



FOURTH ITEM ON THE AGENDA

Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work**Introduction by the ILO Declaration Expert-Advisers to the compilation of annual reports**

1. The Annex to the ILO Declaration on Fundamental Principles and Rights at Work provides for reports to be requested annually of member States under article 19, paragraph 5(e), of the ILO Constitution. The Office is responsible for preparing a compilation of the reports. Paragraph II.B.3 of the Annex states: “With a view to presenting an introduction to the reports so compiled, drawing attention to any aspects which might call for a more in-depth discussion, the Office may call upon a group of experts appointed for this purpose by the Governing Body.” At its 274th Session (March 1999) the Governing Body decided to set up such a group of experts, composed of seven Expert-Advisers, whom it most recently appointed at its 282nd Session (November 2001). The Governing Body assigned them to 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, to –
 - (a) examine 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) present 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) propose to the Governing Body, for discussion and decision, any adjustments that they think desirable to the report forms.¹

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

2. The annual reports and related comments of employers' and workers' organizations were compiled by the Office in accordance with established practice. Following consultations during last November's session of the Governing Body, the compilation is no longer issued in paper form but can be consulted on the public web site of the InFocus Programme on Promoting the Declaration.² The list of governments having sent reports, and of national and international organizations' comments thereon, can be found in Annex 3 to the Expert-Advisers' Introduction.
3. The compilation was submitted to the Expert-Advisers, who met from 14 to 20 January 2003. The attached Introduction prepared by the Expert-Advisers is submitted for review by the Governing Body.
4. In paragraphs 28 to 33 of their Introduction, the Expert-Advisers make a number of recommendations for consideration by the Governing Body.
5. *The Governing Body may wish to:*
 - (a) *examine the attached Introduction by the Expert-Advisers;*
 - (b) *take note of the recommendation contained in paragraph 28 to allocate sufficient regular budget resources for the effective implementation of the 1998 Declaration by headquarters and field units;*
 - (c) *appeal to donors for substantial and durable extra-budgetary support for ILO technical cooperation to meet the high demands expressed by governments and employers' and workers' organizations in countries not having ratified all core Conventions;*
 - (d) *invite the Director-General to:*
 - (i) *continue to respond through contacts at the highest level to indications of emerging willingness on the part of governments that are not yet close to realizing the Declaration's principles and rights at work;*
 - (ii) *convene regional or subregional workshops among countries not having ratified all core Conventions for advocacy and reporting purposes and to enable them to share experiences with regard to progressing along the path charted by the Declaration; and*
 - (e) *draw the attention of international employers' and workers' organizations to the need to reinforce their collaboration with the Declaration Programme, notably by providing their own comments and by encouraging national organizations to do the same.*

Geneva, 27 January 2003.

Point for decision: Paragraph 5.

² See www.ilo.org/declaration.

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

**Introduction by the ILO Declaration Expert-Advisers
to the compilation of annual reports
Geneva, March 2003**

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A. Framework of the Introduction

1. The Expert-Advisers' review each January the information contained in the reports received by the ILO from governments not having ratified all of the fundamental Conventions as well as from national and international organizations of workers and employers. The full text of these reports and comments is contained in the compilation that can be consulted on the Declaration Programme's public web site.¹ Our Introduction contains information about what was contained in the reports and comments, as well as our own observations, recommendations and comments that are based on the compilation.
2. Our mandate is an essential element of the Declaration follow-up that was meant to be promotional, meaningful and effective.² Our task is not to analyse in any depth national legislation relative to the Declaration. While taking account of information on legislation, we must look beyond to see what actually happens in countries – their policies, programmes, the institutions set up to implement measures in the spirit of the Declaration. As independent Expert-Advisers, we believe we must both highlight situations where there has been progress and indicate others where there has been little or none. A promotional follow-up does not mean a follow-up that closes its eyes to difficulties. Calling attention to them heightens awareness, and such awareness is the first step to tackling them at the national level.

B. Expert-Advisers' overall observations

1. The Declaration framework

3. The 1998 Declaration on Fundamental Principles and Rights at Work and its Follow-up is an instrument of partnership between member States and the Organization in the context of contemporary globalization. It provides not only social ground rules to guide action but also an opportunity to consider problems through its reporting processes and to tackle them through technical cooperation in its various forms, such as meetings and capacity building.
4. The Expert-Advisers are heartened to see that a number of governments have seized this opportunity and have started to interact closely with the ILO to realize progressively the principles and rights of the Declaration. We commend **Bahrain, Oman, Qatar, Saudi Arabia** and the **United Arab Emirates** for their continuing dialogue with the Office, and **China** for requesting the ILO's technical cooperation, through the annual review process. We call on other countries to take similar action.
5. We are convinced that with adequate resources more governments will initiate policies and programmes to realize the fundamental principles and rights of the Declaration.
6. We are convinced that the Declaration's four principles and rights reinforce each other. Freedom of association and the effective recognition of the right to collective bargaining well deserve the term "enabling rights" that are often attached to them. Without the

¹ See www.ilo.org/declaration. The list of governments having sent reports and of national and international organizations' comments thereon can be found in Annex 3 to this Introduction. The text of the Declaration itself can be accessed through the ILO's general web site (www.ilo.org) or through the web site of the Declaration Programme or obtained from ILO offices.

² The reporting processes of the Declaration follow-up are set out in Annex 1 to this Introduction.

freedom to defend their interests, workers and employers are helpless in the face of forced labour situations, child labour and discrimination at work. Forced labour and child labour often occur in the same circumstances; and where one of them is tackled the other will not survive for long. Furthermore, forced labour and child labour afflict minorities disproportionately. Equality of rights undermines both of these phenomena. And collective bargaining is an as yet underused tool to realize non-discrimination.

7. We expect progress in the promotion and realization of principles and rights at work and will mention significant positive developments in future reports. However, we might also have to point to persistent lack of progress and draw the attention of the Governing Body to it in an appropriate manner.
8. It is clear that the socio-economic conditions for the realization of fundamental principles and rights at work vary from country to country. Income-generating policies and programmes may help in particular to overcome the incidence of child labour and forced labour. However, these principles and rights at work are applicable irrespective of the level of development, and the fight for poverty alleviation needs to go hand in hand with the promotion of these principles and rights.

2. Reporting

(a) General

9. The Expert-Advisers are not oblivious to the fact that reporting under the Declaration follow-up calls for time and resources on the part of governments as well as on the part of national and international organizations of employers and workers. We thank the over 50 governments that have made the effort to report; and we thank the few national organizations of employers and workers, as well as the International Confederation of Free Trade Unions (ICFTU), for their comments. We are concerned, however, about the 31 governments that failed to respond during this round and, particularly, the ten governments that have never replied – **Afghanistan, Antigua and Barbuda, Fiji, The former Yugoslav Republic of Macedonia, Mongolia, Sao Tome and Principe, Sierra Leone, Somalia, Solomon Islands and Uzbekistan**. We suggest that the Director-General mobilize the ILO's field structure to get in touch with these countries and to explain to them their responsibility and the opportunity this affords them to take stock of their situation and to move forward.
10. We thank the Governing Body for adopting new report forms last March, which have solicited more useful information than the previous ones. Yet we still perceive predominantly legalistic replies and insufficient provision of factual information even though the new report forms would easily make this possible. We urge respondents to inform the ILO about their policies, programmes, institutions, impact assessment, which enables us to assess progress and highlight good practices. Reporting also gives countries the opportunity to ask for technical cooperation in areas where they encounter difficulties.
11. While the few comments received from employers' and workers' organizations were very useful, we are disappointed by the low participation of national and international organizations of employers and workers in this year's reporting process. The Declaration in general and the follow-up in particular owe much of their genesis and many of their features to the representatives of employers and workers. Their organizations have a continuing responsibility for promoting the Declaration. If they do not make their voices heard, nobody will do it for them.

(b) Data

12. The Expert-Advisers are concerned by the low response by governments, which was 4 per cent lower during the current round than during the previous one (see table 1). While 51 governments responded to the new questionnaires (see box 1), 41 did not (see box 2). Ten of them have not reported during any of the four rounds.

Table 1. Reports due and received by category of fundamental principle and right, 2000-03

Category	Number due				Number and per cent received								Difference in % received		
	2000	2001	2002	2003	2000		2001		2002		2003		2000 2001	2002	2003
					No.	%	No.	%	No.	%	No.	%			
Freedom of association/ collective bargaining	52	47	42	38	35	67	33	70	34	81	27	71	+3	+11	-10
Forced labour	41	36	28	27	21	51	19	53	18	64	14	52	+2	+11	-12
Child labour	92	72	102	72	47	51	49	68	57	56	40	56	+17	-12	0
Discrimination	43	38	31	26	24	56	28	74	19	61	15	58	+18	-13	-3
Total	228	193	203	163	127	56	129	67	128	63	90	59	+11	-4	-4

Box 1. Governments that fulfilled their reporting obligations under the Declaration follow-up for the annual review of 2003 in relation to particular categories of principles and rights

Freedom of association and the effective recognition of the right to collective bargaining (27 countries): Bahrain, Brazil, Canada, China, El Salvador, Guinea-Bissau, India, Islamic Republic of Iran, Jordan, Kenya, Kuwait, Lebanon, Malaysia, Mauritius, Mexico, Morocco, Myanmar, New Zealand, Oman, Qatar, Singapore, Sudan, Thailand, United Arab Emirates, United States, Uzbekistan, Zimbabwe.

Elimination of all forms of forced or compulsory labour (14 countries): Bolivia, Canada, China, Ethiopia, Malaysia, Mozambique, Myanmar, Oman, Philippines, Qatar, Singapore, Sri Lanka, United States, Yugoslavia.

Effective abolition of child labour (40 countries): Australia, Azerbaijan, Bahrain, Bangladesh, Bolivia, Cambodia, Canada, Colombia, Cuba, Czech Republic, Eritrea, Estonia, Ethiopia, Gabon, Ghana, Guinea-Bissau, India, Islamic Republic of Iran, Kazakhstan, Kiribati, Lebanon, Lithuania, Mexico, Mozambique, Myanmar, New Zealand, Oman, Pakistan, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Singapore, Sudan, Suriname, Syrian Arab Republic, Thailand, Trinidad and Tobago, United States, Yugoslavia.

Elimination of discrimination in respect of employment and occupation (15 countries): Bahrain, China, Estonia, Kiribati, Kuwait, Malaysia, Mauritius, Myanmar, Namibia, Oman, Qatar, Singapore, Suriname, Thailand, United States.

Box 2. Governments failing in their reporting obligations under the Declaration follow-up in relation to particular categories of principles and rights

*Governments that did not report during the current round (31 countries) and
THOSE THAT NEVER REPORTED (10 countries)*

Freedom of association and collective bargaining (11 countries): **AFGHANISTAN, Armenia, Iraq, Republic of Korea, Lao People's Democratic Republic, Nepal, Saudi Arabia, SOMALIA, SOLOMON ISLANDS, Uganda, Viet Nam.**

Forced or compulsory labour (13 countries): **AFGHANISTAN, Armenia, Japan, Republic of Korea, Lao People's Democratic Republic, Latvia, Madagascar, THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA, MONGOLIA, Nepal, SAO TOME AND PRINCIPE, SOLOMON ISLANDS, Viet Nam.**

Child labour (32 countries): **AFGHANISTAN, Antigua and Barbuda, Armenia, Cape Verde, Chad, Comoros, Côte d'Ivoire, Djibouti, FIJI, Grenada, Guinea, Haiti, (Israel), (Jamaica), Kyrgyzstan, Lao People's Democratic Republic, Latvia, Liberia, MONGOLIA, Paraguay, Saint Lucia, Saudi Arabia, SOMALIA, SAO TOME AND PRINCIPE, SIERRA LEONE, SOLOMON ISLANDS, Tajikistan, Turkmenistan, Uganda, UZBEKISTAN, Venezuela, Viet Nam.**

Discrimination (11 countries): **ANTIGUA AND BARBUDA, Comoros, Djibouti, Grenada, Haiti, Japan, Lao People's Democratic Republic, Liberia, SOMALIA, SOLOMON ISLANDS, Uganda.**

N.B.: Reports from countries in brackets arrived too late to be taken into account during the current round.

13. The drop in the response rate was most pronounced for forced labour and freedom of association/collective bargaining, 12 and 10 per cent respectively. The drop amounted to 3 per cent in the case of non-discrimination. For child labour the rate was the same as last year.
14. Among the countries that did not respond during the current round are several that have had a chequered record in reporting, such as **Armenia** and the **Lao People's Democratic Republic**, as well as countries enjoying considerable capacities to deal with ILO requests, such as **Japan** and the **Republic of Korea**.
15. Two reports on the principle of the effective abolition of child labour, respectively from the Governments of **Israel** and **Jamaica**, arrived too late to be taken into account for the 2003 annual review. The same applies to the reply of the Government of **Brazil** to the observations submitted to the Office by the Central Union of Workers (CUT) on the principle of freedom of association and the effective recognition of the right to collective bargaining.
16. Ratification of the core Conventions clearly denotes a commitment by a member State to observe their provisions, and it is encouraging to see more and more countries ratifying them (see box 3). In this respect, it is important to note that following tripartite consultations referred to in the Government's report under the 2003 annual review, ratification of the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), by **Mauritius** was registered by the Office on 18 December 2002. In the same vein, following a tripartite seminar and a national feasibility study on forced labour, ratification of the Abolition of Forced Labour Convention, 1957 (No. 105), by **Sri Lanka** was registered on 7 January 2003.

Box 3. Ratifications of fundamental Conventions between the dispatch of questionnaires and the end of 2002

- Convention No. 87: **Kiribati** (bringing the total ratifications to 141 by 31 December 2002).
- Convention No. 98: **Kiribati** (bringing the total ratifications to 152 by 31 December 2002).
- Convention No. 29: **Kiribati** (bringing the total ratifications to 161 by 31 December 2002).
- Convention No. 105: **Kiribati** (bringing the total ratifications to 156 by 31 December 2002).
- Convention No. 138: **Nigeria, Mali, Peru, Swaziland** (bringing the total ratifications to 120 by 31 December 2002).
- Convention No. 182: **China, Burundi, Cameroon, Egypt, Georgia, Nigeria, The former Yugoslav Republic of Macedonia, Republic of Moldova, Poland, Swaziland** (bringing the total ratifications to 132 by 31 December 2002).
- Convention No. 100: **Mauritius, Singapore** (bringing the total ratifications to 160 by 31 December 2002).
- Convention No. 111: **Mauritius** (bringing the total ratifications to 158 by 31 December 2002).

17. While the number of governments that stated intentions to ratify is a positive sign,³ it should not stop or delay all other efforts to promote the fundamental principles and rights at work. Nor does it relieve a country from the obligation to report under the Declaration follow-up.

3. Expectations and means to satisfy them

18. The Declaration has raised the ILO's visibility. In countries that are subject to its annual reporting process, it has raised expectations that help could be extended by the ILO to overcome difficulties. We are very pleased about these developments – they correspond to the spirit in which the Declaration was conceived. Table 5 testifies to the desire of many governments and several employers' and workers' organizations to move along the path charted by the Declaration. While requests regarding the abolition of child labour can conceivably be met by the ILO's International Programme for the Elimination of Child Labour (IPEC), we believe that more resources need to be made available through the regular budget and by donors to the Declaration Programme and the other units of the ILO at headquarters and in the field that can respond to the requests made.
19. In this context, we appeal to donors to make available funds to the ILO for the purpose of promoting the Declaration and satisfying as many as possible of the requests made by reporting countries. Where expectations are disregarded the motivation of governments and employers' or workers' organizations to realize the fundamental principles and rights at work is weakened and the credibility of the ILO may suffer.

4. Promotional activities

20. The Expert-Advisers had the opportunity to learn about promotional and technical cooperation activities engaged in by the ILO. We are pleased about the several modes of operation and that individual projects can point to first successes. We appreciate that various means are used to spread word about the Declaration and to give the ILO a more modern face. Audiences are reached that go beyond governments and employers' and

³ Government's responses to the continuing ratification campaign are recorded in a paper submitted each November to the Governing Body, entitled "Ratification and promotion of fundamental ILO Conventions", GB.285/LILS/4.

workers' organizations. They range from school children to university professors. We encourage, in addition to close collaboration with the social partners, greater outreach to the research and teaching community in all parts of the world.

21. We would also encourage ILO research on the impact that the realization of fundamental principles and rights has on countries' development and on enterprises, especially in developing and transition economies. We would like to be informed of the involvement of enterprises and of workers' organizations in favour of the Declaration.
22. We would encourage the sharing of experiences and good practices under ILO auspices with regard to promoting gender equality at work. Definite progress has been achieved in a number of countries, and moves are under way elsewhere that hold promise of progress in years ahead. By contrast, we see that racial, ethnic, social and other groups are not given as much attention as gender questions in most reporting countries. We believe that the methods used to promote gender equality can largely be applied to other groups with appropriate adaptation. Nationally, greater efforts would seem to be called for, which we would hope to find reflected in future reports.
23. We have noted with interest the initial cooperation between the Asian Development Bank (ADB) and the ILO. We hope that further joint activities will be launched and that the ILO can enter into similar collaboration with other financial institutions as well as with regional bodies such as the Common Market of the Southern Cone (MERCOSUR), the Economic Community of West African States (ECOWAS) and the Association of South-East Asian Nations (ASEAN).

5. Appreciation

24. The Expert-Advisers have, in previous Introductions, drawn attention to several **Arab States** and to **China**. We acknowledge in this fourth Introduction that they have reacted in the spirit of the Declaration follow-up. We are encouraged by these developments and urge others to do likewise.
25. The Governments of **Bahrain** and **Saudi Arabia** have adopted new legislation relating to freedom of association, and we understand that important work is under way in **Qatar** and the **United Arab Emirates** and elsewhere in the Gulf Cooperation Council (GCC). We look forward to learning more about these efforts.
26. The Ministry of Labour of **China** has initiated a discussion both nationally and with the ILO on forced or compulsory labour, and a first national seminar on the subject was held in January 2003. This allowed for a presentation of the ILO's notions on these subject matters and for an exchange of views on how they relate to the country's laws and practices. A programme of activities has been sketched out, including a study tour by Chinese officials and further meetings and broader dissemination of information relating to forced labour.
27. Finally, we should like to express our appreciation to the ILO in general and the InFocus Programme on Promoting the Declaration in particular for the way in which the 1998 Declaration is being implemented and the careful preparation of the compilation as well as the services provided during our meeting (14-20 January 2003). We anticipate that we could cope with the volume of information next January in a meeting lasting one day less.

C. Expert-Advisers' recommendations

1. Recommendations to the Governing Body in relation to its own work

28. The Expert-Advisers recommend that, during discussions of programme and budget proposals, the Governing Body allocate sufficient regular budget resources for the effective implementation of the 1998 Declaration by headquarters and field units because of the centrality of the ILO's fundamental principles and rights to the Organization and to sustainable economic and social development at national and international levels.
29. We recommend that the Governing Body launch appeals to donors for substantial and durable extra-budgetary support for ILO technical cooperation to meet the high demands expressed by governments and employers' and workers' organizations in countries not having ratified all core Conventions.⁴
30. We recommend that the Governing Body invite the Director-General to:
- (a) continue to respond through contacts at the highest level to indications of emerging willingness on the part of governments that are not yet close to realizing the Declaration's principles and rights at work;
 - (b) convene regional or subregional workshops among countries not having ratified all core Conventions for advocacy and reporting purposes and to enable countries to share experiences with regard to progressing along the path charted by the Declaration.

2. Recommendation to the Governing Body in relation to employers' and workers' organizations

31. The Expert-Advisers recommend that the Governing Body draw the attention of international employers' and workers' organizations to the need to reinforce their collaboration with the Declaration Programme, notably by providing their own comments and by encouraging national organizations to do the same.

3. Recommendations to the Governing Body in relation to the Office

32. The Expert-Advisers recommend that the competent services of the ILO append this Introduction to the communication conveying the report form to governments, national and international employers' or workers' organization and to draw their attention to our desire to receive less legalistic and more factual information about what actually happens in countries with respect to following up on the Declaration.
33. We further recommend expansion of the ILO's awareness-raising, advocacy and commitment-generating activities through various means aimed notably at policy-makers,

⁴ See table 5 below.

the social partners and non-traditional audiences in countries not yet having ratified all core Conventions.

D. Efforts made in respecting, promoting and realizing fundamental principles and rights at work⁵

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

(a) Reporting

34. Twenty-seven out of 38 States have reported on the principle of freedom of association and the effective recognition of the right to collective bargaining (71 per cent reporting rate). A first report was received from **Uzbekistan**. However, the **Lao People's Democratic Republic, Solomon Islands** and **Somalia** have submitted no reports since the beginning of the annual review exercise in 1999.

35. Four employers' and eight workers' organizations from seven States (**Brazil, El Salvador, India, Lebanon, New Zealand, Thailand, United States**) formulated some observations on their government's report, or completed report forms. The International Confederation of Free Trade Unions (ICFTU) sent comments regarding the implementation of the principle and right in India.

(b) Reports mentioning efforts

36. **Recognition and exercise of the principle and right.** The principle of freedom of association and the effective recognition of the right to collective bargaining is recognized by all reporting States.

37. In many countries, freedom of association and the right to collective bargaining can be exercised at enterprise, sector or industry, national and international levels by all categories of employers and workers, except in the armed forces, paramilitary services, police and prison. In addition, government authorization is not necessary to establish an employers' or a workers' organization, nor to conclude collective agreements. However, governments report that authorization is required to establish employers' and workers' organizations in **China, Jordan, Kenya, Malaysia, Mauritius** and the **United Arab Emirates**. In the **Islamic Republic of Iran, Kuwait, Oman, Qatar** and **Sudan** authorization is required to establish such organizations as well as to conclude collective agreements.

38. Efforts reported in this annual review refer, by order of importance, to legislative changes, enforcement and sanctions, promotional or advocacy activities, broad policy reforms, special attention to particular situations, and data collection and dissemination.

⁵ The information in sections 1, 3, 5 and 7 of section D is a summary of statements contained in government reports and comments submitted to the Office by national and international employers' and workers' organizations for the annual review of 2003. In sections 2, 4, 6 and 8, the Expert-Advisers have provided comments in relation to the material examined under each category of principles and rights at work. Neither the Expert-Advisers nor the Office have verified the accuracy of the information received and reproduced in the compilation.

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- 39. Legislative changes.** Apart from **El Salvador**, which considers satisfactory its Labour Code revised in 1994 on a tripartite basis and with ILO technical support, reporting States have envisaged or are undergoing legal reforms concerning freedom of association and/or collective bargaining. In this exercise, ILO technical cooperation (see Part G) has been provided or is ongoing. Almost all States have requested this technical support in identifying difficulties and carrying out legal reforms to support the principle and right (**Bahrain, Brazil, China, Guinea-Bissau, India, Islamic Republic of Iran, Jordan, Kenya** (ongoing), **Morocco** (ongoing), **New Zealand** (ongoing), **Qatar, Singapore, Sudan, Thailand, United Arab Emirates, Uzbekistan, Zimbabwe** (ongoing)).
- 40.** A number of countries have enacted new laws or are undertaking such action. For instance, **Thailand** mentions the enactment of the Labour Relations Act (No. 3) B.E. 2544 of 17 November 2001 to apply freedom of association principles and rights. In **Bahrain**, the Constitution has been amended and a new law to allow the establishment of free trade unions was adopted in September 2002. The Government of **Kenya** mentions that a Task Force to review laws and harmonize them with the provisions of ratified Conventions and core labour standards was constituted in May 2001 and is set to finalize soon its review. According to the Government of **Lebanon**, a tripartite committee established in December 2000 in order to amend the Labour Code, has introduced most of the principles and rights mentioned in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). Also, a draft Labour Code Amendment is under examination in **Qatar**, while the Amendment of the Labour Law of the **United Arab Emirates** has been proposed in May 2002 to enable the establishment of workers' organizations. Finally, a Labour Amendment Bill is being reviewed by the social partners in **Zimbabwe** through the ILO/Swiss Project on Social Dialogue and Dispute Settlement, with a view to applying in detail the principles and rights embodied in Conventions Nos. 87 and 98.
- 41. Enforcement and sanctions.** Apart from **Mexico** and **Qatar**, where appropriate action is contemplated, all reporting States have referred to labour inspection and monitoring mechanisms to ensure the implementation of freedom of association and the right to collective bargaining. **Qatar** is envisaging the implementation of these mechanisms. In case of violation of this principle and right, the procedures referred to mostly involve conciliation and mediation, and, in case of failure, judicial action, redress and civil, administrative and/or penal sanctions, as the case may be.
- 42. Promotional or advocacy activities.** Twenty-one countries report that they adopted measures such as legal reforms, inspection/monitoring mechanisms, awareness-raising/advocacy. Twelve of these countries (**Bahrain, Guinea-Bissau, India, Kenya, Mauritius, Morocco, New Zealand, Oman, Thailand, United States, Uzbekistan, Zimbabwe**) also implemented measures regarding capacity building for employers' and/or workers' organizations on freedom of association. Nineteen countries indicate that they have adopted measures concerning collective bargaining. Among these States, 12 (**China, Guinea-Bissau, India, Kenya, Mauritius, Morocco, New Zealand, Oman, United Arab Emirates, United States, Uzbekistan, Zimbabwe**) adopted measures concerning capacity building for employers'/workers' organizations with regard to collective bargaining. Such measures are envisaged in **El Salvador, India, Jordan, Malaysia, Qatar** and the **United Arab Emirates**.
- 43.** Most promotional activities referred to in government reports concern collective bargaining. For instance, in **Brazil**, an intensive programme of courses, seminars and similar activities was organized to discuss collective contracts and bargaining issues in cooperation with the ILO. **Canada** is promoting labour-management relations through tripartite dialogue, conferences, seminars and preventive mediation programmes. **China** reports that the right to collective bargaining is being promoted at national, provincial and enterprise levels, by means of circulars and training materials, but the Government also considers capacity building as a priority for technical cooperation (cf. Part G). The

Government of Mauritius has made a provision of about US\$100,000 in budget 2002-03 to finance an education and training programme for workers. It has also organized tripartite courses on conciliation and mediation, and has assisted the University of Mauritius to run a Certificate in Industrial Relations. It is worth mentioning an ongoing study by the University of Mauritius on “*Low rate of unionisation in Mauritius – Causes, strategy for reinvigoration*”, commissioned by the Union Trust Fund and funded by the ILO. In New Zealand, the Government has published a best practice guide on collective bargaining and the Employment Relations Act, 2000. It is also carrying out an Employment Relations Education (ERE) programme.

- 44. Broad policy reforms.** Most countries report that they have held tripartite discussions on specific measures to respect, promote and realize the principle and right (**Bahrain, Brazil, Canada, China, El Salvador, Guinea-Bissau, India, Islamic Republic of Iran, Mauritius, Morocco, New Zealand, Oman, Singapore, Sudan, United Arab Emirates, United States, Uzbekistan, Zimbabwe**), or are envisaging such action (**Jordan, Qatar**). However, only a few countries have referred to the adoption of a broad or new policy designed to promote freedom of association and/or collective bargaining. In **Canada**, a Labour-Management Partnership Programme (LMPP) is providing funds to about 30 projects a year that support and promote the development of cooperative labour-management relations in the country. The Government of the **Islamic Republic of Iran** indicates that in recent years some instances have been set up with ILO assistance and led to the conclusions of collective agreements in 2001 and 2002, including the establishment of the National Tripartite Council in July 2002. The Government of **Kenya** underscores that the ban on the Kenya Civil Servant Union was lifted in November 2001, allowing public service employees to organize freely and bargain collectively for their rights. In **Thailand**, the Department of Labour Protection and Welfare is developing a major policy to promote collective bargaining and set up a Code of Practice for the Promotion of Labour Relations. Finally, the Government of the **United States** reports that a new policy has been adopted by the National Labor Relations Board (NLRB) to reduce the number of pending cases for unfair labour practice and representations.
- 45. Special attention to particular situations.** The Government of **Oman** states that more than ten local women associations have been established. In **India** and **Mauritius** action is being taken to involve women in freedom of association and trade unions. Other categories of persons are also considered in **Myanmar, New Zealand** and the **United Arab Emirates** (training of disadvantaged categories of persons). Moreover, special attention to sectors or industries is mentioned by the **United Arab Emirates**. Countries such as the **Islamic Republic of Iran** and **Kenya** are planning to pay particular attention to women, industries or sectors and religious minorities, as well as disabled workers, child workers, migrant workers or refugees.
- 46. Data collection and dissemination.** Statistics in **Thailand** reflect an increase of employers’ associations between 2000 and 2001. The Governments of **Malaysia** and **Singapore** provide data showing a regular increase of union membership and registered collective bargaining agreements, respectively. The statistics provided by the Government of **New Zealand** indicate that since the implementation of the Employment Relations Act (ERA), 2000, unionization has increased significantly, in parallel with the consolidation of traditional unions and the formalization of previous types of representation. The Government of **Brazil** refers to statistics showing a significant decrease of collective disputes, after the adoption of various legal and institutional measures to promote free collective bargaining. In addition, it provides data on the number of strikes registered at local level.
- 47.** The Government of the **United States** provides data on pending cases concerning unfair labour practices or representations. Other countries, such as **Bahrain, India, Jordan, Mauritius, Qatar** and the **United Arab Emirates** are envisaging or requesting ILO

technical cooperation to set up a system for collecting and disseminating data on freedom of association and collective bargaining (cf. Part G).

(c) Challenges mentioned

- 48. Economic, political, social and cultural factors.** Some governments refer to economic (**Bahrain, Jordan, Kenya, Qatar, Sudan**), political (**India, Sudan, United Arab Emirates**), social (**Bahrain, Jordan, India, Malaysia, Morocco, Oman, Qatar, Sudan, United Arab Emirates**) and/or cultural (**Jordan, Malaysia, Oman, United Arab Emirates**) challenges in the realization of the principle and right. Many note that public awareness is lacking, that government bodies or the social partners face difficulties at the organizational level as well as to engage in social dialogue and gathering information and data. They also refer to the huge informal sector, the precariousness of immigrant labour, the absence of collective bargaining experience. In **China**, the lack of capacity of workers' organizations is considered by the Government to be the sole difficulty encountered in realizing the principle and right.
- 49.** With regard to **India**, such challenges are mentioned in the social partners' comments (the All India Manufacturers' Organization (AIMO), the Hind Madzoor Sabha (HMS), the All India Trade Union Congress (AITUC)). In addition, the International Confederation of Free Trade Unions (ICFTU) emphasizes the need for improvement regarding trade union rights in the public sector and the informal economy. It also blames the government of the State of Western Bengal for making clear its intent to repress trade unions as an inducement to investment. In reply to these allegations, the Government of **India** recognizes that the right to collective bargaining is largely absent in the informal economy because this sector is scattered and fragmented and the incomes of the persons engaged are very low. However, it further indicates that the employees of the union government have a right to form and join any association and that every possible step is taken into account by the tripartite constituents to eliminate and minimize the difficulties encountered in the realization of the principle and right. Concerning **El Salvador**, the Trade Union Congress of Democratic Workers (CTD) mentioned several economic, socio-political and cultural challenges, including moral and ethical issues, while the Autonomous Trade Union Congress of Salvadorian Workers (CATS), considers that there is an anti-trade union culture, institutionalized by the Ministry of Labour. In its reply, the Government considers that both freedom of association and the right to collective bargaining are safeguarded under domestic law for various categories of workers, which allows the Government to establish employment relations on a sound and stable basis, with the support of regional projects on freedom of association, collective bargaining, tripartism and social dialogue. In **Thailand**, the Employers' Confederation of Thailand (ECOT) only refers to lack of information and data as one of the difficulties encountered in the realization of the principle and right at local level.
- 50. Legal and institutional challenges.** The Government of **Brazil** reiterates its objective to remove the last barriers to full freedom of association through a draft constitutional amendment that would, in particular, establish the freedom to form trade unions, abolish mandatory single unions, and create mediation and conciliation bodies to resolve individual disputes. The Government of **El Salvador**, in reply to the observations by the CATS and the CTD, holds that Conventions Nos. 87 and 98 cannot be ratified as some of their provisions affect the national constitutional system. In reply to the ICFTU's comments on the need to amend the Contract Labour (Regulation and Abolition) Act, 1970 the Government of **India** confirms that a proposal to make changes to this Act is being considered.
- 51. Limitations on the right to organize.** According to the government reports, freedom of association cannot be exercised by workers and employers in **Qatar**. In **Bahrain, El**

Salvador, Islamic Republic of Iran, Jordan, Kenya, Kuwait, Morocco, Sudan, Thailand, United Arab Emirates and Zimbabwe the right to organize is denied only to some or all public servants, domestic workers, informal sector workers, agricultural workers, migrant workers.

- 52. Limitations on the right to collective bargaining.** Government reports from **Bahrain, Brazil, Canada, China, El Salvador, Islamic Republic of Iran, Jordan, Kenya, Kuwait, Malaysia, Morocco, Myanmar, Qatar, United Arab Emirates, Uzbekistan and Zimbabwe** indicate that the right to collective bargaining cannot be exercised by the medical profession, some or all public servants, domestic workers, informal sector workers, agricultural workers, migrant workers. The report by the Government of **China** indicates that employers do not have the right to collective bargaining.
- 53.** These limitations have been underscored in the observations made by several trade union organizations, such as the Single Central Organization of Workers (CUT) regarding the monopoly of representation in **Brazil**. Moreover, the CUT raises other national issues, such as the government supervision on trade union registration, the limitation on collective bargaining, the threat to legal protection of trade union executives, and the legal and ministerial requirement of a minimum number of trade unions to form a federation and a minimum number of federations to form a confederation.
- 54.** Concerning **India**, the ICFTU observes long delays and a backlog of unresolved cases of labour disputes pending before labour courts. In addition, draft legislation plans to increase the minimum membership for a trade union to be registered from seven workers to 100 or 10 per cent of the workforce. The ICFTU also denounces excessive police interference in the State of Sikkim where the Trade Union Act has not been enforced. In its reply, the Government of **India** finds the requirements in the draft legislation quite reasonable in the national context and specifies that the provisions of the Trade Union Act are applicable to the State of Sikkim. It further indicates that the amendment of the Trade Union Act, 1926, in force as from September 2002, aims at limiting the multiplicity of trade unions in industries in order to reduce the influence of outsiders on trade unions and promote internal democracy.
- 55.** In the **Islamic Republic of Iran**, the Government states that the workers' representatives consider that the independence of Labour Islamic Councils is questionable to the extent that these councils are set up under a tripartite body in which government and employers are also represented. Furthermore, the national labour law does not address the issue of employers' enforcement of the right to collective bargaining.
- 56.** In **Thailand**, the National Congress of Thai Labour (NCTL) observes that the right to organize has not been protected adequately and that the amendment process of the Labour Relations Act, 1975 needs to be accelerated.
- 57.** With regard to the **United States**, the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) considers that some difficulties are being encountered in the enforcement of the principle and right, namely with the lack of coverage under the National Labour Relations Act (NLRA) of agricultural and domestic workers, as well as of public employees, and the lack of government capacity as reflected in enforcement delays. According to the AFL-CIO, the Government should consequently recognize the need for technical cooperation in the following areas: assessment in collaboration with the ILO of the difficulties identified and their implications for realizing this principle and right; strengthening data collection and capacity for statistical analysis; legal reform; and building capacity of responsible government institutions.

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- 58. Limitations on the right to strike.** In **India**, the All India Trade Union Congress (AITUC) underscores that state governments, such as Tamil Nadu, have enacted laws that prohibit strikes by government employees and employees in the public service.
- 59.** In **New Zealand**, Business New Zealand expresses concern on possible ratification of Conventions Nos. 87 and 98 because of the likely incompatibility of the Employment Relations Act (ERA) with the provisions of these Conventions, namely with regard to the interpretation of the right to strike by the Committee on Freedom of Association (strike on social and economic grounds and sympathy strikes). By contrast, the New Zealand Council of Trade Unions (NZCTU) welcomes the emphasis placed on Conventions Nos. 87 and 98 within the ERA and considers that these instruments are of particular significance. It considers therefore that the issue of the right to strike needs at the very minimum to be clarified through consultation, with possible technical advice from the ILO. In reply to the NZCTU's comments, the Government of **New Zealand** confirms its commitments to review the ERA and plans to provide in its next report more details on the scope and progress of this review.
- 60.** In **El Salvador**, the Autonomous Trade Union Congress of Salvadorian Workers (CATS) calls for the ratification of Conventions Nos. 87 and 98. However, it considers that this process is not supported by both the Government and the National Association of Private Enterprise (ANEP), on the ground that constitutional amendment would be required on the right to organize and collective bargaining and the right to strike.
- 61. Dismissal of trade unionists and dissolution of trade union organizations.** In **El Salvador**, according to the CATS there are huge numbers of cases of violations of the right to form trade unions, including dismissal of state workers and dissolution of their organizations. The Trade Union Congress of Democratic Workers (CTD) also considers that the Government is not interested in the issue of freedom of association, and hopes that international action will sensitize government authorities on the rule of law. In reply, the Government of **El Salvador** states that the abolition of posts in the public sector has been carried out without violations of the right to freedom of association.
- 62. Export processing zones (EPZs).** Almost all reporting States explicitly indicate that freedom of association and the right to collective bargaining can be exercised in export processing zones (EPZs). However, the IFCTU observes that in practice and despite efforts to organize workers, there are very few trade unions in the EPZs and the special economic zones (SEZs) of **India**, and there is a clear intention to exempt these zones from the applicability of labour laws. In reply to these comments, the Government of **India** states that there are no restricted activities in EPZs and SEZs, which are inspected periodically by the state labour authorities. Given that EPZs have been declared by certain state governments as public utility services under the Industrial Disputes Act, the unions operating in these zones are required to give prior notice to employers before going on strike.

(d) Reports indicating no change

- 63.** Only a few governments state that there has been no major change since their last report (**India, Guinea-Bissau, El Salvador, United States, Zimbabwe**).

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

64. The Expert-Advisers reiterate that the principles of freedom of association and collective bargaining must be respected regardless of the specific economic, social, cultural and political conditions of countries. Under the follow-up to the Declaration, every ILO member State has a constitutional obligation to promote and realize these universal principles and rights. When respect for them is denied, and when no true collective bargaining or social dialogue takes place, there can be no real progress in relation to the other categories of principles. Freedom of association enables workers and employers to manage their own affairs, to negotiate with one another, and to make their voice heard vis-à-vis the State. The situation in countries where this basic right is denied is fundamentally different from those where it is respected.
65. Thirty-eight countries have not yet ratified the relevant core Conventions; and the rate of ratification seems to be slowing. Today, 52 per cent of the total labour force of ILO member States is found in 19 States that have not ratified Conventions Nos. 87 and 98, and a further 9 per cent in the other 19 States that have ratified only one of these two core Conventions.⁶ We are not convinced that the principles and rights of freedom of association and collective bargaining are fully respected in all non-ratifying countries.
66. Only 27 of those 38 governments sent reports during the current round, a 10 per cent drop in responses. We appeal to countries to use the opportunity provided by annual reporting under the Declaration to reflect on the contribution that free and democratic workers' and employers' organizations, collective bargaining and social dialogue can make to coping with the effects of globalization, and to inform us accordingly.
67. The new report forms contain predominantly legislative information. Government officials should report more fully what the actual situation is in their country's public and private enterprises, export processing zones, informal economy, agriculture or with respect to domestic or migrant workers. The report form gives them the opportunity to do that.
68. The reports confirm the disturbing message of the first Global Report under the Declaration follow-up, *Your voice at work* (Geneva, ILO, 2000), that there are many legislative gaps. The Expert-Advisers would like governments to indicate the reasons and durations for exempting the many categories listed in the report forms and on the preceding pages. Another issue on which insufficient information is provided concerns the authorizations to which trade unions and employers' organizations are still subject in quite a number of countries. We urge governments to move from authorization to registration without hindrance.
69. Workers' and employers' organizations, at national and international levels, should comment on these rights gaps both when governments draft their replies and by informing the Office directly under the follow-up to the Declaration.
70. In one such instance, in **El Salvador**, the response by the Government to the two national workers' organizations seems to us not to address the questions raised.
71. We have been encouraged by the steps taken by a number of countries of the Gulf Cooperation Council, and we are pleased that **Bahrain** has taken a definite and far-

⁶ See last November's Governing Body paper "Evaluation of the InFocus Programme on Promoting the Declaration", GB.285/PFA/11, pp. 10-11.

reaching step through the adoption of a new law last September. There are also indications of legislative developments towards realizing this principle and right in **Brazil** and elsewhere. We further commend the Government of **Mauritius** for supporting financially an education and training programme for workers and assisting the University of Mauritius in the setting up of courses on industrial relations.

72. The Expert-Advisers see as a positive development the request by **China** to the ILO with respect to the reform of labour law and other relevant legislation and capacity building. We reaffirm that workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization.
73. We are encouraged to see the Governments of **Guinea-Bissau, India, Jordan, Kenya, Lebanon, Mauritius, Morocco, Sudan, Thailand, United Arab Emirates** and **Uzbekistan** pointing out the need in their countries to strengthen the capacity of workers' and employers' organizations, and that they turn to the ILO for help. The Office should mobilize its resources as quickly as possible provided, of course, that the strengthening envisaged is not that of imposed single trade union or employer structures.
74. In light of the requests by **Bahrain, Guinea-Bissau, India, Islamic Republic of Iran, Jordan, Kenya, Mauritius, Morocco, Myanmar, Qatar, Thailand** and **Uzbekistan** for ILO cooperation in assessing the difficulties and implications for realizing the principles and rights of freedom of association and collective bargaining, we would like the Governing Body to request that high-level contacts be made straight away between the Office and two or three countries not yet served by ILO technical projects in this field.

3. Elimination of all forms of forced or compulsory labour

(a) Reporting

75. Of the 27 governments due to submit a report under the present annual review, 14 reports (52 per cent) were received by the Office within the required deadline. Compared with last year, the rate of submission of reports fell by 12 per cent. However, unlike last year, the Governments of **Bolivia** and **Myanmar** provided reports for this annual review.
76. **Afghanistan, Lao People's Democratic Republic, The former Yugoslav Republic of Macedonia, Mongolia** and the **Solomon Islands** have never submitted reports on this principle and right since the entry into force of the Declaration and its follow-up. Among the countries which did not submit reports this year are some of the governments or social partners which alluded in the past to major difficulties in eliminating all forms of forced or compulsory labour (**Republic of Korea, Japan, Madagascar, Nepal**).
77. **Yugoslavia** submitted its first report. The Government states in particular that the Abolition of Forced Labour Convention, 1957 (No. 105), is in the course of ratification. Nevertheless, according to indications in the same report, in particular the absence of a national policy, responsible authority and data on forced labour due to human trafficking, certain difficulties would appear to persist in combating forced or compulsory labour in the country.

(b) Reports mentioning efforts

78. **Awareness-raising.** **Sri Lanka** organized a tripartite seminar in July 2002 to examine the difficulties in ratifying the Abolition of Forced Labour Convention, 1957 (No. 105).

Following the recommendations of the seminar and a national feasibility study in July 2002, ratification of this Convention was registered by the Office on 7 January 2003. The **United States** set up an inter-agency working group on issues of human trafficking and exploitation of workers.

- 79. Introducing appropriate legislation.** In the **United States**, the abovementioned working group contributed to the introduction of legislation on protection of the victims of trafficking in human beings. **Malaysia** reported the amendment on 11 January 2002 of article 6 of the Federal Constitution regarding work or service as a consequence of a conviction of guilt in a court of law.
- 80. Human trafficking giving rise to forced labour.** Even countries which considered that they had put the problem of forced labour behind them are affected by the problem of human trafficking. Thus, in both the **United States** and **Canada**, relevant legislation has been introduced, providing the competent authorities with appropriate means to combat the phenomenon.
- 81. Strengthening inspection, control and preventive mechanisms.** **China, Malaysia** and **Mozambique** underline the introduction of inspection and control mechanisms, together with special institutional mechanisms to abolish all forms of forced or compulsory labour without, however, spelling out the specific form of the measures adopted. **Mozambique** indicates that as there is no forced labour in the country the measures adopted remain of a preventive nature designed to avoid its emergence.
- 82. New initiatives and examples of success.** The Government of **China** draws attention especially to progress in the abolition of forced or compulsory labour, with special emphasis on human trafficking. In this respect, large-scale initiatives to combat trafficking in women and children were launched in 1995, 1999 and 2000 across the whole country. Circulars on the subject were published in the various ministries. The All-China Women's Federation worked closely with the ILO under the Mekong subregional project to combat trafficking of women and children. In **Ethiopia**, bearing in mind the close link between child labour and forced or compulsory labour, the national survey of child labour completed in October 2002 by the Central Statistics Authority (CSA) with ILO technical cooperation also deserves mention. The Government of **Myanmar**, for its part, indicates that the principal new fact since the last report is the acceptance in May 2002 of an ILO interim liaison officer in the country. In addition, **Sri Lanka** has expressed its intention to adopt a national policy to combat forced or compulsory labour, based on the recommendations of the tripartite seminar in July 2002 and the feasibility study on the subject.

(c) Challenges mentioned

- 83.** Few governments (four of the 14 reports received) refer to difficulties they face in realizing this principle and right. The most commonly mentioned difficulties concern lack of information and data, and the absence of responsible government institutions. At the same time, the Governments of **Malaysia, Qatar** and **Mozambique** respectively believe that they have no such difficulties since no cases of forced labour have been observed locally. In terms of legislation, **Sri Lanka** reports difficulties in adapting national laws to the provisions of the ILO Conventions on forced labour. According to the Government of **Bolivia**, the national legislation, permitting forced or compulsory labour of persons serving custodial sentences, does not guarantee the full recognition of the principle and right.
- 84.** In the **United States**, the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) recalls in its observations the question of working practices in

the country's private prisons, a problem, according to them, which has not been resolved and which is not covered in the Government's report.

85. The Governments of **Mozambique**, **Myanmar** and **Sri Lanka** consider technical support by the ILO to be important, especially in evaluating the difficulties on forced labour issues, and the impact of these difficulties on the realization of the principle and right (see under Part G).

(d) Reports indicating no change

86. No government indicates explicitly and generally that the situation concerning forced or compulsory labour has not changed since its previous report. However, some reports refer to the status quo in relation to certain aspects of combating forced or compulsory labour. **Ethiopia**, for example, notes that no significant change has occurred in regulatory, institutional and general policy terms. The Government of **Singapore** indicates that no amendments have been made to its legislation. **Bolivia**, for its part, considers that it is unable to provide information concerning recent changes. According to the Government, forced or compulsory labour was abolished by the 1938 Constitution and the 1952 reforms.
87. The Government of **Qatar** indicates that there is no need to adopt measures to eliminate forced labour because there is no labour of that kind in the country. The same arguments are put forward by the Government as to why the country does not need technical cooperation from the Office.
88. The Government of **China** reports no change at legislative and institutional level, even though it indicates that the penal, civil or administrative sanctions concerning forced or compulsory labour have been strengthened. The Government also mentions its intention to adopt appropriate measures to realize the principle and right, notably the adoption of a national policy and raising public awareness of the issue, strengthening national capacity and carrying out a tripartite examination of issues relating to the rehabilitation of persons who have been subjected to forced labour. Technical cooperation is requested from the Office in this respect (see Part G).

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

89. The Expert-Advisers express disappointment that only about half the reports due were provided, and that the reports sent contained limited general information and very little about the distinct and multiple forms of forced or compulsory labour. ILO studies in other countries that we are aware of paint a picture which suggests that forced labour is more widespread than governments tend to admit; and those studies show that many more workers in several traditional and modern sectors of the economy are forced to work temporarily or permanently than officials are aware of who fill in the report forms. The trafficking within countries and across borders that is mentioned in some reports is the new face of forced labour that is particularly offensive and which requires a more determined effort to get to grips with.
90. We appreciate the setting up of the ILO's new Special Action Programme to Combat Forced Labour and urge it to continue to develop comprehensive packages that include stepped up awareness-raising and research to define the volume, characteristics and durability of the various forms of forced labour, as well as rehabilitation and economic development measures.

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91. We emphasize that the economic impact of forced labour on the economy is largely negative except for those who benefit from the systems. Even for the latter there is no incentive to change things and use their means of production more productively. The forced labourers themselves are unable to leave the low-productivity jobs into which they are tied. Therefore, forced labour perpetuates forced labour. The solutions to this vicious circle require determined implementation of national and international policies.
92. We see in the few reports a less than satisfactory approach to dealing with forced labour situations at points of origin, where poverty is one of the determinants. It is not enough to envisage freeing forced labourers if there are no income-generation, skills development and similar support measures in place to enable the freed workers to push away the clutches of those who offer false hopes. Ministries of labour have to enter into partnerships with workers' and employers' organizations as well as with other ministries, the judiciary and NGOs to design coordinated, comprehensive and well-monitored programmes, and to secure funds for their implementation.
93. As far as countries are concerned in which boys and girls, men and women are compelled to labour by traffickers and those who employ them, governments' responses seem to us to be largely limited to adapting some laws. Practically nothing is reported on how labour inspectors could be trained and empowered to uncover undesirable practices or how perpetrators could be prosecuted more successfully. This applies to both within-country trafficking and to cross-border trafficking. We are far from convinced that receiving countries of trafficked labour control their borders efficiently, sanction malpractices dissuasively and engage in the kind of international cooperation that would reduce the pressure on people to leave their homes for uncertain futures. We urge cooperation between origin, transit and destination countries of trafficked persons.

5. Effective abolition of child labour

(a) Reporting

94. Forty States reported this year out of the 72 under reporting obligations on the principle of the effective abolition of child labour (56 per cent). The majority of these countries used the report forms, some chose to update responses to selected questions or provided general updates. Some countries (**Bangladesh, Colombia, Eritrea, Saint Kitts and Nevis and Yugoslavia**) sent reports for the first time. The Government of Eritrea did not fill out a report form but sent an update to its 2000 report (GB.277/3/2). It states that it is working towards the ratification of Convention No. 182.
95. Social partners from six countries (**Fiji, Ghana, India, Pakistan, Thailand and Trinidad and Tobago**) completed report forms or a few questions from these forms. The Fiji Trades Union Congress (FTUC), whose Government has never submitted a report under this principle and right, observes that the principle is not recognized in the Constitution, legislation, judicial decisions or in collective agreements in its country and that prostitution, pornography and illicit activities, in particular production and trafficking of drugs, are believed or suspected to be carried out by boys and girls. According to the FTUC, the general minimum age for employment, which covers all the types of work listed on the report form, is 12 years for both boys and girls, although the age of children at the end of compulsory education is 13 years. It also notes that the minimum age for engaging in hazardous work is over 18 years for both boys and girls. The All Pakistan Federation of Trade Unions (APFTU) and the Employer's Consultative Association of Trinidad and Tobago also completed report forms, while their governments provided updates. The Employers' Confederation of Thailand (ECOT) selected a few questions to answer on the report form. Other social partners either sent a general report (ICFTU on

India), or sent comments on their governments' reports (the Kiribati Chamber of Commerce (KCC), the Kiribati Trade Union Congress (KTUC), Business New Zealand, the New Zealand Council of Trade Unions (NZCTU), National Congress Thai Labour (NCTL) and the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)).

(b) Reports mentioning efforts

- 96. Recognition of the principle and right.** A number of countries report that the principle is recognized in their Constitution. The majority recognize it through legislation. Only five countries claim that the principle is recognized in their Constitution, legislation, judicial decisions and collective agreements (**Bahrain, Ethiopia, Ghana, Lithuania** and the **Syrian Arab Republic**). Some highlight that they have ratified the United Nations Convention on the Rights of the Child (e.g. **Ethiopia, Kiribati**); and the Governments of the **Islamic Republic of Iran** and **Suriname** explain that they are working with the United Nations Children's Fund (UNICEF). However, according to the Government of **Suriname**, this collaboration has not so far included child labour in its country. The Government of **New Zealand** has ratified the Optional Protocol on the involvement of children in armed conflict. **Canada** has ratified the Protocol to the United Nations Convention on Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air. The Government of **New Zealand** reports that it has ratified the first Protocol and intends to ratify the second one. In the same vein, the Government of **India** reports that it has ratified the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, as part of its efforts to address this issue.
- 97. National policy/plan.** Over half of the governments that submitted reports state that they have national policies and/or plans related to this principle and right. Very few state that they intend to adopt one of these instruments (e.g. **Bangladesh, Gabon** and **Suriname**). The Government of the **United States** indicates that "the elimination of illegal and exploitative child labor is both a domestic and international priority". Three other governments (**Australia, Canada** and **New Zealand**) infer this sentiment by listing the different measures they use or support in their countries and internationally.
- 98.** The Government of the **Syrian Arab Republic** emphasizes that childhood issues are part of its main concerns as the child "being the man of the future, is the cornerstone on which the whole nation is built". The Government of **Colombia**, while providing details of its most recent National Development Plan, *Change for Peace*, explains that this plan is the catalyst to drawing up a policy on the prevention and abolition of the worst forms of child labour and the protection of young workers.
- 99. Minimum age legislation for admission to employment.** The majority of governments report that there is a minimum age for admission to employment in their country. The most frequent minimum ages are 14 and 15 years. The lowest age is 12 for **Singapore**, however the Government adds that this is subject to restrictions up until the child reaches 16 years of age. The Governments of **Myanmar** and **Qatar** report the highest age being 18 years. The Government of the **United States** explains that the minimum age is subject to restrictions depending on the type and hours of work. The Government of **Australia** reports that this is also the case in, for example, Western Australia, where the employment of children under 15 years is prohibited during school hours.
- 100.** The general minimum age for most countries covers light work. The Government of **Ghana** indicates that there is a lower age than the general minimum for entry into light work. Minimum age covers family and small-scale agriculture work least often. The

Government of the **United States** reports on legislation that allows for children to work for their parents on their parents' farms. Only three countries report that the general minimum age covers all the types of work listed in the report form (**Bahrain, Cambodia and Oman**).

- 101.** The Government of the **Czech Republic** in its draft Act on the protection of children and young persons seeks to match a type of work to the "child's maturity" respecting his/her rights to "rest and free activities". The Government of **New Zealand** reiterates that it is assessing whether the provision of a general minimum age "is the most appropriate protection against the exploitation of children at work", while the Government of **Bangladesh** notes that the lack of a general minimum age is one of the main obstacles to efforts to realize the principle and right.
- 102. Compulsory schooling.** Several governments report that there is compulsory schooling in their countries. The Government of **Lebanon** indicates that this kind of schooling is free but acknowledges that it has problems with regard to its implementation. The Government of **Ghana** reports that it has a policy on free and compulsory education but admits that compulsory education is not actually free. The Government of **Singapore** points out that compulsory education will be introduced from 1 January 2003. According to the ICFTU, India does not have compulsory education (the Government of **India** replies that it now has the legal facility for compulsory education and that 19 (provincial) state governments have already enacted laws in their states on this issue). The ICFTU observes that the State of Kerala, which has had a consistent high level of spending on education, has good results in this area and a far lower occurrence of child labour than the national average.
- 103.** The Government of **Bangladesh** records the lowest age of children at the end of compulsory schooling, i.e. 10 years. Meanwhile, the Governments of **Azerbaijan** and the **United States** indicate a range of ages, from 16 to 18. According to the Government of the **United States**, the age differs between states. The Government of **Guinea-Bissau** explains that the age of a child at the end of compulsory education is not provided by law. In **Qatar**, according to the Government, compulsory schooling ends either when a child completes preparatory school or reaches the age of 18.
- 104.** With regard to legislation related to education, the Government of **Australia** indicates that in the State of Queensland responsibility for children attending school is placed on the parents. In **Colombia**, the Government reports that the Constitution attributes this responsibility to the State, society and the family. However, the report also regrets that parents and relatives, instead of acting as protectors and guardians, use the argument of economic needs to become the beneficiaries of their own children's labour, exploiting those who they should be protecting, educating and supporting.
- 105. Hazardous work.** Several countries state that they have a definition for hazardous work. Many more record that they have a minimum age for admission into this type of work, which is placed at 18 years by most countries. The Government of the **Syrian Arab Republic** explains that even though there is no particular definition for this sort of work, there are legislative provisions that list the types of work deemed hazardous. The Government of **Saint Kitts and Nevis** cites the lowest age in this regard, i.e. 14 years. The Government of **Oman** provides different ages for boys (18 years) and girls (16 years), while the Government of **Myanmar** only reports the age for boys (18 years).
- 106. Laws/regulations to eliminate the worst forms of child labour.** Many countries report that they have laws/regulations related to this principle and right and several are taking steps either to adopt or amend existing ones. The Government of **Canada** states that Royal Assent has been given to Bill 15A, an Act to amend the Criminal Code and to amend other Acts, which creates a new offence with regard to the use of the Internet for the sexual exploitation of children and child pornography. Furthermore, this law also gives judges

additional means of action and makes it easier to prosecute Canadians who sexually assault children in other countries. In **Australia**, the Measure to Combat Serious and Organized Crime Act, 2001 provides protection for child complainants and child witnesses for sexual offences related to child sex tourism and sexual servitude, in the country. However, the Government updates the situation with regard to the Occupational Health and Safety (Commonwealth Employment) Amendment Bill, 2000, mentioned in its 2002 report (GB.283/3/2), which it states did not pass through Parliament. Nevertheless, it claims that it has introduced a similar Bill, which will be debated in Parliament. The Government of the **Russian Federation** mentions new and amended legislation for the protection of children, one dealing with the Criminal Code of the **Russian Federation** and the other, additional measures to prevent and eliminate child neglect and destitution. Similarly, the Governments of **Oman, Qatar and Saint Kitts and Nevis**, which state that child labour is not present in their countries, report that they have legislation related to the abolition of the worst forms of child labour.

107. Worst forms of child labour. The Government of **Yugoslavia** explains that it does not have any data on the situation in practice with regard to child labour and further, it does not know if almost all of the worst forms of child labour as listed on the report form exist. On the other hand, the Governments of **Bahrain, Oman, Qatar, Saint Kitts and Nevis and Singapore** state that child labour does not exist in their countries. The Government of the **Syrian Arab Republic** provides the same response with regard to the worst forms of child labour, and the Government of **Kiribati** also highlights that these forms of labour do not exist in its country and child labour is not a major issue. The Government of **Cuba** points out that none of the worst forms of child labour as provided by the Worst Forms of Child Labour, 1999 (No. 182), exist in the country.

108. The majority of countries report that one or more worst forms of child labour exist in their countries. Table 2 provides an overview of their responses.

Table 2. Worst forms of child labour

Countries	Sale and/or trafficking	Debt bondage, serfdom, forced or compulsory labour	Forced recruitment for armed conflict	Prostitution	Pornography	Illicit activities, in particular production & trafficking of drugs	Other
Azerbaijan	Boys						Car washing (boys)
Bangladesh	Boys & girls			Girls			
Bolivia	Boys & girls	Boys & girls		Boys & girls	Boys & girls		Work in sugar, cashew nut & mining sectors
Cambodia	Boys & girls	Boys & girls		Boys & girls	Girls	Boys & girls	
Colombia			Boys & girls	Boys & girls	Boys & girls	Boys & girls	
Czech Republic	Boys & girls			Boys & girls	Boys & girls	Boys & girls	
Estonia				Boys & girls	Boys & girls	Boys & girls	
Ethiopia	Boys & girls	Boys & girls		Girls	Boys & girls	Boys & girls	
Gabon	Boys & girls						
Ghana	Boys & girls	Boys & girls		Boys & girls	Boys & girls	Boys & girls	
Guinea-Bissau	Boys & girls						

Countries	Sale and/or trafficking	Debt bondage, serfdom, forced or compulsory labour	Forced recruitment for armed conflict	Prostitution	Pornography	Illicit activities, in particular production & trafficking of drugs	Other
Iran, Islamic Rep. of						Boys & girls	
Kazakhstan				Boys & girls	Boys & girls	Boys & girls	
Lithuania	Boys & girls			Boys & girls	Boys & girls	Boys & girls	
Mozambique				Girls			
New Zealand				Boys & girls		Boys & girls	
Russian Federation				Boys & girls	Boys & girls	Boys & girls	
Saint Vincent and the Grenadines	Boys & girls					Boys & girls	
Sudan	Boys						
Suriname				Boys & girls	Boys & girls	Boys & girls	
Thailand	Boys & girls			Boys & girls	Boys & girls	Boys & girls	
United States				Boys & girls	Boys & girls	Boys & girls	

109. Most governments state that prostitution amongst boys and/or girls is believed or suspected to exist in their countries. Within this group, three governments report that prostitution concerns only girls (**Bangladesh, Ethiopia and Mozambique**). The Government of **New Zealand** acknowledges the difficulty in realizing the “true nature and extent” of this problem due to its “clandestine nature” but reports that research is being carried out, covering both rural and urban areas. The Government of **Estonia** indicates that further information on this subject is presented in a rapid assessment report, prepared for ILO/IPEC.

110. With regard to the worst forms of child labour affecting both boys and girls, most countries report on the presence of illicit activities. The Government of the **Russian Federation** mentions that these activities and others occur mainly in big cities, the southern resorts and border areas and that the worst forms of child labour have spread to the destinations of internal migrants. In **Thailand**, the Government acknowledges that these activities exist. The Employers’ Confederation of Thailand (ECOT) observes that children are easy prey and are targeted to carry out illegal and illicit activities, since they are subject to “light” penalties. This is the case in particular in drug trafficking, where children are victims of drug abuse and traffickers.

111. Forced recruitment for armed conflict is only recognized by the Government of **Colombia** to exist in its country. Few governments mention the problem of child labour occurring in the informal sector (**Colombia, Guinea-Bissau, Mozambique, Sudan, Suriname and the United States**). The Government of **Guinea-Bissau** indicates that children work in this sector to help their families’ financial problems. The Government of the **United States** refers to children involved in door-to-door sales.

112. Specific measures or programmes of action to bring about the effective abolition of child labour. Almost every country mentions measures implemented or envisaged to realize the principle and right, the prevalent means being legal reform (e.g. **Estonia, Islamic Republic of Iran, Myanmar**). The above section on laws/regulations provides examples given by governments on legal reform in their countries. The Government of

Australia states that child employment legislation was reviewed in Victoria, which, it claims, included looking at the provisions of the Minimum Age Convention, 1973 (No. 138), the Worst Forms of Child Labour Convention, 1999 (No. 182), and the United Nations Convention on the Rights of the Child. The product of this review, according to the Government, is the Child Employment Bill, 2002, which covers protection of “the health, safety and moral welfare of child workers” and from work interfering with their education. Some countries, such as **Bangladesh** and **Qatar**, have adopted employment creation/income generation measures for poor families.

- 113.** Concerning technical cooperation needs, the Government of **Mexico** refers to an envisaged IPEC Specific Programme of Action aimed at combating commercial sexual exploitation of children through prevention, adaptation of a legal framework, caring for victims and strengthening coordination between institutions.
- 114.** The Government of **Mozambique**, one of the countries that state that special attention is given to children, cites children whose parents cannot provide for their survival and schooling and those in the informal sector. The Government of **Azerbaijan** notes that it gives special attention to refugees and orphans. The Government of **Gabon** mentions children who are victims of trafficking. It states that diplomatic missions of foreign children are asked to aid with voluntary repatriation and local children are placed back with their families.
- 115. Data collection.** A few countries record data with regard to the principle. Most countries mention that government surveys are carried out that provide statistical information on the extent and/or nature of child labour.
- 116.** Surveys about economic activities do not always involve children. In **Kazakhstan**, the Government indicates that surveys only address people who are 18 years or above. However, the Governments of **Estonia**, **India** and **Lithuania** state that these surveys address everyone in spite of his/her age. The **Syrian Arab Republic** points out that children below the age of 10 years are also surveyed.
- 117.** The Government of **Thailand** reports that it records the number of children withdrawn from child labour and sanctions on users of child labour but it does not undertake surveys that provide statistics on the extent and nature of child labour. The Employers’ Confederation of Thailand (ECOT) observes that one of the obstacles faced by the country with regard to realizing the principle is the hidden nature of child labour, which it claims is not only difficult to find but also to define. The Government of the **Russian Federation**, which does produce statistics in this regard, states that there is a problem with the detection of the worst forms of child labour, as they are generally found while uncovering other crimes. The Government of the **Russian Federation** states that sample surveys showed that the number of economically active children aged 15 to 17 years was 261,000 in 2001, almost half the figure of 503,400 recorded in 2000, due to the decline in the number of children working for private subcontracting firms engaged in production. In 2001, the number of young people employed in industry, transport, communications and construction also declined, to 25,200, from 25,700 in 2000. According to the 2001 figures from the Federal Labour Inspectorate concerning industrial accidents, 29 children died, including 18 in agricultural enterprises, five in industry and three in construction.
- 118. Special measures.** Over half the number of governments that submitted reports provide information on or state that they have special measures with regard to realizing this principle and right. The Government of **Thailand** provides the example of the Taxi Driver Volunteer Project, where taxi drivers are to report occurrences of child labour or unfair labour practice with regard to young workers. In the same vein, the Government of **Ghana** states that withdrawn *Trokosi* (children in servitude) are given counselling together with their parents. The Ghana Employers’ Association (GEA) observes that one of the main

obstacles to realizing the principle in **Ghana** is the need to provide psychological counselling for children who have been traumatized. The Government of **Pakistan** sends an update informing of the launching of a time-bound programme on the elimination of child labour administered by the ILO.

- 119. Alternative measures.** Some governments report on measures to help children get jobs and fair working conditions (**Australia, New Zealand, Russian Federation** and the **United States**). The Government of the **Russian Federation** states that 50 per cent of children would like to work and study at the same time. The Government of **New Zealand** states that it “does not believe ... that all forms of child employment are harmful” and that some jobs are traditionally performed by children which, it explains, aids in their development, preparing them for greater responsibility. The Government confirms, however, that national measures are in place, which ensure that the focus is on education and that appropriate protections are also provided for. Business New Zealand concurs with this reasoning and adds that gaining work experience is an advantage for these children. The New Zealand Council of Trade Unions (NZCTU) agrees that it is part of the way of life in that country for secondary school students but states that “children of school age should not be in a situation where they need to work in order to financially support themselves or others”.
- 120.** The Government of **Colombia** claims that very few jobs undertaken by children aid in their all-round development and training. Child labour is a social condition that makes it impossible for the individuals involved to exercise their basic rights as children and human beings. The ICFTU, in its observations on India, states that children in gemstone industries (other than diamonds) can find themselves as unpaid labour “under the pretext that they are ‘learning the trade’.”

(c) Challenges mentioned

- 121.** With regard to challenges to realizing this principle and right, table 3 summarizes the information contained in the reports. The Government of **Cuba** cites problems posed by the over 40-year economic and trade blockade, but reports that, in spite of this situation, it has been able to focus on the care of children and young people through various measures. Therefore, it states that “lack of resources is no excuse for child labour”.

Table 3. Challenges mentioned in government replies to the question on obstacles

Practical difficulties					
Resources	Awareness or understanding	Labour inspection/ institutions	Implementing regulations	Lack of data	Current laws
Bangladesh	Bangladesh	Cambodia	Cambodia	Ethiopia	Bangladesh
Cambodia	Cambodia	Gabon	Ethiopia	New Zealand	Islamic Republic of Iran
Cuba	Gabon	Lebanon	Russian Federation	Russian Federation	Russian Federation
Gabon	Lebanon		Saint Vincent and the Grenadines	Thailand	Suriname
	Russian Federation				
Economic factors					
Poverty	Low living standards	Unemployment or underemployment	Cheapness of child labour		
Bolivia	Lebanon	Ethiopia	Syrian Arab Republic		
Ethiopia	Syrian Arab Republic	Lebanon			
Ghana					
Sudan					
Other factors					
Political	Lack of social responsibility	Uncontrolled migration	Education/skills development		
Cuba	Cambodia	Russian Federation	Bangladesh		
		Sudan	Ghana		
			Lebanon		
			Russian Federation		
			Syrian Arab Republic		

122. As regards the social context of child labour, the Government of **Colombia** regrets the “vicious circle of self-perpetuating poverty” i.e. poverty sends children to work with the lowest qualifications and due to the exploitative nature of that work they are neither able to obtain an education nor leave this cycle. Therefore, when these children become adults, they cannot perform any other job or change their way of life.

(d) Reports indicating no change

123. Several governments report no change in sections of their report. The report by **Australia** indicates that there are no changes to the information provided by the Australian Capital Territory, New South Wales, South Australia and Tasmania in the relevant sections of Australia’s previous report (GB.283/3/2). In the case of **Cambodia** and **Kiribati** there are very few amendments to their previous reports (GB.283/3/2). A small number of reports are largely the same as those for the previous annual reviews (**Lithuania, New Zealand** and the **Syrian Arab Republic**).

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

124. The Expert-Advisers are struck by the diversity of child labour in all parts of the world, ranging from herding in traditional agriculture to picking apples in industrialized plantations, being prostitutes and doing the myriad of things that small enterprises or the informal economy provide and which helps children and their families to survive. Growing intractability is another feature that derives, in large part, from certain of the worst forms of child labour such as forced recruitment for armed conflicts, the drugs trade and trafficking. Traditional pursuits that for some governments, employers' and workers' organizations have benign features seem to us to be less widespread and decreasing today. By contrast, those forms of child labour to which no positive connotations can be attached and which are indicated in the Worst Forms of Child Labour Convention, 1999 (No. 182), appear to be increasing where they already exist and spreading to more countries.
125. We believe that recognition of a problem is the first step towards tackling it. We are pleased to see that 26 of the 40 reporting countries have taken matters in hand through cooperation with the ILO's International Programme for the Elimination of Child Labour (IPEC). We were heartened to see references to several national plans or programmes, notably those elaborated by **Colombia** and **Ghana** that were explained in some detail and which might provide inspiration for other countries. We would be even more pleased to see in future reports that governments allocate significant budgetary means at the national and local levels to the fight against child labour.
126. We would urge governments concerned to report more information regarding forced or compulsory recruitment of children for use in armed conflict as well as, generally, more information on the factual situation of children in the informal sector.
127. Of course, relative or absolute poverty is one of the factors that, in interaction with others, gives rise to child labour in its various forms. Several reports and comments by workers' and employers' organizations point to income-generating activities as a stop-gap, others to education. We believe that comprehensive economic, social, institutional, legislative and educational development, properly monitored, promises greater impact than isolated measures. Comprehensive programmes must be protective of children and dissuasive to those who employ children; and that dissuasion must be proportionate to the gravity of the form of child labour, notably in the case of trafficking.
128. As we noted last year, the reports reveal a mismatch between the end of compulsory schooling and the minimum age for work. There is no reason to permit children to enter the formal or informal economy before they have finished compulsory school. We realize that good-quality schooling at primary level is crucial and entails many benefits for boys and girls. Governments should bear this eternal truth in mind when elaborating budgets.
129. The fact that children can be forced to work – and not only through trafficking but also, for example, through communal or broader development projects, when handed to better-off family members or sent begging – underlines the mutually supportive nature of the categories of principles and rights as well as of the relevant core Conventions. We therefore encourage ratification and, where that is not yet feasible, moves towards the elimination of both child labour and forced labour in the spirit of the Declaration.

7. Elimination of discrimination in employment and occupation

(a) Reporting

130. Fifteen governments out of 26 reported on the principle of the elimination of discrimination in employment and occupation (58 per cent reporting rate). Since the annual review of 2001 there has been a decrease in the number of countries sending reports under this principle and right. **Antigua and Barbuda, Fiji** and the **Solomon Islands** never reported on the principle and right.
131. With regard to social partners, the Employers' Confederation of Thailand (ECOT) is the only one that submitted observations on its Government's report. The International Confederation of Free Trade Unions (ICFTU) submitted observations on the implementation of the principle and right in **Japan**.

(b) Reports mentioning efforts

132. **Ratification.** The Government of **Singapore** ratified the Equal Remuneration Convention, 1951 (No. 100), in May 2002. Ratification is envisaged in **Suriname**, while processes for the ratification of Conventions Nos. 100 and 111 were initiated in **Mauritius** after consensus was reached during a tripartite consultation with the social partners, held in July 2002 with ILO technical cooperation. This led to the ratification of these two Conventions by **Mauritius** on 18 December 2002.
133. **Legislation.** The principle of non-discrimination is recognized in the Constitutions (**Kiribati, Malaysia, Mauritius, Singapore** and **Thailand**) and/or legislation of most reporting countries. The Government of **Qatar** notes that the basic laws guarantee equality and non-discrimination in the exercise of citizens' rights and obligations in general, but requests for ILO technical cooperation to facilitate the realization of the principle and right in the country. Some States mention laws or specific provisions dealing directly with the elimination of discrimination. For instance, in **China**, article 12 of the Labour Law prohibits discrimination in employment on grounds of ethnicity, race, sex or religion. In **Estonia**, the Employment Contracts Act, 1992 (paragraph 10), could also be cited as an example. In addition, **Singapore** passed the Employment (Part-Time Employees) Regulations, 1996 to promote the principle and right. The International Confederation of Free Trade Unions (ICFTU) notes that in **Japan**, the Labour Standards Law, 1947, prohibits discrimination on grounds of national extraction, political opinion and social origin as regards wages and other working conditions, while discrimination against women is prohibited by the Constitution.
134. There are also legislative provisions concerning equal treatment in the field of remuneration in **Estonia, Kuwait, Qatar, Suriname, Thailand** and the **United States**.
135. Two countries state that new legislation is being drafted. In **Estonia**, the Draft Gender Equality Act is being examined by the Parliament. In **Mauritius**, the Government committed itself to ensure equality of opportunity and introduced a Sex Discrimination Bill. If passed, this Bill could, to some extent, be regarded as a response to the observations made in 2001 and 2002 by employers' and worker's organizations, insisting on the widespread gender-based discrimination in the country.
136. **Institutions to promote equality.** Almost half of the reporting countries state that they have adopted national policies in order to address discrimination in employment and occupation, or that they intend to do so (e.g. **China**). Various structures were established to give effect to such policies. In some countries, questions concerning discrimination are

under the purview of existing institutions dealing with civil or social rights in general. For instance, the Government of **China** notes that one of the reasons for establishing the Ministry of Labour and Social Security was to eliminate discrimination in employment and occupation. In **Estonia**, the Legal Chancellor (Ombudsman) reviews the conformity of legislation with the Constitution. The Government of **Mauritius** mentions that the National Commission on Human Rights deals with violations of human rights. Finally, one of the purposes of the United States Commission on Civil Rights is to collect information on discrimination. This Commission also evaluates federal laws and makes recommendations to the President and the Congress concerning the effectiveness of governmental equal opportunity and civil rights programmes.

- 137.** Agencies exist in several countries that specifically address discrimination. For instance, in **Namibia**, the Employment Equity Commission uses affirmative action to redress discrimination experienced by designated groups. The Government of **Suriname** established the Gender Bureau of the Ministry of Home Affairs, which is a monitoring and consultative body. Furthermore, in the **United States**, the Equal Employment Opportunity Commission (EEOC) is responsible for enforcing the federal statutes prohibiting discrimination based on race, colour, religion, sex, national origin, disability or age, by private employers. The Office of Federal Contract Compliance Programs (OFCCP) compiles information on discrimination in employment and occupation concerning federal contractors and subcontractors. The Women's Bureau of the US Department of Labor conducts studies on the impact of federal employment law on women. In its report, the Government of **Estonia** refers to the Employment Action Plan, paragraphs 3.1.6 and 3.4, as well as to the Strategic Action Plan of the Ministry of Social Affairs 2000-10. The objectives of the Strategic Action Plan for 2003 include the implementation of the Gender Equality Act, the formation of specific procedures for solving cases of sexual discrimination, and other goals related to gender-based discrimination. Finally, the Employers' Confederation of Thailand (ECOT) recalls in its observations that the national Commission on Women's Affairs (NCWA) was set up in 1985 in order to address gender-based discrimination.
- 138.** With regard to equal treatment in the field of remuneration, the Government of **Mauritius** established the National Remuneration Board and the Pay Research Bureau to make recommendations on wages in the private and public sectors. According to the Government of **Thailand**, a Remuneration Committee will be created.
- 139. Grounds of discrimination.** The examination of governments' reports reveals that the concept of discrimination, as articulated in constitutions, legislation, or policies, is extremely diverse, and some States refer to grounds of discrimination explicitly covered by Convention No. 111. Among them are race (e.g. **China** and **Suriname**), colour, religion, political opinion, social origin. Some governments report that national legislation provides for additional grounds, such as age (**Thailand**) or marital status, family responsibilities, previous activities, native language, attitude towards the duty to serve in the armed forces (e.g. **Estonia**). The Government of the **United States** emphasizes the numerous Acts that address groups likely to experience discrimination in employment (e.g. the Age Discrimination in Employment Act, 1967; the Americans with Disabilities Act, 1990). **Suriname** and the **United States** refer to measures protecting persons with disabilities. According to ECOT, measures have also been taken in **Thailand** to extend the principle to migrant workers.
- 140. Awareness-raising and advocacy.** A number of governments point out that they have been involved in awareness-raising activities on discrimination in respect of employment and occupation. In **Malaysia**, the Labour Education Programmes aim at increasing awareness and enforcing provisions on matters provided for in law. The Government of **Mauritius** approved a National Gender Action Plan aimed at eliminating gender discrimination. In **Singapore**, a tripartite committee was set up in 1999 to study the issue

of discriminatory job advertisements. This Committee issued the Tripartite Guidelines on Non-Discriminatory Job Advertisements, which resulted in a decrease in the number of discriminatory job advertisements. Moreover, in 2001, the Ministry of Manpower created the People for Jobs Traineeship Programmes, which seek to enhance the employability and wage flexibility of older workers. The Government of **Thailand** reports that it has been involved in awareness-raising of employers and workers on equal employment, and developed an Action Plan on Promotion of Labour Standards in Exporting Establishments.

(c) Challenges mentioned

- 141. Legislation.** Almost half of the reporting countries mentioned difficulties concerning the implementation of the principle and right. The Governments of **Kiribati** and **Mauritius** note that legal provisions have been obstacles to eliminating discrimination and implementing equal treatment in the field of remuneration.
- 142.** In its observations concerning the realization of the principle and right in **Japan**, the ICFTU highlights difficulties in law. It recalls that the Labour Standards Law, 1947, does not prohibit discrimination at recruitment and therefore gives employers broad discretionary power at that stage. Also, women workers face discrimination in terms of career development. The Confederation further expresses serious concern as regards discrimination against migrant workers and physically or mentally handicapped workers.
- 143.** Other considerations. Apart from legislation, the social and economic context and the political situation have also been considered as difficulties encountered in realizing the principle (**Kiribati**). In most States reporting difficulties (**Estonia, Kiribati, Malaysia, Namibia, Suriname** and **Thailand**), the lack of capacity of employers' and workers' organizations and the lack of social dialogue are mentioned, together with the lack of public awareness/support (**Estonia, Kiribati, Malaysia, Namibia, Thailand**) and of information/data (**China, Estonia, Kiribati, Malaysia, Thailand**). Other difficulties relate to social values and cultural traditions (**Kiribati, Malaysia, Namibia, Thailand**) and prevailing employment practices (**China, Estonia, Malaysia, Namibia, Thailand**).

(d) Reports indicating no change

- 144.** The Governments of **Kuwait, Malaysia, Myanmar, Singapore, Suriname** and the **United States** indicate that there have been no changes since their last report. In addition, several other government reports (**China, Kiribati, Namibia** and **Thailand**) are largely inspired from the previous ones.

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

- 145.** The Expert-Advisers are looking forward to reading this year's Global Report on the elimination of discrimination, which will, it is hoped, aid governments, workers' and employers' organizations in addressing questions that they increasingly recognize in their many manifestations in all parts of the world but where the step from recognition to effective action does not always follow.
- 146.** The reports by governments focus on gender questions, which are certainly important but not the only ones as regards discrimination in employment and occupation. It appears to the Expert-Advisers that there is a lack of knowledge of the size of discriminated-against populations that have racial, ethnic, religious or other characteristics such as being disabled, HIV/AIDS carriers, migrants or older workers. We urge governments to

document the magnitude of discrimination so that they can design appropriate policies and measure the impact these may have. The social partners should be closely associated with the generation of data and the design of policies.

147. We regret that 11 countries did not reply to the questionnaire they received (**Antigua and Barbuda, Comoros, Djibouti, Grenada, Haiti, Japan, Lao People’s Democratic Republic, Liberia, Somalia, Solomon Islands, Uganda**). We appeal to governments to provide examples of successful public policies and programmes. Employers’ and workers’ organizations should do the same. It is helpful to see how countries progress. We are concerned that the only source of information on **Japan** is comments by the ICFTU.
148. We are concerned that a number of governments seem to think that legislative reforms are all that is required. Legislation is necessary but insufficient by itself. It may dent problems but will not eliminate discrimination in the world of work. Institutions or national machineries need to be put in place, staffed and properly funded to assist discriminated-against individuals and the groups to which they belong. We would wish future reports to contain detailed and updated information on implementing measures, which would make it easier for us to address whether significant progress has been achieved. The public bodies involved, workers’ and employers’ organizations, should closely monitor the progress in equal remuneration, equal access to work and non-discriminatory treatment at work.
149. Employers’ and workers’ organizations have the opportunity of tackling discrimination through collective bargaining, an as yet underused tool. We are encouraged by the example of **Mauritius** where social dialogue on discrimination questions led to results.

E. The role of employers’ and workers’ organizations

1. General involvement

150. The reports received for this year’s annual review show a decreasing number of responses by the social partners. Even though many social partners were consulted, very few sent observations on the realization of the principles and rights. Some of them filled in the questionnaires and addressed them to the Office directly.

Table 4. Observations by national or international organizations of workers and employers
(per cent of government reports)

Category	2000	2001	2002	2003
Freedom of association/ collective bargaining	49	87	88	26
Forced labour	5	68	35	7
Child labour	6	24	23	20
Discrimination	8	32	29	7

Source: ILO.

2. Employers' organizations⁷

- 151. National employers' organizations.** The majority of governments sent copies of their reports to national employers' organizations in keeping with article 23(2) of the ILO Constitution. Many of them did not only furnish copies of their reports to both employers' and workers' organizations for their information and possible comments, they also held consultations with them during the preparatory stages. Several governments took the views of the social partners into account (e.g. **Estonia, Cuba, Gabon, United States** and **Singapore** on child labour; **China, Myanmar, Singapore** and **Sri Lanka** on forced labour; **Singapore** and **Myanmar** on discrimination and freedom of association). The Governments of **Estonia, Guinea-Bissau, Myanmar** and the **United States** held discussions with employers to prepare their reports.
- 152.** Many governments state that employers' organizations did not comment on the government reports that were sent to them.

3. Workers' organizations

- 153. International workers' organizations.** The International Confederation of Free Trade Unions (ICFTU) commented merely on child labour and freedom of association in **India**, and on discrimination and forced labour in **Japan**. **India** sent comments on the ICFTU's observations.
- 154. National workers' organizations.** Workers' comments are the only source of information in the absence of a government report for **Japan** on forced labour and discrimination, and for **Fiji** on child labour. The Office received observations directly in the case of **El Salvador** and **India** on freedom of association, **Fiji, India** and **Pakistan** on child labour. In some cases comments by national workers' organizations were forwarded by the government (e.g. **Lebanon, New Zealand, Thailand** and the **United States** on freedom of association as well as on both forced labour and child labour; **Kiribati, New Zealand** and **Thailand** on child labour; **Thailand** on discrimination). Several governments report that workers' organizations were consulted and their opinions taken into account for the preparation of the report (e.g. **Singapore** on freedom of association and discrimination; **China, Myanmar, Singapore** and **Sri Lanka** on forced labour; **Cuba, Estonia, Gabon** and **Singapore** on child labour).
- 155.** The receipt of government reports has enabled certain workers' organizations to express their views on matters on which their opinions differ from those of the government (**Brazil** and the **United States** on freedom of association). In the case of **India**, the Government's comments on the social partners' observations show a divergence of opinions on some issues related to child labour in the country.

4. Involvement in reporting

- 156. Freedom of association and collective bargaining.** Observations concerning seven reporting countries (**Brazil, El Salvador, India, Lebanon, New Zealand, Thailand** and the **United States**) were submitted to the Office by workers' and employers' organizations. Four governments (**El Salvador, India, Lebanon, New Zealand**) made comments on these observations.

⁷ No comments were received this year from international employers' organizations.

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- 157. India and Malaysia** did not provide any information on the consultation of social partners in the reporting process. In **El Salvador, Kenya and Thailand** there were no consultations of employers' and workers' organizations in preparing the report. The Governments of **Bahrain, Brazil and Mauritius** state that copies of the report were sent and that the organizations were invited to make comments. In **Guinea-Bissau**, consultations were made through meetings of the Permanent Council for Social Consultation. The Government of the **United States** indicates that the draft report was reviewed by members of the Tripartite Advisory Panel on International Labour Standards, which includes representatives from the United States Council for International Business, and from the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO). Governments in **China, Islamic Republic of Iran, Mexico and Sudan** indicate that they received comments from the social partners, but those were not forwarded to the Office. Employers' and workers' comments on the situation in **Brazil, New Zealand** and the **United States** were submitted to the Office through the governments concerned.
- 158. Forced labour.** Concerning the principle of the elimination of forced and compulsory labour, the participation by national and international social partners in the reporting process has diminished. Only two reports were commented upon by trade union organizations, compared with eight last year, even though the majority of the governments state that they sent copies of their report to both employers' and workers' organizations. In the **United States**, only the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) submitted comments on the report of the Government of the **United States**. At international level, the International Confederation of Free Trade Unions (ICFTU) was the only organization to furnish observations, and this in respect of the situation in **Japan** (even though no report was received this year from the Government of **Japan**). According to several governments (**Bolivia, China, Myanmar, Oman, Philippines, Qatar**), the employers' and/or workers' organizations were nevertheless involved in the reporting process through consultations that were held with them in preparing the report. The Governments of **Myanmar, Singapore and Sri Lanka** explicitly state to have taken into account the organizations' comments in report preparation or to have prepared it jointly with the social partners (**China**). Concerning the **United States**, the Government underlines that the report was reviewed by members of the Tripartite Advisory Panel on International Labour Standards.
- 159. Child labour.** Five employers' organizations and eight workers' organizations sent comments either through the government (**Kiribati, New Zealand, Thailand** and the **United States**) or directly to the office (**Fiji, Ghana, India, Pakistan and Trinidad and Tobago**). Only the Governments of **India and New Zealand** provide observations on these comments. Most governments state that copies of their reports were sent to the social partners (e.g. **Bolivia, Czech Republic, Qatar, Sudan**) and several mention that the social partners were consulted regarding the preparation of the report (e.g. **Azerbaijan, Colombia, Ethiopia, Oman**). The Governments of **Cuba, Estonia, Gabon and Singapore** note that the comments by social partners were taken into account in their reports.
- 160. Discrimination in employment and occupation.** Contrary to previous years, most employers' and workers' organizations did not submit observations with regard to the elimination of discrimination in employment and occupation. In **Thailand**, the Employers' Confederation of Thailand (ECOT) is the only national employers' organization which submitted observations on its Government's report. The International Confederation of Free Trade Unions (ICFTU) provided information on the situation in **Japan**, while the Government has not reported on the principle. The Governments of **Thailand and Japan** have not made any comments on these observations.
- 161.** The decrease in the number of observations sent by social partners does not, however, imply that they were not involved in the reporting process. **Namibia and Thailand** are the only States which report that the most representative employers' and workers'

organizations were not consulted in preparing the report. Most reporting governments state that social partners were consulted, even if few of them clearly describe the consultation process. In **Mauritius** and **Qatar**, copies of the report form were sent to employers and workers for comments. The Government of **Suriname** sent the final report and invited the organizations to make observations. The Government of **Myanmar** states that a meeting was held, at the end of which employers' and workers' comments were integrated in the final report. According to most governmental replies, although copies of the final reports were sent to them, no comments from the social partners were received. The Government of **Mauritius** indicates copies of the report to one employers' organization and to 12 workers' organizations, but none replied. In **Suriname**, two employers' organizations and six workers' organizations were provided with the report, but no observations were received by the Government nor the Office. The Governments of **China**, **Estonia**, **Kiribati**, **Singapore** and the **United States** report that they received comments from the social partners. Nonetheless, none was forwarded to the Office, and only the Government of **Singapore** reported that they were taken into account.

5. Involvement in activities

- 162. Freedom of association and collective bargaining.** According to a number of government reports, social partners are involved in the promotion of the principle of freedom of association and the effective recognition of the right to collective bargaining. According to the report by **Canada**, Canadian jurisdictions promote constructive labour-management relations through tripartite dialogue and seminars. In **Mexico**, employers and workers are represented in the Council for Dialogue with the Productive Sectors, which aims at maintaining a continuing dialogue, participation and collaboration and to consider problems deriving from the new national and international conditions affecting labour. In **Singapore**, employers and workers are represented in various tripartite committees which study issues of common concern. The Government also points out that both the Singapore National Trade Union Congress (SNTUC) and the Singapore National Employers Federation (SNEF) were consulted in the development and the implementation of the various measures promoting freedom of association and collective bargaining.
- 163. Forced or compulsory labour.** Some governments' reports explicitly mention the role of social partners in matters relating to forced or compulsory labour, in particular their involvement in the development and the implementation of government measures (e.g. **Ethiopia**, **Myanmar**, **Oman**, **Singapore**). Social partners in **Mozambique** and the **United States** had the opportunity to participate in the development of national labour law reform or legislation related to the fight against forced labour. In China, the All China Federation of Trade Unions (together with governmental institutions and other federations) is considered responsible for the identification, emancipation and/or rehabilitation of persons subject to forced labour. A tripartite workshop held in Sri Lanka in July 2002 with the assistance of the ILO, as well as a tripartite working committee appointed to follow up in giving effect to the recommendations made at this workshop, strengthened the involvement of the national social partners in the efforts made to facilitate the ratification of the Abolition of Forced Labour Convention, 1957 (No. 105), which was registered on 7 January 2003.
- 164. Child labour.** Few governments and social partners provide information on the involvement of employers' and workers' organizations in respecting, promoting and realizing the principle of the effective abolition of child labour (e.g. **Gabon**, **United States**). The Government of **Colombia** reports that employers are promoting the adoption of a code of conduct to improve working conditions and the Colombian Flower Exporters' Association (ASOCOLFLORES) and the National Association of Industrialists (ANDI), in particular, have publicized such codes with respect to child labour in their industries. In **Thailand**, the Employers' Confederation of Thailand (ECOT) mentions that its members

have agreed to denounce all forms of child labour for those under 15 and it adds that “good corporate practice encourages the abolition of child labour throughout the production process”.

- 165.** As regards promoting the principle, a small number of governments refer to different committees which include representatives of the social partners (e.g. **Bangladesh, Ghana**). The Government of **Lithuania** notes that the Tripartite Council of the Republic of Lithuania deals with a number of issues including child labour and has held discussions on the Worst Forms of Child Labour Convention, 1999 (No. 182). The Government of **Guinea-Bissau** reports that the social partners have jointly examined the two relevant core Conventions, which the country plans to ratify. The Government of **Cambodia** states that workers are involved in a working group on the elimination of child labour which meets to “share experiences and assist its members” to address the issue. The Governments of **New Zealand** and the **United States** indicate that consultations are held between government bodies and social partners on child labour. The Government of **Lebanon** informs of a study undertaken by the Association of Lebanese Industrialists (ALI) and IPEC on children employed in the industrial sector. Training workshops and seminars will be organized with industrialists and a training workshop for certain employers in light of the results of the study. Furthermore, the Government reports on the awareness-raising activities of the General Confederation of Workers, which include the organization of seminars and information campaigns on child labour for children, parents and trade unions as well as the coordination of action programmes with schools and parent-teacher associations (PTAs). The Government of the **Syrian Arab Republic** states that workers in its country have established awareness-raising programmes for children. In **Thailand**, the Employers’ Confederation of Thailand (ECOT) observes that the National Congress of Thai Labour (NCTL) provided a community project which included awareness-raising with regard to the negative effects of child labour and the value of education.
- 166.** The Government of **Mexico** reports that the social partners participated in a strategic planning workshop for the envisaged IPEC programme. The All Pakistan Federation of Trade Unions (APFTU) mentions that the Government of **Pakistan** is working with the social partners to abolish child labour in soccer ball, carpet and surgical industries. The Government of **Bangladesh** refers to efforts of the Bangladesh Garments Manufacturers’ and Exporters’ Association (BGMEA) which has signed Memoranda of Understanding with the United Nations Children’s Fund (UNICEF) and the ILO. This has led to the withdrawal and rehabilitation of child workers in garment industries. The Government of **Lebanon** provides information on the General Confederation of Lebanese Workers’ network for combating child labour, which is made up of a central committee and a unit with subsidiaries in all the governorates of Lebanon. The Government of the **Syrian Arab Republic** reports that workers’ organizations have established childcare programmes. The All Pakistan Federation of Trade Unions (APFTU) lists its actions with regard to children’s education, while the Employers’ Confederation of Thailand (ECOT) observes that the National Congress of Thai Labour’s (NCTL) community project also included the provision of training workshops for disadvantaged children.
- 167. Discrimination in employment and occupation.** Social partners are involved in the development and implementation of governmental measures regarding the elimination of discrimination in half of the reporting countries. They are represented in bodies that aim to promote the principle, such as the Employment Equity Commission in **Namibia**, the Remuneration Committee in **Thailand**, or the Equal Employment Opportunity Commission (EEOC) in the **United States**. They also participated in the development of guidelines (Tripartite Guidelines on Non-Discriminatory Job Advertisements in **Singapore**) or the drafting of legislation (the 1973 Labour Law in **Qatar**).

F. Governments' relations with regional and international organizations

168. A number of governments mention regional and international organizations occasionally in their report. Some governments that are signatories to regional agreements refer to them in relation to the ILO Declaration, to show efforts being made on several fronts to respect, promote and realize fundamental principles and rights at work. The Government of **Brazil** refers to the participation of the most representative employers' and workers' organizations in the Common Market of the Southern Cone (MERCOSUR) and in the promotion of its *Social and Labour Declaration*.
169. Several governments mention their relations with international institutions (such as IOM, UNDP, UNESCO, UNICEF) as regards the promotion of the ILO Declaration (**Bolivia, Canada, China, Colombia, Ethiopia, Gabon, Guinea-Bissau, India, Islamic Republic of Iran, Kiribati, Lithuania, Mozambique, Philippines, Qatar, Sudan, Suriname, Syrian Arab Republic, Thailand**). A new element lies in the fact that sharing of experiences among countries and regions has been requested by most governments as an exceptional tool to realize the principle of freedom of association and the effective recognition of the right to collective bargaining.

G. Technical cooperation

1. General considerations

170. The Expert-Advisers recall that the 1998 Declaration puts obligations not only on member States in regard of this instrument but also on the ILO to help them to respect, promote and realize the fundamental principles and rights underlying the eight core Conventions. The Declaration Programme spearheads the ILO's activities and has acted as a focal point for donors interested in supporting countries expressing their requests for assistance in realizing their commitments.⁸

2. International assistance provided in countries owing reports

171. In the last 12 months, the Office has enjoyed fresh support from donors that have been interested in promoting the Declaration. An allocation of \$10 million from the US Department of Labor was provided to extend projects initially approved in 2002 for a duration of two years and which, subsequent to an evaluation, were judged worthy of extension. Most of these projects were actually launched in countries that had ratified fundamental Conventions but which experienced implementation problems. However, three countries covered by these project extensions still have not ratified one or both of the Conventions that give expression to fundamental principles and rights in this form. These

⁸ For more complete information on the Declaration Programme's technical cooperation activities – those that were undertaken as well as those envisaged – readers may wish to consult the action plans submitted to the Governing Body each November (see GB.279/TC/3 (Nov. 2000), GB.282/TC/5 (Nov. 2001) and GB.285/TC/ 5 (Nov. 2002). Two other documents of interest are the item entitled "Improvements in standards-related activities of the ILO: Technical assistance and promotion", GB.285/LILS/5, and "Review of the activities of multidisciplinary teams in relation to standards", GB.285/LILS/6.

are **El Salvador** (Conventions Nos. 87 and 98), **Kenya** (Convention No. 87) and **Uganda** (Convention No. 87).⁹

- 172.** Following a new agreement between France and the ILO, the French Government allocated €2.3 million to Declaration-related activities where, again, most of the funds are destined to countries grappling with implementation problems. However, **The former Yugoslav Republic of Macedonia** and **Yugoslavia** have not yet ratified all fundamental Conventions and are among the beneficiaries of a regional ILO project that aims to strengthen tripartite processes and institutions.
- 173.** Other French funds have been provided to several African countries that have ratified the relevant core Conventions (**Benin, Burkina Faso, Madagascar, Mali, Mauritania, Niger, Senegal** and **Togo**), and to **Brazil** with regard to the principle of non-discrimination in employment and occupation. Likewise, under the Dutch-ILO partnership agreement fresh support has been made available for Declaration-related activities on forced labour in **India**, i.e. in a country that has ratified both relevant Conventions. German funds have enabled a project to be launched in **Belarus**, which has ratified the relevant Conventions, to support workers' organizations.
- 174.** Countries falling within the annual reporting framework of the Declaration and in which ILO-IPEC was active at the time of the drafting of this Introduction include **Bangladesh, Bolivia, Cambodia, Colombia, Côte d'Ivoire, Estonia, Ethiopia, Gabon, Ghana, Haiti, India, Jamaica, Kazakhstan, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Mexico, Mongolia, Pakistan, Paraguay, Peru, Russian Federation, Syrian Arab Republic, Thailand, Trinidad and Tobago, Venezuela.**
- 175.** Following the adoption by the Governing Body in November 2001 of the action plan under the follow-up to the Declaration concerned with the elimination of forced or compulsory labour, the Office launched a Special Action Programme to Combat Forced Labour that effectively got under way in February 2002 with initial funding from the Governments of the **United Kingdom** and the **Netherlands**. A number of studies were launched to prepare technical cooperation projects, notably in **Pakistan** on bonded labour, in south-east Europe on trafficking that results in compulsory work, and in several Latin American countries where workers from ethnic minorities are allegedly subject to various forms of exploitation and forced labour. The Office is now preparing some integrated projects that combine research, prevention, law enforcement and protection.

3. Reporting countries' international cooperation needs or requests

- 176.** The number of requests for technical cooperation increased considerably compared with last year, which may be due to the new report forms. Table 5 indicates which governments manifested their needs through the reports.
- 177.** Among the few national workers' and employers' organizations which commented on the report of their governments, some spelt out their countries' needs, most described the major difficulties existing in their country in realizing the principles and rights. The All India Manufacturers' Organization considered technical cooperation necessary in all areas mentioned in the report form as far as freedom of association and collective bargaining in

⁹ **Uganda** has also not yet ratified Conventions Nos. 100, 111 and 138. But the project from which the country currently benefits is only concerned with freedom of association and collective bargaining questions.

India is concerned. The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) wished the Government of the **United States** to recognize the need for technical cooperation corresponding to the difficulties encountered by workers in this country in enforcing the right of freedom of association and collective bargaining. The Ghana Employers' Association asked for technical cooperation aimed at the elimination of child labour in **Ghana**. Similar requests were formulated in **Pakistan** by the All Pakistan Federation of Trade Unions (APFTU) and in **Trinidad and Tobago** by the Employers' Consultative Association.

Table 5. Government needs or requests for technical cooperation by category of principle and right

Type of technical cooperation*	Freedom of association/ collective bargaining	Forced or compulsory labour	Effective abolition of child labour	Elimination of discrimination
<i>Assessment in collaboration with the ILO of the difficulties identified and their implication for realizing the principle and right</i>	Bahrain, Guinea-Bissau, India, Islamic Republic of Iran, Jordan, Kenya, Mauritius, Morocco, Myanmar, Qatar, Thailand, Uzbekistan	Myanmar, Mozambique, Yugoslavia		China, Mauritius, Qatar, Suriname, Thailand
<i>Awareness raising, legal literacy and advocacy</i>	Bahrain, Guinea-Bissau, India, Islamic Republic of Iran, Jordan, Kenya, Morocco, Sudan, Thailand, Uzbekistan	China, Mozambique, Sri Lanka, Yugoslavia	Azerbaijan, Bangladesh, Cambodia, Ethiopia, Ghana, Kazakhstan, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sudan, Suriname, Syrian Arab Republic	Mauritius, Thailand
<i>Capacity building, e.g. labour inspection and administration</i>	China, Guinea-Bissau, India, Islamic Republic of Iran, Jordan, Kenya, Lebanon, Mauritius, Morocco, Sudan, Thailand, United Arab Emirates, Uzbekistan	China, Mozambique, Sri Lanka (ratification of Convention No. 105)	Azerbaijan, Bangladesh, Bolivia, Cambodia, Ethiopia, Eritrea, Ghana, Guinea-Bissau, Kazakhstan, Lebanon, Lithuania, Myanmar, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sudan, Syrian Arab Republic, Thailand	Kiribati, Mauritius, Thailand
<i>Establishing or strengthening specialized institutional machinery</i>				Mauritius, Thailand
<i>Cross-border cooperation</i>		Mozambique, Yugoslavia	Azerbaijan, Bangladesh, Cambodia, Ethiopia, Ghana, Guinea-Bissau, Kazakhstan, Lithuania, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sudan, Syrian Arab Republic, Thailand	
<i>Data collection and analysis</i>	Guinea-Bissau, India, Islamic Republic of Iran, Jordan, Kenya, Mauritius, Morocco, Qatar, Sudan, Thailand, Uzbekistan, Zimbabwe	Sri Lanka, Mozambique, Yugoslavia	Azerbaijan, Bangladesh, Bolivia, Cambodia, Colombia, Ethiopia, Ghana, Guinea-Bissau, Kazakhstan, Lebanon, Lithuania, Saint Kitts and Nevis (training of the staff of the Labour Department), Saint Vincent and the Grenadines, Sudan, Suriname, Syrian Arab Republic, Thailand, Yugoslavia	Mauritius, Thailand

Type of technical cooperation*	Freedom of association/ collective bargaining	Forced or compulsory labour	Effective abolition of child labour	Elimination of discrimination
<i>Employment creation, skills training and income generation</i>		Mozambique	Azerbaijan, Bangladesh, Bolivia, Cambodia, Colombia, Ethiopia, Ghana, Guinea-Bissau, Islamic Republic of Iran, Kazakhstan, Lebanon, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sudan, Syrian Arab Republic, Yugoslavia	
<i>Inter-institutional coordination</i>		Mozambique	Azerbaijan, Bangladesh, Cambodia, Ethiopia, Ghana, Guinea-Bissau, Kazakhstan, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sudan, Syrian Arab Republic	Mauritius, Thailand
<i>Legal reform</i>	Brazil (effective autonomy of social partners), China, India, Islamic Republic of Iran, Jordan, Mauritius, Morocco, Qatar, Sudan, Thailand, United Arab Emirates, Uzbekistan, Zimbabwe	Mozambique, Sri Lanka	Azerbaijan, Bangladesh, Bolivia, Cambodia, Ethiopia, Ghana (Child trafficking), Guinea-Bissau, Kazakhstan, Lithuania, Saint Kitts and Nevis (incorporation of a Labour Code), Saint Vincent and the Grenadines, Sudan, Syrian Arab Republic	Mauritius, Thailand
<i>Policy advice</i>		Mozambique, Sri Lanka	Azerbaijan, Bangladesh, Bolivia, Cambodia, Ethiopia, Ghana (child trafficking, child prostitution, worst forms of child labour), Guinea-Bissau, Islamic Republic of Iran, Lithuania, Qatar, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sudan, Syrian Arab Republic	
<i>Sharing experiences across countries/regions</i>	Brazil, Guinea-Bissau, India, Islamic Republic of Iran, Jordan, Kenya, Mauritius, Morocco, Sudan, Thailand, United Arab Emirates, Uzbekistan	Mozambique, Myanmar, Sri Lanka	Azerbaijan, Bangladesh, Bolivia, Cambodia, Colombia, Ethiopia, Ghana, Guinea-Bissau, Islamic Republic of Iran, Kazakhstan, Lithuania, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sudan, Syrian Arab Republic, Thailand	China, Mauritius, Thailand
<i>Social protection systems</i>		Mozambique	Azerbaijan, Bangladesh, Bolivia, Cambodia, Colombia, Ethiopia, Ghana, Guinea-Bissau, Islamic Republic of Iran, Kazakhstan, Lebanon, Myanmar, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sudan, Syrian Arab Republic, Thailand	
<i>Rural development policies</i>		Mozambique		
<i>Developing labour market policies that promote equality of opportunity</i>				China, Mauritius, Suriname, Thailand

Type of technical cooperation*	Freedom of association/ collective bargaining	Forced or compulsory labour	Effective abolition of child labour	Elimination of discrimination
<i>Development of policies regarding equal remuneration</i>				Estonia, Mauritius, Suriname, Thailand
<i>Time-bound programme for the elimination of the worst forms of child labour</i>			Azerbaijan, Bangladesh, Cambodia, Colombia, Eritrea, Ethiopia, Ghana, Guinea-Bissau (study, methods of prevention), Kazakhstan, Lebanon, Lithuania, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sudan, Suriname, Syrian Arab Republic, Thailand	
<i>Strengthening tripartite social dialogue</i>	Bahrain, Brazil (ratification of Convention No. 87), China, Guinea-Bissau, India, Islamic Republic of Iran, Jordan, Kenya, Lebanon, Mauritius, Morocco, Sudan, Thailand, United Arab Emirates, Uzbekistan, Zimbabwe			
<i>Strengthening capacity of employers' and workers' organizations</i>	Guinea-Bissau, India, Islamic Republic of Iran, Jordan, Kenya, Lebanon, Mauritius, Morocco, Sudan, Thailand, United Arab Emirates, Uzbekistan		Azerbaijan, Bangladesh, Bolivia, Cambodia, Colombia, Eritrea, Ethiopia, Ghana, Guinea-Bissau, Islamic Republic of Iran, Kazakhstan, Lebanon, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sudan, Syrian Arab Republic, Thailand	Estonia, Kiribati, Mauritius, Thailand
<i>Training of other officials (e.g. police, judiciary, social workers, teachers)</i>	Guinea-Bissau, India, Islamic Republic of Iran, Jordan, Kenya, Morocco, Sudan, Thailand, United Arab Emirates, Uzbekistan	China, Sri Lanka	Azerbaijan, Bangladesh, Bolivia, Cambodia, Ethiopia, Ghana, Guinea-Bissau, Kazakhstan, Lebanon, Lithuania, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sudan, Syrian Arab Republic	Estonia, Mauritius, Qatar, Thailand

* Specific requests appear in brackets following the country.

H. Effect given to past recommendations

1. Reporting and dialogue

178. In the 2002 Introduction, the Expert-Advisers made a series of recommendations.¹⁰ One of them was to revise the report forms regarding freedom of association/collective bargaining, forced labour and non-discrimination. The Governing Body considered the revisions in

¹⁰ GB.283/3/1 (March 2002), paras. 40-46.

March 2002 and adopted new forms.¹¹ The new questionnaires were almost invariably used by governments.

- 179.** Another recommendation concerned the ten countries that had never reported under the Declaration follow-up (see box 2 above). The Office has been in touch with most of them, and it will continue to do so. Two countries, **Fiji** and **Swaziland**, are no longer subject to Declaration reporting due to ratification of core Conventions.
- 180.** Yet another recommendation aimed at encouraging the governments of the Gulf Cooperation Council countries to continue taking steps, in cooperation with the Office, to give effect to the principle of freedom of association and the effective recognition of the right to collective bargaining. This process of cooperation began in **Saudi Arabia**, where two missions in early 2002 helped to review the national law on workers' committees, and contributed to the promulgation of rules allowing national and foreign workers to establish committees at workplaces employing a minimum of 100 workers. A national meeting in the **United Arab Emirates** provided ideas for a law on freedom of association, which is under discussion. A national meeting in **Qatar** considered the fundamental principles and rights within the context of globalization and decent work, and promulgation of the new Labour Code is expected in 2003. In **Bahrain**, a series of ILO activities relating to both labour law and employment matters, helped give rise to the first labour law on trade unions in the Gulf, adopted in September 2002.
- 181.** As regards **Afghanistan**, we had recommended that promotion of the fundamental principles and rights be taken into account by the country's development strategy. The InFocus Programme on Crisis Response and Reconstruction initiated a project consisting of two computer training centres (Ministries of Labour and Women's Affairs), a training-cum-production centre for carpet weaving by women under decent work conditions, and an emergency employment centre to assist returned refugees in finding jobs in the reconstruction of the country. Other major employment and training projects have been prepared for external funding.

2. Outreach and research

- 182.** Last year's recommendation in paragraph 44(d) to approach countries to offer them national studies on obstacles hindering the full respect of fundamental principles and rights has met with a mixed response. Several countries that were approached declined the suggestion, notably in respect of *freedom of association and collective bargaining*. By contrast, on *forced labour* fruitful relations were established with **Mongolia**, where a one-day tripartite seminar was held in July 2002 and a national study was launched afterwards, the results of which are to be submitted to another tripartite seminar in mid-2003. In July 2002, a national tripartite seminar was held in **Viet Nam** that focused on forced labour questions, in particular on the scope and contents of Conventions Nos. 29 and 105. The Vietnamese authorities expressed the desire to hold a seminar each year on the category of principles and rights dealt with by the Global Report under the Declaration follow-up and to have at least parts of the Global Report translated for consumption by policy-makers and parliamentarians. When the Government of **China** responded to the questionnaire on forced labour and requested ILO assistance, it simultaneously addressed a specific letter to the ILO's office in Beijing. A joint mission by regional and headquarters staff in October 2002 resulted in an agreement to hold a national tripartite seminar in Beijing in mid-January 2003. As regards *non-discrimination* and following a request from the

¹¹ The new forms, as revised, were annexed to the report of the Committee on Legal Issues and International Labour Standards in the Governing Body document GB.283/10/1.

Government, a study was undertaken in **Peru** to underpin a possible plan to realize equality of opportunity and treatment among men and women workers. It was followed up by a seminar in October 2002 that, in addition to gender, also considered anti-trade-union discrimination as well as discrimination due to race, ethnic origin and disability. Both the Ministry of Labour and the Ministry of Women and Social Development were involved. By November 2002, **Peru** had actually ratified all core Conventions.

- 183.** On the subject of cooperation with international financial institutions, notable developments occurred with respect to the Asian Development Bank (ADB). In March 2002, the Governing Body approved the Memorandum of Understanding between the ILO and the ADB.¹² The Memorandum states that the ILO “may be engaged to implement ADB-financed loan and grant activities” in fields such as fundamental principles and rights at work. The two organizations had actually agreed in 2000 to carry out a pilot project in **Bangladesh, Nepal, Philippines** and **Thailand** that explored: (a) whether and to what degree failing to take account of international labour standards was harmful to development; and (b) how the ADB could take into account standards concerning child labour, gender discrimination and occupational safety and health. The Governing Body will have a paper before it on this subject in March 2003.
- 184.** A number of activities were undertaken to spread the word innovatively about the Declaration among broader audiences such as schools, NGOs and civil society. In **Kenya, United Republic of Tanzania** and **Uganda**, the personnel of national radio stations were trained, in collaboration with a European radio network, to enable them to produce and carry programmes on the fundamental principles and rights at work, as these are given practical effect in their countries. The Declaration technical cooperation programmes in these countries are integrally involved in this media campaign. Further activities are planned with national and international radio and TV stations, with products ranging from public service announcements to documentaries. Publicity around the Global Report expanded, providing it among the widest media coverage enjoyed by ILO reports. A documentary in connection with the third Global Report, *A future without child labour*, was produced, and shorter pieces that were aired on CNN. The launch of the 2002 Global Report occurred in over 20 locations globally. In Geneva, it was marked by a concert by a popular singer from Pakistan, who has written songs on human rights and child labour, and testimonies by freed child labourers from Asia, Africa and Latin America.
- 185.** Research efforts of the Declaration Programme are published from time to time in its Working Paper series (see box 4). Copies can be requested from ILO offices or viewed at the Declaration web site, <http://www.ilo.org/declaration>.

Box 4. Research on fundamental principles and rights at work

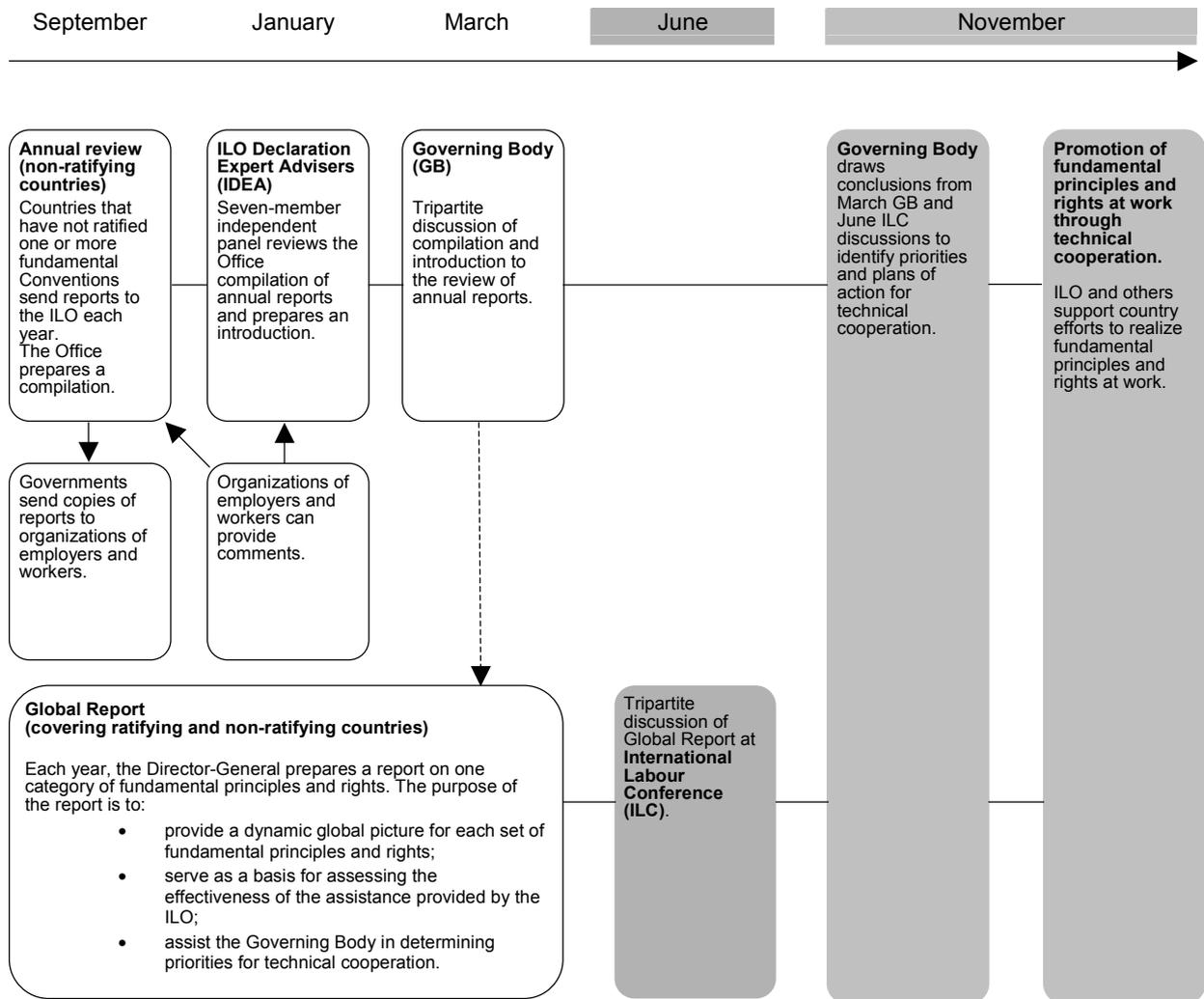
The following Working Papers were issued recently:

- Stephenson, S. *Child labour in the Russian Federation*, June 2002.
- Rau, B. *Intersecting risks: HIV/AIDS and child labour*, June 2002.
- Vega Ruiz, M.L. and Martínez, D. *Los principios y derechos fundamentales en el trabajo: su valor, su viabilidad, su incidencia y su importancia como elementos de progreso económico y de justicia social*, June 2002.
- Mishra, L. *Annotated bibliography on forced/bonded labour in India*, December 2002.

¹² For full text, see GB.283/LILS/4/2.

Annex 1

Flow chart of the follow-up reporting procedures



Annex 2

ILO Declaration Expert-Advisers

Ms. Thelma Awori (Uganda-Liberia)

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

Ms. Maria Cristina Cacciamali (Brazil)

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

Ms. Maria Nieves Confesor (Philippines)

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

Mr. Ahmed El Borai (Egypt)

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

Ms. Mária Ladó (Hungary)

Senior adviser to the Employment Office (Budapest), and leader of the Inter-Ministerial Working Group on Social Policy, which is responsible for the accession affairs of Hungary in this field. Formerly, Director of the Institute of Labour Research. Lecturer on industrial relations and European social dialogue at Szeged University. Member of the High-Level

Group on the future of industrial relations and managing changes, set up by the European Commission, according to the Social Policy Agenda adopted at the Nice European Council in December 2000. Has served as a consultant/external collaborator for various international institutions, including the World Bank and the ILO on employment and industrial relations issues. Author of several books and articles in Hungarian and English. Degrees: Engineering degree and postgraduate diploma in business engineering, Technical University, Budapest; Doctorate in Sociology, Budapest (formerly Karl Marx) Economics University.

Mr. Jean-Jacques Oechslin (France)

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

Mr. Robert White (Canada)

Retired; commenced his work life in a small factory and was elected as union workplace representative at the age of 17. 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 3

Table of contents of the compilation of annual reports by the International Labour Office, Geneva, March 2003

Introductory note: *The information gathered in this compilation reflects the governments' replies to and the social partners' comments on the 2002 report forms of the ILO Governing Body as part of the annual follow-up to the 1998 ILO Declaration. It does not represent the views of the ILO.*

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