



THIRD ITEM ON THE AGENDA

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

Part I

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

1. The Annex to the ILO Declaration on Fundamental Principles and Rights at Work provides for reports to be requested annually of member States under article 19, paragraph 5(e), of the ILO Constitution. The Office is responsible for preparing a compilation of the reports. Paragraph II.B.3 of the Annex states: “With a view to presenting an introduction to the reports so compiled, drawing attention to any aspects which might call for a more in-depth discussion, the Office may call upon a group of experts appointed for this purpose by the Governing Body.” At its 274th Session (March 1999) the Governing Body decided to set up such a group of experts, composed of seven Expert-Advisers, whom it appointed at its 276th Session (November 1999). The Governing Body assigned to them the responsibility, in line with the objectives of the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work as set out in the Annex to the Declaration, for –
 - (a) examining the information compiled by the Office on the basis of the replies from Members that have not ratified the relevant Conventions to the report forms sent by the Office in accordance with article 19, paragraph 5(e), of the Constitution, as well as any comments on those replies made in accordance with article 23 of the Constitution and established practice;
 - (b) presenting to the Governing Body an introduction to the compilation based on those reports, drawing its attention to aspects that seem to call for more in-depth discussion;

- (c) proposing to the Governing Body, for discussion and decision, any adjustments that they think desirable to the report forms.¹
2. The annual reports and related comments of employers' and workers' organizations, compiled by the Office in accordance with established practice, were accordingly submitted to the Group of Expert-Advisers, who met from 29 January to 2 February 2001. The 2001 compilation,² and the attached Introduction prepared by the Expert-Advisers are submitted for review by the Governing Body.
3. In paragraphs 30 to 33 of their Introduction, the Expert-Advisers make a number of recommendations for consideration by the Governing Body.
4. *The Governing Body may wish to examine the attached Introduction by the Expert-Advisers and the compilation of annual reports, and to take the appropriate decisions on the recommendations in paragraphs 30 to 33 of the Introduction.*

Geneva, 14 February 2001.

Point for decision: Paragraph 4.

¹ Governing Body, Minutes of the 274th Session, sixth sitting.

² GB.280/3/2.

**Review of annual reports under the follow-up to the ILO
Declaration on Fundamental Principles and Rights at Work, 2001**

Part I

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

Contents

| | <i>Page</i> |
|---|-------------|
| A. Opening comments by the Expert-Advisers | 1 |
| B. Expert-Advisers' recommendations | 6 |
| C. Experience with reporting under the Declaration follow-up | 8 |
| D. The role of employers' and workers' organizations | 10 |
| E. Ratification efforts | 12 |
| Intentions to ratify | 12 |
| F. Other issues related to reporting | 13 |
| Relations with regional and international institutions | 14 |
| Role of government agencies, NGOs and religious groups | 15 |
| Countries' identification of areas for action | 15 |
| G. Technical cooperation needs..... | 16 |
| H. Highlights regarding the four categories of principles and rights..... | 17 |
| 1. Freedom of association and the effective recognition of the right to collective bargaining | 17 |
| 2. The elimination of all forms of forced or compulsory labour | 20 |
| 3. The effective abolition of child labour | 22 |
| 4. The elimination of discrimination in respect of employment and occupation | 26 |
| I. Concluding remarks..... | 28 |

Annexes

| | |
|--|----|
| Annex 1. ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up..... | 29 |
| Annex 2. Flow chart of the follow-up reporting procedure | 33 |
| Annex 3. ILO Declaration Expert-Advisers (including brief biographies)..... | 34 |
| Annex 4. Information from reports | 36 |

A. Opening comments by the Expert-Advisers¹

1. **Shared values.** The ILO Declaration on Fundamental Principles and Rights at Work reflects shared values across the international community. These principles and rights speak to the aspirations of people in a globalizing world that deepens existing inequalities and insecurities and creates new ones. They touch on basic freedoms that make us human.
2. Less than three years after adoption of the Declaration, the principles and rights it contains are being echoed from the international arena to the enterprise level. Multilateral institutions, regional groupings, national governments, employers' and workers' organizations, non-governmental organizations and private companies have all used the Declaration as a point of reference for their action. In the words of the OECD, the Declaration constituted "a key milestone".²
3. **A turning point.** Adoption of the Declaration and its follow-up in June 1998 marked a turning point. Following on from decisions taken by Heads of State at the Copenhagen Social Summit in 1995, the Declaration first defined these fundamental principles and rights at work:
 - (a) freedom of association and effective recognition of the right to collective bargaining;
 - (b) the elimination of all forms of forced or compulsory labour;
 - (c) the effective abolition of child labour;
 - (d) the elimination of discrimination in employment and occupation.
4. The Declaration reaffirmed that respect for these principles and rights at work is inherent in ILO membership, even if countries have not yet ratified the Conventions in question,³ and pledged the International Labour Organization to assist its member States in achieving respect for them.
5. **The stages of the promotional follow-up.** The mutual pledges in the Declaration are accompanied by a follow-up that serves to bring different interest groups together towards a common goal. The follow-up is to be promotional, meaningful and effective. Its purpose is to encourage the efforts made by member States to promote the fundamental principles and rights at work, and to permit technical cooperation needs to be identified.

¹ The Expert-Advisers met in Geneva from 29 January to 2 February 2001. Nominated in their personal capacities by the Governing Body in November 2000, they are Ms. N. Confesor (who was elected Chairperson for the session), Mr. A. El Borai, Ms. M. Ladó, Ms. N. Lustig, who was unable to attend, Mr. J.-J. Oechslin, Ms. Z. Tembo, and Mr. Bob White (who was elected Reporter for the session). They are guided by duties of independence, objectivity and impartiality. The biographies of the independent Expert-Advisers appear in GB.280/3/1, Annex 3.

² OECD: *International trade and core labour standards* (Paris, 2000), p. 9. The OECD took the principles and rights in the Declaration as a point of departure when it revised the Guidelines for Multinational Enterprises at the OECD Ministerial Meeting on 27 June 2000.

³ These are the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182).

-
6. The ILO Declaration Expert-Advisers' review of the compilation of Declaration reports and comments is the first link in the follow-up chain.⁴ The next links are consideration by the Governing Body of aspects which might call for a more in-depth discussion, the global reports and their consideration by the International Labour Conference, plans of action for technical cooperation determined by the Governing Body, and finally technical cooperation in support of countries' efforts to respect fundamental principles and rights at work (see flow chart of the Declaration follow-up in Annex 2).
 7. Each of these stages is permeated by a promotional spirit and a desire to encourage positive efforts. The Declaration and its follow-up offers us a new discourse and a new space for rights-based development. Together, the fundamental principles and rights at work create a framework for sustainable development.
 8. **Complementary nature of the Declaration follow-up to established supervisory mechanisms.** The Declaration follow-up is not a substitute for the established supervisory mechanisms,⁵ nor shall it impede their functioning. In this spirit, specific situations within the purview of the established mechanisms are not to be examined or re-examined within the framework of the follow-up. While a few government reports have referred to these mechanisms where they see the information as being relevant to the promotion of the Declaration, the Expert-Advisers emphasize that the follow-up should in no way be viewed as double scrutiny. It is important to maintain a complementary but distinct approach between the Declaration follow-up and established supervisory mechanisms. Allegations regarding violations of freedom of association and effective recognition of the right to collective bargaining can be examined by the Governing Body Committee on Freedom of Association even when a country has not ratified the pertinent Conventions. This does not give rise to double scrutiny since the mandates of the Expert-Advisers and of that Committee are entirely different in nature.
 9. **Mixed results.** The follow-up is now into its second year. While the annual review is still relatively new and a year is a short period for detecting changes, it is not too soon to expect some good results. Like last year, we are pleased to be able to highlight many positive examples of the efforts countries are making.
 10. Recognition of a problem is the first step to remedying it, and there are signs that this is occurring in many countries. Nepal is a case in point: in 1999 the Government mentioned in a Declaration report the existence of bonded labour in part of its territory and a year later, an ILO technical cooperation project is starting to tackle the problem. This swift assistance in response to a government's show of political will is exactly what the Declaration follow-up is all about.

⁴ The mandate of the ILO Declaration Expert-Advisers is to examine the information compiled by the International Labour Office on the basis of the replies and comments received, to present an introduction to the compilation based on those reports, calling attention to aspects that seem to call for more in-depth discussion, and to propose to the Governing Body any adjustments that the Expert-Advisers think desirable to the report forms (see GB.276/3 (Nov. 1999), para. 2, and GB.274/2 (Mar. 1999). They adopted standing rules of procedure at their current session.

⁵ For more complete information on these and other procedures, see ILO: Handbook on procedures concerning international labour Conventions and Recommendations, Rev. 2/1998; Report of the Committee of Experts on the Application of Conventions and Recommendations, International Labour Conference, 88th Session, 2000, Report III (Part 1A), General Report, 1999; and additional information about standards on the ILO website. The phrase "established supervisory mechanisms" refers primarily to those in place for examining reports under articles 19 and 22 of the ILO Constitution by the Committee of Experts on the Application of Conventions and Recommendations (CEACR), the ILO Governing Body Committee on Freedom of Association, and procedures which may be invoked under articles 24 and 26 of the ILO Constitution.

-
11. Awareness of problems has been shown in relation to all of the categories of principles and rights. For example, reports from a number of countries reveal wide recognition of the existence of discrimination on the basis of sex in employment and occupation. Several reports relating to discrimination, forced labour and child labour evidence awareness of the need to grasp the dimension of the phenomena within countries and to improve data as a sound basis for policy-making.
 12. Unfortunately, not all developments have been positive, and we have indicated situations in which we believe greater efforts are required. The information provided in both the reports and comments by employers' and workers' organizations was helpful in pointing out the necessity of such efforts. A number of governments do not seem to have appreciated that promotion of the principles and rights at work will imply serious changes in legislation and practice. We have urged governments to seek assistance from the ILO in identifying the obstacles that remain to achieving respect for the fundamental principles and rights at work, and in finding ways to overcome those obstacles.
 13. **Interlinkages of the four fundamental principles and rights at work.** The four categories of principles and rights at work encompassed in the Declaration form a mutually reinforcing package. The non-respect for one principle or right can have serious repercussions on the effectiveness of measures taken with regard to respect for the others. Indeed, non-respect for freedom of association and effective recognition of the right to collective bargaining makes it impossible to make progress in relation to the other fundamental principles and rights. Government reports have pointed to the link between respect for the principle of elimination of all forms of forced or compulsory labour and the effective abolition of child labour.
 14. Of particular concern are non-recognition or non-respect of the principles regarding freedom of association and collective bargaining, and the persistent use of forced labour as a means of punishing the expression of political views or trade union activities. We encourage a dialogue between the Governing Body and the countries in which these practices continue. We are of the strong conviction that unless workers and employers are free to join and establish organizations of their own choosing, without interference, there can be no true collective bargaining or social dialogue. Thus we encourage countries to abandon the imposition of single trade union structures.
 15. **Improved reporting rate.** The trend on reporting has been encouraging, with an increased rate of replies this year (67 per cent overall). Of the 52 member States that did not provide timely reports for the initial review, 32 have now provided reports and/or ratified the relevant fundamental Conventions. These positive developments were tempered, however, by our concern over the 20 countries that have now twice failed to report. While the rate of reporting has improved, it is still not satisfactory. In addition to being an obligation under article 19(5)(e) of the ILO Constitution, reporting under the Declaration affords countries an opportunity to identify their own baselines, against which they can measure future progress. It is a process that can stimulate social dialogue and examination of specific needs in relation to technical cooperation. A country's size and level of development provide no excuse for not reporting, since small States with low per capita incomes and even States affected by armed conflict have replied under the Declaration follow-up. Our concern over the fact that 20 States still owe initial reports⁶ has led us to recommend to the ILO Governing Body some initiatives aimed at involving them in the follow-up.
 16. **More participation by employers' and workers' organizations.** Also on the positive side, there were more comments made by employers' and workers' organizations this year,

⁶ No reports were requested of Somalia or Yugoslavia for the 2001 annual review.

and they generally reflected an understanding of the promotional nature of the follow-up. Significantly, these comments in a number of cases appear to have encouraged the government concerned to provide information under the Declaration follow-up for the first time. This has been an important spur to beginning a dialogue.

- 17. Improving the information base: New report forms.** The information provided in the reports remains scanty and rather general in many cases. This situation and an examination of the current forms led us to propose adjustments to them, a suggestion which the Governing Body endorsed last year.⁷ The purposes of the revision would be to make the questions clearer and more precise, add a gender dimension and include questions relevant to the worst forms of child labour.⁸ The new forms would also facilitate the identification of obstacles to respecting fundamental principles and rights at work, as well as technical cooperation needs that might address them. While stimulating social dialogue within the reporting process, the proposed new forms could serve as inspiration for thinking about various measures that could be taken to promote the fundamental principles and rights at work. The new forms being prepared by the Office, in line with suggestions we have made upon reviewing drafts, are intended to elicit more useful information that can serve as a basis for countries to chart their own progress in relation to fundamental principles and rights at work.
- 18. Intentions to ratify.** The intention stated by a number of countries to ratify one or more of the fundamental Conventions is a most encouraging sign. Information provided in relation to the ratification campaign undertaken for these Conventions⁹ and/or in government reports under the Declaration follow-up has often clarified the precise stage that has been reached in relation to the ratification process. However, a statement of intention to ratify cannot take the place of a full report on efforts made to respect the principles and rights under the Declaration follow-up. Ratification is a lengthy process in many countries. In the meantime, reporting under the Declaration follow-up provides an opportunity for a country to take stock of where it stands in relation to the principle in question, and what it would have to do, in case of ratification, to meet the obligations of the pertinent Convention.
- 19. Promotional efforts needed in all countries.** Promotional efforts related to the Declaration are being undertaken by many different actors – fittingly so, since respect for these principles and rights is the business of the entire world community. We encourage all countries, whether they are directly concerned by the Declaration follow-up or not, to popularize the Declaration and promote the fundamental principles and rights at work as part of national policy.
- 20. No exclusions from fundamental principles and rights.** There can be no exclusions from the fundamental principles and rights enshrined in the Declaration. Their exercise cannot depend upon belonging to a particular status, category or sector. Moreover, the groups most vulnerable to being denied one set of rights – children, migrant workers, ethnic minorities, women – can be similarly at risk of denial of others. Socio-economic conditions

⁷ The report forms used for the first two annual reviews were approved by the Governing Body at its 274th Session (Mar. 1999), GB.274/2; the recommendation of the Expert-Advisers to change the forms was endorsed at the 277th Session (Mar. 2000).

⁸ Since the Worst Forms of Child Labour Convention, 1999 (No. 182), was not yet in force when the original report form on the effective abolition of child labour was drawn up, it does not take into account this dimension.

⁹ Each November, the Committee on Legal Issues and International Labour Standards of the Governing Body reviews a report on progress made in the campaign for ratification of the fundamental Conventions. The most recent report was GB.LILS/279/4 (Nov. 2000).

can make the circumstances for promoting fundamental principles and rights at work differ, but the principles and rights themselves are immutable and universal.

- 21. A guide for new situations.** The Declaration principles are so basic that they can provide guidance in dealing with newly recognized situations. For instance, the principle of non-discrimination is being used by countries to address new types of inequalities they are encountering. The recent explosion of trafficking in persons constitutes a case in point for the principle of the elimination of all forms of forced or compulsory labour.
- 22. Greater interaction.** As Expert-Advisers, we are mindful of the challenge of engaging countries all over the world truly to promote the fundamental principles and rights at work in practice. We are convinced that, with dialogue and understanding involving the social partners, this can be accomplished. In an increasingly globalized world, where States have a declining ability to drive economic and social forces, the national and international community, with the involvement of employers' and workers' organizations, have a key role to play in promoting fundamental principles and rights at work. Greater interaction to raise awareness about them will enhance commitment across the board.
- 23. Recommendations made last year.** The Expert-Advisers briefly considered what effect had been given to the recommendations they made last year (GB.277/3/1, paragraphs 22-25), which were endorsed by the Governing Body at its March 2000 session.¹⁰ Follow-up given to a number of them is highlighted in this report.
- 24. Recommendations addressed to the International Labour Office through the Governing Body.** The Office has been able to mobilize considerable extra-budgetary support from several governments and the UNDP, for which the Expert-Advisers express their appreciation. Further governments have been approached. Cooperation regarding fundamental principles and rights has been strengthened with, for example, the World Bank, the Asian Development Bank, the United Nations – notably in the context of the Global Compact – and the Organisation for Economic Cooperation and Development, as well as the Organization of American States.
- 25.** The Office has carried out a number of awareness-raising exercises, some of which governments reported on during the current reporting period. The Office also mentioned the January 2001 seminar in Jakarta, Indonesia, involving trade unions from countries belonging to the Association of South-East Asian Nations (ASEAN). A parallel exercise in favour of employers in the near future would appear to be warranted.
- 26.** Technical cooperation activities are under way in seven African, five Asian, two European and 22 Central American and Caribbean countries or territories. The Expert-Advisers were informed of several further projects under preparation. The Expert-Advisers are pleased with the growing technical cooperation under the auspices of the Declaration but appeal for willingness to enter into more partnerships and fresh funding.
- 27. Recommendations addressed to the Governing Body.** The Expert-Advisers are grateful that their meeting has been extended by one day. We still encounter practical difficulties, as does the Office, in discharging our mandate thoroughly and effectively in five consecutive days, due to the voluminous documentation to be processed and reviewed.
- 28.** The Expert-Advisers wish to express their appreciation to the Governing Body for accepting the recommendations set out in the introduction of last year.

¹⁰ Record of Decisions, 277th Session of the Governing Body (Mar. 2000), paras. 6-9.

29. The points raised in this Introduction by the ILO Declaration Expert-Advisers are, consistent with our mandate, aimed at identifying aspects of the reports received which might call for more in-depth discussion, with a view to encouraging efforts to promote respect for the fundamental principles and rights at work.¹¹

B. Expert-Advisers' recommendations

30. The Expert-Advisers recommend to the Governing Body that:

- (a) it approve revised report forms that make the adjustments set out in this report (paragraph 17), for use by the Office beginning with the 2001 reporting cycle;
- (b) during its review of the reports compiled by the Office, it engage in a more in-depth discussion of certain aspects of this Introduction, intended in particular to:
 - (i) initiate a dialogue with the 20 governments that have not yet provided any reports owed under the Declaration follow-up (Afghanistan, Antigua and Barbuda, Armenia, Bosnia and Herzegovina,¹² Equatorial Guinea, Fiji, Grenada, Kazakhstan, Kiribati, Lao People's Democratic Republic, Mongolia, Oman, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Sierra Leone, Solomon Islands, Swaziland, The former Yugoslav Republic of Macedonia, Uzbekistan);
 - (ii) request further information from the Governments of Bahrain, Oman, Qatar, Saudi Arabia and the United Arab Emirates in relation to efforts made to promote the principle of freedom of association and effective recognition of the right to collective bargaining (paragraph 77); and
 - (iii) request further information from the Government of China in relation to efforts made to promote the principle of the elimination of all forms of forced or compulsory labour (paragraph 85);
- (c) it consider extending by one day the meeting of Expert-Advisers to enable them to examine thoroughly the volume of information involved.

31. The Expert-Advisers further recommend that the Governing Body request the International Labour Office to:

- (a) give priority to countries that have not yet engaged in the process of their obligation under article 19(5)(e) of the ILO Constitution to report under the Declaration follow-up;
- (b) offer to all countries that have encountered problems in the realization of the fundamental principles and rights at work, assistance in overcoming the problems, including the countries referred to in paragraph 30(b)(ii) and (iii);
- (c) effectively mainstream the fundamental principles and rights at work into all relevant facets of its work;

¹¹ Neither the Expert-Advisers nor the Office can attest to the accuracy of the information that has been provided in the reports and comments. In addition, the examples given in this Introduction are illustrative rather than exhaustive.

¹² Ratification by Bosnia and Herzegovina of the Abolition of Forced Labour Convention, 1957 (No. 105), was registered on 15 November 2000, i.e. after the cut-off date for the compilation. Reports for other categories were not due under the follow-up for this country.

-
- (d) send the revised report forms as quickly as possible to all member States which owe reports under the Declaration follow-up, with a request that all provide full reports;
 - (e) make particular efforts to supply information on the effective abolition of child labour (including the worst forms of child labour) and on the elimination of discrimination in employment and occupation, in view of upcoming global reports on these subjects;
 - (f) assist those countries as well as others that request assistance so that they can provide a good baseline of information on which the country can build;
 - (g) continue to mobilize internal and extra-budgetary resources to meet countries' needs in relation to the realization of the fundamental principles and rights at work;
 - (h) use innovative approaches to respond to as many requests as possible for technical cooperation that is aimed at ensuring respect, promotion and realization of the fundamental principles and rights at work;
 - (i) continue to strengthen links with intergovernmental organizations and development institutions at the regional and international level and encourage coordinated efforts in this direction by bilateral and multilateral actors, with the goal of promoting respect for the principles and rights in the Declaration;
 - (j) redouble its efforts to raise awareness about the Declaration in all countries among a variety of target audiences and to undertake advocacy to popularize the Declaration;
 - (k) enhance its own research efforts and encourage other researchers to examine more closely the linkages among the four categories of fundamental principles and rights at work as well as between them and broader development issues;
 - (l) disseminate information on the lessons that can be drawn from regional integration groups that are making strides in promoting fundamental principles and rights at work.

32. The Expert-Advisers recommend that the Governing Body call upon governments to:

- (a) meet their constitutional obligations in relation to reporting under the Declaration follow-up, where they have not yet ratified all the fundamental ILO Conventions;
- (b) use the reporting process as a means of promoting social dialogue, in particular by involving the social partners in preparing their reports under the follow-up;
- (c) use the revised report forms to provide a fuller picture of the baseline from which each reporting country is moving forward;
- (d) improve their statistical baselines where they can be useful in promoting respect for the fundamental principles and rights at work;
- (e) undertake studies and surveys to gain a clearer picture of the situation in their countries regarding respect for fundamental principles and rights at work, especially as regards the hidden sectors of the economy and phenomena that are increasing in importance, such as trafficking that involves forced labour;
- (f) provide information and work closely with the ILO in overcoming barriers to the promotional follow-up under the Declaration, which is distinct from the supervisory mechanisms;
- (g) work in close collaboration with the ILO to promote the Declaration by various means, including promotional initiatives undertaken with the social partners and, in the case of donor countries, the provision of support for technical cooperation designed to promote respect for the fundamental principles and rights at work.

33. Finally, the Expert-Advisers recommend that the Governing Body call upon employers' and workers' organizations at the national, regional and international levels to participate more actively in the follow-up and to use the Declaration and its follow-up in line with a promotional spirit.

C. Experience with reporting under the Declaration follow-up

34. **The fundamental Conventions.** At the time the Declaration was adopted, the fundamental Conventions were the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Minimum Age Convention, 1973 (No. 138). Now these original seven have been joined by the Worst Forms of Child Labour Convention, 1999 (No. 182), adopted unanimously at the 87th Session of the International Labour Conference,¹³ which entered into force on 19 November 2000. The information provided by governments on matters related to ratification, policies and practices with regard to Convention No. 182 will provide background for the Director-General's Global Report on the effective abolition of child labour, to be submitted to the International Labour Conference in 2002. However, since the principles embodied in Convention No. 182 were not covered by the Declaration follow-up for the second review, this information is not reflected in the compilation or in this Introduction.

35. **Reporting rate.** The deadline set by the Governing Body for the submission of reports was 1 September 2000. In order to accommodate a number of reports which arrived after that date, the Office took into account all reports received up to 31 December 2000. The reference date for considering the status of ratification of fundamental Conventions and for deciding on the inclusion of reports in this year's review was 1 November 2000. Therefore countries which had not ratified the relevant fundamental Conventions relating to the different principles by that date were considered as owing reports. The Expert-Advisers note with appreciation the considerable efforts that were made by a number of governments to submit first reports either for some or all of the categories of principles and rights for which reports were due. Some governments provided information in respect to comments made by employers' or workers' organizations even though they had not submitted a report initially. This shows one aspect of the added value of such comments.

Table 1. Government annual reports due/received, for annual review 2001

| Category | Number due | Number received | Per cent received |
|--|------------|-----------------|-------------------|
| Freedom of association/collective bargaining | 47 | 33 | 70 |
| Forced labour | 36 | 19 | 53 |
| Child labour | 72 | 49 | 68 |
| Discrimination | 38 | 28 | 74 |
| Overall | 193 | 129 | 67 |

The Expert-Advisers were encouraged that the overall reporting rate of 67 per cent (see table 1) showed an increase over that of the precedent year (56 per cent). Nonetheless, one-

¹³ See International Labour Conference, 87th Session, 1999, *Provisional Records*, Nos. 19 and 27, and 86th Session, 1998, Nos. 20 and 22.

third of the governments that owed reports did not send any communication under the Declaration follow-up. This is not acceptable. The Expert-Advisers wish to encourage these countries to do their utmost to provide this information in the future.

- 36.** Governments were requested to provide either a first report or an update of their first report. Several governments have not responded, as illustrated, per category, in table 2.

Table 2. Governments owing reports – first and/or updates – which were not received for the annual review 2001 – per category of principles

| First report not received | Update not received | First report not received | Update not received |
|---|---------------------|--|---------------------|
| Freedom of association and collective bargaining | | Effective abolition of child labour | |
| Afghanistan | Angola | Afghanistan | Angola |
| Armenia | Gambia* | Armenia | Cape Verde** |
| Equatorial Guinea | Guinea-Bissau | Fiji | Czech Republic |
| Fiji | | Gabon | Gambia* |
| Kazakhstan | | Grenada | Guinea-Bissau |
| Kiribati (joined ILO after annual review 2000) | | Kazakhstan | Latvia |
| Lao People's Democratic Republic | | Kiribati | Nigeria |
| Myanmar | | Lao People's Democratic Republic | |
| Saint Vincent and the Grenadines | | Mongolia | |
| Solomon Islands | | Saint Lucia | |
| Uzbekistan | | Saint Vincent and the Grenadines | |
| | | Sao Tome and Principe | |
| Forced or compulsory labour | | Sierra Leone | |
| Afghanistan | Bolivia | Solomon Islands | |
| Armenia | China | Swaziland | |
| Bosnia and Herzegovina ¹ | Gambia* | Uzbekistan | |
| Equatorial Guinea | Latvia | | |
| Kazakhstan | | Elimination of discrimination | |
| Kiribati | | Antigua and Barbuda | Gambia** |
| Lao People's Democratic Republic | | Equatorial Guinea | Nigeria |
| Mongolia | | Fiji | |
| Myanmar | | Kazakhstan | |
| Oman | | Kiribati | |
| Sao Tome and Principe | | Lao People's Democratic Republic | |
| Solomon Islands | | Saint Vincent and the Grenadines | |
| The former Yugoslav Republic of Macedonia | | Solomon Islands | |

* Report and notification of registration of ratification received after the Expert-Advisers' meeting.

** Report received after the Expert-Advisers' meeting.

¹ Ratification by Bosnia and Herzegovina of the Abolition of Forced Labour Convention, 1957 (No. 105), was registered on 15 November 2000, i.e. after the cut-off date for the compilation.

Note: No report was requested of Yugoslavia in line with ILO practice under United Nations resolutions applicable at the time. No report was requested of Somalia as official communications are interrupted.

- 37. Statistics provided.** A number of governments appended statistics to their reports. For the governments concerned, these data can provide useful benchmarks against which they can chart their own future progress. For other countries, they can serve to demonstrate the utility of data that can be collected with sufficient resources. However, the dearth of statistics is striking. A great many reports acknowledged a major need for accurate, timely and relevant statistics. For the purpose of analysis, statistics from other official sources, i.e. international organizations, were provided to the Expert-Advisers by the Office to complement the assessment of the factual situation.

- 38. Assistance to governments in preparing reports.** At the end of the annual review for 2000, the Expert-Advisers recommended that the ILO "increase assistance to governments in the preparation of reports, to improve their content so as to provide a more

comprehensive analysis of the current situation and to identify technical cooperation needs” (GB.277/3/1, paragraph 22(6)). The ILO’s multidisciplinary advisory teams (MDTs) in different regions made considerable efforts to provide such assistance to governments. Several missions were carried out by the MDT specialists to explain the requirements for reporting under the Declaration, and to provide advice on the content of reports. The ILO area offices carried out activities to encourage governments of the countries which they cover to report. Some of these activities were undertaken with the support of the InFocus Programme on Promoting the Declaration. Special attention was paid to those member States that had not reported in the first round and those that have ratified four or fewer of the fundamental ILO Conventions. The number of first reports received from governments, the noticeable attempt they made to provide additional information (e.g. social and economic statistics, texts of laws and policy documents), and the identification of priorities for technical cooperation, attest to the positive impact of these initiatives.

D. The role of employers’ and workers’ organizations

- 39.** The level of participation of employers’ and workers’ organizations was greater during this second reporting cycle, and the Expert-Advisers hope that it will continue to increase. Some categories of principles and rights have attracted a higher percentage of comments. Forced labour elicited the largest number of comments from the social partners, followed in decreasing order by freedom of association and discrimination, with child labour lagging far behind this year. Importantly, the presence of employer or workers’ comments stimulated reports or the provision of additional information from governments in a number of cases.
- 40.** As in the previous exercise, some countries drafted their reports in consultation with employers’ and workers’ organizations (e.g. Bangladesh, Cameroon, Comoros, Kenya, Saint Kitts and Nevis, Sudan, United States). In certain countries (e.g. the Democratic Republic of the Congo and Sudan), the social partners were present at tripartite workshops during which the replies were drafted. More commonly, however, governments stated that they had sent their reports to the social partners for their comments. Several governments (e.g. Ethiopia, Philippines, Qatar, Ukraine) stated that they had sent their first reports to the social partners and incorporated the comments they received, but they did not do so for the updated reports submitted this year. The brevity of some of the reports no doubt explains this situation, which is nonetheless regrettable. Finally, some reports stated that employers’ and workers’ organizations were involved in preparing legislative reforms or implementing national policies, especially those concerning child labour (e.g. Bahamas, Colombia, Côte d’Ivoire, Jamaica).
- 41.** As regards freedom of association and the effective recognition of the right to collective bargaining, of the 33 countries whose governments submitted reports, the Office received separate comments from several national employers’ and workers’ organizations (e.g. Brazil, El Salvador, Mauritius, New Zealand). To these should be added the observations of the International Confederation of Free Trade Unions (ICFTU) in relation to efforts made by 24 countries, including four whose governments did not send a report (Equatorial Guinea, Fiji, Lao People’s Democratic Republic, Myanmar).
- 42.** In the category of forced labour, in addition to 19 government reports, the Office received comments from an employers’ organization of Japan, and workers’ organizations of Japan and Madagascar. Furthermore, there were observations from the ICFTU in relation to efforts made by 13 countries, including three for which the governments did not send reports (Bolivia, China, Solomon Islands). The World Confederation of Labour (WCL) sent comments in relation to two countries (Madagascar and Sri Lanka).

-
43. The effective abolition of child labour, which is the category of fundamental principles and rights for which the largest number of reports were due, elicited the lowest number of observations from employers' and workers' organizations. However, in many countries these organizations are closely involved in efforts aimed at ratification of the relevant Conventions. While the Office received 49 government reports, only two national employers' organizations (those of Brazil and New Zealand) and five workers' organizations (those of Brazil, Cameroon, Côte d'Ivoire, New Zealand, Pakistan) sent separate observations. The ICFTU submitted comments dealing mainly with the worst forms of child labour, falling outside the scope of this year's review. The WCL sent observations in relation to five countries.
44. Finally, as regards the elimination of discrimination in respect of employment and occupation, the Office received 28 government reports and comments from one national employers' organization (Mauritius) and two workers' organizations (Japan, Mauritius), as well as from the ICFTU on eight countries, including two (Nigeria and Solomon Islands) for which governments did not submit a report. The WCL communicated its observations on three countries' efforts to respect this principle (Democratic Republic of the Congo, Mauritius, Thailand).
45. At their first meeting, the ILO Declaration Expert-Advisers expressed their disappointment at the weak contribution made by employers' and workers' organizations. To encourage a higher level of participation on their part, the Office sent them report forms and a covering letter explaining the process. This may have helped increase the number of reports received from national employers' and workers' organizations. Some organizations addressed their replies to their governments, which stated that they had incorporated them in their reports (e.g. those of Bahamas, Cameroon, Comoros, Kenya, Mexico, Syrian Arab Republic, United States), while others have sent observations or reports directly to the Office (e.g. organizations from Bangladesh, Benin, Côte d'Ivoire, Gabon, India, Madagascar, Pakistan). The report from the Government of Cameroon was drafted in collaboration with the social partners. In Sudan, employers' and workers' organizations participated in a tripartite workshop at which the Government's report was discussed.
46. As pointed out in the previous annual review, international employers' and workers' organizations have a valuable contribution to make to the follow-up, especially in situations where national organizations are not able to express their opinions freely in relation to the efforts made by their countries with regard to the respect, promotion and realization of fundamental principles and rights at work. While no international organization of employers sent comments to the Office, the International Organization of Employers brought the opportunity to do so to the attention of its affiliates. The ICFTU sent observations on 35 countries concerning efforts made in relation to three categories of principles: 24 on freedom of association and effective recognition of the right to collective bargaining, 13 on forced labour and 8 on the elimination of discrimination in respect of employment and occupation.¹⁴ This year the WCL sent observations on nine countries concerning three categories of principles, whether in the form of comments forwarded from its affiliates, joint comments or its own comments. Observations from international workers' organizations provided information in relation to efforts being made by eight countries (Bolivia, China, Equatorial Guinea, Fiji, Gabon, Myanmar, Nigeria, United Arab Emirates) from which the Office had received no government report on the relevant category of fundamental principles and rights. Two of these countries (Gabon and United Arab Emirates) sent comments on the workers' observations.

¹⁴ For some countries the ICFTU's observations covered more than one category of principles and rights.

47. The participation of employers' and workers' organizations in the reporting process has been improved by initiatives taken by the ILO area offices and multidisciplinary advisory teams, whose work in the regions has been remarkable. The revision of the report forms, in accordance with the decision taken by the Governing Body in March 2000, inter alia, to incorporate the principles and rights in the Worst Forms of Child Labour Convention, 1999 (No. 182), should provide another opportunity for strengthening the participation of these organizations in the follow-up to the Declaration.

E. Ratification efforts

48. **Increased ratifications.** A direct effect of the Declaration and its follow-up has been to spur the momentum of the campaign for the ratification of the fundamental Conventions. During the period 31 January to 1 November 2000, 77 instruments of ratification were deposited in respect of the fundamental Conventions, and more have been registered since then. The breakdown per category of principles and rights was as follows:

Table 3. Ratification of fundamental Conventions (31 January-1 November 2000)

| | |
|---|--|
| Freedom of association and collective bargaining | |
| Convention No. 87 | Eritrea, Libyan Arab Jamahiriya, Papua New Guinea, Saint Kitts and Nevis, United Republic of Tanzania |
| Convention No. 98 | Eritrea, St. Kitts and Nevis |
| Forced or compulsory labour | |
| Convention No. 29 | Eritrea, Republic of Moldova, Saint Kitts and Nevis |
| Convention No. 105 | Azerbaijan, Eritrea, India, Saint Kitts and Nevis |
| Effective abolition of child labour | |
| Convention No. 138 | Austria, Belize, Burundi, Central African Republic, Ecuador, Eritrea, Japan, Madagascar, Panama, Papua New Guinea, Seychelles, South Africa, Sri Lanka, United Kingdom, Yemen, Zimbabwe |
| Convention No. 182 | Barbados, Belarus, Belize, Brazil, Bulgaria, Canada, Central African Republic, Chile, Denmark, Ecuador, El Salvador, Ghana, Hungary, Iceland, Indonesia, Italy, Jordan, Kuwait, Libyan Arab Jamahiriya, Mali, Mauritius, Mexico, Niger, Panama, Papua New Guinea, Portugal, Qatar, Rwanda, Saint Kitts and Nevis, San Marino, Senegal, South Africa, Switzerland, Togo, Tunisia, United Kingdom, Yemen |
| Elimination of discrimination | |
| Convention No. 100 | El Salvador, Eritrea, Republic of Moldova, Papua New Guinea, Saint Kitts and Nevis, South Africa |
| Convention No. 111 | Bahrain, Eritrea, Papua New Guinea, Saint Kitts and Nevis |

49. Overall, the ILO registered 1,018 ratifications of fundamental Conventions between May 1995, when the campaign was launched, and 1 November 2000. Ratification in many cases meant that the countries no longer owed reports under the Declaration follow-up. These countries have been counted only in the statistics on ratifications, not in relation to reporting. However, several had submitted reports before the ratifications were registered (Japan, Panama, Papua New Guinea, St. Kitts and Nevis, Zimbabwe). This illustrates how Declaration reports can assist in a country's assessment of its readiness to ratify.

Intentions to ratify

50. In their reports, several governments indicated that instruments had been submitted to the competent authorities (as part of the ratification process) or that discussions or measures were being considered with a view to ratifying fundamental Conventions in the near future. Indeed, some governments (e.g. Chad, Namibia) that declared their intention to ratify, have since done so, i.e., subsequent to the deadline for submission of reports. The Governing

Body Committee on Legal Issues and International Labour Standards (LILS), which regularly reviews progress in ratification of the fundamental Conventions at its November sessions, reported on the situation to the 279th Session of the Governing Body, November 2000.¹⁵

51. The Expert-Advisers wish to encourage governments that have recently ratified fundamental Conventions, as well as employers' and workers' organizations, to seek the ILO's assistance in implementing successfully the Conventions should they encounter any practical difficulties in doing so. An example of where this is happening is Indonesia, where the Government and the social partners requested ILO assistance in relation to questions of freedom of association and collective bargaining. A project to that end has been launched. Elsewhere, governments have first requested the ILO to help them assess the obstacles standing in the way of ratification and successful implementation of ratified Conventions – Benin and Burkina Faso are examples – and only then have they taken steps towards ratification of certain Conventions.

F. Other issues related to reporting

52. **Promotional activities undertaken by the Office and the social partners.** In *Africa*, promotional efforts were undertaken in several countries. The focus of those activities was to support the implementation of fundamental principles and rights at work through the organization of tripartite seminars and national studies. National action programmes, to be implemented in 2001, have been elaborated for Benin, Burkina Faso, Niger and Togo. In Mali, the seminars focused mainly on the issue of equal pay for work of equal value by men and women. A national policy programme for Mali will be adopted in March 2001. In April 2000, the Declaration and its follow-up were promoted within the Social Commission of the Organization of African Unity (OAU) at a meeting in Algeria. In that same month, an ILO subregional meeting for employers on the Declaration was held in Zimbabwe, with the collaboration of the International Organization of Employers (IOE). In October 2000, the ILO and the Southern African Development Community (SADC) organized a regional tripartite seminar on child labour and the Declaration, with the participation of 13 countries. The objective of the seminar, held in Zimbabwe, was for these countries to come up with proposals with regard to the following: implementation of the principle of the effective abolition of child labour; the ratification of the relevant Conventions; and the reporting procedures under the follow-up to the Declaration. In November 2000, a similar meeting reviewing various aspects of the Declaration and identifying the main obstacles to ratification and implementation of fundamental Conventions was held in Zimbabwe with the participation of ten countries from the region. This meeting resulted in the formulation of detailed country action plans on all four fundamental principles and rights.
53. Activities in *Asia* included assistance to Indonesia with regard to the country's labour law reform, to include and implement fundamental principles and rights at work. It resulted in the adoption of a new law on trade unions in August 2000 and the preparation of several other labour-related bills. A tripartite seminar for the promotion of the Declaration and its follow-up was held in Jakarta in March 2000. In Nepal, 24 countries participated in a regional seminar on the application of the Declaration, which was organized by the ILO in November 2000. The seminar focused on fundamental principles and rights at work, particularly freedom of association and collective bargaining. The results of the seminar were updated country action plans. At the same occasion, the ILO launched the "Sustainable elimination of bonded labour in Nepal" project, which will provide employment and education to formerly bonded families in Nepal.

¹⁵ GB.279/11/2 (Nov. 2000), Appendices III and IV.

-
54. In the *Americas* region, the ILO sponsored a seminar in April 2000 on the Declaration for the member States covered by the multidisciplinary team for Central America, with Mexico serving as the host country. The Office organized a subregional (Andean) tripartite training seminar in Ecuador in October 2000. The seminar dealt with the Declaration in general as well as more specifically with freedom of association and collective bargaining and the elimination of child labour. The outputs were draft action plans and the creation of an Internet discussion forum to help to foster their implementation.
55. In *Europe*, the Charter of Fundamental Rights of the European Union (adopted at the Nice Summit in December 2000) echoed the fundamental principles and rights at work. The Office held discussions with the EU on this, including an important seminar in Brussels in November 2000. In the same month, the Declaration was promoted at a seminar in Germany, which focused on better social and labour practices in the multinational oil and gas industries. This and other events in which the Office participated highlighted the UN Global Compact, which incorporates the fundamental principles and rights at work.

Relations with regional and international institutions

56. **Work with other international organizations.** The Declaration itself calls upon the ILO to encourage efforts by other international organizations with which it has ties under article 12 of the ILO Constitution. The Expert-Advisers have recommended that these links be strengthened and that these organizations serve as "... channels through which to encourage respect for fundamental principles and rights in the pursuit of sustainable income growth and poverty reduction".¹⁶ Reports supplied by governments under the follow-up have provided many examples of the ILO working with other international organizations at the country level, particularly, but not only, in relation to child labour (see section on child labour).
57. As regards intergovernmental organizations at the international and regional levels, the Declaration's fundamental principles and rights at work have found their way into the World Bank's "tool kit" designed to inform the preparation of Bank activities. The Asian Development Bank funds an ILO project in Bangladesh, Nepal, the Philippines and Thailand that seeks to secure adherence in practice to the ILO's principles and rights with regard to child labour and gender equality. The African Development Bank has also contacted the ILO, and the Office informed the Expert-Advisers that a mission to Abidjan was foreseen for late February 2001.
58. The Organisation for Economic Co-operation and Development (OECD) has already given a prominent role to the principles of the Declaration in its publications in 1996 and 2000 on international trade and core labour standards. The OECD has requested a presentation on the Declaration at the OECD Global Forum Seminar on "Trade Policy Issues: The labour environmental and the competition dimensions" (scheduled for March 2001 in Rabat). The United Nations High Commissioner for Human Rights, which has decided to set up a subregional office in Central Africa, has responded favourably to the Office's suggestion to include the ILO Declaration's principles and rights in its teaching and informational activities. The Labour and Social Affairs Commission of the Organization of African Unity has continued to place the Declaration and its follow-up on the agenda of its annual meetings. In the Americas, a Declaration-sponsored project is accompanying the Labour-Ministers' meetings in the context of enhanced hemispheric cooperation.

¹⁶ See GB.277/3/1, para. 22(8).

Role of government agencies, NGOs and religious groups

59. A number of reports pointed to the valuable assistance provided by government donor agencies, some of which are listed in table 4. The important role of non-governmental organizations (NGOs) was also evoked in some of the government reports, especially in relation to the abolition of child labour and the elimination of discrimination. The work of women's associations has been cited in particular by many countries. A few countries also referred to the involvement of religious groups in promoting fundamental principles and rights at work (e.g. Bahamas, in relation to child labour). In contrast to reports for other categories of principles and rights that mentioned the complementary role played by NGOs to promote fundamental principles and rights at work, only certain reports relating to freedom of association and collective bargaining made reference to the involvement of such groups (e.g. Nepal and Thailand). On the whole, efforts to promote this category of principles and rights appeared to remain entirely in the domain of governments and the social partners.

Table 4. Donor agencies mentioned in reports

CIDA (Canadian International Development Agency) financed a programme in the United Republic of Tanzania that was aimed at improving women's professional, technical, managerial and other work-related skills.

SIDA (Swedish International Development Agency) was also active in that country, funding a capacity-building programme aimed at improving women's work performance.

DANIDA (Danish International Development Agency) funded the labour policy and legislation review in the United Republic of Tanzania, in the context of the elimination of discrimination.

USAID funded a project in Bangladesh to raise awareness among parents and employers of the negative consequences of hazardous child labour.

AECI (*Agencia española de cooperación internacional*), Spanish International Cooperation Agency, provided support to IPEC for the organization of a regional meeting (Cartagena, March 2000) that contemplated the elaboration of Latin American policies for the prevention and elimination of child labour.

Countries' identification of areas for action

- 60. Calls for policy, legislative and institutional reforms.** The need for adopting new laws or reforming existing constitutional provisions, labour law and/or related legal instruments, was identified as a key condition for achieving respect for the principles and rights in the Declaration. Such a need was cited in relation to freedom of association (e.g. Kenya, Lebanon, Zimbabwe), forced labour (e.g. Madagascar and Sri Lanka), child labour (e.g. Ghana, Sudan, Bangladesh, etc.). Further examples are cited in the section on technical cooperation needs.
- 61. Exclusions from the application of the principles and rights at work.** Certain categories of employees, including domestic workers in private households, agricultural workers, persons in non-standard employment and workers in the informal sector are often not covered by the provisions of labour legislation. Certain countries noted the obstacles to extending the fundamental principles and rights to such workers (see sections on child labour, forced labour and freedom of association).
- 62. Migrant labour.** Migrant workers were often reported to be excluded from the scope of national labour laws and subject to special regulations governing the terms and conditions of employment as well as the procedures governing individual labour disputes. The ICFTU expressed a concern which the Expert-Advisers share about the application of fundamental

principles and rights at work to this category of workers. The governments of certain major host countries to migrant workers (e.g. certain Gulf States) noted that the particular characteristics of the labour market would have to be taken into account when addressing this issue. The Government of Saudi Arabia expressed the wish for a study and technical support by the ILO on this question and reaffirmed its “readiness to participate in a constructive debate and discuss the matter within the framework of the ILO, in compliance with the ILO Constitution”.

- 63. The social cost of armed conflict.** Several countries explained how armed conflict had seriously damaged their already fragile formal economies and educational systems. The related influx of refugees puts a strain on the host countries’ educational system and labour market. Furthermore, displaced persons or refugees face language and other barriers which leave them marginalized (alluded to by the Government of Côte d’Ivoire regarding refugees from Sierra Leone and Liberia and by the Government of Djibouti concerning refugees from Somalia and Ethiopia). Countries emerging from armed conflict reported severe resource constraints that hindered the development and implementation of social policies (e.g. Democratic Republic of the Congo and Liberia) and made it difficult for them to fulfil their obligations under the ILO Constitution (e.g. Liberia). Reports from these countries testify to the recognition that respect for fundamental principles and rights at work can often contribute to preventing and resolving social conflicts.

G. Technical cooperation needs

- 64.** Some reports contained specific requests for technical cooperation in clearly identified areas, whereas in other cases they were of a general nature. The following is a summary of requests for technical cooperation in the four areas covered by the Declaration.

Table 5. Government requests for technical cooperation in 2001 annual reports

Freedom of association and collective bargaining

- Data collection and studies (Uganda and Thailand)
- Training of the social partners and strengthening of tripartite structures (Sudan, Uganda)
- Workshops and seminars regarding the techniques of collective bargaining (Mauritius)
- Labour law reform (Kenya and Zimbabwe)

Forced or compulsory labour

- Awareness-raising campaigns and advocacy (Democratic Republic of the Congo, Madagascar)
- Data collection, analysis and studies (Democratic Republic of the Congo, Madagascar)
- Institutional capacity-building (Lesotho)
- Labour law reform (Madagascar, Sri Lanka)
- Policy advice (Madagascar, Nepal regarding bonded labour (kamaiya), Sri Lanka)

Effective abolition of child labour

- Assistance in preparing annual reports (Liberia)
- Awareness-raising campaigns and advocacy (Bangladesh, Chad, Ghana, Islamic Republic of Iran, Mexico, Paraguay)
- Data collection, analysis and studies (Bahamas, Bangladesh, Benin, Cameroon, Chad, Côte d’Ivoire, Ghana, Haiti, Jamaica, Mali, Papua New Guinea, Paraguay, Thailand)

-
- Institutional capacity-building, regarding labour inspection and administration (Cameroon, Chad, Ghana, Islamic Republic of Iran, Lebanon, Namibia, Peru)
 - Labour law reform (Bangladesh, Cameroon, Comoros, Côte d'Ivoire, Djibouti, Ghana, Haiti, Papua New Guinea, Sudan)
 - Income-generating activities, in the context of rehabilitation of ex-child workers (Chad)
 - General assistance regarding implementation of the Convention (Ghana, Lesotho, Mali, Sudan, Uganda)
 - Policy advice (Democratic Republic of the Congo)
-

Elimination of discrimination

- Assistance in preparing annual reports (Liberia)
 - Awareness-raising concerning non-discrimination principles (Mauritius, Thailand, Uganda)
 - Assistance regarding data collection and analysis and studies (Djibouti, Thailand, Uganda)
 - Policy advice on equal remuneration (Mauritius, Thailand)
 - Institutional capacity-building (Namibia, Uganda)
 - Labour law reform (Comoros, Mauritania)
-

65. A regular review of technical assistance provided by the ILO in relation to all eight of the fundamental Conventions is carried out by the Governing Body Committee on Legal Issues and International Labour Standards at its March session each year. In November 2000, the Governing Body Committee on Technical Cooperation examined the first Action Plan under the Declaration follow-up. Endorsed by the full Governing Body, the report summarized technical cooperation requests relating to freedom of association and effective recognition of the right to collective bargaining.¹⁷ Similar exercises will take place regarding forced labour in 2001, child labour in 2002 and discrimination in 2003, following discussion of the respective Global Reports on these topics.

H. Highlights regarding the four categories of principles and rights

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

66. Status of ratifications. By 1 February 2001, 133 of the 175 ILO member States had ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and 147 had ratified the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

67. Reports due. Countries owed reports for this category of principles and rights when ratification of both of the two ILO Conventions concerned had not been registered by the reference date for the purpose of including reports in the annual review (1 November 2000). Countries having ratified neither or only one of the two Conventions by that date were thus required to report. The following tables list the countries that owed reports (47) and submitted them (table 6), and the countries that owed reports and did not submit them (table 7).

68. The countries that did not submit reports due for the annual review of 2001, as well as those which have never replied to either of the annual reviews, are shown in table 7 and paragraph 69.

¹⁷ GB.279/TC/3.

Table 6. Countries that owed reports in this category and submitted them for the annual review of 2001

| Africa | Americas | Asia and the Pacific |
|----------------------------------|-----------------------|--------------------------|
| Democratic Republic of the Congo | Bahamas | Bahrain |
| Kenya | Brazil | China |
| Mauritania | Canada | India |
| Mauritius | El Salvador | Islamic Republic of Iran |
| Morocco | Mexico | Iraq |
| Sudan | United States | Jordan |
| Uganda | | Republic of Korea |
| Zimbabwe | | Kuwait |
| | | Lebanon |
| | | Malaysia |
| | | Nepal |
| | | New Zealand |
| | | Oman |
| | | Qatar |
| | | Saudi Arabia |
| | | Singapore |
| | | Thailand |
| | | United Arab Emirates |
| | | Viet Nam |
| No. of reports due: 11 | No. of reports due: 7 | No. of reports due: 26 |
| No. received: 8 (72%) | No. received: 6 (86%) | No. received: 19 (73%) |

Table 7. Countries that owed reports in this category and did not submit them for the annual review of 2001

| Africa | Americas | Asia and the Pacific | Europe |
|-------------------|----------------------------------|----------------------------------|------------|
| Angola | Saint Vincent and the Grenadines | Afghanistan | Armenia |
| Equatorial Guinea | | Fiji | Kazakhstan |
| Gambia | | Kiribati | Uzbekistan |
| Guinea Bissau | | Lao People's Democratic Republic | |
| | | Myanmar | |
| | | Solomon Islands | |

69. The following nine countries failed to submit reports on this category of fundamental principles and rights for the first and second annual reviews: Afghanistan, Armenia, Equatorial Guinea, Fiji, Kazakhstan, Lao People's Democratic Republic, Myanmar, Solomon Islands and Uzbekistan. In addition, Kiribati, which joined the ILO after the first annual review (2000) was completed, did not report for the 2001 annual review.

70. The number of countries ratifying the ILO fundamental Conventions has been rising steadily in recent years, as a result of the campaign that was launched by the Director-General in May 1995 to promote these Conventions with a view to their universal ratification and the new impetus given by the Declaration. For the principle of freedom of association and the effective recognition of the right to collective bargaining, five member States ratified the relevant Conventions between the first and second annual reviews: Eritrea (Conventions Nos. 87 and 98), Libyan Arab Jamahiriya (Convention No. 87), Papua New Guinea (Convention No. 87), Saint Kitts and Nevis (Conventions Nos. 87 and 98) and the United Republic of Tanzania (Convention No. 87).

71. Highlights. The principles and rights in the Declaration are interlinked. Without respect for the principle and right of freedom of association and effective recognition of the right to collective bargaining, there can be no progress in relation to the other categories of principles. The Expert-Advisers note that if freedom of association is not respected and

promoted, there can be no collective bargaining or meaningful social dialogue. Freedom of association gives a voice to workers and employers, a voice that needs to be heard much louder and more clearly in a globalized world. There is a fundamental difference between the situation of countries where this fundamental right is denied and those where it is not. The reports for the annual review 2001 indicate that certain governments have taken policy and legislative measures and other action (e.g. awareness raising and training), with a view to giving greater effect to the principle of freedom of association (e.g. New Zealand and Thailand).

- 72.** The Expert-Advisers reiterate that respect for the principle of freedom of association must not be dependent on the specific economic, social, cultural and political conditions of countries. As ILO member States, they have a constitutional obligation to promote this principle. Some government reports noted the incompatibility between provisions of national laws and regulations with the fundamental Conventions that embody the principle of freedom of association and the effective recognition of the right to collective bargaining, and their countries' consequent inability to ratify these instruments. However, while the preparedness and ability to ratify the relevant Conventions are important, this is not the same as the obligation to respect and promote this fundamental principle and right, which exists whether or not ratification is contemplated. Legislative and policy frameworks play a critical role in creating an environment that is conducive to the observance of fundamental principles and rights at work. However, they cannot by themselves lead to appreciable changes in attitudes and practices. They need supporting institutions and shared perceptions by society as a whole, about the intrinsic value of fundamental principles and rights, as well as a sense of commitment to respect them.
- 73.** A distinction must be made between the provisions of national constitutions and the legal and policy frameworks that are described in the reports, and the ways in which they are implemented in practice. The contrast between government reports that focus on the legal and policy frameworks, and the views of national and international workers' and employers' organizations on the efforts being made by countries in practice, sometimes shows significant differences.
- 74.** Certain categories of workers are still being denied coverage by legislation that would create favourable conditions for all groups in society to benefit from the observance of the principle and right. Agricultural workers, domestic workers, migrant workers, workers in small enterprises and those in the informal sector have been identified in a number of reports as being the most susceptible to such exclusion. The Expert-Advisers are of the view that none of these categories of workers should be excluded. In addition, even when there is no exclusion from coverage by the national legislation that underpins the promotion and respect for this principle and the right to collective bargaining, workers in certain sectors (e.g. export-oriented industries and enterprises in export processing zones) continue to face obstacles in some countries. We urge governments to reconsider their policies and legislation in this regard, with a view to extending coverage by the relevant legislation and ensuring that where such coverage already exists, it is effectively implemented.
- 75.** Even though there are signs of willingness on the part of some governments to review the legal and political barriers to the emergence and functioning of multiple trade union structures, the reports showed that government-imposed single union structures persist. This practice is not acceptable and should not be continued.
- 76.** Employers' organizations have a vital role to play in enhancing and promoting social dialogue and collective bargaining. The Expert-Advisers wish to stress the importance of the principle of freedom of association for all employers, and in particular for those in small enterprises and enterprises in export processing zones. Where necessary, the capacity of national employers' organizations must be strengthened to enable them to provide information under the follow-up to the Declaration and to contribute to the observance of

fundamental principles and rights at work. The Expert-Advisers note that relatively few national employers' organizations submitted separate observations; but where they did, they offered useful insights into their experiences and the implications of recent legislative and institutional developments (e.g. Brazil, Mauritius, New Zealand).

77. Certain governments have expressed interest in technical cooperation with the ILO in matters relating to freedom of association and collective bargaining (see GB.279/TC/3 (November 2000)). This is a positive signal that has produced encouraging results in many countries. However, in other cases, a stronger commitment to respect fundamental principles and rights would seem necessary if technical cooperation is to bring about positive change. The Expert-Advisers hope in particular that the Governments of Bahrain, Oman, Qatar, Saudi Arabia and the United Arab Emirates will continue a dialogue with the Office regarding the ways in which this could be achieved.

2. The elimination of all forms of forced or compulsory labour

78. **Status of ratifications.** By 1 February 2001, 155 of the 175 ILO member States had ratified the Forced Labour Convention, 1930 (No. 29), and 152 had ratified the Abolition of Forced Labour Convention, 1957 (No. 105).

79. **Reports due.** Countries owed reports for this category of principles and rights when ratification of both of the two ILO Conventions concerned had not been registered by the reference date for the purpose of including reports in the annual review (1 November 2000). Countries having ratified neither or only one of the two Conventions by that date were thus required to report. The following tables list the countries that owed reports (36) and sent them (table 8) and the countries that owed reports and did not submit them (table 9).

Table 8. Countries that owed reports in this category and submitted them for the annual review of 2001

| Africa | Americas | Asia and the Pacific | Europe |
|----------------------------------|-----------------------|------------------------|-----------------------|
| Democratic Republic of the Congo | Canada | Japan | Ukraine |
| Ethiopia | United States | Republic of Korea | |
| Lesotho | | Malaysia | |
| Madagascar | | Nepal | |
| Mozambique | | Philippines | |
| Namibia | | Qatar | |
| Rwanda | | Singapore | |
| | | Sri Lanka | |
| | | Viet Nam | |
| No. of reports due: 10 | No. of reports due: 3 | No. of reports due: 17 | No. of reports due: 6 |
| No. received: 7 (70%) | No. received: 2 (67%) | No. received: 9 (53%) | No. received: 1 (17%) |

Table 9. Countries that owed reports in this category and did not submit them for the annual review of 2001

| Africa | Americas | Asia and the Pacific | Europe |
|-----------------------|----------|----------------------------------|---|
| Equatorial Guinea | Bolivia | Afghanistan | Armenia |
| Gambia | | China | Bosnia and Herzegovina |
| Sao Tome and Principe | | Kiribati | Kazakhstan |
| | | Lao People's Democratic Republic | Latvia |
| | | Myanmar | Macedonia (The former Yugoslav Republic of) |
| | | Oman | |
| | | Solomon Islands | |

-
- 80.** The following 11 countries failed to submit reports on this category of fundamental principles and rights, for both the first and the second annual reviews: Afghanistan, Armenia, Bosnia and Herzegovina, Equatorial Guinea, Kazakhstan, Lao People's Democratic Republic, The former Yugoslav Republic of Macedonia, Myanmar, Oman, Sao Tome and Principe and Solomon Islands.
- 81.** For the principle of the elimination of forced or compulsory labour, five member States ratified the relevant Conventions between the first and the second annual reviews: Azerbaijan (Convention No. 105), Eritrea (Conventions Nos. 29 and 105), India (Convention No. 105), Republic of Moldova (Convention No. 29) and Saint Kitts and Nevis (Conventions Nos. 29 and 105).
- 82.** The reporting rate – at 53 per cent – was lowest among all four categories of fundamental principles and rights and, with few exceptions, the content of the reports was very weak.
- 83. Highlights.** The lack of references to specific forms of forced labour in the reports leads the Expert-Advisers to conclude that there is an urgent need for awareness-raising, for a better understanding of the problem, its causes and consequences and for more data to substantiate certain assumptions. Due to the often concealed nature of forced labour, data collection and analysis pose certain challenges. However, there is a general need for improvement in this area. The Expert-Advisers therefore urge governments to participate in this effort and support surveys or other techniques aimed at both victim populations and perpetrators.
- 84.** The majority of the reports contained detailed legal information and, as a consequence, analyses focused almost solely on legal matters. While laws and regulations provide the essential legal framework, there is also a need to go beyond a mere legal assessment. Situations of forced labour continue to affect millions of people and it is their situations that require more attention. Therefore, the Expert-Advisers urge governments to take account of the actual existence of forced labour on their territories despite laws and regulations prohibiting it. The identification of possible causes other than shortcomings in legislation and enforcement problems should be given a more prominent role. It is also worth noting that the information Nepal gave in its annual report for 2000 was one of the factors that gave rise to a major ILO technical assistance programme on the “Sustainable elimination of bonded labour in Nepal”, which targets 20,000 recently freed bonded families.
- 85.** The Expert-Advisers are very concerned about the continuing occurrence of forced labour in many contexts, whether in private prisons or contracting out to private companies, bonded labour or prison labour imposed in relation to participating in certain political activities or industrial action. Particular concern was expressed at the persistence of the imposition of forced labour for persons “who are interned for rehabilitation through labour” (in China). The Expert-Advisers would appreciate receiving more information and clarification from the Government of China with regard to efforts it has made since 2000 to promote the principle of the elimination of all forms of forced labour. The Expert-Advisers noted with satisfaction the request of one country (Madagascar) for ILO assistance to tackle the problem of prison labour being placed at the disposal of private individuals and companies, as well as of forced labour in the context of national service.
- 86.** The Expert-Advisers would also like to draw attention to the need for more concern for one of the most widespread forms of forced labour, that is, forced labour associated with trafficking, which affects both poor and rich countries. Regrettably, only a handful of countries mentioned problems linked to this ever-growing phenomenon, and then only in the context of the abolition of child labour. The reports submitted in the category of forced labour contained no information on trafficking. It is hoped that the inclusion of a reference

to trafficking in the revised report forms will generate more information on the subject for the next annual review.

- 87.** It is well known that trafficking is a complex problem that might occur within or across national borders; involve small and large-scale operations; occur for many purposes and affect people with many different backgrounds. International trafficking has distinct gender features. The scope and magnitude of trafficking in recent years and the resulting forced labour situations ranging from debt bondage to forced prostitution or slavery-like practices, as well as the increasing media attention it has attracted, lead the Expert-Advisers to call on governments to provide as much factual evidence and information as possible. Even limited data and estimates can indicate trends and developments. Trafficking has become a global problem and requires adequate attention to raise awareness, organize specific labour-related prevention action and formulate comprehensive international, regional and national action programmes and policies.
- 88.** In order to design and formulate meaningful prevention, assistance and rehabilitation programmes and policies, it is also necessary to identify specific target groups of forced labour practices. These, as was seen in the reports, include for example ethnic minorities, migrant workers, domestic workers, women and children.
- 89.** The Expert-Advisers were struck by the lack of reference to good examples of dealing with forced labour in its various forms. There is an urgent need for identifying good practices in the area of the elimination of forced labour, such as solutions to bonded labour situations, the integration of freed labourers or the far-reaching problems linked to trafficking. Although certain practices are rooted in a country's specific situation, other countries can benefit from such experiences. Forced labour does not occur in a vacuum; it has many and wide-ranging consequences; it takes many different forms; and occurs in nearly all countries, poor and wealthy.
- 90.** Forced labour issues, whether attributable to actions of the State or private individuals, need to be approached from many different angles. Various forms of forced labour are linked to other principles and rights such as discrimination and child labour. The social and economic environment, working conditions, the existence of informal labour markets, the cultural heritage and traditions, a country's political stability and administrative capacity, and armed conflicts, among other things, have to be taken into consideration in a comprehensive approach to the analysis and elimination of forced labour.
- 91.** Forced labour is often a hidden phenomenon; that makes it difficult to tackle. It is a challenge for all countries and international organizations to address the root causes and at the same time assist those in need for rehabilitation and integration in the free labour market. It is important to bring the issue out of the shadows and raise public awareness in all countries.

3. The effective abolition of child labour

- 92. Status of ratification.** Overview: Countries owed reports on this category when ratification of the Minimum Age Convention, 1973 (No. 138), had not been registered by the cut-off date of 1 November 2000. As of this date, 102 member States had ratified this Convention, and therefore reports were due from 72 member States. Reports were received from 49 member States, giving an overall response rate of 68 per cent. The countries which owed reports in relation to the effective abolition of child labour are listed below by region. Table 10 indicates those countries that submitted reports for inclusion in the 2001 annual review.

Table 10. Countries that owed reports in this category and submitted them for the annual review of 2001

| Africa | Americas | Asia and the Pacific | Europe |
|------------------------|------------------------|---------------------------|-----------------------|
| Benin | Bahamas | Australia | Estonia |
| Cameroon | Brazil | Bahrain | Turkmenistan |
| Chad | Canada | Bangladesh | |
| Comoros | Colombia | India | |
| Côte d'Ivoire | Haiti | Iran, Islamic Republic of | |
| Dem. Rep. of the Congo | Jamaica | Lebanon | |
| Djibouti | Mexico | Mongolia | |
| Gabon | Paraguay | Myanmar | |
| Ghana | Peru | Oman | |
| Guinea | Saint Kitts and Nevis | Pakistan | |
| Lesotho | Suriname | Papua New Guinea | |
| Mali | Trinidad and Tobago | Qatar | |
| Mauritania | United States | Saudi Arabia | |
| Mozambique | | Singapore | |
| Namibia | | Syrian Arab Republic | |
| Sudan | | Thailand | |
| Uganda | | Viet Nam | |
| No. of reports due: 26 | No. of reports due: 16 | No. of reports due: 23 | No. of reports due: 7 |
| No. received: 17 (65%) | No. received: 13 (81%) | No. received: 17 (74%) | No. received: 2 (29%) |

The countries that owed reports but did not submit them for inclusion in the 2001 annual review are listed in table 11.

Table 11. Countries that owed reports in this category and submitted them for the annual review of 2001

| Africa | Americas | Asia and the Pacific | Europe |
|-----------------------|----------------------------------|----------------------------------|----------------|
| Angola | Grenada | Afghanistan | Armenia |
| Cape Verde | Saint Lucia | Fiji | Czech Republic |
| Gambia | Saint Vincent and the Grenadines | Kiribati | Kazakhstan |
| Guinea-Bissau | | Lao People's Democratic Republic | Latvia |
| Liberia | | New Zealand | Uzbekistan |
| Nigeria | | Solomon Islands | |
| Sao Tome and Principe | | | |
| Sierra Leone | | | |
| Somalia | | | |
| Swaziland | | | |

93. The following 15 countries failed to submit reports for both the first (2000) and second (2001) annual reviews: Afghanistan, Armenia, Fiji, Grenada, Kazakhstan, Lao People's Democratic Republic, Mongolia, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Sierra Leone, Solomon Islands, Swaziland, Uzbekistan. In addition, Kiribati, which became an ILO member State after the first annual review (2000), did not report for the 2001 annual review.

94. Between the annual reviews of 2000 and 2001 (i.e. 31 January-1 November 2000), 15 member States ratified the Minimum Age Convention, 1973 (No. 138), and therefore no longer owed reports under the Declaration: Austria, Belize, Burundi, Central African Republic, Ecuador, Eritrea, Japan, Madagascar, Panama, Seychelles, South Africa, Sri Lanka, United Kingdom, Yemen, Zimbabwe.

-
95. Reports for the 2001 annual review indicated that, in the case of 17 countries, the Convention had been submitted to the competent bodies to be considered for ratification.¹⁸ In Ghana, Mozambique, Paraguay, Saint Kitts and Nevis, Suriname, Syrian Arab Republic and Uganda various measures were being undertaken to create adequate legal and institutional conditions for ratification.
96. **Highlights.** The Expert-Advisers were encouraged by the increased reporting rate on the effective abolition of child labour, at 68 per cent compared to 52 per cent last year. In particular, they appreciated the receipt of the first reports from 14 African countries and the special efforts made by certain countries in very difficult political and economic circumstances. They were, however, disappointed by the low response rate in Europe and would encourage these and other countries to seek assistance from the Office to help them fulfil their reporting obligations.
97. The Expert-Advisers were also encouraged by the sustained progress in ratifications over the last year – 19 ratifications of Convention No. 138 have been recorded since the last review – and by the number of governments indicating their intentions to ratify. They sincerely hope that these intentions come to fruition.
98. The government reports received, and comments made by workers' and employers' organizations, bear plain witness to the fact that child labour persists in great and sometimes increasing numbers in all regions of the world and in a vast array of forms – work in subsistence and commercial agriculture, street vending and domestic service through to the most abhorrent forms of exploitation, such as prostitution and serving in armed conflict. Such exploitation is a grave violation of the rights of the most vulnerable members of society, and cannot be tolerated under any circumstances. And indeed, any labour which prevents children benefiting from education and developing to their full potential is a tragic waste of our most precious resource.
99. Yet reports also bore witness to the fact that many governments are now ready to acknowledge publicly the existence and persistence of varied forms of child labour. This is the critical first step in effectively tackling the problem. Some countries are demonstrating concrete evidence of their willingness to undertake policy change and practical action – a promising foundation on which much more far-reaching change must be built if child labour is really to be eliminated. A great many reporting countries indicated some degree of positive change in this field, but the Expert-Advisers found to be of particular interest the experiences reported in Brazil and Thailand (reporting a decline in the number of children working), in Bangladesh and Mexico (a number of new programme initiatives), in Colombia and Viet Nam (new national plans of action), in Ghana, Lesotho and other countries (regarding educational reforms), in Lebanon (regarding the definition of hazardous work) and in Bahrain, India, and others (regarding awareness-raising measures).
100. Governments recognized that child labour must be seen in the overall social and economic context in which it is found, and that effective abolition can be brought about only based on a thorough understanding of the factors – social, cultural, economic – which contribute to its many different manifestations. Poverty is often cited as the underlying causal factor behind child labour, and the Expert-Advisers recognize that this is indeed the key issue in many developing and transition countries. But there are other contributory factors too, which must be fully understood before an effective strategy to abolish child labour can be put in place. The Expert-Advisers emphasize nonetheless that economic circumstances can never constitute a legitimate reason for countries not to tackle child labour.

¹⁸ Angola, Benin, Brazil, Chad, Colombia, Democratic Republic of the Congo, Côte d'Ivoire, Comoros, Gambia, Guinea-Bissau, Haiti, Lesotho, Mali, Namibia, Peru, Sudan, Trinidad and Tobago.

-
- 101.** Many countries are already undertaking research and data collection to build their understanding of this complex phenomenon (e.g. Peru), and others expressed a firm wish to do so. It is clear that knowledge is being gained in this field, perhaps at a faster rate than for the other principles and rights. There is an encouraging awareness of the need to look separately at the situations and needs of boys and of girls – who are often involved in different forms of labour and may require different forms of support, protection and rehabilitation. The Expert-Advisers urge countries to strengthen their efforts with respect to data collection and analysis.
 - 102.** The informal sector represents a particular challenge, to which a number of reporting countries made reference. This is the sector where the majority of child labourers are present but hidden, and where the reach of traditional enforcement mechanisms is the weakest. How can we find these children? How can they be effectively targeted and rehabilitated into mainstream education or given appropriate vocational skills? The need for innovative approaches is perhaps greatest here. Encouraging examples were evident in some reports (e.g. Bangladesh, India, Jamaica, Pakistan). The Expert-Advisers would encourage all countries to explore innovative approaches to withdrawing the increasing numbers of children who labour in the mushrooming urban informal sector and providing support for those withdrawn.
 - 103.** Child labour is clearly linked to the other fundamental principles and rights at work. The direct link with forced labour was referred to in a number of reports, particularly as regards the cross-border trafficking of children in West Africa. Other less direct links may also be present – for example, discrimination may well give rise to child labour amongst disadvantaged groups in the population; effective realization of the right to freedom of association should have positive effects through stopping employment of under-age children. More concrete evidence is needed to substantiate these linkages.
 - 104.** Reports also showed a recognition that a uniform approach across countries to the abolition of child labour cannot be effective – approaches need to be tailored to countries’ individual circumstances and to the different types of work that children are engaged in. This is demonstrated through the range of different legal provisions, enforcement mechanisms, institutional arrangements and direct interventions that countries have adopted. What is clear, however, is that an integrated approach (involving prevention, removal, rehabilitation, adult employment creation, social assistance, health, education) is essential.
 - 105.** Particularly critical is the link between child labour and education – both in terms of legal provisions and in practical implementation. Synergies and synchronization are required between education and child labour laws so that the two do not contradict but rather reinforce each other. Provision of universal, high-quality and free, basic or primary education is widely acknowledged as being absolutely critical for the effective abolition of child labour. A number of countries reported progress in this respect (e.g. Lesotho, Thailand, Uganda).
 - 106.** The most active collaboration is evident in this area – between (and within) government, the social partners and civil society organizations (especially NGOs) as well as the international organizations and bilateral donors. Participation of workers’ and employers’ organizations is essential for the effective abolition of child labour, and the Expert-Advisers were heartened to note that this is happening in an increasing number of cases. There is, however, a need for greater coordination between agencies so as to avoid wasteful duplication of efforts and ensure the most effective use of resources.
 - 107.** The Expert-Advisers would, in addition, urge all agencies involved in technical cooperation in the child labour field to make every effort to ensure that the maximum possible proportion of their resources is devoted to activities resulting in real benefit to the

children, and are not dissipated through excessive costs of administration and other activities having little or no impact on the lives of the intended child beneficiaries.

- 108.** The Expert-Advisers look forward to seeing continued evidence and impact of the support of the ILO's International Programme on the Elimination of Child Labour (IPEC) to governments, the social partners and other organizations through existing and new country programmes as well as research and advocacy. They appeal to donors to continue to give IPEC urgently needed financial and other support.

4. The elimination of discrimination in respect of employment and occupation

- 109. Status of ratifications.** By 1 February 2001, of the 175 ILO member States, 149 had ratified the Equal Remuneration Convention, 1951 (No. 100), and 145 had ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

- 110. Reports due.** Countries owed reports for this category of principles and rights when ratification of both of the two ILO Conventions concerned had not been registered by the reference date for the purpose of including reports in the annual review (1 November 2000). Countries having ratified neither or only one of the two Conventions by that date were thus required to report. The countries which owed reports in relation to the elimination of discrimination in respect of employment and occupation are listed below by region. Table 12 indicates those countries that submitted reports for inclusion in the 2001 annual review.

Table 12. Countries that owed reports in this category and submitted them for the annual review of 2001

| Africa | Americas | Asia and the Pacific | Europe |
|-------------------------|-----------------------|------------------------|-----------------------|
| Comoros | Bahamas | Bahrain | Estonia |
| Dem. Rep. of the Congo | Grenada | China | Luxembourg |
| Djibouti | Suriname | Japan | |
| Kenya | United States | Kuwait | |
| Liberia | | Malaysia | |
| Mauritania | | Myanmar | |
| Mauritius | | Oman | |
| Namibia | | Pakistan | |
| Uganda | | Qatar | |
| United Rep- of Tanzania | | Singapore | |
| | | Thailand | |
| | | United Arab Emirates | |
| No. of reports due: 13 | No. of reports due: 6 | No. of reports due: 16 | No. of reports due: 3 |
| No. received: 10 (77%) | No. received: 4 (78%) | No. received: 12 (75%) | No. received: 2 (66%) |

The countries that owed reports but did not submit them for inclusion in the 2001 annual review are listed in table 13.

Table 13. Countries that owed reports in this category and submitted them for the annual review of 2001

| Africa | Americas | Asia and the Pacific | Europe |
|-------------------|----------------------------------|----------------------------------|------------|
| Equatorial Guinea | Antigua and Barbuda | Fiji | Kazakhstan |
| Gambia | Saint Vincent and the Grenadines | Kiribati | |
| Nigeria | | Lao People's Democratic Republic | |
| | | Solomon Islands | |

-
- 111.** For the principle of the elimination of discrimination in respect of employment and occupation, seven member States ratified the relevant Conventions between the first and the second annual reviews: Bahrain (Convention No. 111), El Salvador (Convention No. 100), Eritrea (Conventions Nos. 100 and 111), Republic of Moldova (Convention No. 100), Papua New Guinea (Conventions Nos. 100 and 111), Saint Kitts and Nevis (Conventions Nos. 100 and 111) and South Africa (Convention No. 100).
- 112.** The following seven countries failed to submit reports on this category of principles and rights, for both the first and second annual reviews: Antigua and Barbuda, Equatorial Guinea, Fiji, Kazakhstan, Lao People's Democratic Republic, Saint Vincent and the Grenadines, and the Solomon Islands.
- 113. Highlights.** Many government reports mentioned grounds on which discrimination is prohibited *other than* those listed in Convention No. 111 (e.g. age, disability, HIV/AIDS, marital status). This highlights the complexity of the phenomenon of discrimination and the fact that it manifests itself differently across countries and societies, and over time. This also confirms the importance of a clear definition of the principle of discrimination in each country and a close scrutiny of the evolution of the grounds of discrimination and the factors and processes underpinning them. The Expert-Advisers would like to encourage further efforts by governments in this respect.
- 114.** The Expert-Advisers appreciated the efforts that some governments made, compared to last year's review, with regard to the provision of more factual information, particularly in respect to sex-based discrimination (e.g. Comoros, Djibouti, Uganda, United Republic of Tanzania, Thailand). Whilst welcoming this positive development, the Expert-Advisers encourage governments to engage in similar efforts also in respect of other grounds of discrimination. Richer information permits insights into the degree of and progress with regard to the respect and realization of the elimination of discriminatory practices at work. It is also useful for a government to assess the impact of government policy and institutional reforms.
- 115.** The Expert-Advisers welcomed the positive steps taken by some governments to influence national opinion and policy-makers on the importance of removing discriminatory practices at work as part of a broader effort to reduce social inequities and inequalities at large.
- 116.** The Expert-Advisers also commend the active role that the social partners played in some countries within (e.g. Djibouti, Comoros and Singapore) and outside (e.g. Estonia) the framework of government-led initiatives geared towards the elimination of discriminatory treatment and practices in the workplace and the promotion of equal employment opportunities. The Expert-Advisers encourage the social partners to continue engaging in the formulation and implementation of promotional and remedial measures.
- 117.** The considerable attention paid by all government reports to sex-based discrimination and the variety of measures adopted to combat wage differentials between men and women and/or gender imbalances in employment reflect the positive impact of the international commitment to the achievement of gender equality. These included, for instance, national action plans, skills development schemes, gender-neutral job advertisement and affirmative action measures. Thanks to the Social Summit (Copenhagen, 1995) and the Fourth World Conference on Women (Beijing, 1995), gender equality features as a development objective in its own right in the social and economic agendas of many countries. There is also growing awareness of how gender equality in the workplace intersects with gender equality in both the household and the political arena. The realization of these interlinkages has also translated into closer cooperation between the ILO and other international organizations at the country level, as illustrated by the information contained in the government reports.

-
- 118.** Despite these encouraging developments, the Expert-Advisers noted that the actual situation of women in the labour market compared to men's remained disadvantageous in most instances. No significant positive improvements had been observed in fact with regard to women's unemployment levels compared to men's, women's confinement to a narrower spectrum of occupations and restrictions to upward mobility, the differentials in remuneration between men and women, or the disproportionate incidence of non-standard forms of employment for women.
- 119.** Particularly striking is the little attention paid by the reports to discrimination based on race, ethnicity or social origin. This is against a background of increasing racism in both developing countries and advanced economies, fuelled by intensified cross-border population movements, civil strife and structural socio-economic changes. The Expert-Advisers hope that the upcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held in Durban, South Africa (28 August-1 September 2001), will provide a good opportunity for governments and the social partners to examine their own policies and programmes concerning discrimination on grounds of race, in accordance with the principles set out in the Declaration. The Expert-Advisers urge governments to make available, in future reports, additional information on the measures devised to tackle racial discrimination in employment and occupation.
- 120.** The information provided by the governments highlighted the absence, in most countries, of a clear definition in the law of what discrimination consists of and how it manifests itself. The Expert-Advisers stressed the need to address this gap in order to devise meaningful and effective measures to tackle this problem and foster a culture of equal opportunity.
- 121.** The variety of forms of discrimination and of the social groups affected by it point to the need for an integrated approach. Legal responses must be accompanied by measures directed at changing people's perceptions of different social groups, challenging deeply rooted cultural norms and social values, and modifying the way government institutions operate towards groups of workers that are vulnerable to discrimination.
- 122.** The Expert-Advisers reiterated the need for revising the report form regarding efforts made to promote the principle of the elimination of discrimination in employment and occupation so as to elicit more relevant and adequate information and to engage governments and the social partners in a serious reflection on how to realize this category of principles and rights.
- 123.** The Expert-Advisers also highlighted the importance of documenting and exchanging good practices on the elimination of discrimination and the promotion of equal opportunities in employment and occupation between countries that have already ratified Convention No. 100 and/or No. 111 and those that have not yet done so. The sharing of experiences would help enhance the understanding of the nature and scope of the problems and perfect the tools and measures required to address them. It would also contribute to building consensus among governments and social partners across and within countries about the social and economic value of equal employment opportunities.

I. Concluding remarks

- 124.** The Expert-Advisers express their appreciation to the governments which have provided reports and to the employers' and workers' organizations for their increasing contribution. We also wish to express our great appreciation to the Office for preparing the compilation and providing other valuable assistance.

Annex 1

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

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

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

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

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

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

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

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

The International Labour Conference,

1. Recalls:

- (a) that in freely joining the ILO, all Members have endorsed the principles and rights set out in its Constitution and in the Declaration of Philadelphia, and have undertaken to work towards attaining the overall objectives of the Organization to the best of their resources and fully in line with their specific circumstances;
- (b) that these principles and rights have been expressed and developed in the form of specific rights and obligations in Conventions recognized as fundamental both inside and outside the Organization.

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

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

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

Annex

Follow-up to the Declaration

I. Overall purpose

1. The aim of the follow-up described below is to encourage the efforts made by the Members of the Organization to promote the fundamental principles and rights enshrined in the Constitution of the ILO and the Declaration of Philadelphia and reaffirmed in this Declaration.

2. In line with this objective, which is of a strictly promotional nature, this follow-up will allow the identification of areas in which the assistance of the Organization through its technical cooperation activities may prove useful to its Members to help them implement these fundamental principles and rights. It is not a substitute for the established supervisory mechanisms, nor shall it impede their functioning; consequently, specific situations within the purview of those mechanisms shall not be examined or re-examined within the framework of this follow-up.

3. The two aspects of this follow-up, described below, are based on existing procedures: the annual follow-up concerning non-ratified fundamental Conventions will entail merely some adaptation of the present modalities of application of article 19, paragraph 5(e) of the Constitution; and the global report will serve to obtain the best results from the procedures carried out pursuant to the Constitution.

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

A. Purpose and scope

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

2. The follow-up will cover each year the four areas of fundamental principles and rights specified in the Declaration.

B. Modalities

1. The follow-up will be based on reports requested from Members under article 19, paragraph 5(e) of the Constitution. The report forms will be drawn up so as to obtain information from governments which have not ratified one or more of the fundamental Conventions, on any changes which may have taken place in their law and practice, taking due account of article 23 of the Constitution and established practice.

2. These reports, as compiled by the Office, will be reviewed by the Governing Body.

3. With a view to presenting an introduction to the reports thus compiled, drawing attention to any aspects which might call for a more in-depth discussion, the Office may call upon a group of experts appointed for this purpose by the Governing Body.

4. Adjustments to the Governing Body's existing procedures should be examined to allow Members which are not represented on the Governing Body to provide, in the most appropriate way, clarifications which might prove necessary or useful during Governing Body discussions to supplement the information contained in their reports.

III. Global report

A. Purpose and scope

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

2. The report will cover, each year, one of the four categories of fundamental principles and rights in turn.

B. Modalities

1. The report will be drawn up under the responsibility of the Director-General on the basis of official information, or information gathered and assessed in accordance with established procedures. In the case of States which have not ratified the fundamental Conventions, it will be based in particular on the findings of the aforementioned annual follow-up. In the case of Members which have ratified the Conventions concerned, the report will be based in particular on reports as dealt with pursuant to article 22 of the Constitution.

2. This report will be submitted to the Conference for tripartite discussion as a report of the Director-General. The Conference may deal with this report separately from reports under article 12 of its Standing Orders, and may discuss it during a sitting devoted entirely to this report, or in any other

appropriate way. It will then be for the Governing Body, at an early session, to draw conclusions from this discussion concerning the priorities and plans of action for technical cooperation to be implemented for the following four-year period.

IV. *It is understood that:*

1. Proposals shall be made for amendments to the Standing Orders of the Governing Body and the Conference which are required to implement the preceding provisions.

2. The Conference shall, in due course, review the operation of this follow-up in the light of the experience acquired to assess whether it has adequately fulfilled the overall purpose articulated in Part I.

The foregoing is the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up duly adopted by the General Conference of the International Labour Organization during its Eighty-sixth Session which was held at Geneva and declared closed the 18 June 1998.

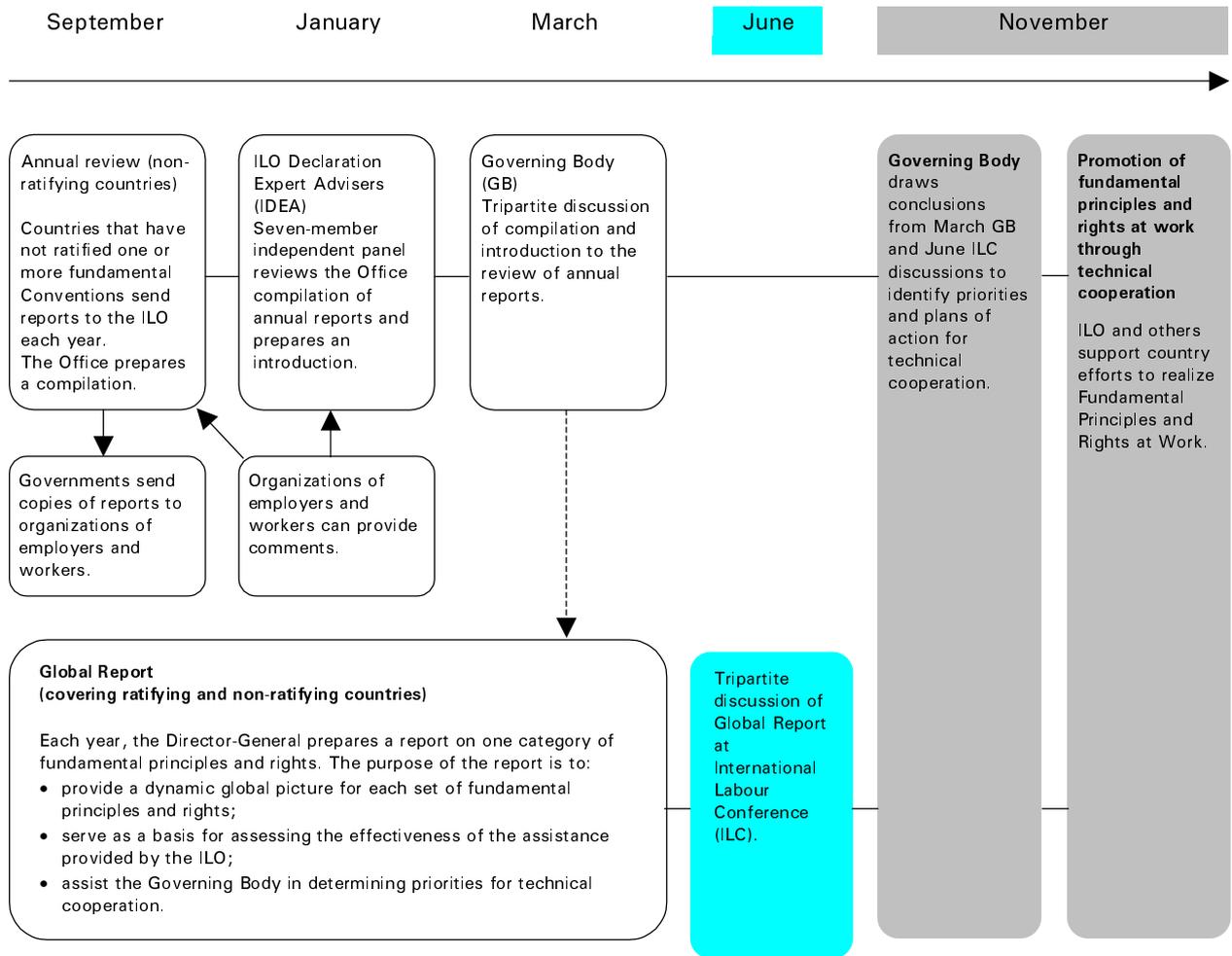
IN FAITH WHEREOF we have appended our signatures this nineteenth day of June 1998.

The President of the Conference,

The Director-General of the International Labour Office.

Annex 2

Flow chart of the follow-up reporting procedures



Annex 3

ILO Declaration Expert-Advisers¹⁹

Ms. Maria Nieves Confesor (Philippines)

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

Mr. Ahmed El Borai (Egypt)

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

Ms. Mária Ladó (Hungary)

Director of the Institute of Labour Research (ILR), Budapest, and leader of the Inter-Ministerial Working Group on Social Policy. Formerly Head of the Industrial Relations Research Unit and Research Fellow at ILR and production engineer for VBKM Electronics. Has served as a consultant to the World Bank, ILO and other institutions on labour market and industrial relations issues. Author of numerous publications in English and Hungarian. Degrees: Engineering degree and postgraduate diploma in business engineering, Technical University, Budapest; Doctorate in Sociology, Karl Marx (now Budapest) Economics University.

Ms. Nora Lustig²⁰ (Argentina/Mexico)

Senior Adviser and Chief of the Poverty and Inequality Advisory Unit, Inter-American Development Bank, Washington, DC. Temporarily on secondment to work as the Director of the World Bank's World Development Report 2000-2001 on Poverty. President of the Latin American and Caribbean Economic Association and Non-Resident Senior Fellow at the Brookings Institution, where she served formerly as a Senior Fellow. Formerly Professor of Economics, El Colegio de México (Mexico City). Numerous publications in English and Spanish on poverty and development issues. Degrees: Bachelor and Master of Arts, and Ph.D. in Economics, University of California, Berkeley.

¹⁹ Information as provided to the Governing Body upon their appointment in November 1999.

²⁰ Unable to attend the IDEA meeting due to prior commitment.

Mr. Jean-Jacques Oechslin (France)

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

Ms. Zoe Mumbi Tambo (Zambia)

Executive Director of the African Centre for Democracy and Human Rights Studies, Banjul (The Gambia). Formerly served as Programme Director for the Centre; Head of the Labour Statistical Unit of the Zambian Ministry of Labour; and Team Coordinator for Southern African Activities, International Movement of Catholic Students (Nairobi). Member, Gambia National Commission for UNESCO. Author of papers and lectures on women, youth, development, management of non-governmental organizations and democratization. Degrees: Bachelor of Arts in Public Administration and Sociology, University of Zambia; Diploma in Demography, University of Ghana.

Mr. Robert White (Canada)

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

Annex 4

Information from reports

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

1. A small number of governments stated that no changes had taken place since the first review (**Democratic Republic of the Congo, El Salvador, India, Jordan, Malaysia, Qatar, Viet Nam**). For the most part, the updates to reports offer insights into the situation with respect to laws, policies, institutions, as well as general social, political and economic developments that have implications for the observance of these principles and rights. In addition, certain governments furnished additional information in response to comments by workers' and employers' organizations. The value of these contributions sometimes helped to shed more light on perceptions of the national situation, the causes of persistent difficulties and recent initiatives that have the potential to bring about change. They can lay a basis for social dialogue in the countries concerned.
2. **The principle and right enshrined in national constitutions and labour laws.** As it was in the first annual review, the general picture that emerges from the reports is that member States consider the principle of freedom of association as well as the effective recognition of the right to collective bargaining to be guaranteed by national constitutions as well as labour codes/industrial relations acts. There may be complementary legislation dealing with specific issues such as the formation, registration and functioning of employers' and workers' organizations, collective bargaining and dispute settlement procedures.
3. **Restrictions to the application of the principle and right.** For most workers, pay and working conditions are determined by a combination of statutory regulation and collective bargaining. However, the reports show that in virtually all countries certain sectors and categories of workers are exempted from the application of the principles and rights regarding freedom of association and the right to collective bargaining. Their right to form or join organizations of their own choosing, to engage in collective bargaining, which includes to strike, may be either prohibited or restricted, with specific laws and regulations governing their activities in this regard. The situation in many countries has not changed since the annual review of 2000. In particular, the ICFTU noted that single trade union structures were imposed in certain countries (e.g. **Iraq, Lao People's Democratic Republic, Sudan, Viet Nam**).
4. Where there are restrictions to the application of the principle and right, they may vary in scope. They may apply to the entire public service or parts of it, throughout the national territory (e.g. the public service in **El Salvador, Lebanon** and **Zimbabwe**; the teaching service in **Uganda**, and employees of the Bank of Uganda). The Governments of **El Salvador** and **Lebanon**, replying to the ICFTU's comments concerning the situation of public servants, noted that public sector employees had the right to form, and belong to, associations and to bargain collectively.
5. According to some reports restrictions may apply to specific occupational categories in the public sector (e.g. managerial and non-manual public service employees in the **Republic of Korea**; the magistracy and senior administrators in certain government ministries in **Morocco**; managerial officials in the public service in **Thailand**; certain public sector workers in **Uganda**). They may also concern only certain sectors and occupations in specific jurisdictions in a given country (e.g. persons in the liberal professions, police, firefighters and teachers in certain jurisdictions of **Canada**).
6. The choice of organization to represent the interests of certain workers may be predetermined (e.g. staff associations), and the scope of collective bargaining may be circumscribed. Private sector workers may be organized along industry- or sector-specific lines (e.g. the electronics industry in **Malaysia**) and employers wishing to set up an association may need to "belong to the same type of undertaking" (e.g. **Thailand**). The reports indicate that non-interference by governments in the

affairs of employers' and workers' organizations, and by the social partners in each other's affairs, is guaranteed by law. However, the ICFTU and certain national workers' organizations indicated that this was not always the case (e.g. in **El Salvador, Equatorial Guinea, India** (in EPZs), **Jordan** and **Myanmar**).

7. **Statistics.** There are important aspects of the effective application of the principle of freedom of association and the right to collective bargaining, which are not reflected in statistics, and cannot be assessed using a purely quantitative approach. This is particularly the case when one has to evaluate the freedom with which organizations can act, their real autonomy and the scope of collective bargaining procedures. The traditions of countries, the degree to which bargaining is centralized and the structure of the population also have to be taken into account. Nevertheless, the Expert-Advisers urge governments as well as employers' and workers' organizations to provide the relevant statistics which they may have, since they may provide some useful insights.
8. Most governments provided qualitative assessments of the situation regarding freedom of association and collective bargaining in their respective countries. However, certain government reports contain statistics that are uneven in terms of their coverage. In some cases they present one or two indicators for periods ranging from less than one year (e.g. **El Salvador**), to two years or more. In very few cases are there data spanning longer periods – even more than a decade (**Mexico** and **Canada**, respectively). Several governments restricted themselves to giving a qualitative appreciation of developments (e.g. **Kenya, Oman, Zimbabwe**), and in many cases, the relevant questions have not been answered (**Bahamas, Bahrain, El Salvador, Iraq, Kuwait, Mauritania, Nepal, Qatar, Saudi Arabia**). Two countries asked for technical assistance to strengthen their data collection capacities (**Uganda, Thailand**). For the most part, national employers' and workers' organizations did not submit any statistics.
9. **Highlights of assessments.** The majority of reports note the number of employers' and workers' organizations and the size of their membership. Sometimes it is a "static description" of the situation in a given year or of a change over a relatively limited period. This makes it difficult to make meaningful statements or to draw conclusions about developments in the country. For instance, information on the number of unions and union members by gender is provided in the government report for **El Salvador**, but one gets a picture of the situation as of the first six months of 1999, and not prior to that period. The situation is similar with respect to data for **Sudan**. Data on registered employers' and workers' organizations are provided by certain countries (**Islamic Republic of Iran, Jordan, Lebanon** (by regions)). **China**, which sent some information that could be compared with that which it submitted for the first review, reported a rise (of 46 per cent) in the number of collective agreements concluded since the first annual review (from 150,000 in 1998 to 220,000 in 1999). By 1999, 57 million workers were covered by such agreements. However, no details on the characteristics or coverage of these agreements were given. In the case of **Canada**, for which longer series of data are provided, the Government notes that national unions are growing while representation by international unions (i.e. organizations with members in **Canada** and the **United States**) is not. The report shows that this shift from international to national unions has been taking place over the last 30 years. Whereas in 1962, international unions accounted for 24 per cent of all workers' organizations and 72 per cent of total union membership, they now make up 4.7 per cent of unions in **Canada** and represent some 30 per cent of unionized workers.
10. A rise in the number of workers' organizations in the private sector is evident from data provided by the Governments of **Malaysia, Thailand** and **Uganda**. Employers' organizations in **India** and **Thailand** have also increased, according to the government reports. The periods covered by these data relate differ across countries, and in some cases, changes are not discernible either because the numbers of workers' and employers' organizations are aggregated or data for only one year are given (e.g. **Islamic Republic of Iran, Jordan, Lebanon, Sudan**). References to changes in union density are rare and often difficult to appreciate (e.g. 12 per cent in the **Republic of Korea**) even though declining union density is known to be of concern to workers' organizations, especially those that are not operating at the enterprise level. Factors identified as having played a key role in the fall in union membership include structural economic reforms and economic downturns (e.g. **Uganda, Thailand, Zimbabwe**).
11. Women's participation in workers' and employers' organizations as ordinary members and officials is an issue for which certain countries attempted to provide data. There are three developing countries for which one can gain some insight into the position of women in employers' and

workers' organizations. The data permit no comparison over time. However, the fact that they were provided shows that the data exist, or are now being collected. They could serve as a starting point for gauging changes in the future. For example, among the 17 executive board members of the Business and Employers' Federation in **Sudan**, there is one woman, and two women sit on the 111-member Central Committee of the Sudan Workers' Trade Union. About 9 per cent of unionized workers in **El Salvador** were women in 1999, while in **Mexico**, women made up 4 per cent of trade union leaders.

12. The number of collective agreements registered, and their coverage, are other indicators mentioned in a few reports. According to the Government of **New Zealand**, "recent data suggest that union representation continues to be predominant in larger collective contracts". In September 2000, 79 per cent of employees covered by contracts (applicable to 20 or more employees) were represented by a union. In **Brazil**, substantial increases in the registration of collective agreements were reported between 1997 and 1999 (9,826 and 16,713 agreements registered, respectively), but there are no details on their coverage or sectoral distribution.
13. Coverage by collective agreements still tends to be higher in the public sector in certain countries. For instance, 75 per cent of public sector workers in **Canada** have such coverage, as opposed to 20 per cent of their counterparts in the private sector. In **Viet Nam**, 56 per cent of all collective agreements apply to workers in state-owned enterprises. Other information on collective agreements in country reports gave a baseline for obtaining more revelatory country-specific information for future surveys even though they could not be used to track changes over time because they related to a single period (e.g. **China, Jordan, Brazil** (which has a Statistical System for Collective Agreements)).
14. **Exclusion from the application of the principle and right.** The Expert-Advisers note with great concern that since the first review, the situation has remained unchanged in the majority of countries, when it comes to the exclusion of certain groups from the application of the general labour legislation.
15. **Domestic and agricultural workers.** Domestic service, as well as agricultural and horticultural work, are activities in which the non-application of the principle of freedom of association and the right to collective bargaining is common to some countries (e.g. certain jurisdictions in **Canada, Jordan** and the **United States**). The particularity of the relationship between household workers and their employers, the seasonal nature of agricultural work and the fact that the employment is temporary, are generally cited as reasons for the non-coverage of these workers by the principle.
16. **Migrant workers.** In the case of migrant workers, who tend to be highly represented in the service sector as a whole, and particularly in domestic service and the agricultural sector, reports for the two annual reviews show that these workers can fall outside the scope of the application of the principle in certain industrialized as well as developing countries. For example, the Government of **Malaysia**, responding to statements by the ICFTU about the restrictions on foreigners from joining unions and becoming union officials, noted that the period of employment is limited (two to six years) and that the welfare and interests of these workers were "well protected under Malaysian labour laws". The application of the principle among migrant workers in the Gulf States has drawn considerable attention (i.e. ICFTU's comments with respect to **Bahrain, Oman, Qatar, Saudi Arabia** and the **United Arab Emirates**). For example, in **Bahrain**, where the Government states that workers' interests are represented by joint labour-management consultative committees (JCCs), migrants are under-represented in the JCCs. The fact that they can and do participate in these bodies is acknowledged, but there are questions about the very independence of the JCCs, and thus, their capacity to truly defend workers' interests. The Government of **Bahrain**, referring to the JCCs, noted that election procedures were monitored to ensure that they were fair; and that even though under particular circumstances the Government could exclude worker candidates, that provision of the labour law had never been applied. As regards the ICFTU's comments on the absence of trade unions, the Government stated that the General Committee for Bahraini Workers (GCBW) fulfilled the role of trade unions and actively participated in tripartite consultations. The Government also noted that a review of the labour law was in progress. In **Oman**, where about half of all workers are foreigners, the JCCs cannot discuss wages, working conditions and hours of work, while in **Saudi Arabia** and the **United Arab Emirates** migrant workers allegedly risk deportation if they attempt to organize on an independent basis. The Government of **Saudi Arabia** noted that the Sharia (Islamic law) "... guarantees the attainment of objectives which go beyond those pursued by trade

unions”. In its statement, the Government drew attention to the uninterrupted inflow of migrant workers for many years. The Government of the **United Arab Emirates** noted in response to the ICFTU that if individual grievances arise, they can be submitted to either conciliation committees that function within the Ministry of Labour or to special labour courts. It added that domestic workers are exempted from all legal costs and that since the Government’s policy does not allow for litigants to leave the country while a case is pending, the allegations of deportation are unfounded. Similarly, the Government of **Qatar**, commenting on the ICFTU’s observations, cited the provisions of the labour legislation to the effect that pay and working conditions of migrant workers were covered by contracts of employment; the setting of wages below the statutory minimum (issued by Decree of the Emir) was prohibited and all job contracts were carefully examined before they were approved.

17. Migrants make up between 50 and 80 per cent of the workforce according to the Governments of **Bahrain, Oman and Saudi Arabia**. The Expert-Advisers note with interest that the Government of **Saudi Arabia** has requested the ILO’s cooperation “to study the conditions and particularities that distinguish the GCC [Gulf Cooperation Council] countries from those in other parts of the world”.
18. **De facto constraints to the application of the principle.** Even in the absence of legal restrictions to the exercise of freedom of association and collective bargaining, workers and employers may, in practice, come up against constraints. The ICFTU and certain national workers’ organizations cite the example of workers in export-oriented enterprises, including those operating in certain export processing zones who are subjected to anti-union practices to dissuade them from forming unions (e.g. ICFTU referring to **El Salvador, India and Viet Nam**, and the Autonomous Central Organization of Salvadorian Workers (CATS), referring to **El Salvador**). As regards the observations by the ICFTU and the CATS on the situation of workers and their organizations in export processing zones, the Government gave details of the numbers of active workers’ organizations in the EPZs and of efforts to ensure compliance with labour legislation and standards through labour inspection.
19. Labour inspection services may be inadequate and unable to enforce national labour standards in enterprises (e.g. ICFTU’s comments on efforts made by the **Lao People’s Democratic Republic and Viet Nam**).
20. **The informal sector and workers in non-standard employment.** Even though anecdotal evidence would suggest that the informal sector in the sample of countries is of significant size, very few reports referred to the situation of workers in the informal sector and/or the so-called “contingent workforce” with respect to the application of the category of principles and rights under discussion. One workers’ organization in **El Salvador** mentioned its attempts in discussions with government representatives, to raise matters of concern to the informal sector, while in the view of the Government of **India**, it is up to the social partners “to exercise constitutional and legal rights available to them” to organize the informal sector, where the numbers of agricultural and contract workers are considerable.
21. **Positive developments reported.** The contingent workforce was highlighted in the report of the **United States** with reference to a decision by the National Labor Relations Board which marks a major step towards extending the application of the principle to these workers who are normally not unionized nor covered by collective bargaining (see box 1).

Box 1. Freedom of association, collective bargaining and the contingent workforce in the United States

Over the years there has been a spectacular rise in the number of workers not engaged in full-time, year-round employment with guaranteed access to statutory social benefits. According to an official report, from “... 1982 to 1998, the total number of jobs in the temporary help supply industry rose 577 per cent, while during the same period the total number of jobs grew 41 per cent” (USGAO, 2000). Known as “contingent” or “non-standard” workers, the growth in the number of persons employed under such arrangements may be explained by several factors:

- changing characteristics of the labour market with increased participation of women and young persons;

- a rise in preferences for non-standard work arrangements;
- expansion of the service sector;
- the search by enterprises for greater flexibility and reduced unit labour costs; and, in some contexts;
- cyclical labour market conditions.

The contingent workforce is a heterogeneous group that includes unskilled and semi-skilled workers as well as highly qualified professionals. Estimates of its size vary widely, depending on the groups included in the classification. As a result, in February 1999, the share of contingent workers in the United States was said to be 5 per cent of the workforce when only temporary and on-call workers were considered, or as much as 30 per cent of the workforce, when other categories of workers were included. *

Interest in the qualitative aspects of contingent work has grown, mainly because there is greater awareness that pay, benefits and job security tend to be less favourable for the majority of these workers. Moreover, as a result of the temporary nature of their employment, among other factors, they may not qualify for coverage under certain social protection laws (e.g. the Family and Medical Leave Act and the Employee Retirement Income Security Act). Women make up more than two-thirds of all part-time workers who are the largest single category of the contingent workforce. Union representation and coverage by collective agreements are rare.

In its report for the annual review, the Government of the United States made reference to a recent decision by the National Labour Relations Board (NLRB) concerning the contingent workforce.

The Board had to decide whether employees jointly employed by a "user" and "supplier" employer could belong to the same bargaining unit without the prior consent of the two employers - i.e. the enterprise that hired the workers and the employment agency through which they were hired. By a 3 to 1 ruling, the NLRB decided that temporary workers and those with regular, standard jobs, could belong to the same bargaining unit if the employer and placement agency were joint employers of the temporary workers, and a "community of interests" existed between the two groups of workers. Aspects of the employment relationship such as wages, working time and working conditions were taken into account for the purpose of determining the existence of a "community of interests", and in order to establish joint employer status, the entities must co-determine matters relating to the employment relationship (e.g. hiring, firing and supervision).

The decision of the NLRB opens up opportunities for contingent workers who share a "community of interests" with regular workers to enjoy the same representational rights, in line with the fundamental principle of freedom of association and the effective recognition of the right to collective bargaining.

* One would reach this upper estimate if the following categories of workers were included: temporary workers supplied by agencies ("temps"); direct-hire temps; on-call workers and day labourers; contract company workers; independent contractors; self-employed and regular part-time workers.

Source: Based on information contained in the report of the Government of the United States for the second annual review under the follow-up to the Declaration, 2001; the decision of the National Labor Relations Board, *M.G. Sturgis Inc.*, 331 NLRB, No. 173, 8/25/00, and United States General Accounting Office (GAO). *Contingent workers: Incomes and benefits lag behind those of the rest of the workforce*. Report to the Honorable Edward M. Kennedy and the Honorable Robert G. Torricelli, US Senate, June 2000.

22. Even though obstacles to observing fully the principle and right regarding freedom of association and collective bargaining are mentioned to varying degrees in some reports, there is nonetheless evidence that measures are being taken to promote this principle and right.
23. The measures mentioned by a number of countries which may be considered as encouraging developments, may be grouped into the following broad categories:
 - (a) regulatory and policy reforms;
 - (b) creation or strengthening of supporting institutions;
 - (c) promotional activities to raise the profile of the principle and right in the national context; and
 - (d) expressions of willingness by government representatives to address the issue of fundamental principles and rights at work in domestic and international forums.
24. It is not easy from the annual reports to determine whether developments reported by governments took place since the review for 2000, or before it. In some cases the activities may have been initiated prior to that period and culminated in the past year (e.g. the enactment of the Employment Relations Act in **New Zealand** in October 2000). In other cases, governments may be reporting on

activities for which the initial phase began before the first annual review and will be ongoing for some time to come. The situation in the **Republic of Korea** is an example of the latter. Reforms were introduced in March 1997, with the amendment of the Trade Union and Labour Relations Adjustment Act to include the principle of trade union pluralism. However, the Government has adopted a gradualist approach, whereby, if workers in an enterprise are already represented by a trade union, another union would not be allowed to organize workers in the enterprise in question, before the end of 2001.

25. **Regulatory and policy reforms.** The reform of labour codes as well as specific legislation for giving effect to the principle (including its application to certain categories of workers such as public servants) has been enacted in certain countries. For example, in **Morocco** there is the Dahir No. 1-00-01 of 15 February 2000 which is intended to enhance the protection of unions from interference and discriminatory action. In **New Zealand**, the reform for which the New Zealand Council of Trade Unions (NZCTU) expresses full support concerns the adoption of the Employment Relations Act, which entered into force on 2 October 2000. Its aims are, inter alia, to extend the coverage of multi-employer collective agreements to newly recruited workers, and to strengthen the practice of bargaining in good faith. However, the New Zealand Employers' Federation expressed concern over the extension of collective agreements to new workers for the first 30 days of their employment, as opposed to allowing the worker and employer to negotiate individually the terms and conditions of employment. In its reply, the Government stated that this provision ensures that new employees were provided with the measures of protection of any existing collective agreements while nevertheless permitting each new employee to negotiate his or her terms and conditions of employment at any time, provided that they were not inconsistent with the applicable collective agreement. The Government added that it had requested the assistance of the ILO to examine the compatibility of the Act with the relevant provisions of the two fundamental Conventions.
26. In other countries, legislative reforms are either under consideration (e.g. **Lebanon**) or the process has started (e.g. **Kenya, Mauritania, Mauritius, Sudan, Zimbabwe**). In **Mauritius**, the ongoing efforts do not go far enough along the path to realizing the principle, according to the workers. The Industrial Relations Act is still seen as an obstacle to trade union activities (*Fédération des Syndicats des Corps constitués*). In the case of **Sudan**, it is the 1992 Trade Union Act, imposing a single trade union system, that is to be revised. **Thailand** also plans to review its national legislation and labour practices as they relate to the fundamental principles and rights at work. In the first quarter of 2001, the country will carry out an ILO-funded study as well as its own research on this topic.
27. There is evidence that comments made within the context of the ILO's established supervisory bodies have influenced the decisions of some governments to reform their labour laws (e.g. **Sudan, New Zealand**).
28. **Creation or strengthening of institutions.** One of the factors that can prolong labour disputes and mar relations at the enterprise level is the backlog of labour disputes in the labour courts of some countries. The Government of **Brazil** reported on the recent introduction of measures for the setting-up of commissions within trade unions to examine grievances at the enterprise level and settle disputes amicably and expeditiously, without recourse to the labour courts. Commenting on the Government's report which pointed out that job security of workers involved in these Prior Consultation Commissions would be guaranteed, an employers' organization, the National Confederation of Commerce (CNC) noted the need to specify that under Act No. 9958 of 12 January 2000, the guarantee would apply only to those workers' representatives involved in enterprise-based Commissions. The Government concurred with the CNC's observations.
29. While some governments have created new institutional arrangements, others have discontinued or reactivated old ones. After a long period of inactivity, the Higher Council on Collective Agreements in **Morocco**, which became operational again in May 1999, has been involved in regular meetings, in support of measures for promoting collective bargaining. However, the ICFTU is of the view that anti-union practices persist.
30. **Raising the profile of the principles.** The commitment to strengthening institutionalized tripartite consultations was in fact, a common theme in many reports. The positive effects of action to promote respect for freedom of association and recognition of the right to collective bargaining will depend, to a large extent, on whether there is broad-based awareness of, and support for the

principle and right. Government reports show that efforts to raise the profile or visibility of the principle are under way in a number of countries. In **Mauritius**, the Ministry of Women, Child Development and Family Welfare is involved in encouraging women's participation in trade unions. In addition, within the framework of the National Gender Action Plan, women are consulted on proposed activities for increasing their presence in workers' organizations. Campaigns are another channel being used to increase public awareness of the principle and right. In **Morocco**, public awareness campaigns and symposia on collective bargaining are envisaged as a complement to the work of two tripartite technical committees that were set up in 1999 to encourage the conclusion of collective agreements. The mass media and workers' representatives who sit in Parliament are playing an important promotional role in **Uganda**. In **Thailand**, where social dialogue is recognized as having contributed to efforts to mitigate the adverse impact of the Asian financial crisis, the Government stated that NGOs, academics and the social partners were being encouraged to take part in activities for promoting collective bargaining and the right to organize. Nationwide information campaigns for raising public awareness about the principle and right as enshrined in new labour legislation and seminars/conferences to encourage public debate on model collective agreements were reported by the Governments of **New Zealand** and **Brazil** respectively. In the case of **Mexico**, the Government has decided to use the Internet to raise public awareness about trade union organizations and their representatives, at the federal level, and local government authorities are contemplating a similar approach.

31. **Intention to address the issue of fundamental principles and rights.** The expressed intention of certain member States to enter into discussions with the ILO on the observance of the fundamental principle and right in the domestic context is a sign of recognition that it merits discussion at a high political level. The report of the Government of **Saudi Arabia** mentioned that member countries of the Gulf Cooperation Council (GCC), in discussions with the ILO on, inter alia, "the absence of workers' organizations in some of the GCC countries", expressed interest in obtaining technical assistance to study the particularities of these countries and to find "appropriate alternatives". The Expert-Advisers note with interest the intention of governments of GCC countries, and point out that the systems for workers' representation in these countries are not in line with the principle of freedom of association and the effective recognition of the right to collective bargaining.

2. The elimination of all forms of forced or compulsory labour

32. **Availability of information.** Governments appear reluctant to provide information on forced labour issues. There is also a certain lack of understanding and recognition of the nature and scope of the phenomenon. With the exception of **Nepal**, which reported on the existence of bonded labour practices and described the programmes dealing with the reintegration of former bonded labourers into the mainstream development process, none of the other countries mentioned the actual incidence of forced labour or challenges related to it.
33. The majority of reports provided detailed legal information and, as a consequence, analyses focused almost solely on legal matters. Some governments noted discrepancies between national legislation and provisions of the Conventions related to this category of principles and rights, or their interpretations. **Sri Lanka** requested the assistance of the ILO in this area. The **Republic of Korea** had already analysed its national legislation with the assistance of the ILO in 1998 and the results suggested certain contradictions with the Conventions. The Government gave no indication of any further action initiated as a consequence of these findings. **Japan** and **Viet Nam**, too, noted differences between domestic law and its interpretation and the Conventions related to the principle; however, neither country mentioned that legal reforms were envisaged.
34. **Lesotho** identified the lack of appropriate training of its labour inspectors as one of the issues that required attention in order to detect or prevent possible forced labour practices.
35. **The gender dimension.** None of the governments provided information on gender-related issues or analysed incidences of forced labour from a gender perspective. Given that women and children, especially girls, are particularly vulnerable to forced labour practices and trafficking, such analysis is essential to design and formulate meaningful prevention, assistance and rehabilitation programmes and policies. Governments should therefore pay more attention to this issue.

-
36. **Role of social partners.** Although almost all governments indicated that copies of their reports had been sent to employers' and workers' organizations for observations or that consultations had taken place in the initial drafting phase, in only one case (**Japan**), did both workers' and employers' organizations submit their comments. In reply to the comments by the Japanese Trade Union Confederation (JTUC-Rengo), the Government of **Japan** submitted its observations on the purpose of the follow-up to the Declaration and related procedural issues. No government stated that the reports had been drafted jointly with the social partners. It appears that aside from **Japan** and **Madagascar**, the role and involvement of national employers' and workers' organizations has been rather limited in relation to this category of principle. There seems to be a need to encourage social partners at the national level to be more attentive to the issue of forced labour.
37. In many instances, detailed information was provided by international workers' organizations (ICFTU and WCL). Their comments related to the situations in 12 of the 19 reporting countries and two countries that had submitted government reports last year (**Bolivia, China**).
38. **National and regional activities of the ILO.** The reports mentioned very few ILO activities in the area of forced labour. The most comprehensive activity concerned the ILO's technical assistance to **Nepal** with regard to former bonded labourers. Further ILO assistance mentioned in the reports referred to the assessment of the compatibility between domestic legislation and provisions of ILO Conventions relevant to the principle, provided to the **Republic of Korea** in 1998 and to assistance requested by the Government of **Sri Lanka**.
39. The Government of **Mozambique** reported that an ILO-funded tripartite seminar in September 1999 had raised awareness on the importance of ratifying fundamental Conventions. **Mozambique** has since initiated the ratification process for Convention No. 29. During recent training sessions to raise awareness of the Declaration and ILO standards in **Madagascar**, a request was made to organize, with the ILO's support, a national seminar on the subject of forced labour.
40. **Policy and institutional developments.** The principle is recognized in the Constitutions and national legislation of the **Democratic Republic of the Congo, Lesotho, Madagascar, Rwanda** and **Sri Lanka**, according to those Governments. The Government of **Malaysia**,¹ whose report focused exclusively on the issue of prison labour, reported that the country's Constitution prohibited all forms of forced labour and that labour performed incidentally to a prison sentence and imposed by a court of law was not considered forced labour.
41. Exclusions from the application of the principle were mentioned by the Governments of the **Democratic Republic of the Congo, Lesotho** and **Rwanda**. They referred to compulsory military service, service as a result of a conviction by a court of law, work in case of emergency, minor communal service and "statutory, civic obligations of general interest". The Labour Code of **Lesotho** also addressed the prohibition of forced labour imposed by chiefs or other public officials. The Government of **Madagascar** stated that its legislation excludes some of the following situations from the application of the principle: emergency situations, work in the interest of the community as agreed by the *Fokonolona* (the village community), public works, and prison labour as a result of a conviction by a court of law. With regard to the **Solomon Islands**, the ICFTU noted that certain exclusions included in the national legislation required attention.
42. Among the countries that had reported on their institutional framework during the last annual review, a few mentioned that progress had been made. The Government of **Ukraine** noted that a recent review of national legislation in view of the possible ratification of Convention No. 105 had resulted in several amendments to the Labour Code as well as to other laws and regulations. The Government of **Canada** noted that progress had been made with regard to the possible ratification of Convention No. 29. Furthermore, in relation to the ICFTU's comment on the Canada Shipping Act, it stated that this law was currently being overhauled.
43. The Government of **Nepal** reported concrete progress with regard to addressing the problem of bonded labour. Legislation that would enact the constitutional prohibition of forced labour remains

¹ **Malaysia** ratified the Forced Labour Convention, 1930 (No. 29), in 1957 and the Abolition of Forced Labour Convention, 1957 (No. 105), in 1958. In 1990, **Malaysia** denounced Convention No. 105.

to be adopted. **Japan**, which was urged by national employers' and workers' organizations to ratify Convention No. 105, had pointed to legislation it considered to be in contravention of certain provisions of that relevant Convention in its 2000 report. **Viet Nam** too had noted in their 2000 report that there were apparent differences of interpretation between its own and the ILO's definition of forced labour. No changes were indicated in the current reports of these two countries.

44. In **Singapore**,² persons prosecuted and sentenced under certain legislation are subsequently subjected to the Prisons Act and required to work. According to the Government, such labour was voluntary and no sanctions were applied in cases of refusal to work, and therefore forced labour was considered not to exist. The ICFTU, in its comments, mentioned legislation on destitute persons who might be required to work or otherwise face penalties. In response, the Government stressed that destitute persons in welfare homes were employed on an entirely voluntary basis.
45. **Obstacles to ratification.** The Government of **Sri Lanka** identified certain legislation which allowed particular exemptions as being in contravention of some aspects of the principle. The legislation, however, was no longer enforced and the Government expressed its interest in analysing and revising these laws in view of a possible ratification of Convention No. 105. In its report, the Government of **Madagascar** noted the need for reforms in the areas of prison labour and community service, to bring national law and practice into line with the principle. ILO assistance in this regard was requested. The Government of the **Republic of Korea** was also of the opinion that certain laws and regulations were not fully compatible with the relevant fundamental Conventions, and noted its efforts to bring "freedom of association and the right to collective bargaining up to the internationally recognized level".
46. **Enforcement.** **Lesotho, Madagascar, Namibia** and the **Republic of Korea** stressed the importance of labour inspectors with regard to the control and enforcement of the principle. Lesotho requested the ILO to provide training for its labour inspectors.
47. **Promotional activities.** Few countries mentioned awareness-raising or promotional campaigns. The Governments of **Lesotho** and **Namibia** reported on awareness-raising campaigns they were organizing, while the **Democratic Republic of the Congo, Madagascar** and **Rwanda** called for assistance from the ILO to carry out such activities. A national workers' organization of **Madagascar** commented that the Government was making efforts to eliminate the use of prison labour, a common practice until the 1990s, by abiding with the provisions of relevant national and international labour standards and by undertaking a revision of the Penal Code. The importance of tripartite dialogue was mentioned (**Madagascar, Namibia**). In **Namibia**, the role of the Namibian Institute of Democracy was considered to be vital.
48. **Main issues raised in the reports.** The government reports which were submitted for the annual review of 2001 dealt with four main issues:³
- Prison labour in the context of private prisons or contracting out to private companies.
 - Prison labour imposed in relation to participating in certain political activities or industrial action.
 - Compulsory civil service.
 - Bonded labour.
49. In addition, the need to address the situations of other vulnerable persons and groups of persons, including migrant workers, indigenous people, was raised by international and national workers' organizations.

² **Singapore** ratified the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105), in 1965. In 1979, **Singapore** denounced Convention No. 105.

³ The issues raised in the reports are not listed in order of importance.

-
50. Whether the forms of forced or compulsory labour raised in the reports fall directly within the domain of the State imposing it or occur through private individuals forcing others into coercive labour situations, as is the case of bonded labour, the State, however, remains responsible in all cases for preventing, punishing and eliminating such practices.
51. **Prison labour – private prisons and contracting out of prison labour.** Countries which specifically referred to such practices included **Canada, Malaysia** and the **United States**. All three countries cited, as safeguards against abuse, the consent of the prisoners and the strict monitoring and control by public authorities. Work often takes place within the prison compounds under the supervision of prison personnel. Furthermore, the governments stressed that the working conditions, including compensation, working hours and holidays, were similar to those of workers outside the prisons. The data provided by the Governments of **Malaysia** and the **United States** and indicated that only a small portion of the total number of inmates was working in privatized prisons or for private employers. In the case of **Malaysia**, about 8,000 inmates were involved in the traditional scheme and 1,868 prisoners participated in public-private joint venture workshops. In the **United States** around 77,000 inmates (4 per cent of the total inmate population) had been imprisoned in facilities owned or managed by private companies.
52. Whereas in the past, prison privatization and contracting out of prison labour was considered a phenomenon of industrialized countries, the example of **Malaysia** shows that in developing countries too, the involvement of the private sector in a normally public domain is increasing. Reasons given for the growing use of prison labour were mainly economic as well as providing better skills development and increased chances of finding employment upon release. The penal system in **Malaysia**, the Government stated, attached great importance to the constructive use of prison labour and the reformation and rehabilitation of convicted prisoners. This Government also noted that only prisoners who fulfilled certain criteria were allowed to participate in the public-private joint venture scheme.
53. **Prison labour imposed in relation to participating in certain political activities or industrial action.** Several countries cited legislation which allows for forced labour as a result of prison sentences for participation in certain political activities (expressing views contrary to those of the established political, social and economic order) and for those participating in or instigating certain industrial action, including strikes. In certain cases these provisions were particularly targeted at public sector employees. The Governments of **Japan, the Republic of Korea** and **Sri Lanka**, provided overviews of the specific legislation which they considered to be incompatible with certain Articles of the ILO Conventions on forced labour which they had not yet ratified. The Government of **Singapore** noted that prisoners sentenced for the violation of this kind of legislation were neither forced to work nor punished in case of refusal. The Government of **China**, in its 2000 report, had described in detail rehabilitation through labour as “a compulsory measure for education and reform”. In the 2001 annual review, the ICFTU commented on this situation.
54. Workers’ and employers’ organizations have urged these countries to revisit their respective legislation and introduce the necessary changes with a view to possible ratification of ILO Conventions.
55. **Compulsory civil service.** The Governments of **Madagascar, the Republic of Korea** and **Sri Lanka** explained in great detail that certain provisions of their national legislation provided for compulsory civil service in certain cases. In **Sri Lanka**, there seemed to be a consensus that the specific legislation had become obsolete and the conditions which had justified their enactment no longer existed. The need to address the issue of compulsory civil service for non-military purposes was also recognized by the Government of **Madagascar**. All three countries seemed to consider that these legal provisions, whether or not still enforced, constituted obstacles to a possible ratification of the relevant ILO Conventions.
56. **Bonded labour.** In its report submitted for the annual review of 2000, the Government of **Nepal** had mentioned the existence of bonded labour in certain parts of the country. Since then, the Government has liberated these bonded labourers and is now faced with the challenge of giving them sustainable income-earning possibilities. Other incidences in the country, which have been mentioned by the ICFTU as requiring further study and which, reportedly affect the “untouchables”. The example of **Nepal** shows that although the Constitution prohibited forced labour, debt bondage continued to exist. Specific laws are needed to address the problem, and above all, the law has to be

translated into practice and be enforced. There also seems to be an apparent lack of knowledge about bonded labour practices and solutions to the problem.

57. Traditional forms of debt bondage affect a large number of people including children in many countries. The ICFTU has pointed out to these situations in **Bolivia** and the **Philippines**, which apparently concern both agricultural and domestic workers. In response, the Government of the **Philippines** has called into question the ICFTU's estimates of the number of children affected by this problem, and it notes the difficulty in appreciating the scope of the problem, since these workers are "not visible".
58. **Other forced labour situations.** Concern about the working conditions faced by particularly vulnerable groups of society such as migrant workers who seem to be at risk in relation to forced labour practices, especially in certain contexts such as trafficking, was raised by workers' organizations. Thus, the ICFTU has pointed to the seizure of passports of migrant workers in **Malaysia**, a practice that according to the ICFTU has clear elements of compulsion. In relation to these observations, the Government of **Malaysia** noted that although not a common practice, there were incidences of employers retaining passports of migrant workers until the completion of their contracts, for reasons of safe-keeping. Migrants, the Government noted, were issued special identification papers allowing them at least to travel within Malaysian territory.
59. Another situation mentioned by the ICFTU referred to the working conditions faced by migrant workers in the Northern Mariana Islands, a dependent territory of the **United States**.
60. Not all forms of forced labour were mentioned in the reports. Information on trafficking of children was provided by several African governments in their reports submitted in the child labour category (the Government of **Cameroon** even gave an estimate of 500,000 children it considered to be involved in trafficking incidences within its national borders).

3. *The effective abolition of child labour*

61. **Ratification of other child labour instruments.** Some countries (**Brazil, Chad, Gabon, Mali**) informed the Office that action had been taken to ratify the Worst Forms of Child Labour Convention, 1999 (No. 182), and a number of countries indicated that that instrument was currently the object of national discussion with a view to ratification. During the period 25 January to 1 November 2000, instruments of ratification in respect of Convention No. 182 were deposited by 37 countries (seven of them submitted reports for the annual review 2001, by virtue of non-ratification of Convention No. 138). Several countries underscored that they had ratified the United Nations Convention on the Rights of the Child, 1989, and provided information from the reporting exercise under that Convention (**Comoros, Djibouti, Guinea**). On the regional level, **Ghana** and **Mali** referred to their ratification of the OAU Charter on the Rights and Welfare of the Child, 1990. **Pakistan** was signatory to the Declaration of the South Asian Association for Regional Cooperation (SAARC), signed in Malé, 23 November 1990. That instrument urged member countries to eliminate hazardous forms of child labour by the year 2000 and all forms of child labour by the year 2010.
62. **Minimum age for admission to employment or work: Exceptions and variations.** Several countries indicated that their laws specified a minimum age for admission to employment. The thresholds ranged from 12 years (in **Uganda**) to 14 years in some countries,⁴ and 15 years in others.⁵ The Labour Code of **Gabon** prohibited employment of children less than 16 years. Although the threshold was 16 years in **Papua New Guinea**, a person over 11 years of age may be employed, subject to the following: the employer's obtaining a certificate of medical fitness and the written consent of the parent or guardian; the employment not being prejudicial to school attendance

⁴ **Benin, Cameroon, Chad** (although a child 12 years of age may engage in "light work"), **Colombia, Democratic Republic of the Congo, Côte d'Ivoire, Djibouti, Lebanon, Mexico, Namibia, Pakistan, Saint Kitts and Nevis.**

⁵ **Comoros** (children may not be engaged even as apprentices before the age of 15 years), **Ghana, Haiti, Islamic Republic of Iran, Lesotho, Paraguay, Peru.**

and being outside the hours prescribed for school attendance. **Turkmenistan** allowed 16 year-olds to enter into employment contracts. Nonetheless, persons having attained the age of 14 years could work, subject to the written consent of one parent (or guardian). In **Guinea**, the minimum age for admission to employment is 16 years but apprenticeships may commence at 14 years of age.

63. Some countries varied the minimum age as a function of the particular type of employment: 16 years for employment in industrial enterprises (**Bangladesh, Lebanon, Peru**) and 17 years for work in industrial fishing (**Peru**) or for work which was likely to jeopardize the health, safety or morals of young persons (**Lebanon**). **Saint Kitts and Nevis** and **Paraguay** allowed children 12 years old to work in family enterprises and agricultural undertakings. The minimum age requirement in **Lebanon** was not applicable to family enterprises and domestic workers in private homes.
64. **Definitions of “child” and “child labour”.** The **Bahamas** stated that the term “child labour” applied to work done by children under 14 years of age. The approach whereby a “child” was defined as a person under 14 years of age and an “adolescent” was defined as a person 14 years old but who had not yet attained 18 years of age was reflected in the labour legislation of **Brazil, Lebanon, Pakistan** and **Peru**. In **Sudan**, the Labour Act provided for the employment of “juveniles”, defined as persons under the age of 16 years. **Colombia’s** national action plan (2000-02) for the eradication of child labour and the protection of young workers defined child labour as “all activity of trade, production, manufacturing, distribution or sale of goods and services, remunerated or not, independent of or dependent on a natural or juridical person, done by a person less than 18 years old”. The plan aims to eliminate progressively child labour (for under 14 year olds) and guarantee social protection for young workers (15-17 years of age).
65. **Definitions of “light work”.** **Ghana** indicated that its legislation – section 90(2) of the Children’s Act (1998) – defined light work as being “work which is not likely to be harmful to the health or development of the child and does not affect the child’s attendance at school or the capacity of the child to benefit from school work”. For the purposes of the exception allowing 12 year olds to work, the labour legislation of **Chad** and **Côte d’Ivoire** cited domestic work and seasonal picking (harvesting) as examples of “light work”.
66. **Types of hazardous or dangerous work.** Several countries noted that persons under 18 years of age were not allowed to engage in hazardous or dangerous work. Hazardous or dangerous work was defined as follows: going to sea, portering of heavy loads, mining and quarrying (**Ghana**); work involving harmful levels of heat, cold, vibration and noise (**Thailand**); construction, mining and road building (**Bahamas**); work involving the handling of explosives, chemical substances and pesticides (**Paraguay**). In some countries, the minimum age for engaging in dangerous work was the same as for admission to employment, i.e. 15 years in **Lesotho** and 16 years in **Papua New Guinea**.
67. **Protective provisions.** Several countries made provision via the Constitution (**Bahrain, Thailand**) or labour legislation for measures to protect children, prohibiting them from being employed in work that was dangerous, hazardous or unhealthy. Some had a specific provision prohibiting children from engaging in night work (**Namibia, Paraguay**) or allowing it only under exceptional circumstances (in **Peru**, a judge could authorize night work, of a maximum duration of four hours, for 15-17 year olds). **Singapore** provided safeguards for working children in respect of the number of hours worked daily. In the case of **Colombia** and **Peru**, 12-14 year olds were permitted to work a maximum of four hours per day.
68. **Peru’s Code and Brazil’s Statute concerning Children and Adolescents** took cognizance of the reality of working children (10 to under 14 age group) and adolescents (14-17 age group). With regard to children, the aim was to eliminate child labour, whereas for adolescents the approach was to guarantee the rights of the working minor – the right to education, to sign contracts related to their work, as well as entitlement to social security (**Peru**). Preventive and protective measures to encourage the realization of the effective abolition of child labour were also implemented through the education sector (**Saint Kitts and Nevis**).
69. **Limitations in scope of legislation.** In **Thailand**, the Labour Protection Act of 1998 did not cover the agricultural sector and in certain countries (e.g. **Bangladesh, Mali**) the informal sector did not fall within the scope of the labour legislation. **Cameroon**, for its part, acknowledged that the principle of the effective abolition of child labour was not explicitly recognized in the country’s

laws whilst **Papua New Guinea** admitted that its employment legislation did not clearly define child labour. The legislation in **Estonia, Islamic Republic of Iran, Lebanon, Pakistan** and **Papua New Guinea** did not extend the principle of the abolition of child labour to work in a family enterprise.

70. **Enforcement of legislation.** A number of countries noted that prosecution by the courts of violators of the laws concerning child labour was provided for. For example, factory inspectors in **Bangladesh** and in **Pakistan** were empowered to enforce the provisions of the law in the formal sector and could institute court proceedings against violators. The Industrial Tribunal ensured implementation of the principle in the **Bahamas**.
71. **Chad** referred to inefficient administrative structures making it difficult to enforce legal provisions. Some countries reported that enforcement was effected through the requirement that the employer keep a register of children who were working (**Ghana, Paraguay, Peru, Saint Kitts and Nevis**). **Peru** had a system of work permits for adolescents, whereby the authorities kept a register the adolescent's hours of work, remuneration and occupation.
72. **Penalties.** Several countries highlighted the provisions for penalties (e.g. fines and prison sentences in **Gabon, the Islamic Republic of Iran and Benin**) applicable to employers who violated labour laws – for example, should persons under the age of 18 be obliged to do dangerous work or industrial night work (**Paraguay**) or should employers not keep a register of working adolescents (**Benin, Ghana, Paraguay, Peru**). **Lesotho** and **Gabon** provided for a penalty (a fine or imprisonment, or both), in cases where a child was employed contrary to the provisions of the Labour Code.
73. **Labour inspection.** Labour inspection was seen as being crucial to the effective implementation of labour laws. In **Lebanon**, the Labour Inspection, Prevention and Safety Department compiled records of infringements and brought them before the Courts which imposed the necessary penalties. **Mauritania** indicated that it lacked the means (labour inspectors, material and equipment) to ensure the monitoring of labour practices. **Ghana** reported attempts, through legislation, to extend the scope of labour inspection to cover the informal sector and in **Peru**, the Code in respect of Children and Adolescents is reportedly applicable in both the formal and informal sectors. **Cameroon's** national plan of action to combat child labour envisaged the creation, within the Labour Inspectorate, of specific structures to monitor child labour in both the formal and informal sectors. In **Bangladesh** and **Mali** the labour legislation was not applicable to employment in the informal sector, the result being that that sector was outside the traditional labour inspection system.
74. **Legislative and policy reform.** Several countries gave indications of the direction being taken in policy and legislative reform since the annual review for 2000. **Mexico** indicated that its policy for dealing with child labour would reaffirm the prohibition of work for minors less than 14 years old. **Singapore** intended to enact the Compulsory Education Act, which would introduce, in the year 2003, compulsory education up to primary grade 6, so as to prepare children for a knowledge-based economy. The Government of **India** informed of its intention to enact federal legislation fixing a minimum age of 14 years for admission to employment or work in all occupations but excluding agriculture in family and smallholdings producing for their own consumption and not regularly employing hired workers. The **United States** mentioned pending legislation, the Children's Act for Responsible Employment, which would amend the Fair Labor Standards Act with respect to children working in agriculture, including hazardous occupations, and in commercial street sales. **Turkmenistan** was drafting a new Labour Code and planned to adopt a law defining the legal bases for enforcement of children's rights.
75. In **Canada**, Quebec had modified the Law on Labour Standards so as to prevent employers from having a child under 14 years of age work without consent by parents or guardian. **Peru** had increased by one year the minimum age for admission to various types of employment: 15 years for non-industrial agriculture; 16 years for industrial work and mining; 17 years for industrial fishing. **Viet Nam** had approved an Action Plan (1999-2002) on the protection of children exposed to difficult situations (e.g. work with toxic substances). **Lebanon** had amended its Labour Code to ban work by juveniles for more than six hours per day. Under the **Australian** Services Cadet Scheme, volunteer cadets were now considered employees for the purposes of the federal Occupational Health and Safety Act, 1991. The Employment Contracts Act of **New Zealand** was replaced, as of

2 October 2000, by the Employment Relations Act to provide several provisions of which, according to the Government's report, may particularly assist young workers.

76. **The extent and types of child labour.** Several countries acknowledged that there was a dearth of statistics on the phenomenon of child labour and that there was need for data collection. Where statistics were provided in reports, they pointed to a high concentration of child labour in rural areas and in the agricultural sector. For example in **Pakistan**, a 1996 survey by the Federal Bureau of Statistics indicated that, of the 40 million children aged 5-14 years, about 3.3 million (73 per cent males and 27 per cent females) were economically active of which 67 per cent were in the agriculture, forestry and fishing sector and 11 per cent in manufacturing. As regards **Bangladesh** in 1996, according to the Bureau of Statistics, of the 16 million children aged 10-14 years, an estimated 6.3 million (60 per cent males and 40 per cent females) were working – 83 per cent in the rural areas, and a total of 66 per cent in agriculture.
77. In the absence of reliable national statistics on child labour, the Government of **Benin** cited limited national data and surveys carried out elsewhere in Africa, which estimated that children working in the rural sector accounted for between 75 and 90 per cent of working children. For its part, **Côte d'Ivoire**, recognizing the lack of official statistics on the subject, mentioned other studies highlighting the existence of child labour on plantations and in domestic service and acknowledged the problems of trafficking of children in the region linked to exploitation of child labour.
78. Regarding urban areas, the statistics supplied by **Mexico** revealed that some 114,500 minors worked on the streets, in the 100 principal urban centres. In **Jamaica**, the socio-economic complexity of street children had led to the distinction between “children *of* the street” (they work on the street to earn an income but attend school and go home to parents) and “children *on* the street” (they live on the street permanently, and their companions on the street become a substitute for the family). **Brazil** compared statistics regarding the situation in 1993 with the findings of a National Household Sample Survey conducted in 1998 and found a decreasing trend in child labour, both for the 5-9 and the 10-14 age groups. Nonetheless, the federal government was committed, with the help of IPEC, to conducting a Field Survey in October 2001 to assess further the incidence of child labour. The Government of **Thailand** also deduced a declining trend in child labour, as per statistics it supplied to the Office.
79. **Growth of the informal sector.** The expansion of child labour in urban centres and in the informal sector reflected current labour market developments. In the case of **Bangladesh**, a national workers' organization (BSSF) reported that 20 per cent of all working children worked in the urban informal sector – e.g. in households as domestic servants, as vendors (in the streets, in market places, at bus stations), porters and newspaper hawkers. **Haiti** acknowledged the difficulty of eliminating child labour in the informal sector, in particular with regard to child domestic workers. In **Lesotho**, a recent national survey under the auspices of UNICEF revealed that child labour existed: in the rural areas boys were active as herd boys and, in the informal sector, children were active as domestic workers and street vendors.
80. It was reported that the system of child domestic workers, particularly in the urban areas in **Benin**, **Comoros** and **Haiti**, lured children from the rural areas with the promise of educational opportunities. In Haiti, boys as well as girls were involved, in contrast to **Jamaica**, where the tendency was for girls to be engaged in this activity. The phenomenon of the “vidomégon” in **Benin** (100,000 children were involved), “restavek” in **Haiti** (250,000 children were involved) and “*les petites bonnes à Abidjan*” (**Côte d'Ivoire**) highlighted the problem of children who work in other people's households doing domestic chores.
81. **Child labour and forced or compulsory labour.** Some countries made specific reference to the trafficking of children. **Cameroon** estimated that over 500,000 children within its borders were affected. **Côte d'Ivoire** linked urban child labour to trans-border trafficking in persons. **Gabon** acknowledged the problem of children being trafficked from West African countries into Gabon, and highlighted its efforts to eliminate this practice through a range of legal institutional and capacity-building measures, in collaboration with neighbouring countries. **Ghana** reported that the Criminal Code was amended in 1998 to outlaw “*trokosi*” – the traditional practice of bonded slavery whereby a young girl, usually under the age of 10, becomes the property of a fetish priest and must labour for him, in order to atone for offences committed by a member of the girl's family. An

international NGO had helped establish a vocational training centre for the rehabilitation of the liberated “trokosi”.

82. **Child labour and armed conflict.** Sudan referred to child labour in the context of displaced, unaccompanied children due to armed conflict. Rehabilitation measures in **Chad** were directed to former child soldiers. **Colombia** mentioned that Decree No. 2541 of 1998, in its section 14, had made the recruitment of minors for guerrilla warfare an offence punishable by a 3-5 year term of imprisonment. In **Côte d’Ivoire** and **Djibouti**, child labour was linked to the influx of refugees from neighbouring countries.
83. **The link between child labour and poverty.** Several countries expressed the view that children worked out of economic necessity – to help the family, or to ensure their own survival. In **Jamaica**, 4.6 per cent or 22,000 children (typically from the poorest 20 per cent of Jamaican families) under the age of 16 were active in the labour market, primarily with a view to supplementing the family income. Some countries linked child labour to the phenomenon of street children (e.g. **Haiti, Ghana, Jamaica, Peru**).
84. In **Uganda**, HIV/AIDS, war and famine have been identified as having “... precipitated and sustained child labour, as displaced, orphaned and destitute children have no alternative but to work to survive” (National Programme on the Elimination of Child Labour in Uganda). Some countries specifically saw child labour as being poverty-driven (**Bangladesh**), linking it to the persistent economic crisis (**Benin, Chad**) or to the negative impact on employment and income, of structural adjustment programmes (**Cameroon**).
85. Child labour was reportedly not a problem in certain countries (e.g. **Bahrain, Estonia, Oman, Papua New Guinea, Qatar, Singapore**) – with the latter two governments attributing the absence of child labour to the country’s high per capita income.
86. **The link between child labour and education.** The link manifested itself in a variety of ways – legislation regarding child labour could be either mutually supportive or contradictory. Education was also clearly a central element in many countries’ strategies to combat child labour. There was sometimes synergy between legislative provisions regarding education and labour, as demonstrated in **Canada**: Quebec had adopted legislation, which transferred from the Law on public education to the Law on labour standards, the prohibition to employ children during school hours. In some countries, the age for admission to employment corresponded to the age by which a child was expected to complete compulsory basic education (e.g. **Bahrain, Ghana**).
87. In other countries, legislative gaps existed. **Suriname** reported that child labour (work by persons who have not reached the age of 14 years) was prohibited, except when the child labourer was above the age for completion of compulsory schooling (the age of 12), i.e. children aged 13 or over are not covered. In the case of **Colombia**, education was compulsory between the age of 5 and 15 years. However, the labour legislation set the minimum age for admission to employment at 14 years, i.e. lower than the age for completion of compulsory education. **Papua New Guinea** noted that its legislation did not establish any clear relationship between the minimum age for admission to employment and the end of compulsory schooling. Indeed, the Employment Act provides: “A person of 14 or 15 years may be employed during the hours prescribed for school attendance where the employer is satisfied that the person no longer attends school”. In its direct communication to the Office, the *Organisation démocratique des syndicats africains* (regional organization in Africa of the World Confederation of Labour) remarked on the fact that in **Côte d’Ivoire** there was no link between the end of compulsory schooling and the minimum age for admission to employment. According to the Government of the **Democratic Republic of the Congo**, a study to determine the extensiveness of child labour had been undertaken by the national trade unions, but the results were not yet available.
88. Countries referred to efforts to strengthen the education system as a key part of their strategy to abolish child labour (e.g. **Bangladesh, Comoros, Lesotho, Papua New Guinea, Thailand, Uganda**) or to prevent it (e.g. **Bahrain, Oman, Qatar**). Some countries linked child labour to general deficiencies in the educational infrastructure (e.g. **Bangladesh, Cameroon**), or implied linkages to specific issues, such as low school enrolment (e.g. **Chad, Mali**). The Government of **Pakistan** was of the view that the increased primary school enrolment rate had helped to reduce child labour.

-
89. The duration of compulsory education varied widely. In some countries the mandatory period for school attendance barely covered primary education. Moreover, enrolment figures did not reflect the phenomenon of dropouts – a problem alluded to in the report of **Benin** (only 36 per cent of those enrolled complete primary education) as providing a reservoir for child labour. In this connection, **Jamaica** reported declining rates of enrolment and attendance at secondary school. **Lesotho** identified a link between child labour and the cost of schooling and indicated that free compulsory primary education, as a measure to eliminate child labour, had been introduced in January 2000. **Uganda** expressed the intention to expand education to more children and promote their retention in school under the Universal Primary Education Programme. **Lebanon** and **Thailand** felt that implementation of the law on compulsory education would help eliminate work by children who were under the legally defined minimum age. The reasons given by street children for not attending school, highlighted in the reports from **Ghana** and **Haiti**, were, inter alia, the need to ensure an income; child's disinterest; and parental objection.
90. **Involvement and perspectives of employers' and workers' organizations.** Reports provided an insight into interventions by the social partners to combat child labour. **Colombia** reported that an inter-institutional Committee for the elimination of child labour and the protection of working adolescents ensured a tripartite approach, since employers and workers were part of the Committee and participated in the design and elaboration of national action plans, the current one covering the period 2000-02. A Resolution adopted by the employers' organization ANDI (*Asociación Nacional de Industriales*), and annexed to the Government's report, expressed concern about the lost educational opportunities of the almost 2.5 million children between the ages of 9 and 17 who were economically active and invited its affiliates to be vigilant about their contractors who might have links to child labour.
91. **Bahamas** made reference to the input of the social partners in discussions leading to draft legislation, which addressed issues relating to working children. In **Brazil**, with respect to Ordinance No. 6 of 18 February 2000, the employers' organization National Confederation of Industry (CNI) objected to the non-observance of the tripartite consultation mechanism in the drafting of such legislation. In reply, the Government of **Brazil** noted that the employers' request for a review of Ordinance No. 6 was being fulfilled.
92. As regards **Benin**, a joint submission by the workers' organization *Organisation démocratique syndicale des travailleurs africains* (ODSTA) and the World Confederation of Labour (WCL) expressed the view that Benin was in a position to ratify ILO Convention No. 138, especially since national legislation and the social partners were in favour of the fight against the exploitation of children. The **Cameroon** workers' organization *Union des syndicats libres du Cameroun* (USLC) felt that, as part of the action leading to the elimination of child labour, there should be promotion of adult employment. The WCL and the Trade Union Confederation of Gabon (COSYGA) pointed out that the legal framework which banned children under 16 years of age from working in an enterprise was respected in the formal sector. However, child labour in the informal sector was a reality in **Gabon**.
93. Observations submitted to the Office by national and international workers' organizations showed concern for the effective abolition of child labour in **Bangladesh**, **India** and **Pakistan**. Programmes to eradicate child labour have been launched by employers' organizations in **Bangladesh** (e.g. the Bangladesh Garment Manufacturers and Exporters Association) and in **Pakistan** (e.g. Sialkot Chamber of Commerce and Industry, Pakistan Carpet Manufacturers' and Exporters' Association and Surgical Instruments Manufacturers' Association). In **Thailand**, trade unions, employers' organizations and NGOs were involved in a Child Labour Protection Committee. **Bangladesh** reported that a Tripartite Consultative Committee had made recommendations to the Ministry of Labour. For its part, the workers' organization Bangladesh Sanjukta Sramik Federation (BSSF) cited a lack of sufficient educational facilities as an obstacle to the effective abolition of child labour.
94. **Jamaica** aimed to have multipartite collaboration – involving the Ministries of Labour and Health, trade unions, employers and relevant NGOs – to ensure that the legislative framework did not accommodate any form of child labour detrimental to children's educational opportunities. **Lebanon** hoped that its national strategy and plan of action to eliminate child labour, elaborated by a multipartite committee consisting of representatives of ministries and associations, as well as

representatives of employers' and workers' organizations, could be implemented in collaboration with IPEC.

95. **Collaboration between government and NGOs.** Non-governmental organizations (NGOs), whether local or international, were usually active in the areas of awareness-raising, advocacy and the provision of training programmes, e.g. in **Bangladesh** and **Thailand**. NGOs participated in the consultation process leading to the drawing up of action plans to combat child labour (e.g. **Mexico**, **Colombia**). **Ghana** reported that the Government acted in collaboration with RESPONSE – an umbrella NGO for 18 organizations – engaged in advocacy and awareness-raising workshops as well as rehabilitation work with street children. The important role of NGOs, underscored in the IPEC national programmes, was highlighted by several countries (e.g. **Côte d'Ivoire**, **Guinea**, **Pakistan**, **Paraguay**). In the case of **Bangladesh**, of the 15 IPEC action programmes budgeted for the 2000-01 biennium, 11 were to be implemented by NGOs.
96. **Pursuit of an integrated approach (prevention, removal and rehabilitation).** In several countries, the prevention and elimination of child labour has been addressed through broader, integrated initiatives aimed at adults and children, for example to promote adult employment and eradicate poverty. In **Mexico** the emphasis was on discouraging new entrants to the child labour market and removal of those already active in the labour market. **Colombia** and **Peru** underscored that their national programme of action was geared to the progressive elimination of child labour. There were employment strategies to discourage child labour and measures to protect the rights of working adolescents. As regards rehabilitation efforts, in the case of **Haiti** and **Paraguay** there was a comprehensive programme for street children engaged in child labour, which encompassed education, training, health and nutrition. **Ghana's** programme SEAT (Special Employment and Apprenticeship Training) was devised to address the problems of street children through the provision of skills training. **Namibia's** street children programme aimed to take homeless children off the street, place them in shelters and enrol them in vocational programmes and register parents or guardians in income-generating programmes.
97. In **Brazil** and **Colombia**, the programme of removal of child labourers was accompanied by measures to stimulate employment of the adults responsible for the minors at risk. This approach differed from that attempted in 1995 by **Bangladesh**, via the first ILO-IPEC Memorandum of Understanding, where the social rehabilitation of ex-child labourers was premised on non-formal education and income maintenance in the form of a monthly stipend. **India** and **Pakistan** had created more rehabilitation centres to provide informal and primary education as well as vocational training for ex-child workers. **Mexico** indicated that its programme for discouraging child labour was comprehensive, with specific actions in the formal and informal sectors, by age group of 6-13, 14-16 and 17-year-olds.
98. **Awareness-raising and advocacy.** The Governments of **Bahrain**, **India**, **Pakistan**, **Papua New Guinea**, **Thailand** and **Viet Nam** reported on various awareness-raising measures they had undertaken. Activities targeted parents, employers and those overseeing apprentices (**Benin**), sensitizing them about the risks to which children are exposed when they start working at a young age. The **Ghana** National Commission on Children was created as a public institution and coordinating body, involved in advocacy and the monitoring of child-related activities. The **Islamic Republic of Iran** foresaw the need to raise public awareness about the elimination of child labour, particularly in family workshops in rural areas.

Box 2. Subregional cooperation: Some examples

SADC (Southern African Development Community): Tripartite seminar on child labour, with ILO/SAMAT, IPEC and InFocus Programme on Promoting the Declaration (16-18 October 2000)

IPEC and AECI (Spanish International Cooperation Agency): Meeting to discuss joint elaboration of Latin American policies for the prevention and elimination of child labour (March 2000)

West and Central Africa (Government of Gabon with UNICEF and ILO): Subregional consultation meeting on development strategies to combat the trafficking of children for labour exploitation (February 2000)

99. **Technical cooperation needs.** Requests for technical assistance, to promote the principle, facilitate ratification or to ensure subsequent effective implementation once Convention No. 138 is ratified, were articulated in many of the government reports. Requests commonly made were for awareness

raising and advocacy; data collection, analysis and studies; capacity building of labour inspection and administration systems and labour law reform. A common observation in the reports was the lack of reliable statistical information and therefore the need to put in place data gathering mechanisms. It was felt that statistical databases would help to determine the magnitude of the problems as well as to develop indicators to monitor implementation of the principle in practice.

100. **ILO-IPEC's contribution.** Many countries identified ILO-IPEC as a vehicle for technical cooperation to combat child labour. Several of the countries reporting had signed a Memorandum of Understanding (MOU) with IPEC and were actively implementing an IPEC National Programme. Some were associated with IPEC (see box 3). Others reiterated their request for a national programme to be put in place (**Comoros**) or be fully implemented (**Haiti**) or continued beyond the current phase (**Mali**).

| Box 3. Examples of countries' participation with ILO-IPEC | | |
|---|---|--|
| Region | Countries that have signed an MOU with IPEC | Countries associated with IPEC |
| Africa | Benin, Ghana, Mali, Uganda | Cameroon, Democratic Republic of the Congo, Gabon, Namibia |
| Arab States | Lebanon | Syrian Arab Republic |
| Asia | Bangladesh, India, Pakistan, Thailand | Viet Nam |
| Latin America and the Caribbean | Brazil, Haiti, Jamaica, Paraguay, Peru | Colombia, Mexico |

Source: *IPEC Highlights 2000*, Geneva, Oct. 2000 (updated with information from IPEC).

101. The role of IPEC in building institutional capacity (e.g. national steering committees, child labour units/divisions for coordinating child labour activities under the aegis of the relevant ministry) was underscored. IPEC had also assisted in the setting up of data banks, which helped to identify the nature and scope of the problem of child labour and in turn facilitated the design of national action plans. **Côte d'Ivoire** referred to a three-year IPEC programme, beginning April 1999, to combat the trafficking of children for the purpose of child labour in West and Central Africa.
102. In **Bangladesh**, the success of the child labour activities under the IPEC national programme, encouraged bilateral assistance from the **Netherlands** as well as the **United States** – in this latter case, to raise awareness among parents and employers of the negative consequences of hazardous child labour.
103. **Work with other international organizations.** Countries reported having received support from international agencies other than the ILO. The Government of **Chad** made reference to awareness campaigns funded by UNICEF. UNICEF assisted several countries in the area of data collection: a child labour survey (in **Lesotho**, May-June 2000); a survey on street children in Khartoum (**Sudan**); data entry component of the **Namibia** Child Activities Survey; field survey on the status of children (**Lebanon**) and the development of a child labour information system (**Thailand**). **Côte d'Ivoire** mentioned a study done by UNICEF and published in November 1999 regarding child labour and human trafficking (in particular children from **Mali**) on plantations in the country, as well as a 1996 joint ILO-UNICEF regional consultation on child labour in West and Central Africa. **Paraguay** noted UNICEF's support for the drafting of a Code concerning Children and Adolescents. In the case of **Bangladesh**, a memorandum of understanding signed in June 2000 between the BGMEA (Bangladesh Garment Manufacturers' and Exporters' Association), the ILO and UNICEF, underscored the role of an employers' organization in the monitoring to keep garment factories child labour free, and in the education programme for former workers. UNESCO and UNICEF were jointly assisting **Comoros** to improve its education system. **Papua New Guinea**, with support from UNESCO, had launched a nationwide awareness campaign (workshops and media coverage) about the UN Convention on the Rights of the Child. The Government of **Haiti** indicated that, under the auspices of UNDP, UNICEF and ILO, a survey on child domestic workers was to be conducted

from August 2000. In **Ghana**, UNDP, UNICEF and the World Bank had funded various projects related to the street children phenomenon. **Estonia** planned to do research on child labour, with the assistance of the UNDP Office in Tallinn.

4. The elimination of discrimination in respect of employment and occupation

104. **Definition and acknowledgement of the existence of discrimination.** As emphasized by the Expert-Advisers in the first annual review 2000, a first and essential step for fostering a culture of non-discrimination is the acknowledgement of the existence of problems related to discrimination. However, it is also clear that such acknowledgement depends on the definition of discrimination.
105. National legislation in many countries does not seem to give a clear definition of what discrimination consists of and how it manifests itself. Only the Government of **Uganda** provided a definition. The Government of the **United Republic of Tanzania** noted that discrimination was not well defined in the national law. In several other countries, the principle is said to be affirmed through legal provisions on equality of opportunity or equal rights (e.g. **Bahrain, Comoros, Djibouti, Estonia, Malaysia, Mauritania, Oman, Pakistan, Uganda, United Arab Emirates**).
106. Many governments stated that problems related to discrimination did not exist. For example, the Government of **Bahrain** asserted that discrimination did not exist in the country. Similarly, the Government of **Singapore** declared that discrimination was a non-issue, but reported that it had taken measures to reduce the educational gap between men and women. The Government of **Comoros** in turn stated that there was no discrimination in remuneration between men and women, yet it had embarked on a national plan to promote the principle of non-discrimination in employment and occupation.
107. In **Oman**, the Government concluded that there was no need to take measures to promote the elimination of discrimination in respect of employment and occupation as discrimination did not exist, citing as evidence the existence of large numbers of migrant workers in the labour force. In **Myanmar**, the Government stated that discrimination was never practised, while the Government of **Pakistan** stated that there was no discrimination in respect of remuneration on the basis of sex. As in its first annual report, the Government of **Estonia** indicated that discrimination based on religion and race did not exist in the country.
108. **Data and indicators.** The lack of definition of discrimination and the non-acknowledgement of the existence of problems related to it affect the availability and quality of relevant factual information. Most governments did not provide any statistical information and stated that no indicators or statistics were available nor was their collection envisaged (e.g. **Oman, Pakistan**).
109. Some governments, however, sometimes with the assistance of the ILO or other international organizations, have made an effort to provide statistics and factual information (e.g. **Comoros, Djibouti, Uganda, United Republic of Tanzania, Thailand**).
110. The Governments of **Estonia** and **Namibia** mentioned the availability of useful data (e.g. labour force surveys), but did not cite any in their updates. A few governments noted that the lack of statistics and indicators hindered a better assessment of the situation (**Djibouti, Uganda**) and requested the ILO's assistance in this area. The observations from the ICFTU and WCL provided important factual information, sometimes accompanied by statistics on which the Expert-Advisers drew to a significant extent. The Government of **Namibia** mentioned that, under the Affirmative Action in Employment Act, drafted with ILO assistance, employers were required to submit statistics indicating the designated and non-designated groups in the company as well as their occupation within it. However, relevant data were not yet available. The Government of the **United Republic of Tanzania** noted that the labour force survey of 1990 contained no information disaggregated by gender. It added that a study, conducted within the scope of a project on the promotion of women's employment, made several recommendations to improve the quality of subsequent labour force surveys in order to highlight the gender dimensions.
111. **Collaboration between government and the social partners.** Several governments stressed the high level of cooperation between the social partners and the government for the promotion of the principle of non-discrimination in respect of employment and occupation. Collaboration took many

-
- forms. They included: the adoption of a set of Tripartite Guidelines on Non-Discriminatory Job Advertisements (**Singapore**); the initiation of a national action plan to promote equal employment opportunities (**Comoros**); the implementation of a national survey on discrimination against women throughout the country (**Djibouti**); and the implementation and monitoring of affirmative action plans (**Namibia**).
112. In a few countries, the social partners stated their position on ratification. The Japanese Trade Union Confederation (JTUC-Rengo) for instance urged the Government to ratify Convention No. 111. Similarly, in **Mauritius**, the *Fédération des Syndicats des Corps constitués* urged the Government to ratify the relevant fundamental Conventions, while the Mauritius Employers' Federation warned against the problems that may arise, in case of ratification, given the social and cultural context of Mauritian society.
113. The Government of **Malaysia** suggested that the application of the principle depended on the social partners, through collective agreements, but gave no information on the ways in which that was done.
114. In **Estonia**, the Confederation of Employers and Industry had initiated a project to train unemployed persons of Russian minority groups to set up their own enterprise or to become self-employed. In the **Bahamas**, the Organization of Trade Unions monitors workplaces to ensure that gender discrimination does not occur, but no information was provided by the Government on the ways in which monitoring was carried out nor the types of enterprise (size, public/private, industry) that were monitored.
115. **ILO regional and national assistance.** The Government of **Comoros** mentioned ILO assistance in the elaboration of its annual reports, and in the preparation of studies on discrimination matters. The Government of **Kenya** referred to ILO support in the review of the national labour law. The Government of **Estonia** mentioned the ILO pilot project on More and Better Jobs for Women. The ILO has also assisted in the organization of many national tripartite seminars on discrimination in a number of countries (e.g. **China, Comoros, Estonia, Kenya, Mauritius**).
116. **Grounds of discrimination.** Many government reports mentioned grounds on which discrimination was prohibited by national legislation, other than those explicitly mentioned in Convention No. 111 (e.g. age, disability, previous activity, marital status). Box 4 lists the grounds of discrimination prohibited by national law, as reported by governments.
117. **Discrimination based on sex.** Despite the recognition of the existence of several grounds of discrimination, all government reports, as well as those submitted by workers' organizations, focused mainly on discriminatory treatment at work against women, and to a much lesser extent on other social groups. The Government of **Malaysia** mentioned that the principle of equal pay for work of equal value was applied in the public sector, but that it had no influence in the private sector, as this principle was covered by collective agreements. The **United Arab Emirates** reported that the federal law on recruitment in the public sector incorporated the principle of equal remuneration for men and women workers. According to the World Confederation of Labour (WCL), in the **Democratic Republic of the Congo** the existence of discriminatory laws against women and the persistence of discriminatory practices in society constituted two major obstacles to fulfilling international commitments. The WCL referred in particular to one section of the Labour Act stipulating that a married woman could hold a job only with her husband's consent.
118. The WCL noted that laws which discriminated against women were a major obstacle to the realization of the principle of non-discrimination in the **Democratic Republic of the Congo**. The implementation of the national programme for the advancement of Congolese women (1999-2004) would be a major step forward in terms of policy to achieve gender equality.
119. Even when constitutional provisions on non-discrimination exist, women still face a wide range of discriminatory practices according to the ICFTU because of lax law enforcement (**Kenya**) and/or customary practices that restrict women's inheritance and ownership rights (**Nigeria, Zanzibar** in the **United Republic of Tanzania**). In its comments, the ICFTU added that discrimination also occurred in the form of restricted access to certain jobs or hours of employment in the public sector (**United Republic of Tanzania**). Strong traditional norms still divide workers along gender lines, placing women in a subordinate position.

Box 4.

Grounds of discrimination prohibited by law, as explicitly stated by certain governments for the annual review of 2001

| GROUND | COUNTRIES |
|--|---|
| Race, colour, ethnicity* | Comoros, Djibouti, Estonia, Grenada, Japan, Malaysia, Mauritius, Namibia, Oman, Singapore, Suriname, United Arab Emirates, United States |
| Sex | Comoros, Democratic Republic of the Congo, Djibouti, Estonia, Grenada, Japan, Kuwait, Liberia, Mauritania, Mauritius, Namibia, Oman, Pakistan, Singapore, Suriname, Uganda, United Arab Emirates, United States |
| Religion | Bahrain, Comoros, Djibouti, Estonia, Grenada, Japan, Malaysia, Mauritius, Namibia, Oman, Singapore, Suriname, United Arab Emirates, United States |
| Political opinion, ideology | Comoros, Estonia, Grenada, Japan, Mauritius, Namibia, Oman, Suriname, United States |
| Nationality, national extraction* | Estonia, Grenada, Japan, Namibia, Singapore, United Arab Emirates, United States |
| Social origin, social status | Comoros, Estonia, Grenada, Japan, Mauritania, Namibia, Oman, Uganda, United Arab Emirates, United States |
| Disability | Grenada, Namibia, Uganda, United States |
| Family or marital status, family responsibilities | Estonia, Grenada, Namibia |
| Sexual orientation | Namibia |
| Health status, HIV/AIDS | Uganda** |
| Age | Comoros, Democratic Republic of the Congo, Grenada, Mauritania, United States |
| Property status, economic status | Estonia, Namibia, Suriname, Uganda |
| Previous activities, former profession | Estonia, Japan |
| Native language | Bahrain, Djibouti, Estonia, Oman, Suriname |
| Trade union membership | Estonia, Japan |
| Place of origin/birth, place of residence | Bahrain, Comoros, Democratic Republic of the Congo, Estonia, Djibouti, Malaysia, Mauritius, Oman, Singapore, United Arab Emirates |

*Under the categories "race" and "colour" the reference in the legislation of different countries may be to either race or colour or both. Under the category "national extraction" the reference may be to national descent or social origin.

**Not prohibited by law, but the Government of Uganda indicates that people infected by HIV/AIDS are likely to be discriminated against by employers and fellow workers.

Note: Where governments referred to information in reports for the annual review of 2000, information was drawn from GB.277/3/2.

120. Despite the institution, in 1962, of the principle of equal pay for work of equal value in the public service in **Singapore**, the ICFTU noted that married female civil service employees did not receive health benefits for their spouses and dependants, as did male employees in the same situation. The Government responded that while that was the case under the old medical benefits scheme, the current one provided for identical medical benefits for both men and women. The Government also indicated that public officials covered by the old medical benefits system were given the option to switch to the new scheme.
121. Women in the **United States** often experienced a "glass ceiling" when considered for promotion to senior posts, according to the ICFTU. However, legal remedies for victims of discrimination either compared favourably with, or were superior to, those available in most countries according to the ICFTU. In its view, however, labour legislation did not provide adequate protection for employees.

-
122. **Discrimination based on other grounds.** The Government of the **United Republic of Tanzania** stated that it was keen to provide special facilities for the disabled, but there were financial constraints. The Government of **Uganda** noted the difficulties that persons with disabilities confronted in the labour market because of their particular needs in terms of training, the kind of jobs they were able to do, constraints with regard to physical access to the workplaces and societal prejudices.
123. The Government of **Thailand** mentioned that there were large numbers of foreign workers in the country who were protected by the Labour Protection Act as Thai workers were. It also reported that hill-tribe people had been empowered and provided with social services.
124. In the case of **Uganda**, the Government mentioned that workers vulnerable to contracting HIV/AIDS, or infected by it, were likely to be discriminated against by employers and fellow workers.
125. The ICFTU was of the view that noted that in some countries there was a lack of legislation and policies that provided for equal opportunities in employment for disabled persons or addressed the difficulties they faced (e.g. **Nigeria, Singapore, Solomon Islands, United Republic of Tanzania**). In its comments, the Japanese Trade Union Confederation (JTUC-Rengo) suggested that the hiring practices in some enterprises in **Japan** discriminated on the ground of political opinion.
126. **“Protective” provisions.** Several governments adopted a number of special measures aimed at protecting social groups confronting serious disadvantages in the labour market. Such measures included the reservation of certain jobs for specific groups (**Bahrain, Oman**) as well as restrictions by law in terms of occupations and hours of work for women and young persons (**Oman, Suriname, United Republic of Tanzania**).
127. **Exclusions from legislation.** The exclusion of certain categories from the protection of legislation often applies in relation to discrimination. The Government of **Bahrain** reported that when exclusions were made, account was taken of the extent to which they were appropriate for the excluded categories of persons, and their needs.
128. In the **United States**, the Government mentioned that the provisions of certain anti-discrimination legislation applied only to firms employing a minimum number of employees.
129. In **Uganda**, the existing labour legislation does not cover the informal sector or domestic work. In the **United Republic of Tanzania** there are categories of jobs which are excluded from the scope of the principle, e.g. the army and higher positions in government, Parliament and the judiciary. In **Nigeria**, the ICFTU noted that a large proportion of the workforce was excluded from the scope of legislation on equal pay for work of equal value, including all workers in establishments employing fewer than 50 persons.
130. **Enforcement of legislation.** The Government of **Japan** provided information on the number of cases referred for prosecution between 1995 and 1999. The Government of **Kuwait** noted that the law courts had made decisions on the principle of equal remuneration on the basis of obligations specified in contracts, rules and domestic regulations concerning employers, but not based on Convention No. 100, which embodies the fundamental principle on the elimination of discrimination in respect of employment and occupation.
131. In the **Bahamas**, the Government reported that there was no specific committee or administrative machinery in place to monitor or ensure the respect of this category of principles, the recourse available being the Industrial Tribunal. The Government of **Grenada** cited the sections of the Employment Act and of the Labour Act stipulating the fine and/or the length of imprisonment applicable to all persons who did not observe the principle of non-discrimination.
132. **Reference to other ratified ILO Conventions and international instruments.** Some governments (e.g. **Mauritius, Suriname, United Republic of Tanzania, Thailand, Uganda**) reported that they had ratified the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Several governments cited other ILO Conventions that they had ratified (e.g. **Kuwait, Uganda, United Republic of Tanzania, Thailand**) as well as a number of international instruments of which there were signatories, including: the United Nations Convention

on the Political Rights of Women; the United Nations International Covenant on Civil and Political Rights; and the United Nations International Covenant on Economic, Social and Cultural Rights.

133. **Assessment of the factual situation.** Despite the differences in terms of GDP per capita, economic performance, industrial base and urban/rural population ratio, many countries experienced a decline in the quality of employment for both men and women, but particularly for women.
134. African countries displayed important differences with regard to the size of the gender employment gaps, nonetheless they shared some common features and trends. These included: the higher proportion of women in rural areas relative to men; the larger proportion of women engaged in agriculture compared to men and the narrowing of gender differences in terms of labour force participation, although they were still significant (**Comoros, Djibouti, Nigeria**). In **Comoros**, for example, information contained in the annexes of the Government's report showed that the labour participation rate of women in rural areas was higher (30.5 per cent) than in urban areas (17.4 per cent), and working women were concentrated in agriculture (77 per cent). In **Uganda**, information annexed to the Government's report indicated that the participation rate of women in rural areas was 55.2 per cent compared to 34.8 per cent in urban areas.
135. Some governments highlighted the negative impact of economic stagnation and financial downturns on women's life, education, job security and working life. As a result, many women were engaged in non-standard forms of employment, especially in the informal sector, that placed them outside the reach of labour law and social protection (**Djibouti, Thailand, Uganda**). The ICFTU also mentioned the concentration of women in the informal sector and particularly persons in petty trading (80 per cent) in **Kenya**. However, on a positive note, the share of women employed as unpaid family workers decreased in **Thailand**, as reported by the Government, from 54.2 per cent in 1990 to 31 per cent in 1998. In the **Bahamas**, the gender gap in the participation rate decreased from 15.2 per cent in 1990 to 13.3 per cent in 1997. Particularly noticeable was the heavy concentration of women workers in the service sector (93.3 per cent in 1997), compared to men (70.2 per cent in 1997).
136. **Occupational segregation by sex.** Women tended to be confined to a relatively narrow range of occupations (e.g. **Thailand**). According to the ICFTU, women were over-represented in low-paid jobs (**Singapore**) and their presence in managerial and professional positions was still fairly low in several countries (**Comoros, United Republic of Tanzania, Uganda**).
137. In the case of **Japan**, the ICFTU cited a 1995 Ministry of Labour survey showing that most companies hired only male workers for managerial jobs: the percentage of women holding managerial posts was four times lower than their participation rate in the labour market.
138. Some slight positive changes were, however, also reported. The Government of **Uganda**, for instance, indicated that the proportion of women in top decision-making positions had increased from 16 per cent to 18.5 per cent between 1994 and 1997. Similarly, the Government of **Singapore** noted that in recent years more women have had access to professional, administrative and technical positions. The Government also referred to the development of a wage system based on merit to ensure that workers, regardless of their sex, were rewarded appropriately. The ICFTU acknowledged that, over the last 15 years, the share of women in all professional/technical jobs had increased from 35.1 per cent to 40.4 per cent, while the share of women in all administrative/managerial jobs had risen from 10.5 per cent to 18.2 per cent.
139. **Training and education.** According to the reports of a number of countries, the imbalances between men and women in terms of educational attainments continue to be significant, particularly in Africa. In **Comoros**, for instance, a study annexed to the Government's report showed that the primary school enrolment ratio of both males and females varied considerably between islands. As regards the **Democratic Republic of the Congo**, the WCL commented that the primary school enrolment rate for girls in 1998 was 32.3 per cent, compared to 49 per cent for boys. For secondary school, the enrolment rates were, for girls and boys, 28.6 and 45.4 per cent, respectively. Moreover, a little more than half of the female population was illiterate in 1998 (52.9 per cent), compared to 28.6 per cent of men. These data from the WCL on female illiteracy appear to be rather high; however, the Government neither confirmed nor refuted them.

-
140. Certain countries have noted progress in the situation of women's education. The Government of **Singapore**, for example, mentioned that at the end of 1999, 47 per cent of the 23,448 participants in diverse training programmes were women. In the case of the Skills Re-development Programme, which was launched by the Singapore National Trade Union Congress with funding from the Government, 41 per cent of the 14,286 trainees in 1999 were women. In **Thailand**, the share of women's enrolment in public universities in the engineering field had increased from 12.5 to 15.7 per cent between 1993 and 1997. The Government of the **United Republic of Tanzania** reported that female enrolment in higher educational institutions increased from 17 per cent in 1995-96 to 29 per cent in the following fiscal year.
141. **Wage gaps.** A number of governments reported declines in wage differentials between men and women over the past years. In **Thailand**, for instance, in urban areas, women's average wages in 1998 in the manufacturing and service sectors were approximately 70 per cent of men's wages; but they were higher in agriculture (i.e. 83.6 per cent of men's wages). The Government of **Singapore** also reported a reduction in wage differentials between men and women in its response to the ICFTU's comments alleging important wage gaps due to the prevailing wage system which was seniority-based. The Government, in response to the ICFTU, indicated that such differences in remuneration were the result of work-related factors (differences in education, work experience, job preferences and family responsibilities) rather than the outcome of discriminatory practices at the workplace.
142. The Government of **Estonia** noted that the wage gaps between men and women had grown in the 1990s and that the age structure of the unemployed had changed due to the restructuring of the economy.
143. **Legislative and policy reform.** The Governments of **Comoros** and **Djibouti** expressed their intention to bring legislation and regulations into line with this category of principles and rights. In the **United Republic of Tanzania** amendments to the Constitution were being considered to incorporate gender as grounds for discrimination. The Government of **Uganda** mentioned that legislative reform was under consideration in order to cover vulnerable groups. The Government of the **Bahamas** mentioned that it was in the process of enacting a law prohibiting discrimination in respect of employment. Similarly, the Government of **Estonia** stated its intention to draw up legislation on equal rights, in the context of its action plan for law reform. A Bureau of Equality Rights had already been established in the Ministry of Social Affairs in order to implement the principle of equality.
144. According to the ICFTU, the strengthening of the Equal Employment Opportunity Law of 1986, in **Japan**, constituted an important step towards the elimination of discrimination in employment and occupation in that country. In 1997, the Japanese Parliament passed amendments to this Law that came into effect in April 1999. Amendments provided for stronger protection measures with respect to pregnancy and childbirth, in order to facilitate the reintegration of women in the workforce after absence from work due to family responsibilities.
145. **Other measures to improve equality of opportunity.** Several governments adopted a number of important initiatives aimed at redressing gender imbalances in employment and remuneration. These initiatives ranged from the adoption of national action plans (**Mauritius, Democratic Republic of the Congo**), affirmative action employment Acts (**Namibia**) to the establishment of national machinery for promoting equal opportunity (**Uganda, Namibia, Thailand, Democratic Republic of the Congo**) and awareness-raising and promotional activities targeting policy-makers and public opinion at large (**Djibouti, Mauritania, Thailand**). Of special importance was the revision in **Thailand**, by the national Commission on Women's Affairs and the Department of Curriculum and Instruction Development, of textbooks that present men and women with different and unequal social and economic roles. Other measures included women-specific components within the framework of entrepreneurship development programmes (**Thailand**) or training programmes aimed at facilitating the entry (**United Republic of Tanzania**) or reintegration of women in the labour market (**Singapore**).
146. In **Mauritania**, the Government stated its intention to review legislation as well as to reinforce the capacity of its labour administration. The Government of **Mauritius** indicated that it was considering the possibility of fixing wages on a job-content basis instead of on the basis of gender in

the following economic sectors: field crops and orchards; sugar industry; salt-manufacturing industry and the tea industry.

147. In addition to women, another social group for which a wide array of positive measures was adopted were workers with disabilities. In **Uganda**, for instance, the Ministry of Gender, Labour and Social Development set up a national council on disability. Its main thrust was to guarantee equality of opportunities for persons with disabilities, monitor service delivery for disabled persons, as well as advocate for, and promote, effective services between stakeholders. In **Singapore**, according to the ICFTU, job training and placement programmes for the disabled had been launched. Since 1990, a comprehensive code on facilitating access to buildings by persons with physical disabilities had been in operation. In **Thailand** seven centres that provided vocational courses for 910 disabled persons had been created and jobs had been provided for 50 persons in the Vocational Development Center for the Disabled People.
148. **Technical cooperation needs.** Several governments requested technical support from the ILO in different domains. The Government of **Comoros** stressed the importance of ILO technical assistance in reforming the labour legislation and regulations in order to reflect better the principles and rights embodied in the fundamental Conventions. Support was also required to initiate a national action plan to promote the principle of non-discrimination in respect of employment and occupation. The Government of **Djibouti** called for ILO assistance in implementing a national survey on discrimination against women, whilst the Government of **Uganda** indicated that the ILO's technical support would be most useful in carrying out surveys and research, and developing appropriate indicators for assessing discrimination and inequalities in employment and occupation. The Government of **Mauritania** pointed out the important financial and technical assistance it had received from the ILO to review its legislation and, more generally, to reinforce the capacity of its labour administration. The Government of **Mauritius** requested the ILO's technical assistance in the area of gender-neutral wage-fixing systems in specific sectors of the economy. The Government of **Namibia** made reference to technical assistance provided by the ILO for the development of legislation dealing with non-discrimination, which was subsequently adopted. It also mentioned the training of commissioners and review officers in the Employment Equity Commission.