

**FOR INFORMATION**

FIFTH ITEM ON THE AGENDA

Ratification and promotion of fundamental ILO Conventions

1. On 25 May 1995, the Director-General launched the campaign to promote the fundamental ILO Conventions with a view to their universal ratification. Each year the Director-General submits a report for information to the Governing Body on progress made in the ratification of the fundamental ILO Conventions during the previous year and on the future prospects for the ratification of these instruments, based on information communicated by the member States. In August 2005, the Director-General sent a circular letter to governments of countries that had not ratified all the fundamental Conventions, asking them to indicate their position with regard to these Conventions and in particular whether or not their position had changed since their previous communication. As in previous years, information received after 8 September 2005 will be communicated orally to the Committee during the examination of this document.

I. Overview on progress made towards universal ratification

2. Since the 291st (November 2004) Session of the Governing Body, 27 new ratifications of fundamental Conventions have been registered, bringing to 468 the number of ratifications – or confirmations of previous commitments – since the beginning of the campaign and to 162¹ the number of member States to have ratified fundamental ILO Conventions since the launch of the campaign. These new ratifications are distributed as follows:

¹ Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Chad, Chile, China, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Honduras, Hungary, Iceland, Indonesia, Iraq, Ireland, Islamic Republic of Iran, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Republic of Moldova, Mongolia, Morocco, Mozambique, Namibia,

Convention No. 29	5	Armenia, Bolivia, Mongolia, Philippines, Sao Tome and Principe
Convention No. 87	2	Mauritius, Uganda
Convention No. 98	–	
Convention No. 100	1	Uganda
Convention No. 105	4	Armenia, Mongolia, Oman, Sao Tome and Principe
Convention No. 111	3	Djibouti, Estonia, Uganda
Convention No. 138	6	Chad, Djibouti, Oman, Lao People's Democratic Republic, Saint Kitts and Nevis, Sao Tome and Principe
Convention No. 182	6	Djibouti, Colombia, Israel, Lao People's Democratic Republic, Sao Tome and Principe, Tajikistan

3. Of the 178 ratifications needed for each Convention, in order to achieve the goal of *universal ratification*, 168 ratifications have been registered to date for Convention No. 29, 144 for Convention No. 87, 154 for Convention No. 98, 162 for Convention No. 100, 165 for Convention No. 105,² 163 for Convention No. 111, 141 for Convention No. 138, and 156 for Convention No. 182, making a total of 1,253 ratifications of the fundamental Conventions.³
4. Taking into account the ratifications registered since November 2004, 12 additional countries, compared to four countries during the previous reporting period, joined those that have ratified all eight fundamental Conventions: *Bolivia, Chad, Colombia, Djibouti, Israel, Mauritius, Mongolia, Philippines, Saint Kitts and Nevis, Sao Tome and Principe, Tajikistan and Uganda*.
5. To date, of the Organization's 178 member States, 116 have ratified the eight fundamental ILO Conventions, 22 have ratified seven, 12 have ratified six and nine have ratified five. By comparison, three have ratified only one or two fundamental Conventions and 13 have ratified three or four fundamental Conventions. The three latest Members of the ILO, Samoa, Timor-Leste and Vanuatu, have not yet ratified any of the fundamental Conventions.
6. The position with regard to the ratification of fundamental Conventions of those countries that have not yet ratified all eight of these Conventions is summarized in Part II below. The indications given consolidate information from the replies received to the Director-General's 12th circular letter sent out in August 2005, as well as information which had been reported to the Governing Body under this item previously. Part II also includes information provided by governments in the context of the annual review under the follow-up to the Declaration on Fundamental Principles and Rights at Work or to the International

Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, the Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia and Montenegro, Seychelles, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, United Republic of Tanzania, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United States, Uruguay, Uzbekistan, Viet Nam, Yemen, Zambia, Zimbabwe.

² This total does not take into consideration the ratification and subsequent denunciation of this Convention by Malaysia and Singapore.

³ The objective of the campaign will only be fully achieved when the ILO has registered the 1,424th ratification (i.e. 178 member States x eight fundamental Conventions).

Labour Conference, as well as information obtained by the ILO in the course of technical assistance and cooperation activities.

II. Positions with regard to non-ratified fundamental Conventions

A. States having ratified none of the fundamental Conventions

7. *Samoa*. The Government stated in its first report submitted in 2005 under the Declaration that it intends to ratify all eight fundamental Conventions.
8. *Timor-Leste*. The Government indicated during the 93rd (June 2005) Session of the International Labour Conference that it was looking into the ratification of the eight Conventions concerned.
9. *Vanuatu*. As indicated by the Government during the 93rd (June 2005) Session of the International Labour Conference, Vanuatu is in the process of ratifying all the fundamental Conventions.

B. States having ratified one fundamental Convention

10. *Solomon Islands* has ratified Convention No. 29. The Government stated in 1999 that Conventions Nos. 87 and 98 were likely to be ratified during that year and that Conventions Nos. 100 and 111 might follow after a careful study of the economic and social conditions in the country. The Office has no more recent information on these Conventions, and no information regarding Conventions Nos. 105, 138 and 182.

C. States having ratified two fundamental Conventions

11. *Myanmar* has not yet ratified Conventions Nos. 98, 100, 105, 111, 138 and 182. The Government indicated in September 2004 that priority was currently being given to the drafting of a new Constitution.
12. The *United States* has not yet ratified Conventions Nos. 29, 87, 98, 100, 111 and 138. The Government stated in August 2005 that there were no ongoing efforts to ratify Conventions Nos. 29, 87, 98, 100 and 138. However, Convention No. 111 remained on the Government's list of treaties that deserve priority attention.

D. States having ratified three fundamental Conventions

13. *Afghanistan* has not yet ratified Conventions Nos. 29, 87, 98, 138 and 182. It has not yet provided information within the ratification campaign.
14. *China* has not yet ratified Conventions Nos. 29, 87, 98, 105, and 111. The Government indicated during the 93rd (June 2005) Session of the International Labour Conference that

the formal ratification process for Convention No. 111 had been initiated and, according to information received subsequently, the Standing Committee of the National People's Congress adopted the decision to ratify the Convention on 27 August 2005. Cooperation between the Government and the ILO continued with respect to Conventions Nos. 29 and 105. No recent specific information concerning Conventions Nos. 87 and 98 has been made available.

15. The *Lao People's Democratic Republic* has not yet ratified Conventions Nos. 87, 98, 100, 105, and 111. No recent information on the prospects concerning the ratification of these Conventions is available.
16. *Qatar* has not yet ratified Conventions Nos. 87, 98, 100, 105 and 138. The Government stated during the 93rd (June 2005) Session of the International Labour Conference that the possibility of ratifying Convention No. 138 was being studied.
17. *Somalia* has not yet ratified Conventions Nos. 87, 98, 100, 138 and 182. It has not yet provided information within the ratification campaign.

E. States having ratified four fundamental Conventions

18. *Bahrain* has not yet ratified Conventions Nos. 87, 98, 100 and 138. The Government indicated in 2002 that it was examining these Conventions in order to take the necessary measures.
19. *India* has not yet ratified Conventions Nos. 87, 98, 138 and 182. In August 2004, the Government reiterated its position as communicated previously. Conventions Nos. 87 and 98 could not be ratified, as this would involve granting of certain rights to government employees which are restricted under national legislation in order to ensure their impartiality and political neutrality. Ratification of Convention No. 138 would be considered after enactment of legislation fixing a minimum age for entry into employment. Regarding Convention No. 182, inter-ministerial and tripartite consultations had been held. Ratification of that Convention would remain under consideration until consensus on all the issues involved had emerged.
20. *Kiribati* has not yet ratified Conventions Nos. 100, 111, 138 and 182. The Government stated in the context of the 2005 annual review under the Declaration that the ratification process of Conventions Nos. 100 and 111 had been initiated, and that ratification of Conventions Nos. 138 and 182 would be considered in due course.
21. The *Republic of Korea* has not yet ratified Conventions Nos. 29, 87, 98 and 105. The Government stated in September 2003 regarding Conventions Nos. 87 and 98 that the Minister of Labour had submitted a proposal for industrial relations reform to the Korea Tripartite Commission. Based on the outcome of the Commission's discussions, the Government would start preparations for the industrial relations reform bills. With respect to Conventions Nos. 29 and 105, further research was commissioned in order to find solutions with regard to remaining barriers for ratification.
22. *Oman* has not yet ratified Conventions Nos. 87, 98, 100 and 111. The Government stated in September 2004 that Ministerial Decisions Nos. 135 and 136 of 2004 provided for the establishment of central and enterprise level workers' committees. It previously indicated that the ratification of Conventions Nos. 87, 98, 100 and 111 was being considered.

23. *Singapore* has not yet ratified Conventions Nos. 87, 111 and 138, and it denounced Convention No. 105 in 1979. The Government stated during the 93rd (June 2005) Session of the International Labour Conference that Convention No. 138 would be ratified during 2005. It previously stated that it would continue to study the Conventions concerned with a view to ratifying them if the requirements for compliance were met.
24. *Suriname* has not yet ratified Conventions Nos. 100, 111, 138 and 182. In September 2004, the Government stated that the National Assembly had authorized the Government to ratify Convention No. 182 in June 2004. Regarding Convention No. 138, the Government indicated that the Ministry of Labour was awaiting changes in the legislation concerning compulsory education, in order to be able to revise the provisions in the Labour Act concerning the prohibition of child labour. Conventions Nos. 100 and 111 were still to be discussed by the Labour Advisory Board.
25. *Viet Nam* has not yet ratified Conventions Nos. 29, 87, 98 and 105. The Government indicated during the 93rd (June 2005) Session of the International Labour Conference that Viet Nam was likely to ratify the fundamental Conventions on forced labour, starting with Convention No. 29. No information is available regarding Conventions Nos. 87 and 98.

F. States having ratified five fundamental Conventions

26. *Armenia* has not yet ratified Conventions Nos. 87, 138 and 182. The Government stated in the context of the 2005 annual review under the Declaration that active steps were being taken to ensure ratification of these Conventions.
27. *Canada* has not yet ratified Conventions Nos. 29, 98 and 138. The Government indicated in November 2004 that efforts were under way to obtain formal agreement by one remaining jurisdiction for ratification of Convention No. 29, with a view to achieving ratification in 2005. A tripartite workshop held in February 2004 confirmed that legislative changes were needed in a number of jurisdictions to meet the specific requirements of Convention No. 138. There also remained a number of divergences between Canadian laws and some specific requirements of Convention No. 98.
28. *Guinea-Bissau* has not yet ratified Conventions Nos. 87, 138 and 182. The Government stated in its 2003 annual report under the Declaration that Conventions Nos. 138 and 182 had been approved by the People's National Assembly.
29. The *Islamic Republic of Iran* has not yet ratified Conventions Nos. 87, 98 and 138. The Government stated, in reply to the 2004 campaign letter, that it continued its endeavours to remove obstacles to ratification of Conventions Nos. 87 and 98. No information concerning Convention No. 138 has been made available.
30. *Latvia* has not yet ratified Conventions Nos. 29, 138 and 182. The Government indicated in April 2005 that these Conventions would be ratified in 2005.
31. *Malaysia* has not yet ratified Conventions Nos. 87 and 111, and it denounced Convention No. 105 in 1990. In August 2004, the Government stated that its position regarding ratification of these instruments remained unchanged. However, with regard to Convention No. 111, it was reported that gender had been included as a prohibited ground of discrimination in the Constitution. With regard to Convention No. 87, the Government recalled the conflicting provisions of the Trade Union Act, 1959.

32. *Saudi Arabia* has not yet ratified Conventions Nos. 87, 98 and 138. The Government indicated in September 2005 that legislative changes were under preparation with a view to ratifying Convention No. 138. It stated in September 2003 that the possibility of ratifying Conventions Nos. 87 and 98 was being considered.
33. *Thailand* has not yet ratified Conventions Nos. 87, 98 and 111. According to information received in September 2004, the Government undertook a study on the country's readiness to ratify Conventions Nos. 87 and 98, which was completed in December 2004. Concerning Convention No. 111, relevant national law and practice is under examination.
34. *Uzbekistan* has not yet ratified Conventions Nos. 87, 138 and 182. The Government stated in the initial phase of the campaign that the documents relating to the ratification of Convention No. 87 had been submitted to the National Assembly. According to information available to the ILO, the Government stated in April 2002 that ratification of Convention No. 182 was not excluded, though the use of child labour in cotton picking remained an obstacle. Regarding Convention No. 138, the social partners were being consulted.

G. States having ratified six fundamental Conventions

35. *Australia* has not yet ratified Conventions Nos. 138 and 182. The Government stated at the 93rd (June 2005) Session of the International Labour Conference that the process of ratification of Convention No. 182 had further progressed. Previously, it indicated that Australian law and practice met the objectives of Convention No. 138.
36. *El Salvador* has not yet ratified Conventions Nos. 87 and 98. The Government reiterated its position with regard to these instruments in August 2004. According to the Government, there are divergences between the Constitution of the country, in particular article 145, and the Conventions.
37. *Haiti* has not yet ratified Conventions Nos. 138 and 182. The Government indicated at the 93rd (June 2005) Session of the International Labour Conference that the necessary measures would be taken to ratify these Conventions following the forthcoming elections.
38. *Japan* has not yet ratified Conventions Nos. 105 and 111. The Government reiterated in July 2004 that further study regarding the relations between national legislation and these Conventions was required.
39. *Kuwait* has not yet ratified Conventions Nos. 98 and 100. The Government stated, in reply to the 2002 campaign letter, that the constitutional procedures for ratification of both Conventions had been initiated and the instruments of ratification would be provided in the near future.
40. *Liberia* has not yet ratified Conventions Nos. 100 and 138. The Government indicated in the context of the 2005 annual review under the Declaration that it intends to ratify Convention No. 138 before the end of 2005 and that the country was also committed to ratifying Convention No. 100.
41. *Mexico* has not yet ratified Conventions Nos. 98 and 138. The Government stated, in its reply to the 2004 campaign letter, that no change had occurred regarding its position with respect to ratification of Convention No. 98, recalling that it continued to have reservations in relation to Article 1, paragraph 2(b), of the Convention. Further, national legislation incompatible with the Convention prevented ratification of Convention No. 138.

42. *Nepal* has not yet ratified Conventions Nos. 87 and 105. Nepal stated in September 2004 that, after tripartite consultation held in 2004, it was decided that further deliberations would help to forge a broad consensus among social partners regarding the ratification of Conventions Nos. 87 and 105.
43. *New Zealand* has not yet ratified Conventions Nos. 87 and 138. The Government reiterated in its report submitted under the Declaration for the 2005 annual review that it was continuing to monitor the compatibility of national law, policy and practice with Convention No. 87 to assess whether ratification will be possible in the future. With regard to Convention No. 138, New Zealand previously stated that it continued to examine whether national law, policy and practice were in conformity with that Convention.
44. *Sierra Leone* has not yet ratified Conventions Nos. 138 and 182. In September 2003, the Government indicated that both Conventions had been approved by Parliament and that the Attorney-General's Office would prepare the necessary instruments of ratification.
45. *Turkmenistan* has not yet ratified Conventions Nos. 138 and 182. The Office has no recent official information at its disposal. The instrument of ratification concerning Convention No. 138 was received in 1997 but without the declaration required under Article 2(1) of the Convention. Information available to the ILO indicates that the Parliamentary Commission on Social Affairs and Employment has unanimously recommended the ratification of Convention No. 182 to the National Assembly.
46. *United Arab Emirates* has not yet ratified Conventions Nos. 87 and 98. In reply to this year's campaign letter, the Government stated in September 2005 that the authorities concerned were now reviewing comments made by the ILO on a draft federal law for the establishment of workers' organizations.

H. States having ratified seven fundamental Conventions

47. *Bangladesh* has not yet ratified Convention No. 138. The Government stated in August 2003 that the Tripartite Consultative Council had discussed the matter again in May 2003. The Council did not recommend ratification at that time, taking into account the socio-economic realities in the country.
48. *Brazil* has not yet ratified Convention No. 87. The Government indicated in October 2004 that the results of the National Employment Forum (2003-04) would be included in a legislative initiative to make the necessary changes that would allow ratification of the Convention.
49. *Cambodia* has not yet ratified Convention No. 182. The Government's report submitted under the Declaration for the 2005 annual review states that Cambodia is in the process of ratifying this Convention.
50. *Cape Verde* has not yet ratified Convention No. 138. According to information available to the Office (July 2004), it is the Government's intention to take the necessary steps for ratification in the near future.
51. *Cuba* has not yet ratified Convention No. 182. The Government stated in September 2004 that the possibility of ratifying the Convention was being studied in the context of the current revision of the Labour Code.

52. The *Czech Republic* has not yet ratified Convention No. 138. The Government stated in September 2004 that after the adoption of two laws relating to child labour, the proposal for ratification of Convention No. 138 was being prepared.
53. *Eritrea* has not yet ratified Convention No. 182. In its reply to the 2002 campaign letter, the Government explained that the Ministry of Labour and Human Welfare had submitted the Convention to the competent authority for consideration.
54. *Estonia* has not yet ratified Convention No. 138. The Government stated in September 2004 that amendments to the Employment Contracts Act made the ratification of this Convention possible.
55. *Gabon* has not yet ratified Convention No. 138. The Government indicated in August 2003 that it had submitted the Convention to Parliament for ratification together with Convention No. 182. However, only the latter has been ratified so far.
56. *Ghana* has not yet ratified Convention No. 138. The Government announced its intention to ratify this Convention very soon in the context of the 2005 annual review under the Declaration.
57. *Iraq* has not yet ratified Convention No. 87. No recent official information is available.
58. *Jordan* has not yet ratified Convention No. 87. The Government stated, in reply to the 2005 campaign letter, that it was still considering the possibility of ratifying it.
59. *Kenya* has not yet ratified Convention No. 87. The Government stated in August 2004 that draft legislation seeking to address existing inconsistencies between national laws and the provisions of the Convention were awaiting Cabinet approval. The Convention would be ratified as soon as the bills were enacted into law.
60. *Lebanon* has not yet ratified Convention No. 87. The Government reiterated in September 2005 that the new draft Labour Code included several principles which were not contained in the current Labour Code but were provided for in Convention No. 87.
61. *Madagascar* has not yet ratified Convention No. 105. The Government indicated during the 93rd (June 2005) Session of the International Labour Conference that a document on the situation of forced labour and strategies for eliminating it was endorsed by a national tripartite workshop in September 2004. The projects recommended in that document would lead to the ratification of Convention No. 105.
62. *Morocco* has not yet ratified Convention No. 87. The Government reiterated in September 2005 that ratification could not be envisaged before harmonization of certain aspects of public sector legislation with the provisions of the Convention.
63. *Namibia* has not yet ratified Convention No. 100. According to the Government's report submitted for the 2005 annual review under the Declaration, ratification is not being considered at this stage.
64. *Pakistan* has not yet ratified Convention No. 138. The Government indicated in its report submitted for the 2005 annual review under the Declaration, further steps were being taken for ratification of this Convention. It has recently confirmed that the process for ratification is under way.

65. *Saint Lucia* has not yet ratified Convention No. 138. The Government stated, in reply to the 2001 campaign letter, that it had initiated consultations on the ratification of the Convention and intended to submit it to Cabinet for consideration.
66. *Saint Vincent and the Grenadines* has not yet ratified Convention No. 138. Although the Government deposited the instrument of ratification in 2001, the declaration stipulated in Article 2(1) of the Convention has not yet been communicated. The Government informed the Office in September 2005 that the declaration will be forwarded shortly.
67. *Sudan* has not yet ratified Convention No. 87. The Office has no recent information at its disposal concerning ratification prospects.
68. *Venezuela* has not yet ratified Convention No. 182. The Government indicated in its 2004 annual report under the Declaration that it had submitted the Convention to Parliament for consideration.

III. Concluding remarks

69. The progress made with regard to the ratification of the ILO fundamental human rights Conventions has continued. Most new ratifications continued to be registered for Conventions Nos. 138 and 182, closely followed by the forced labour Conventions. Three of five cases, where the absence of a declaration under Article 2(1) of Convention No. 138 prevented the registration of ratification of that Convention, could be resolved. It is suggested that the Office provides a similar report to the Governing Body in November 2006.

Geneva, 20 September 2005.

Submitted for information.