. The Administration of Justice Act ensures that the police and the prosecution service inform victims of their legal position, the expected progression of their case and their access to legal counsel free of charge unless the expense is covered by insurance. Victims of a criminal offence may make a compensation claim for injuries or other civil claims during the criminal court proceeding. Since 2007, trainings on trafficking have been provided by experts on the subject from the National Police and the CMM. The National Police provides training on an ad hoc basis to partner authorities such as the Danish tax authority SKAT, the Danish Working Environment Authority and DIS. According to the Administration of Justice Act, indictment for an offence can be waived if there are special mitigating circumstances or other special circumstances and prosecution cannot be deemed necessary in the public interest. In addition, a project focusing on outreach, the identification of victims of trafficking for labour exploitation and gathering of data on vulnerable migrant workers was launched in June 2016, to be implemented by the Danish Workers’ Union in cooperation with Aalborg University.
- 238.** In **Djibouti**, the new Law No. 133 on Combating Trafficking in Persons and Smuggling of Migrants prohibits all forms of trafficking and prescribes penalties of five to ten years’ imprisonment. The Government also envisages to provide legal protection, including protection of privacy and identity; medical, psychological and material assistance; rehabilitation support to facilitate their social and professional reintegration as well as access to remedies and compensation through facilitating free legal assistance and proceedings.
- 239.** The Government of **Ethiopia** reported that some ad hoc programmes have been undertaken in cooperation with the International Organization for Migration in terms of the provision of legal protection, material and medical assistance, temporary accommodation as well as support for rehabilitation and social integration of victims of forced or compulsory labour.
- 240.** In **Georgia**, the Interagency Coordinating Council on Combating Trafficking in Persons has a permanent working group for examining and granting the status of victim to a person within 48 hours of submission of an application.
- 241.** In **Ghana**, victims of forced labour are provided with legal protection, including protection of privacy and identity; medical, psychological and material assistance; rehabilitation support to facilitate their social and professional reintegration, as well as with access to remedies through facilitating free legal assistance and proceedings. In particular, the Human Trafficking Act of 2005 and the Human Trafficking Prohibition Regulation 2015 provide for the protection, rescue, temporary care, counselling, family tracing and rehabilitation and

compensation for all the trafficked persons, irrespective of their presence or legal status in Ghana.

- 242.** In **Germany**, the Government reported that: (a) training on the identification of forced labour practices was provided to the relevant actors; (b) victims of forced labour could, irrespective of their residence or legal status, bring claims for an injunction, general damages or damages for pain and suffering, before the ordinary courts; (c) under the Crime Victims Compensation Act, victims of violent crimes who had sustained damage to their health were entitled to medical care for recognized conditions arising from the injury. In addition, a new law was envisaged to ensure that victims of violent crimes were offered rapid access to psychological counselling (trauma outpatient services) across the country; and (d) victims of violent crimes were also entitled to rehabilitation benefits and benefits to promote participation in working life under the Act. The Government further referred to measures under the Integration Act, which entered into force on 6 August 2016, designed to expedite asylum procedures and enhance the integration of beneficiaries of protection into society and the labour market. In the framework of claims under social compensation law, victims have access, in principle, to all remedies of social law, irrespective of their residence or legal status. Applications for benefits under the Crime Victims Compensation Act could also be filed from abroad. Victims of forced labour could also bring claims for general damages or damages for pain and suffering before the ordinary courts, irrespective of their residence or legal status.
- 243.** In **Greece**, the Government reported that by the Joint Ministerial Decision of the Ministers of Foreign Affairs and of Labour, the National Referral Mechanism has been established for the protection of THB victims including, inter alia, the victims of trafficking for labour exploitation. The Office of the National Rapporteur on Trafficking in Human Beings has assigned the management of the National Reference Mechanism to the National Centre for Social Solidarity (EKKA) – a state body supervised by the Ministry of Labour. The objective of the National Referral Mechanism is to coordinate cooperation between all actors, state or non-state, for the collection, referral and follow-up of protection requests made by victims, and to intensify efforts in order to locate and identify victims of trafficking (including trafficking for labour exploitation) through the mobilization of professionals who work in industrial relations inspection agencies or in agencies involved in legal status regularization. Also, the Hellenic police has specialized units with personnel specially trained on the management of cases of trafficking in human beings and are staffed with psychologists who support the actions in the identification of cases of trafficking in human beings. The Government provides legal protection, including protection of privacy and identity; medical, psychological and material assistance; vocational guidance; legal representation and free legal aid, facilitation of repatriation, and reintegration support. It has also a legislative provision for granting residence permits on humanitarian grounds to third-country nationals employed either under severe exploitative working conditions or as minors.
- 244.** The Governments of **Guatemala** and **Spain** indicated various measures being taken, including: provision of training in the identification of forced labour practices to the relevant actors; provision of legal protection in addition to material, medical and psychological assistance for victims; rehabilitation and social reintegration of victims; protection of privacy and identity; provision of appropriate accommodation; and implementation of specific measures relating to children.
- 245.** In **Hungary**, Government Decree No. 354/2012 regulates the identification and referral procedure for victims of trafficking in human beings. Those competent to identify victims include health service providers, public health administration bodies, personal care providers, public educational service providers, consular officials, labour authorities, the police and border police and the Office of Immigration and Nationality. Under Act No. 135 of 2005 concerning the assistance to be provided to victims of crimes and on the mitigation

of damages by the State, victims of human trafficking can receive specific support, whether or not they cooperate with criminal procedures.

- 246.** In **Iceland**, the Government reported that protection and services for victims of human trafficking were assessed on a case-by-case basis. The Ministry of Welfare coordinated an action team with local stakeholders in contact with the victim, including the local social services, police force, the women's shelter and the health-care centre. The Ministry had an agreement with the women's shelter that all women identified as victims of human trafficking could stay there and obtain the necessary protection. The Government Agency for Child Protection was always informed in the event that a child was involved in the case of an adult who might be a victim of human trafficking. Children thought to have been trafficked were always placed under child protection care. The Human Rights Centre provided victims with legal assistance, free of charge.
- 247.** In **India**, the National Human Rights Commission has directed concerned state governments concerning the awarding of compensation to the victims and their families. In **Israel**, the Legal Aid Department in the Ministry of Justice provides free legal aid to victims of trafficking in civil trials and certain administrative appeals. The Hotline for Refugees and Migrants responds to legal questions and social workers at the Day Centre are in constant contact with the Legal Aid Department. In addition, the National Coordinator of the National Anti-Trafficking Unit has distributed a pamphlet to field workers in governmental organizations and NGOs on the identification of victims of trafficking.
- 248.** In **Japan**, the Legal Support Centre provides legal supports to victims of trafficking and popularizes the legal support. The Immigration Bureau lists on its website the contact points for consultation and provides information relating to the trafficking in persons in nine languages. The Government also implements counselling and medical care. Women's consultation offices promote cooperation with the relevant administrative agencies, foreign embassies, the International Organization for Migration (IOM) and NGOs supplying clothing, food and residence to female victims, establish a night guard system, and improve support for the protected victims according to their conditions.
- 249.** In **Indonesia**, some measures are taken through: information and counselling provided when the victims are going through the rehabilitation process, as regulated in Law No. 13 of 2006 and Law No. 21 of 2007. Free legal assistance is provided and all rehabilitation costs are borne by the Ministry of Social Affairs. Access to remedies and compensation is provided for victims, such as the provision of restitution, productive economic business assistance, psychological guidance, as well as the mental and physical guidance during the rehabilitation process including trauma healing. Capacity building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and judges, are available. Training on the prevention and handling of human trafficking is undertaken at provincial and district/city levels. There are provisions for authorities not to prosecute victims for acts which they have been compelled to commit and victims of trafficking shall not be subject to criminal charges because of the mistakes they made related to illegal migration. Regulation No. 9 of 2008 provides for integrated services, procedures and on mechanisms for human trafficking witnesses or victims. The Government has established an Integrated Service Centre with the function of protecting such persons through the relevant institutions for medical rehabilitation and legal assistance, and through social rehabilitation and/or reintegration and repatriation.
- 250.** In **Ireland**, the National Referral Mechanism (NRM) provides the following support services to victims of human trafficking: accommodation; medical care and planning; psychological assistance; material assistance; legal aid and advice; access to the labour market; vocational training and education; police services – crime prevention; repatriation;



compensation; translation and interpretation services, etc. The continued provision of these services is central to Ireland's response to the needs of victims.

- 251.** The Government of **Lao PDR** indicated that various measures have been envisaged or undertaken including the provision of legal protection; protection of privacy and identity; medical, psychological and material assistance; rehabilitation support to facilitate their social and professional reintegration, as well as with access to remedies through facilitating free legal assistance and proceedings.
- 252.** In **Latvia**, the content of and order in which social services are provided is regulated by Cabinet Regulation No. 291 of 2003 concerning requirements for social service providers. Social services are provided to any person recognized as a victim of human trafficking, irrespective of age, gender or other criterion, based on an evaluation of their resources and needs and the individual social rehabilitation plan developed by the social services provider. In **Lithuania**, certain government authorities are competent to identify victims of human trafficking and forced labour or services – including the police, prosecutors, border guards, labour inspectors, labour exchange specialists – and to refer them for the necessary assistance and support. Under the Code of Criminal Procedure, a person who has sustained financial damages as a result of a criminal offence has the right to bring a civil action against a defendant or persons who are materially responsible in criminal proceedings.
- 253.** In **Iraq**, the Trafficking in Persons Act (Act No. 28 of 2012) provides remedies, particularly for child victims. The Government has taken measures to provide housing for child victims, medical assistance, legal protection and rehabilitation.
- 254.** The Government of **Lebanon** reported that it had introduced the following measures: (a) training courses for the identification of forced labour practices; (b) legal protection for all people, mainly refugees and children; (c) medical and psychological assistance for victims; (d) rehabilitation and social reintegration of victims, including children and sex workers; and (e) provision of appropriate accommodation for children. Additional measures have been taken in order to facilitate the access of victims to remedies, including: (a) provisions preventing authorities from prosecuting victims for acts they were compelled to commit; (b) penalties to curb forced labour practices affecting children and refugees; (c) capacity building for labour inspection, law enforcement and prosecution services; and (d) the provision of free legal assistance by NGOS to victims, such as refugees and sex workers.
- 255.** In the **Republic of Maldives**, under the Anti-Human Trafficking Act, cases reported are investigated and victims are provided with essential protection services including food, accommodation and medical services. For all victims identified, a 90-day reflection period is provided and a special visa is arranged in the event the victim wishes to stay in the country. If the victim wishes to go back to the source country, the Government arranges the repatriation cost of the victim. Other measures planned or taken include: plans to strengthen regulation of employment agencies and inspection regimes for employment agency supervision; advocacy work has been carried out to inform key stakeholders on the prevention of human trafficking and protection of victims; due diligence has been promoted through inspection and monitoring, checking of compliance with employment contracts, and through mandatory provisions under the Employment Law to deposit salary and wages to bank accounts of migrant workers; the border control system has been strengthened through the modernization of technology; a pre-departure health and security screening has been introduced in major source countries; a mandatory requirement for health insurance is in place for migrant workers; vocational and skills building training is conducted for all workers by both public and private sectors; and training on human trafficking and issues of forced labour have been offered to the judiciary, law enforcement agencies and labour inspectors.

- 256.** In **Mauritius**, police and Child Development Unit hotlines/helplines provide emergency support services to any suspected cases of commercial and sexual exploitation of children and trafficking. A drop-in centre caters to the rehabilitation needs of juveniles involved in prostitution. The Child Protection Unit also assists with the identification of child victims of commercial and sexual exploitation and trafficking by carrying out inspections in places such as game houses, guest houses, hotels and discotheques and by investigating suspected or alleged cases of commercial sexual exploitation of children. Article 16 of the Combating of Trafficking in Persons Act prescribes the compensation payable to victims of trafficking and, if so ordered by the Court, to the State for expenses incurred in connection with the provision of care and accommodation and the transportation and repatriation of victims. The Legal Aid and Legal Assistance Act 1973 makes provision for free legal assistance and cost-free proceedings.
- 257.** In the **Republic of Moldova**, the National Employment Agency and the Ministry of Labour, Social Protection and Family conduct information sharing activities and provide counselling, advice, vocational guidance, training and social protection, including for victims of trafficking in human beings and forced labour. Based on article 20 of the Constitution, access to justice in the Republic of Moldova is provided, directly or indirectly, to all victims of forced labour irrespective of their legal status in the country.
- 258.** In **Mozambique**, information, counselling and free legal assistance are available for victims.
- 259.** In **Myanmar**, the Ministry of Social Welfare, Relief and Resettlement is taking measures with the United Nations Children's Fund (UNICEF) for the rehabilitation and the social and professional reintegration of victims. Complaints mechanism centres have been opened in Nay Pyi Taw and Yangon to receive complaints from migrant workers and provide services around the clock. Labour attachés are appointed in countries with a large number of migrant workers from Myanmar.
- 260.** In **Nepal**, the Government reported that various measures have been taken for the identification, release, protection, recovery and rehabilitation of victims of all forms of forced or compulsory labour, including: (a) the Kamalari education programme; (b) the income generation programme; (c) provision of training to relevant actors on the identification of forced labour practices; (d) provision of legal protection, material, medical and psychological assistance for victims; (e) rehabilitation and social reintegration of victims; (f) protection of privacy and identity; (g) provision of appropriate accommodation; and (h) implementation of specific measures relating to children and migrants. A number of additional measures have been taken to facilitate the access of victims to remedies.
- 261.** In the **Netherlands**, in 2013, an interdepartmental project was launched with a view to developing a national referral mechanism for victims of human trafficking. This mechanism aims to improve care for victims by connecting actors in the fields of criminal prosecution, care and health care and migration while placing victims in a central position. The aim is to offer assistance adapted to victims' needs. Victims of human trafficking are entitled to legal assistance free of charge. In **Poland**, the rights of persons identified as victims of trafficking in human beings, including the right to compensation, are discussed in methodological guidelines on the conduct of preparatory proceedings in cases involving trafficking in human beings. These guidelines have been provided to organizational units of the Office of the Public Prosecutor for application. Pursuant to the Free Legal Assistance and Legal Education Act, free legal assistance is available to a natural person who meets at least one of the established conditions.
- 262.** The Government of the **Republic of Korea** indicated that, under the Constitution, citizens who have suffered bodily injury or death due to criminal acts committed by others may receive aid from the State under the conditions prescribed by law. The Crime Victim

Protection Act was established in accordance with this provision. Following the revision of the Criminal Code in 2013, victims of human trafficking for the purpose of forced labour can receive the same support as the victims of other offences. They can receive counselling, legal assistance and other related support free of charge through the regional employment and labour office to seek a remedy, including receiving overdue wages owed to them during the period of forced labour. Foreigners for whom remedial proceedings are under way in relation to forced labour may enter and stay in the country, regardless of their legal status of stay until the remedial proceedings are concluded, in the context of protecting the human rights of foreigners. Although public officials are required to notify the competent regional immigration office without delay when they detect a foreigner without a legitimate residence permit, an exemption from the notification obligation can be invoked if the Ministry of Justice deems it more urgent to provide the foreigner with a remedy.

- 263.** In **Italy**, the Government reported on the following measures: training of relevant actors and identification of forced labour practices; development of forced labour indicators to facilitate the identification by labour inspectors of signs of ill-treatment by physical violence, including sexual violence, threats and restriction of freedom of movement, including by the confiscation of identity documents; and rehabilitation and social reintegration of victims (for example through an immersion programme, combined with assistance and social integration, which guarantees, on a transitional basis, adequate housing conditions, food and health care). Measures taken to facilitate the access of victims to remedies include the enforcement of stricter penalties to curb forced labour practices, including the confiscation of assets and imposition of penalties in the case of criminal liability of legal persons.
- 264.** The Government of **Portugal** reported that it has taken measures related to the provision of legal protection; material, medical and psychological assistance for victims; rehabilitation and social reintegration of victims; information and counselling for victims; provision of a reflection and recovery period; and free legal assistance and proceedings for victims.
- 265.** In **Romania**, the National Agency against Trafficking in Persons monitors and assesses the activities developed by the competent public institutions in the field of trafficking, in light of the objectives stipulated in the action plans for implementing the national strategy. There is a national interest programme for ensuring victim assistance. Two brochures were developed in the context of a project on compensation of victims of human trafficking. By law, legal assistance is mandatory for the victims of human trafficking at all stages of criminal proceedings so that they may exercise their rights and also support civil claims.
- 266.** In **Serbia**, the Centre for Human Trafficking Victims Protection has undertaken measures for identification and provision of assistance and support to victims of human trafficking, including legal assistance and support, the issuance of temporary residence permits, social protection, financial assistance and the provision of humanitarian packages, medical and psychological assistance, enrolment in education and training and support in employment, full respect of the right to privacy and identity protection, and accommodation. A draft law on free legal aid has been proposed which considers victims of human trafficking as *ex lege* beneficiaries of free legal aid.
- 267.** In **Sweden**, victims of human trafficking are offered general support by the social services in accordance with the Social Services Act. A new Criminal Injuries Compensation Act entered into force in 2014 and the Swedish Crime Victim Compensation and Support Authority handles applications for criminal injuries compensation.
- 268.** In the **United Republic of Tanzania**, the following measures are envisaged for the prevention of all forms of forced or compulsory labour: (a) information, education, and awareness raising targeting especially people in vulnerable situations and employers; (b) strengthening and broadening of the coverage of legislation, particularly labour law;

(c) capacity building for the competent authorities; and (d) promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations.

**269.** In **Ukraine**, all victims of trafficking in persons, including victims of forced labour, are entitled under the Act on Combating Trafficking in Human Beings to have their rights protected and to rehabilitation. An assessment is made of the needs of all victims and a rehabilitation plan drawn up which includes the following types of rehabilitation work: welfare services, psychological, medical and legal support, support with obtaining access to education and career guidance, temporary asylum and return to their country of origin, as well as financial assistance in the form of a lump sum equal to the minimum living wage.

**270.** The Government of **Zambia** indicated that the Anti-Human Trafficking (AHT) Act, 2008 provides for legal protection, including privacy and identity, and free legal aid, and medical, material and psychological assistance, and accommodation for victims of forced labour. The Act also provides for remedies and compensation for victims and penalties for offenders.

**6. *Promotional activities, international cooperation, new initiatives and progress made in advancing this principle and right***

**271.** The majority of reporting States mentioned activities, mostly involving campaigns and training initiatives, as well as international cooperation measures. A number of selected activities are listed below.

**272.** *Campaigns and awareness raising:* The Government of **Antigua and Barbuda** reported that there has been continuous distribution of flyers and brochures to heighten public awareness on human trafficking. Also, the Directorate of Gender Affairs continues to play its part in the sensitization of the public in order to raise awareness on human trafficking. In May 2016, the National Commission for Combating Trafficking in Human Beings of **Bulgaria** launched its annual campaign to prevent human trafficking for the purposes of labour exploitation under the slogan "Better be informed than exploited!". The Government of **Denmark** referred to the launch of a nationwide campaign under the National Action Plan in 2014, entitled "Stop trafficking", to inform the public, employers and companies about how to recognize and respond to suspected cases of human trafficking for forced labour and prostitution. Moreover, a guide for companies and employers was developed by the CMM, addressing the prevention of trafficking into forced labour, including a checklist on direct recruitment and the use of subcontractors.

**273.** In **Hungary**, the European Employment Services (EURES) Hungary network and the National Police Headquarters Crime Prevention Department have been running a prevention campaign, entitled "Don't become a victim abroad", since 2012. In **Israel**, the Office of the National Anti-Trafficking Coordinator circulated information, not previously available to the public, through its website to various bodies on the subject of trafficking in persons. In **Japan**, once a year since 2004, the National Police Agency has been holding contact point meetings for trafficking in persons, and exchanging views and information with embassies in Tokyo, the relevant ministries and agencies, municipalities, NGOs, and the International Organization for Migration. Moreover, since 2005, the National Police Agency has produced leaflets in several languages calling for people to report to the police on victimization, with the aim of finding victims of trafficking in persons.

**274.** In **Latvia**, the Ministry of Foreign Affairs and the State Employment Agency ran an information campaign, entitled "Find out before you agree to work abroad" and Riga City Council distributed an informative booklet about the risks of human trafficking, including the risks of workforce exploitation. In **Mauritius**, ongoing public information campaigns

are organized by the Ministry of Gender Equality, Child Development and Family Welfare on the commercial and sexual exploitation of children and the dangers of child sex trafficking. In **Poland**, a campaign entitled “Safe work in the holidays” draws attention to the phenomenon of modern slavery and trafficking in human beings. Moreover, leaflets for foreigners who are potentially at risk of being trafficked have been developed and are distributed in nine languages, in order to inform those entering the country about opportunities for assistance under the Polish support and protection system for victims of trafficking in human beings. In **Romania**, the Crime Prevention Department within the Bucharest General Inspectorate of Police has implemented several campaigns in the field, such as “Prince and beggar” or “Stay sheltered”. The Institute for Crime Research and Prevention and the subordinate units within the Romanian police force develop and implement information and awareness-raising campaigns to promote respect for human rights, including campaigns on the prevention of forced labour.

- 275.** In **Iceland**, the Government indicated that over the past two years it has focused on raising awareness of all forms of human trafficking. The police, the City of Reykjavik, SGS and the Ministry of the Interior have organized a group that has been running training courses and raising awareness by its own means. The Icelandic Confederation of Labour, to which the SGS is affiliated, worked with all the main trade unions to launch a project entitled “Equal rights, no exceptions” in 2016. The project aims to combat social dumping and the exploitation of workers by all means, including by extensive workplace inspections, in cooperation with other parties with a role to play. These include the Directorate of Internal Revenue, Directorate of Labour, Administration of Occupational Safety and Health and the National Commissioner of the Icelandic Police. Inspectors have received training on the identification of possible victims of trafficking and forced labour and on the action to be taken in such cases. Another approach has been a comprehensive information campaign on workers’ rights, aimed at foreign workers, employers and the public.
- 276.** In **Ukraine**, the State Labour Service regularly conducts information and awareness-raising work on issues relating to the documentation of labour relations by holding events linked to the adoption, clarification and promotion of employment legislation.
- 277.** *Training initiatives:* In the **Bahamas**, a training session on detecting trafficked and forced labour was set up to combat human trafficking. In **Croatia**, a training session on the identification of victims of trafficking was organized for officials from the Croatian Employment Service in 2014. The Croatian National Plan for the Suppression of Trafficking in Human Beings 2012–15 underscores the need to train police officers, border guards, prosecutors, judges, social welfare staff, victim and witness support staff, diplomatic and consular staff and NGOs. In **Hungary**, training was delivered in 2015 and 2016, including to airport personnel, sub-prosecutors, judges, labour inspectors, missions, members of the child protection signalling system, teachers, trainers, educators, youth workers and students. The Government of **Iceland** reported that in the past two years, an education programme on trafficking-related issues, victim identification and assistance is made available to the professionals concerned (police, health care officials, social workers, labour union officials).
- 278.** In **Israel**, the National Anti-Trafficking Unit conducts more than 50 training sessions annually for a variety of government officials, including prosecutors, social workers, judges and other professionals. In **Lithuania**, labour inspectors organize annual trainings and seminars for young people and for newly established employers. Trainings for specialists working in youth job centres at territorial labour exchange offices have been held, in accordance with the Action Plan for the implementation of the National Crime Prevention and Control Programme. In **the former Yugoslav Republic of Macedonia**, basic and specialized trainings were provided for police officers, particularly inspectors engaged in the recognition and identification of juvenile delinquency and the referral of potential victims of human trafficking and children. Foster families also received training on direct assistance

to and protection for child victims of trafficking. In order to combat the commercial sexual exploitation of children more effectively, **Mauritius** has made it a priority to set up and maintain an ongoing training programme for government and other officials working with children to enable them to deal with such cases in a more professional and child-friendly manner. In **Myanmar**, senior government officials deliver lectures on the elimination of forced labour as part of the training provided to police officers, fire safety officers, military officers, judges, teachers, etc. In **Poland**, two training courses were held in 2016 on support for victims of trafficking in human beings, in which 47 persons participated. A further two such courses are scheduled to be held in September and October 2016. In **Romania**, the National Agency against Trafficking in Persons supported 14 training sessions on trafficking indicators, attended by 602 police officers. Employees in the main institutions responsible for the implementation of the national identification and referral mechanism for trafficking victims receive ongoing training.

- 279.** In **Indonesia**, the Government of Indonesia has also initiated several programmes/activities in prevention, protection and restoration. It has also established a task force in the prevention and handling of human trafficking crime. The Government has also worked closely with the mass media for the prevention of human trafficking crimes. Provide advocacy services to vulnerable groups or victims, performed in an integrated manner both at home and abroad, through public–private partnerships. The Government has also established provisions of the Population Identification Number (NIK) for every single person to prevent counterfeiting of documents such as identity cards (KTP), passports and birth identification certificates.
- 280.** In the **United States**, the National Human Trafficking Resource Center (NHTRC) and its Rescue and Restore Victims of Human Trafficking Regional Program grantees have expanded training opportunities throughout the country. In 2015, the NHTRC conducted 49 training sessions and presentations and 100 remote consultations by phone or email. This training reached a total audience of 5,113 people consisting of service providers in the anti-trafficking and related fields, local and federal law enforcement, governmental officials, child welfare and juvenile justice professionals, health professionals, coalitions and task forces, community groups, faith-based organizations, educators, students, businesses, and more. Additionally, the NHTRC created four online training sessions: “Trauma-Informed Human Trafficking Screenings”, “Human Trafficking Awareness for Educators”, “Human Trafficking Public Outreach Campaigns”, and “What to Expect When You Call the NHTRC”.
- 281.** *International cooperation:* In February 2010, **China** acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, with a view to strengthening international anti-trafficking cooperation at the bilateral and multilateral levels. China has actively participated in the Bali Process and the Mekong Subregion anti-trafficking process. Through the bilateral Office of Border Liaison Officers and the Office of the Liaison Officers to Combat Human Trafficking established with neighbouring countries, China has carried out quite a number of joint anti-trafficking special actions in the border areas. By actively strengthening cooperation with international organizations such as the IOM and the United Nations Inter-Agency Project on Human Trafficking (UNIAP), the public security organs in China submit timely notifications about criminal intelligence, assist in voluntary repatriation of trafficking victims and effectively protect their legitimate rights and interests.
- 282.** The Government of **Denmark** referred to a project to combat trafficking for labour exploitation and engage with the private sector has been funded by the Nordic Council of Ministers. The project aims to enhance the sharing of information and tools among Nordic countries and to develop new tools and approaches to address human trafficking for labour exploitation. The CMM has also been participating in a multi-country project, funded by the European Union (EU), which aims to map different sectors of the labour market and then work with sector stakeholders to prepare guidelines on corporate social responsibility to

prevent human trafficking. Furthermore, the CMM has made efforts to enhance bilateral cooperation with selected countries from which victims of human trafficking in Denmark typically originate or through which they transit. In 2008, the Danish Immigration Service began a partnership agreement with the IOM to facilitate safe return and rehabilitation programmes for victims of trafficking who voluntarily return to their countries of origin.

- 283.** The Government of **Ethiopia** indicated that it has cooperated with various international bodies (such as the IOM, EU, Intergovernmental Authority on Development) to address issues of forced labour and illicit activities in the framework of migration and repatriation of victims.
- 284.** In **Germany**, the Government indicated that during the German chairpersonship of the Organization for Security and Cooperation in Europe (OSCE), a high-level conference would be held in September 2016 in Berlin on the prevention of trafficking in human beings for labour exploitation in supply chains. The OSCE activities supplement the German G7 initiative, put forward by the Federal Ministry of Labour and Social Affairs, and the Federal Ministry for Economic Cooperation and Development, to promote sustainable supply chains.
- 285.** The Governments of **Djibouti, Ethiopia, Ghana, Lesotho, Mozambique** and **Swaziland** indicated that with respect to issues of forced labour and human trafficking, it cooperates with the IOM and the ILO through stakeholder consultations, training and sensitization programmes.
- 286.** In **Greece**, international organizations, such as the IOM and the UNHCR, are main partners of the Office of the National Rapporteur. The Office also cooperates closely with the Council of Europe (GRETA), OSCE (Alliance against Trafficking in Persons), the United Nations Office on Drug and Crime (UNODC) and the EU Anti-Trafficking Coordinator and participates in the EU Network of National Rapporteurs or Equivalent Mechanisms.
- 287.** In **Hungary**, a project on referral and assistance for victims of human trafficking in Europe was implemented. The project entailed professional workshops and study visits in the three partner countries with the involvement of international experts in order to discuss best practices and differing demands, circumstances and capabilities. Experts from Belgium, the Netherlands and Hungary can easily find one another through an interactive online platform.
- 288.** The Government of **Ireland** has placed considerable importance on cooperating with other EU Member States in combating trafficking in human beings, and marked improvements have been evident over the past number of years in the number of those prosecuted and convicted abroad on the basis of evidence collected in Ireland. Information regarding immigration-related criminality is collated, analysed and disseminated by the National Police, including such information and intelligence received, on a regular basis, through the Europol and Interpol National Units, based at Police headquarters. In particular, personnel from the Human Trafficking Investigation and Coordination Unit (HTICU) of the National Police assist in investigations relating to the suspected trafficking and smuggling of persons, initiated in other jurisdictions, where there is reason to believe that either the suspect(s) or victim(s) have entered this State.
- 289.** The Government of **Lao PDR** indicated that it has been cooperating on the human trafficking issues with neighbouring countries, such as ASEAN member States, Mekong subregional member States, and China.
- 290.** In **Myanmar**, migrant resources centres have been opened in cooperation with the ILO and the IOM in order to disseminate information concerning migration. A number of **European**

**States** reported on the organization of special events to mark EU Anti-Trafficking Day on 18 October.

291. The Government of the **Russian Federation** mentioned its Programme of Cooperation between Commonwealth member States to combat trafficking in persons (2014–18), together with a common plan of the Coordinating Council of Prosecutors-General between the same member States and objective (2014–18).
292. In **Serbia**, the National Public Prosecutor's Office and the NGO Atina, in partnership with the Embassy of France to Serbia, have signed the Memorandum of Understanding and mutual cooperation for curbing human trafficking. The Memorandum foresees the cooperation of the signatory in collecting the data and information exchange on the subject of human trafficking, and the prevention and improvement of the rights of victims of human trafficking.
293. The Government of the **Slovakia** indicated that it follows the anti-forced labour policy of the EU and its Member States. The country cooperates with selected countries in the field of prevention of forced marriages.
294. The Government of **Thailand** mentioned that in view of promoting safe and regular migration, several memoranda of understanding and Agreements concerning employment, were signed with the countries of origin, Cambodia, Lao PDR, Myanmar and Viet Nam.
295. In **Trinidad and Tobago**, the Ministry of Labour and Small Enterprise Development (MOLSED) collaborates with the ILO DWT and Country Office for the Caribbean countries in this area and it has already offered support in respect of developing effective responses for the prevention of forced labour. In November 2014, MOLSED, in collaboration with the Ministry of National Security, the ILO and the IOM, held a National Workshop on Migration, Forced Labour and Human Trafficking in Trinidad and Tobago, which sought to sensitize government officers and representatives of employers and workers to international conventions relating to forced labour and human trafficking, including ILO Conventions and the responses of Trinidad and Tobago to these challenges.
296. In **Ukraine**, the Ministry of Social Policy actively cooperates with the coordinator of the Organization for Security and Cooperation in Europe (OSCE), the IOM, the La Strada Ukraine NGO and the All-Ukraine coalition of non-governmental organizations working in the area of prevention of trafficking in persons, in order to prevent trafficking in persons, including for the purpose of forced labour, by running different projects providing international technical support.
297. In **Zambia**, the AHT Act 2008 provides for international cooperation in combating human trafficking through exchange of information, deportation of offenders and extra-territorial jurisdiction (Parts IX to XI). The Government has been cooperating with the African Union, the Southern African Development Community (SADEC), the Common Market for Eastern and Southern Africa (COMESA), the IOM, ILO and UNHCR.
298. *Special agreements:* In **Azerbaijan**, a commitment was adopted for the years 2016–17 between the Cabinet of Ministers, the National Confederation of Trade Unions and National Confederation of Entrepreneurs (Employers') of Azerbaijan to ensure the elimination of child labour, forced labour and human trafficking, to support state social programmes regulating labour migration, and to organize joint monitoring.



## 7. Challenges

299. The following common challenges were mentioned: social and economic circumstances (such as poverty) are often the main reasons for forced labour due to trafficking (**Angola, Bangladesh, Bosnia and Herzegovina, Botswana, Brazil, China, Colombia, Croatia, Djibouti, Dominican Republic, Estonia, Ethiopia, Georgia, Ghana, Honduras, Hungary, Lao PDR, Latvia, Lesotho, Republic of Maldives, Republic of Moldova, Mozambique, Paraguay, Peru, Serbia, Swaziland, Zambia**); lack of awareness, information or data (**Angola, Bangladesh, Brazil, Chile, China, Cook Islands, Croatia, Djibouti, Ecuador, Equatorial Guinea, Estonia, Ethiopia, Georgia, Ghana, Honduras, Hungary, Iraq, Lao PDR, Latvia, Republic of Maldives, Mozambique, Paraguay, Peru, Saudi Arabia, Serbia, Swaziland, the former Yugoslav Republic of Macedonia, Tunisia, Zambia**); lack of capacity of employers' and workers' organizations (**Angola, Brunei Darussalam, Cook Islands, Djibouti, Georgia, Honduras, Hungary, Lao PDR, Republic of Moldova, Paraguay, Peru, Tunisia, Zambia**); lack of social dialogue (**Brazil, Cook Islands, Djibouti, Georgia, Honduras, Iraq, Lao PDR, Myanmar, Tunisia, Zambia**); political and security situations (**Iraq**); and lack of resources in the institutional framework (**Brazil, Djibouti, Ethiopia, Ghana, Greece, Lao PDR, Republic of Maldives**).
300. In **Austria**, challenges remain with regard to access to compensation for victims of human trafficking, in particular the enforcement of compensation awarded by the courts. In order to ensure the full payment of compensation and to prevent perpetrators from benefiting from criminal activities, the possibility of enacting further legal provisions in this area should be assessed in the light of international experience.
301. The Government of **Bahrain** reported that difficulties in collecting data regarding human trafficking and forced labour constituted the main obstacles to the realization of the principle.
302. The Government of **Brazil** emphasized the challenges of forced labour resulting from debt bondage, trafficking, as well as other degrading conditions and exhausting hours of work.
303. The Government of **Canada** referred to the need for greater cooperation across all levels of government and the full range of stakeholders, as well as collaboration opportunities with North American partners.
304. In **Denmark**, the Government is well aware of new challenges relating to the use of migrant labour, especially in sectors with many unskilled and relatively low-paid foreign workers, including those in which work is subcontracted extensively and where companies may have difficulty in obtaining an overview of the working conditions of workers in remote areas or those working at irregular hours.
305. In **Georgia**, the absence of a legislative framework was one of the key obstacles encountered by the Government. **Hungary** reported that trafficking in human beings is a latent phenomenon because victims, not seeing themselves as victims, prefer not to report offences or fear doing so; consequently, little information is available. Victimization has a number of root causes, including poverty, high unemployment and inequality in the labour market.
306. In **Germany**, the Government reported various challenges, including: (a) the absence of a comprehensive plan of action on combating human trafficking; (b) difficulties related to the application of the relevant article (article 233 of the Criminal Code) as a large number of cases could go unreported; (c) human trafficking for sexual exploitation; (d) working conditions in legal prostitution; and (e) human trafficking for labour exploitation, for forced labour and forced prostitution. The Federal Government hopes that its reform of the current

legal framework will lead to improvements in relation to many of the obstacles specified with regard to criminal prosecution.

- 307.** In **Ghana**, the national Trades Union Congress indicated the following main challenges and obstacles: (a) unreliable and inadequate information and data on cases of forced labour; (b) lack of employment choices pushing people towards indecent jobs resembling forced labour; and (c) lack of serious penalties for those who exact forced labour, hence the need to strengthen and enforce existing legislative instruments as a deterrent against the use of or the creation of an environment conducive to forced labour.
- 308.** In **Greece**, the Government indicated that despite the introduction and initiation of various anti-trafficking legislative measures, there are general shortcomings in the implementation of the new legal framework due to limited financial and human resources. The Government aims at overcoming the existing constraints by ensuring funding through EU structural funds and through private foundations.
- 309.** The Government of **Lebanon** reported the following main obstacles: (a) lack of awareness, as the issue is new in the country; (b) lack of accurate information and data; (c) social and economic circumstances; (d) political crisis; and (e) challenges related to migration, such as the influx of immigrants which exceeds the country's capacity to absorb them.
- 310.** In **Mauritius**, no specific provision exists in the law to ensure that victims of forced or compulsory labour are not prosecuted, or penalties imposed on them, for their involvement in unlawful activities which they have been compelled to commit.
- 311.** **Nepal** encountered the following obstacles: (a) lack of awareness; (b) lack of accurate information and data; (c) social and economic circumstances; (d) lack of resources in the institutional framework; (e) challenges related to migration policies; (f) absence of social dialogue on the principle; and (g) lack of financial support.
- 312.** The Government of **Kenya** indicated that despite a legislative prohibition on forced labour, the practice is reportedly prevalent in certain sections of the economy, such as domestic work in Kenya itself and overseas in Middle Eastern countries. As the practice is hidden, victims often do not come forward or cooperate with the authorities, making it difficult to combat.
- 313.** In the **Republic of Korea**, the Government reported that forced or compulsory labour occurs mainly among the socially disadvantaged, such as people with intellectual disabilities, the elderly and infirm and homeless people, so there can often be difficulties in remedying forced labour based on reports by victims. The Government is making efforts to identify and inspect workplaces likely to use forced labour. Its efforts in this regard should be expanded.
- 314.** The **Netherlands** refers to the most recent report of its National Rapporteur, which highlights that cooperation between different institutions is absolutely essential to combating human trafficking successfully. Connections between health care institutions can and should be improved so that signals about human trafficking can be picked up better and facilitate the provision of appropriate care to victims. As traffickers continuously change their strategies and their fields of operation, other institutions will need to connect with existing initiatives. In **Poland**, the greatest shortcoming in conducting proceedings regarding trafficking in human beings is the lack of a current definition of forced labour and forced services. In **Romania**, victims of labour exploitation, especially men, often do not see themselves as victims of trafficking which makes it extremely difficult to provide assistance and protection. Moreover, the fact that financial and human resources are limited slows down the process of assistance and access to remedies. Limited communication and cooperation between the main actors involved also slows down the process of suppressing trafficking.

- 315.** In the **Republic of Moldova**, cases of forced labour outside the context of trafficking are difficult to detect, since forced labour is not conducted on legal premises; the State Labour Inspectorate is not empowered to carry out checks on physical persons with no official capacity as employers in respect of whom the Inspectorate has not received complaints. Moreover, people are not used to defending their rights in court and so do not turn to them, considering legal processes to be shameful, costly or unnecessary.
- 316.** The Government of **Italy** referred to a number of challenges, including: (a) lack of awareness: victims are predominantly immigrants without residence permits, for whom undeclared work is often a real survival strategy. Foreigners who cannot understand Italian are particularly vulnerable and not fully aware of their rights; having violated the regulations on residence, in the event that the competent authorities intervene they may be subject to an expulsion order; (b) lack of information and data: the information should be better shared to ensure better understanding of the phenomenon and to promote specific initiatives to raise awareness in the various contexts concerned and among all the actors involved; (c) social and economic circumstances; (d) challenges associated with the procedures and practices of recruiting, placement and accommodation; and (e) challenges linked to migration policies. These challenges are conducive to the exploitation and deprivation of liberty of the victims.

## **8. Requests for technical assistance**

- 317.** With a view to overcoming the above challenges in their combat against human trafficking, a number of States have expressed the need for ILO technical assistance for: (a) identification and assessment of the obstacles to the realization of the principle and right, and collection and analysis of data and information (**Angola, Antigua and Barbuda, Bahrain, Bangladesh, Botswana, Brazil, Chile, China, Colombia, Costa Rica, Dominican Republic, Ecuador, Equatorial Guinea, Ethiopia, Honduras, Iraq, Italy, Ghana, Lesotho, Republic of Maldives, Mozambique, Nepal, Paraguay, Peru, Saudi Arabia, Slovakia, Swaziland, Tunisia, Uganda, Zambia**); (b) guidance on the development of a national policy and plan of action (**Angola, Bahrain, Bangladesh, Brazil, Brunei Darussalam, Colombia, Costa Rica, Dominican Republic, Equatorial Guinea, Ghana, Iraq, Italy, Republic of Maldives, Nepal, Paraguay, Peru, Saudi Arabia, Slovakia, Swaziland, Tunisia, Zambia**); (c) capacity building for the competent authorities, and employers' and workers' organizations (**Angola, Antigua and Barbuda, Bahrain, Bangladesh, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Equatorial Guinea, Ethiopia, Ghana, Guatemala, Honduras, Iraq, Jordan, Malawi, Republic of Maldives, Myanmar, Paraguay, Peru, Saudi Arabia, Slovakia, Swaziland, Tunisia, Zambia**); (d) strengthening the legal framework (**Angola, Antigua and Barbuda, Bangladesh, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Equatorial Guinea, Ethiopia, Iraq, Jordan, Ghana, Malawi, Republic of Maldives, Paraguay, Peru, Slovakia, Swaziland, Tunisia, Zambia**); (e) vocational training, job-creation and income-generation programmes for at-risk populations (**Angola, Bahrain, Bangladesh, Brazil, Colombia, Costa Rica, Dominican Republic, Equatorial Guinea, Ethiopia, Ghana, Iraq, Italy, Jordan, Lao PDR, Malawi, Republic of Maldives, Myanmar, Nepal, Paraguay, Peru, Slovakia, Swaziland, Tunisia, Zambia**); (f) experience sharing (**Angola, Bahrain, Bangladesh, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Equatorial Guinea, Ethiopia, Ghana, Guatemala, Honduras, Iraq, Italy, Jordan, Malawi, Republic of Maldives, Myanmar, Nepal, Paraguay, Peru, Saudi Arabia, Slovakia, Swaziland, Tunisia, Zambia**); (g) promotion of fair migration policies (**Angola, Bahrain, Bangladesh, Brazil, Dominican Republic, Equatorial Guinea, Ethiopia, Ghana, Honduras, Iraq, Italy, Jordan, Malawi, Republic of Maldives, Nepal, Paraguay, Peru, Slovakia, Swaziland, Tunisia, Zambia**); (h) awareness-raising and mobilization activities (**Angola, Bahrain, Bangladesh, Brazil, Chile, Colombia, Costa Rica, Equatorial Guinea, Ethiopia, Ghana, Honduras, Iraq, Italy, Lao PDR, Myanmar, Paraguay, Peru, Saudi Arabia, Slovakia, Swaziland, Tunisia, Zambia**); (i) provision of

basic social security guarantees (**Angola, Bangladesh, Brazil, Chile, Colombia, Costa Rica, Equatorial Guinea, Ethiopia, Ghana, Iraq, Italy, Republic of Maldives, Paraguay, Peru, Saudi Arabia, Slovakia, Swaziland, Tunisia, Zambia**); (j) promotion of fair recruitment and placement practices (**Angola, Bangladesh, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Equatorial Guinea, Ethiopia, Ghana, Iraq, Italy, Jordan, Republic of Maldives, Paraguay, Peru, Slovakia, Swaziland, Tunisia, Zambia**); (k) assessment of obstacles and their impact on the realization of the principle (**Angola, Bangladesh, Brazil, Costa Rica, Dominican Republic, Equatorial Guinea, Ethiopia, Ghana, Iraq, Italy, Lao PDR, Republic of Maldives, Paraguay, Peru, Saudi Arabia, Slovakia, Swaziland, Tunisia, Zambia**); (l) promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations (**Bangladesh, Brazil, Chile, China, Colombia, Costa Rica, Dominican Republic, Equatorial Guinea, Ethiopia, Ghana, Iraq, Jordan, Republic of Maldives, Paraguay, Peru, Saudi Arabia, Slovakia, Swaziland, Tunisia, Zambia**); (m) guidance on supporting due diligence (**Angola, Bangladesh, Brazil, Colombia, Dominican Republic, Equatorial Guinea, Ethiopia, Ghana, Iraq, Italy, Malawi, Republic of Maldives, Paraguay, Peru, Saudi Arabia, Slovakia, Tunisia, Zambia**); and (n) inter-institutional cooperation (**Angola, Bangladesh, Brazil, Chile, Colombia, Dominican Republic, Equatorial Guinea, Ethiopia, Ghana, Guatemala, Italy, Malawi, Republic of Maldives, Paraguay, Peru, Saudi Arabia, Slovakia, Swaziland, Tunisia, Zambia**).

## C. The effective abolition of child labour

### 1. Ratifications

- 318.** With the ratification by **Canada** in June 2016 of the Minimum Age Convention, 1973 (No. 138), 17 countries have yet to ratify that Convention while seven countries have yet to ratify the Worst Forms of Child Labour Convention, 1999 (No. 182).
- 319.** The Government of **Saint Lucia** reported that there is no major impediment to ratifying Convention No. 138; however, a more specific time by which the Convention would be ratified could only be given by the new Government after the conclusion of the upcoming election.
- 320.** The Government of **India** reported earlier that ratification of Conventions Nos 138 and 182 was awaiting the alignment of its national laws with the requirements of the Conventions. In 2016, the Child Labour (Prohibition and Regulation) Amendment Bill was passed by both houses of the Parliament.
- 321.** The Government of the **United States** indicated that the President's Committee on the ILO continues to support the work of the Tripartite Advisory Panel on International Labor Standards in reviewing the legal feasibility of US ratification of Convention No. 138.
- 322.** The Government of **Australia** reiterated that ratification of Convention No. 138 is still not a priority.
- 323.** Employers' and workers' organizations at national level generally reiterated their support for and commitment to the ratification of Conventions Nos 138 and 182.

### 2. Promotional activities

- 324.** In **Australia**, the Office of the Children's Guardian in New South Wales has a robust compliance programme under which regular checks are made to test employers' compliance

with the Children and Young Persons (Care and Protection) Act 1998 and the Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015, which relate to the employment of children in the entertainment, exhibition, recorded performance, still photography and door-to-door sales industries. These operations increase the presence of the Children's Guardian in the sector and also increase opportunities to educate employers on their obligations and how these keep children safe.

- 325.** In Victoria, the Employment, Information and Compliance Unit has conducted a range of information and advice presentations and sessions about the child employment requirements, including to students and to groups of staff of a large employer (television network), in order to increase their understanding of child employment regulation, peak bodies and casting agents. The entertainment industry working party has met over the reporting period in order to raise awareness of child employment legislation.
- 326.** In Western Australia, the Department of Commerce, Labour Relations and Industry Development Division has delivered education seminars to 1,228 children in the relevant age group on the application of the laws on the employment of children.
- 327.** In South Australia, SafeWork SA (Attorney-General's Department) ran a series of public seminars as part of the 2015 National SafeWork Month events, including a youth forum on youth employment. SafeWork SA also provides online guidance material targeting young workers and employers and highlighting the minimum working age requirements under the Education Act.
- 328.** In the Northern Territory, the new Education Act entered into force on 1 January 2016 and is administered by the Northern Territory Department of Education. The Northern Territory Government School Attendance Strategy 2016–18, "Every day counts", provides a planned and systemic approach for improving school attendance and the learning, well-being and engagement of young Territorians. The Care and Protection of Children Act, administered by the Department of Children and Families provides for inspections and requires employers to provide specific information about the employment.

### **3. Statistical information**

- 329.** In the **United States**, in 2015, the Wage and Hour Division of the Department of Labor (WHD) found child labour violations in 542 concluded cases. In those cases, the WHD found that 1,012 minors were working in violation of the Fair Labor Standards Act of 1938 (FLSA). In addition, in 189 of these cases, violations of Hazardous Occupations Orders (HOs) were found with a total of 355 minors employed in violation of HOs. The most common violations often involved the failure to comply with the working hours' standards for 14- and 15-year-olds in non-agricultural industries, and the failure to comply with Hazardous Occupations Orders in non-agricultural industries for 16- and 17-year-olds.

### **4. Policy and legal developments**

- 330.** In **India**, the Child Labour (Prohibition and Regulation) Amendment Bill absolutely prohibits the employment of children under the age of 14 years, with certain exceptions, and links the age of prohibition the age under the Right of Children to Free and Compulsory Education Act 2009. Moreover the Bill prohibits the employment of adolescents (14–18 years) in hazardous occupations and processes; constitutes a labour rehabilitation fund for the rehabilitation of rescued children and adolescents; and prescribes harsher penalties for employers who violate child labour law.

- 331.** According to the Government of **Australia**, while the Office of the Children’s Guardian in New South Wales has not taken steps to abolish child labour, the Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015 aims to mitigate the risks associated with child labour such as: child sexual abuse, physical harm, psychological harm, exploitation through excessive work-hours, exposure to adult themes and concepts, and educational neglect. Any person below the minimum school-leaving age is precluded from accepting employment which would prevent their attendance when school is open for the child’s instruction or participation in school activities. However, an employer would be able to employ a person of any age, subject to the relevant child employment laws in that state, or before or after compulsory school hours.
- 332.** In Victoria, the Employment, Information and Compliance Unit in the Department of Economic Development conducted 155 investigations into child employment in order to verify compliance with the Child Employment Act 2003, the Mandatory Code and specific conditions of child employment permits. The Employment, Information and Compliance Unit provided advice on ten occasions and 25 breaches resulted in formal warnings. One prosecution was recommended under the Child Employment Act 2003, in respect of which action is pending. The Education and Training Reform Act 2006 continues to require parents to ensure that children of school age (6–17 years) attend school on all school days unless there is a “reasonable excuse”. Under the Act, exemption from attending school may be granted on a specific or general order of the Minister for Education. The Act sets out strict requirements for pupils employed in work experience schemes, for which the minimum age is 14 years.
- 333.** In South Australia, reference is made to article 75(1) of the Education Act 1972 (SA), which requires a child of compulsory school age (6–16 years) to be enrolled at a primary school or secondary school and prohibits employers from employing such children during school hours or at a time of day or night, or in any labour or occupation that renders, or is likely to render, the child unfit to attend school or attain the proper benefits from such participation and attendance. A breach of these provisions is an offence that carries a maximum penalty of 5,000 Australian dollars. Available statistical evidence verifies the effectiveness of education legislation in the social context that applies in South Australia, which has an advanced economy and social welfare provisions that aim to protect children and young people from exploitative working conditions, as well as minimize pressure for children to work to support family income. Article 3(2) of the Fair Work Act 1994 (SA) also gives effect to the Convention by providing that the South Australian Industrial Relations Court and Commission, and other industrial authorities, are to have regard (where relevant) to the provisions of Convention No. 182, which is contained in Schedule 9 of the Act, in making determinations.
- 334.** In the Northern Territory, article 38(1) and (2) of the new Education Act defines compulsory school age as above 6 years and below the minimum school leaving age (when the child completes year 10 of secondary education or reaches the age of 17 years, whichever is the earlier). Article 163 prohibits the employment of a child of compulsory school age during school hours, or at any time likely to cause the child to be unfit or unable to attend school at the times the child is required to attend school, or unfit or unable to understand instruction provided for the child when attending school.
- 335.** In **Myanmar**, the Government reported that the provisions of the 1951 Factories Act relating to the employment of children have been amended in line with the minimum age specified in Convention No. 138. In the same manner, the provisions of the new Shops and Establishments Act relating to the minimum age for the employment reflect the requirements set out in the Convention.

**336.** In the **United States**, in addition to laws administered by the Department of Labor, the health and safety of all agricultural workers, including young workers, is further protected through the Environmental Protection Agency's (EPA) Agricultural Worker Protection Standard (WPS), which protects persons who work in agricultural areas treated with pesticides from occupational exposure and provides information about avoiding pesticide exposure, what to do in the event of an accidental exposure, and when to stay out of a pesticide-treated area. This standard has been revised to provide increased protections for workers, which take effect in January 2017. Significant among the new protections, under the revised standard, children under age 18 are prohibited from handling pesticides. On 5 August 2015, the EPA issued a proposed rule with revisions intended to help keep our communities safe, protect the environment and reduce risk to those applying restricted use pesticides, by improving the competency of applicators and strengthening requirements for supervision and oversight. The changes are being proposed to help ensure that the riskiest pesticides are used safely, and to help ensure the health and safety of young workers by setting specific age requirements for those who use restricted use pesticides.

## **5. *New initiatives and progress made in advancing this principle and right***

**337.** In **Australia**, child labour is regulated in Victoria through the implementation and enforcement of a permit system. The permit system has been upgraded and is now available online through devices including smart phones, tablets and a range of browsers. This has increased access in remote and regional areas. The application process is constantly monitored and improvements implemented on an ongoing basis. Child labour is monitored and enforced by child employment officers, of which there were 12 as of 22 July 2016.

**338.** In **Myanmar**, labour inspectors trained to identify possible instances of child labour and have been using the checklist jointly developed by UNICEF and the Factories and General Labour Laws Inspection Department in the Ministry of Labour, Immigration and Population. Furthermore, Myanmar organized three events to mark the World Day Against Child Labour, one in Nay Pyi Taw and two in Yangon. These events caught the attention of the key stakeholders who play important roles in the effective abolition of child labour.

**339.** According to the Government of **Indonesia**, data are collected on child labour by gender, region and education level; data of troubled Indonesian migrant workers (TKI) repatriation by gender; and data of human trafficking victims (TPPO) by gender.

**340.** In the **United States**, the Wage and Hour Division (WHD) has continued to conduct statewide or regional initiatives focused on particular industries, such as groceries and restaurants, in which child labour violations tend to be found. As part of these initiatives, the WHD conducted outreach to workers, employers, and community groups, with a particular focus on low-wage and other vulnerable workers to enable them to better recognize potential violations. Pursuant to one such initiative, in January 2016, the WHD identified widespread violations of the minimum wage, overtime and record-keeping requirements of the FLSA in Georgia's restaurant industry. As a result, restaurants are paying a total of US\$2,277,480 in back wages and damages to more than 3,000 employees. The WHD also conducted investigations of particular employers where violations of child labour or other FLSA violations were suspected.

## **6. *Challenges***

**341.** Various reporting States reiterated that many challenges constrain the realization of this principle and right. These include: (i) lack of public awareness, lack of social dialogue and lack of organizational and human capacities of government institutions and social partners

(**Eritrea, India, Myanmar and Somalia**); (ii) traditional and cultural barriers (**India**); (iii) political, economic or social contextual factors (**India, Myanmar and Somalia**); (iv) security situation (**Somalia**); (v) lack of data and analysis on child labour (**Myanmar and Somalia**); and (vi) lack of monitoring, law enforcement and labour inspection to identify child labour (**India and New Zealand**).

**342.** In **Myanmar**, the Government specified the following challenges and difficulties: (a) limited knowledge on child labour among workers, employers and other stakeholders; (b) poverty; (c) low income level of communities; (d) insufficient number of labour inspectors; (e) limited trainings for labour inspectors; and (f) limited cooperation of employers and workers.

**343.** In **Saint Lucia**, the Government indicated that if child labour exists it may be in very clandestine forms; however, the challenge is to identify situations where children are forced into labour.

**344.** In the **United States**, the Government stated that there is a continuing need to educate children, parents and employers about the dangers of child labour and the relevant protective provisions.

## **7. Requests for technical assistance**

**345.** With a view to overcoming the challenges, governments and/or employers' and workers' organizations requested ILO technical support in various areas including: (i) reporting issues (**Somalia**); (ii) support in the ratification process (**Somalia**); (iii) awareness raising, training and capacity building (**Eritrea, India, Somalia**); (iv) strengthening tripartism and social dialogue (**Somalia**); (v) strengthening data collection systems and research (**Eritrea, Somalia and New Zealand**); and (vi) good practices and sharing of experiences (**Eritrea and Somalia**).

## **D. The elimination of discrimination in respect of employment and occupation**

### **1. Ratifications**

**346.** In 2016, **Timor-Leste** ratified the Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). With these new ratifications, a total of 18 countries have yet to ratify Convention No. 100 and/or Convention No. 111 (14 have yet to ratify Convention No. 100 and 13 have yet to ratify Convention No. 111).

**347.** Almost all reporting governments have either expressed or reiterated their intention to ratify one or both of the two Conventions (**Cook Islands and Somalia**) while some others indicated that ratification was still under consideration (**Bahrain, Brunei Darussalam, Oman, Myanmar and United States**).

**348.** In the **United States**, the Government continued to report that the United States is in favour of ratifying Convention No. 111. The ratification process for Convention No. 111 was submitted to the US Senate for advice and consent in 1998.

**349.** In **Japan**, the Government held discussions on ratifying Convention No. 111 at a tripartite consultation meeting on 22 April 2016 and exchanged views with social partners requesting



ratification. However, further study is needed concerning the consistency between Convention No. 111 and national laws and regulations.

**350.** The Government of **Myanmar** reiterated that the process of alignment of its national laws to the requirements of the Conventions was under way. However, the Government had no current plan to ratify Convention No. 100 or Convention No. 111.

**351.** The Government of **Malaysia** reiterated that it does not intend to ratify Convention No. 111. The MTUC reiterated that since Malaysia was a multiracial and multi-religious country, it would be most appropriate for the Government to demonstrate its stand against discrimination by ratifying Convention No. 111, which would prevent the emergence of any extremism in the country.

**352.** Employers' and workers' organizations at national level generally reiterated their support for and commitment to the ratification of Conventions Nos 100 and 111.

## **2. Promotional activities**

**353.** Many governments and employers' and workers' organizations reported that they had undertaken promotional activities (campaign, training and social dialogue) relating to discrimination and equality (**Bahrain, Myanmar and Oman**).

**354.** In **Myanmar**, the Government indicated that the Ministry of Labour, Immigration and Population was holding awareness-raising sessions with employers, jobseekers, technicians and with national and international NGOs to enhance employment opportunities.

## **3. Policy and legal developments**

**355.** In **Japan**, amendment of the Act for the Promotion of Employment for Persons with Disabilities came to force. It prohibits business operators from treating persons with disabilities in an unfair discriminatory manner on the basis of disability in employment, and obligates business operators to take measures by giving reasonable accommodation to remove obstacles that prevent persons with disabilities from carrying out their work in the workplace, insofar as the burden for doing so is not excessive. In March 2016, the amendment of the Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment was amended. Employers shall take necessary measures that prevent supervisors and associates from harassing working women because of pregnancy, childbirth, etc. based on the amended Act.

## **4. New initiatives and progress made in advancing this principle and right**

**356.** In **Japan**, according to the Government, no progress has been made in regard to amending domestic laws towards ratification of Convention No. 111.

## **5. Challenges**

**357.** Challenges indicated by reporting States include: (i) lack of support in the ratification process (**Myanmar and Somalia**); (ii) inadequate legal provisions (**Brunei Darussalam**); (iii) lack of tripartite capacities (**Bahrain, Brunei Darussalam, Malaysia, Myanmar, Oman and Somalia**); (iv) lack of social dialogue (**Brunei Darussalam, Oman and Somalia**); (v) lack of awareness or understanding of Convention No. 100 and/or Convention No. 111 (**Bahrain, Brunei Darussalam, Kenya, Myanmar, Oman and Somalia**);

(vi) unfavourable economic, political, social or cultural factors (**Myanmar and Somalia**); and (vii) lack of practice (**United States**).

## **6. Requests for technical assistance**

**358.** With a view to overcoming the challenges, governments and/or employers' and workers' organizations requested ILO technical support in various areas including: (i) reporting issues (**Marshall Islands and Somalia**); (ii) support in the ratification process (**Myanmar, Japan and Somalia**); and (iii) awareness raising, training and capacity building (**Bahrain, Brunei Darussalam, Indonesia, Malaysia, Marshall Islands, Myanmar, Oman, and Somalia**).

## **III. Conclusions**

**359.** Most reports received under the Annual Review have been rich in terms of content, indicating the interest and commitment of governments and employers' and workers' organizations in many countries to promote and realize the fundamental principles and rights at work and to move, in many cases, towards ratification of the fundamental Conventions. This has been especially the case for the reports received in relation to the Protocol of 2014, which have demonstrated a great deal of thoughtful reflection as to how to best realize the principle of effective and sustained suppression of all forms of forced or compulsory labour through prevention, victim protection and access to remedies and the setting out of measures and specific national and international actions for combating forced labour with special emphasis on trafficking in persons.

**360.** However, the reporting rate for this exercise has fallen markedly, to 70 per cent. This, along with reduced participation on the part of employers' and workers' organizations, appears to be largely due to the significant increase in reports due with the adoption of the report form for the Protocol of 2014 in March 2016. The Office's main challenge for the next review should be to get all first reports on the Protocol in order to allow a global picture and assessment of forced labour based on States' reports.

**361.** Following up on the high-level independent evaluation of the ILO's strategies and actions to promote and realize fundamental principles and rights at work conducted in 2015, and in response to interest expressed in the ratification of one or more fundamental instruments and the Protocol of 2014 in particular, the Office should further intensify its technical assistance in responding to requests formulated by reporting States with a view to overcoming challenges, strengthening tripartite capacities and promoting social dialogue for a better realization of the fundamental principles and rights at work and, in particular, effectively supporting member States in their struggle against the global scourge of trafficking in persons at national, regional, international and multilateral levels.

## **Draft decision**

**362.** *The Governing Body takes note of the information presented under the Annual Review of the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work for the period from October 2015 to 31 December 2016 and decides to:*

*(a) invite the Director-General to further take into account its guidance on key issues and priorities;*

- (b) reiterate its support for the mobilization of resources with regard to further assisting member States in their efforts to respect, promote and realize fundamental principles and rights at work, through universal ratification and action, and in particular to combat the global scourge of forced labour including human trafficking; and*
- (c) hold the next review of the follow up of the Declaration in March 2018.*

## Appendix

### List of reporting States under the Annual Review as at 31 January 2017

#### A. List of States that have not ratified all eight fundamental Conventions and the Conventions not yet ratified by each of them

	Countries	Freedom of association/ collective bargaining	Forced labour	Child labour	Discrimination in employment and occupation
1.	Afghanistan	C.87 and 98	C.29		
2.	Australia			C.138	
3.	Bahrain	C.87 and 98			C.100
4.	Bangladesh			C.138	
5.	Brazil	C.87			
6.	Brunei Darussalam	C.87 and 98	C.29 and 105		C.100 and 111
7.	Canada	C.98			
8.	China	C.87 and 98	C.29 and 105		
9.	Cook Islands	C.87 and 98		C.138 and 182	C.100 and 111
10.	Eritrea			C.182	
11.	Guinea-Bissau	C.87			
12.	India	C.87 and 98		C.138 and 182	
13.	Iran, Islamic Rep. of	C.87 and 98		C.138	
14.	Iraq	C.87			
15.	Japan		C.105		C.111
16.	Jordan	C.87			
17.	Kenya	C.87			
18.	Korea, Rep. of	C.87 and 98	C.29 and 105		
19.	Kuwait				C.100
20.	Lao People's Dem. Rep.	C.87 and 98	C.105		
21.	Lebanon	C.87			
22.	Liberia			C.138	C.100
23.	Malaysia	C.87	C.105		C.111
24.	Marshall Islands	C.87 and 98	C.29 and 105	C.138 and 182	C.100 and 111
25.	Mexico	C.98			
26.	Morocco	C.87			
27.	Myanmar	C.98	C.105	C.138	C.100 and 111
28.	Nepal	C.87			
29.	New Zealand	C.87		C.138	
30.	Oman	C.87 and 98			C.100 and 111
31.	Palau	C.87 and 98	C.29 and 105	C.138 and 182	C.100 and 111
32.	Qatar	C.87 and 98			C.100

	Countries	Freedom of association/ collective bargaining	Forced labour	Child labour	Discrimination in employment and occupation
33.	Saint Lucia			C.138	
34.	Saudi Arabia	C.87 and 98			
35.	Singapore	C.87	C.105		C.111
36.	Somalia			C.138	C.100
37.	South Sudan	C.87			
38.	Sudan	C.87			
39.	Suriname			C.138	C.100 and 111
40.	Thailand	C.87 and 98			C.111
41.	Timor-Leste		C.105	C.138	
42.	Tonga	C.87 and 98	C.29 and 105	C.138 and 182	C.100 and 111
43.	Tuvalu	C.87 and 98	C.29 and 105	C.138 and 182	C.100 and 111
44.	United Arab Emirates	C.87 and 98			
45.	United States	C.87 and 98	C.29	C.138	C.100 and 111
46.	Vanuatu			C.138	
47.	Viet Nam	C.87 and 98	C.105		

## B. List of States that have not ratified the Protocol of 2014 to the Forced Labour Convention

1.	Afghanistan	22.	Brunei Darussalam	43.	Democratic Republic of the Congo	64.	Guinea-Bissau
2.	Albania	23.	Bulgaria	44.	Denmark	65.	Guyana
3.	Algeria	24.	Burkina Faso	45.	Djibouti	66.	Haiti
4.	Angola	25.	Burundi	46.	Dominica	67.	Honduras
5.	Antigua and Barbuda	26.	Cabo Verde	47.	Dominican Republic	68.	Hungary
6.	Armenia	27.	Cambodia	48.	Ecuador	69.	Iceland
7.	Australia	28.	Cameroon	49.	Egypt	70.	India
8.	Austria	29.	Canada	50.	El Salvador	71.	Indonesia
9.	Azerbaijan	30.	Central African Republic	51.	Equatorial Guinea	72.	Iran, Islamic Republic of
10.	Bahamas	31.	Chad	52.	Eritrea	73.	Iraq
11.	Bahrain	32.	Chile	53.	Ethiopia	74.	Ireland
12.	Bangladesh	33.	China	54.	Fiji	75.	Israel
13.	Barbados	34.	Colombia	55.	Gabon	76.	Italy
14.	Belarus	35.	Comoros	56.	Gambia	77.	Jamaica
15.	Belgium	36.	Congo	57.	Georgia	78.	Japan
16.	Belize	37.	Cook Islands	58.	Germany	79.	Jordan
17.	Benin	38.	Costa Rica	59.	Ghana	80.	Kazakhstan
18.	Bolivia, Plurinational State of	39.	Côte d'Ivoire	60.	Greece	81.	Kenya
19.	Bosnia and Herzegovina	40.	Croatia	61.	Grenada	82.	Kiribati
20.	Botswana	41.	Cuba	62.	Guatemala	83.	Korea, Republic of
21.	Brazil	42.	Cyprus	63.	Guinea	84.	Kuwait

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85.	Kyrgyzstan	108.	Namibia	131.	San Marino	154.	Tanzania, United Rep. of
86.	Lao PDR	109.	Nepal	132.	Sao Tome and Principe	155.	Thailand
87.	Latvia	110.	Netherlands	133.	Saudi Arabia	156.	the FYR of Macedonia
88.	Lebanon	111.	New Zealand	134.	Senegal	157.	Timor-Leste
89.	Lesotho	112.	Nicaragua	135.	Serbia	158.	Togo
90.	Liberia	113.	Nigeria	136.	Seychelles	159.	Tonga
91.	Libya	114.	Oman	137.	Sierra Leone	160.	Trinidad and Tobago
92.	Lithuania	115.	Pakistan	138.	Singapore	161.	Tunisia
93.	Luxembourg	116.	Palau	139.	Slovakia	162.	Turkey
94.	Madagascar	117.	Papua New Guinea	140.	Slovenia	163.	Turkmenistan
95.	Malawi	118.	Paraguay	141.	Solomon Islands	164.	Tuvalu
96.	Malaysia	119.	Peru	142.	Somalia	165.	Uganda
97.	Maldives, Republic of	120.	Philippines	143.	South Africa	166.	Ukraine
98.	Malta	121.	Poland	144.	South Sudan	167.	United Arab Emirates
99.	Marshall Islands	122.	Portugal	145.	Spain	168.	United States
100.	Mauritius	123.	Qatar	146.	Sri Lanka	169.	Uruguay
101.	Mexico	124.	Romania	147.	Sudan	170.	Uzbekistan
102.	Moldova, Republic of	125.	Russian Federation	148.	Suriname	171.	Vanuatu
103.	Mongolia	126.	Rwanda	149.	Swaziland	172.	Venezuela, Bolivarian Republic of
104.	Montenegro	127.	Saint Kitts and Nevis	150.	Sweden	173.	Viet Nam
105.	Morocco	128.	Saint Lucia	151.	Switzerland	174.	Yemen
106.	Mozambique	129.	Saint Vincent and the Grenadines	152.	Syrian Arab Republic	175.	Zambia
107.	Myanmar	130.	Samoa	153.	Tajikistan	176.	Zimbabwe

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