

**FOR DECISION**

## FIFTH 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 (Geneva, March 2006)**

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.<sup>1</sup>
2. After six cycles of the Annual Review, the Governing Body approved, in March 2005, the Expert-Advisers’ recommendation (paragraph 31 of GB.292/4) to reflect information on countries in baseline information tables. These tables, based on information provided by

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

governments under the Annual Review, as well as on observations by employers' and workers' organizations, and on recommendations by the Expert-Advisers and/or the Governing Body, were compiled by the Office and brought to the attention of the Expert-Advisers at their January 2006 meeting.

3. The annual reports and related comments of employers' and workers' organizations were compiled by the Office, in accordance with established practice. Following consultations during the November 2002 session of the Governing Body, the compilation is no longer issued in hard copy, but can be consulted on the public web site of the Declaration Programme.<sup>2</sup> The list of governments that have sent reports, and of national and international workers' and employers' organizations' comments thereon, can be found in Annex 4 to the Expert-Advisers' Introduction. The baseline tables are also being made available on the web site.
4. The compilation was submitted to the Expert-Advisers, who met from 11 to 16 January 2006. This attached Introduction prepared by the Expert-Advisers, is submitted for review by the Governing Body.
5. *The Governing Body may wish to examine the attached Introduction by the Expert-Advisers, reflect on paragraphs 18 to 26 of the Introduction, and take the appropriate decisions on the recommendations in paragraphs 28 to 31 of the same document.*

Geneva, 30 January 2006.

*Point for decision:* Paragraph 5.

<sup>2</sup> See [www.ilo.org/declaration](http://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 2006**

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## Abbreviations

ACT/EMP	–	(ILO) Bureau for Employers' Activities
ACTRAV		(ILO) Bureau for Workers' Activities
CEDAW	–	(United Nations) Convention on the Elimination of all Forms of Discrimination against Women
DCOMM	–	(ILO) Department of Communication and Public Information
DWCP	–	decent work country programmes
EBU	–	European Broadcasting Union
EPZs	–	export processing zones
FAO	–	Food and Agricultural Organization
GCC	–	Gulf Cooperation Council
IACML	–	Inter-American Conference of Ministers of Labor
ICFTU	–	International Confederation of Free Trade Unions
INTERPOL	–	International Criminal Police Organization
ILC	–	International Labour Conference
ILO	–	International Labour Organization/International Labour Office
IOE	–	International Organisation of Employers
IOM	–	International Organization for Migration
IPEC	–	International Programme on the Elimination of Child Labour
NGOs	–	non-governmental organizations
OAS	–	Organization of American States
PRSPs	–	Poverty Reduction Strategy Papers
SAP/FL	–	(ILO) Special Action Programme to Combat Forced Labour
TC	–	technical cooperation
UN	–	United Nations
UNAIDS	–	Joint United Nations Programme on HIV/AIDS
UNDP	–	United Nations Development Programme
UNESCO	–	United Nations Educational, Scientific and Cultural Organization
UNFPA	–	United Nations Population Fund
UNICEF	–	United Nations Children's Fund
UNIFEM	–	United Nations Development Fund for Women
UNODC	–	United Nations Office on Drugs and Crime
WFP	–	World Food Programme

## Part I. Observations and recommendations by the Expert-Advisers

### A. Expert-Advisers' overall observations

1. This Expert-Advisers' Introduction to the compilation of reports under the 2005 Annual Review, the seventh since the inception of the process in 2000, is an essential part of the Declaration's follow-up that is designed to be promotional, meaningful and effective.<sup>1</sup> Each January, we review the information contained in the reports received from governments not having ratified all the fundamental Conventions, as well as from national and international employers' and workers' organizations.
2. Our essential task remains to assess and promote progress among reporting States in moving towards fuller respect, promotion and realization of fundamental principles and rights at work:
  - (i) freedom of association and the effective recognition of the right to collective bargaining;
  - (ii) the elimination of all forms of forced or compulsory labour;
  - (iii) the effective abolition of child labour; and
  - (iv) the elimination of discrimination in respect of employment and occupation.

To this end, as independent Expert-Advisers, we must move beyond information on legislation and consider realities through national policies, programmes and institutions to implement measures in the spirit of the Declaration. In this respect, we must both highlight situations where there has been progress and indicate others where there has been little or none. By calling attention also to difficulties, this promotional follow-up heightens awareness, and such awareness is the first step that paves the way to national progress.

#### 1. Basic considerations

3. First of all, we recall the constitutional obligations that are placed on each member State of the Organization, to respect, promote and realize these principles and rights. Therefore, it is incumbent upon each member State to give effect to these principles and rights, as it is upon the Organization to assist its Members to attain these objectives. Another basic point is that the ILO's strategy today for carrying out its programme is the development of decent work country programmes, and that this new working method has a great impact on how the principles and rights enunciated in the Declaration, and the commitment of member States to implement them, are to be put into effect.
4. While it has brought benefits to some, globalization has also increased the gap between the rich and the poor, and between developed and developing countries, and this situation provides greater challenges to giving effect to principles and rights at work which is a fundamental obligation for all States. At the same time, however, level of development,

<sup>1</sup> The reporting processes under the Declaration's follow-up are set out in Annex 2 to this Introduction.

lack of financial resources and the lack of technical capacity in particular, cannot be taken as an excuse for lack of political will to give effect to them. Our observations follow upon these basic points.

5. In our report last year, we made a number of observations relating to the impact of the Annual Review (see paragraphs 6 to 28 of our 2005 report).<sup>2</sup> We continue to believe that the process has been beneficial, and we will repeat some of these observations below. However, the time has come to begin a reflection on the way this process has operated, and on the future of the Annual Review process. We will return to these considerations at the end of this section.
6. Legislation and its enforcement, as well as other measures at the practical level, are necessary conditions in the promotion of the fundamental principles and rights at work covered by the Declaration. Their full realization will only be achieved through empowerment and mobilization of all sectors of society, expanding participation to all of them. It has become increasingly evident that such measures are inherent to the full realization of human rights.
7. A new part of the process this year is the national baselines which we recommended in 2005, and which the Governing Body approved. These baselines present, for each country, a summary of all the information that has been received since the government concerned first began making its reports. They are based on the following elements depending on their availability: information provided by governments under the Annual Review, observations by employers' and workers' organizations, and observations and recommendations made by the Declaration Expert-Advisers and by the ILO Governing Body. In the future, we hope to be able to rely on case studies prepared under the auspices of the country and the Office (see below under recommendations).
8. Preparing the baselines has required a great effort both by the Office and by the reporting States during this past year, but it is hoped that they will have two effects. One is to reduce the reporting burden by allowing reference to information previously provided and reactions to it, in an easily accessible form. The second – and more important – effect is that they should provide each country with a tool to assess the progress it has made, measured against its own starting point, in giving effect to the principles and rights on which they have been reporting.
9. In order to enhance the gathering of practical information and allow a more comprehensive approach to realities, the country baseline information system needs to be articulated with the decent work country programmes where available and supplemented by in-depth case studies of selected volunteering countries. A national dialogue needs to be organized on how to address the issues and to explore different approaches and their impact in achieving respect, promotion and realization of fundamental principles and rights at work. This work should be carried out in close cooperation between the Office and the country in question, with governments and employers' and workers' organizations running and owning the process.

## **2. Sources and kinds of information**

10. One of our most valuable sources of information is the Global Reports that are prepared under the Declaration. These general overviews of the situation in all countries, whether they have ratified the fundamental Conventions or are covered by the Annual Review

<sup>2</sup> ILO: GB.292/4.

process, give an indispensable context for our work. They also mean that the Office's research and consultations in preparing them, are available to us to help orient some of the more general points we make in our own report.

- 11.** We value the considerably higher level of responses this year from reporting countries. All the member States that have not ratified all eight fundamental Conventions have now provided at least one report under the follow-up to the Declaration. This indicates the engagement of all member States in this process, and their commitment – at least at some level – to the principles and rights in the Declaration. We must draw particular attention, however, to the fact that much of the information we have received relates to national legislation but does not include information on the application of these laws in practice, and to measures taken to implement the principles and rights and the situation in fact in member States. This is reflected in the baselines.
- 12.** We stress that reporting under the follow-up to the Declaration should also reflect a commitment at the national level to gather the information necessary and to reflect on its implications for the country in a process of tripartite dialogue. Some of these reports have been generated with the help of the Office, in particular by visits to these countries to assist them in preparing first reports. Other countries have provided information during their attendance at the annual sessions of the International Labour Conference. These reports are welcome, and the efforts made to provide this information are laudable. We recommend, therefore, that those countries that have been assisted by the Office to make their reports will follow this up with reports that are compiled at their own initiative.
- 13.** In order to allow us to assess the real situation, and to evaluate progress, we once again emphasize the need for different types of information, especially when it goes beyond a mere reference to the law. We encourage all the reporting States to continue their efforts to ensure that information on practice is made available under the Annual Review. We cannot emphasize strongly enough that practice needs to follow closely upon the heels of law, and we need more information on this. One way of obtaining this is to follow up our recommendation to carry out case studies in volunteering countries (see below under recommendations). The information generated from such studies should be incorporated in the baseline information to reflect the practice at the national level, including responses to decent work country programmes, poverty reduction strategies and other measures that may have an effect on the implementation of the Declaration's principles and rights.
- 14.** It is very important to emphasize the lack of information in many government reports on various groups of workers, even where this gap has been pointed out by comments of national and international workers' organizations. This may reflect in part the fact that some categories of workers – in particular agricultural and domestic workers and those in the informal economy – are not covered by national labour legislation in many countries. But it also indicates that governments have not taken effective measures to provide protection to groups such as migrant workers – which in some countries actually constitute the majority of the workforce.
- 15.** We appreciate the work of those officers at the national level who undertake this reporting, and understand that this request for more practical information will place a greater demand on these persons. This said, we encourage them in appropriate cases to look beyond the information available in their own ministries. As examples, statistics relevant to the realization of the principles and rights may exist in planning and finance ministries, and information on efforts to combat discrimination generally may be found in machineries established to promote gender equality.
- 16.** We value the greater involvement of the employers' and workers' organizations in the reporting process, in particular the dialogue that has been initiated between them and

governments as a result. We appreciate the responses that governments have provided to such comments. However, not all governments provided responses, which leaves us unable to evaluate how governments react to this additional information.

17. It is indispensable that we receive information on how the principles and rights in the Declaration have been promoted, on the people who have been involved in this promotional effort and on the effect this has had on these people, and on the resulting changes in practice. Who have we persuaded to promote the Declaration, and how have they reacted? We are also aware that the Declaration's promotion has been undertaken by different parts of the Office, and we must emphasize the need for all parts of the ILO secretariat to incorporate the principles and rights covered by the Declaration in their own work.

### **3. The future**

18. As indicated above, we feel that the time has come to reflect on the future of this process, and we have devoted considerable time to an initial reflection on it during our session. One of the first conclusions we have reached is that the follow-up has proven useful, and that it continues to be so. We are, on the other hand, aware that our work relates to a diminishing number of countries. During 2005, 13 member States joined those countries that have ratified all the fundamental Conventions, bringing that number to 117. These countries no longer fall within our mandate; and a number of other ratifications of these Conventions have reduced further the requirement for those countries to report under the Declaration's follow-up.
19. However, there remain a number of countries that have not yet been able to ratify these instruments, sometimes because of lack of capacity, and sometimes because they have not yet decided to do so, feeling that their existing law and practice provide adequate solutions. Equally important, some of the countries still covered by the Declaration's follow-up represent a very large proportion of the world's workers. The past and potential impact of this follow-up should be evaluated not only on the basis of the number of ratifications still not registered, but also on the fact that it covers hundreds of millions of workers not otherwise covered in the ILO's regular supervisory process.
20. How should this process now evolve? We will return to this deliberation next year. In the meantime, the Governing Body's reflections on some of the points we raise would be valuable.
21. We have, as a first measure, made some changes to the format of our report to make our recommendations easier to read and more apparent. We intend, beginning with next year's report, also to highlight some of the situations we find most indicative of problems encountered and successes achieved.
22. Among the questions we have addressed is how the principles and rights contained in the Declaration can be promoted more widely and more effectively, not only by the Office but also by the ILO's constituents and by others who have a role in this area. The essence of the Declaration is that it is a promotional instrument, and it can only be given effect through promotional activities. This includes work by the governments, and employers' and workers' organizations, that are the heart of the ILO. It also means that these tripartite partners should work in a spirit of collaboration with other parts of civil society, in order to reach more people, and also to reinforce their impact and role.
23. The decent work country programme approach holds great promise here, and we look forward to tracing the "footprints" of the Declaration's principles and rights in their

conception and implementation. Equally, while we welcome the increased involvement of employers' and workers' organizations in the follow-up, this leaves a majority of governments' reports in which there is no evidence that employers and workers have taken part in the reporting process. How can the involvement of employers' and workers' organizations be further increased, and how can the international organizations of employers and workers facilitate this process?

24. The ILO's constituents should champion these principles and rights at the national level in all countries. But we also feel that the principles and rights in the Declaration should be more thoroughly reflected in the work and the structures of the International Labour Office. We hope that greater capacity is developed in all the sectors of the Office, to know and to promote the Declaration's principles and rights in all the ILO's activities, in every domain and in every country. It is particularly important in this regard that the ILO's regional structures undertake more active work in this area, as they are closest to the ILO's constituents in the various regions.
25. What is more, there is a need to increase the knowledge of the general public about the content of the rights and principles, and about the benefits they stand to receive from their full implementation.
26. We also feel that there is much work to do to infuse general policy documents and the work of other intergovernmental organizations – especially the international financial institutions – with the spirit of the Declaration as an indispensable reference point in all their activities. We have discussed the positive but limited impact of ILO principles and concerns in the poverty reduction strategies now being implemented, and are convinced that there is much more to be done in this connection. The report of the World Commission on the Social Dimension of Globalization has highlighted this need.

#### **4. Appreciation**

27. We congratulate the Office in general and the Programme on Promoting the Declaration in particular, for both the high quality and the volume of information provided to us during our meeting (11-16 January 2006). We wish to thank the members of the ILO staff involved in the careful and increasingly difficult task of securing, compiling and analysing information required by us for the responsible conduct of our work.

## 5. Information on reporting and ratifications

Table 1. Reports due and received by category of fundamental principles and rights, 2000-06

Category	Number due and per cent received														Difference in per cent received					
	2000		2001		2002		2003		2004		2005		2006		<u>2000</u> 2001	<u>2001</u> 2002	<u>2002</u> 2003	<u>2003</u> 2004	<u>2004</u> 2005	<u>2005</u> 2006
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%						
Freedom of association/ collective bargaining	52	67	47	70	42	83	38	71	37	73	39	87	38	97	+3	+13	-12	+2	+14	+10
Forced labour	41	51	36	53	28	61	27	52	23	65	23	83	19	100	+2	+8	-9	+13	+18	+17
Child labour	92	51	72	68	102	56	72	56	56	54	50	86	41	93	+17	-12	0	-2	+32	+7
Discrimination	43	56	38	74	31	68	26	58	22	68	23	83	21	100	+18	-6	-10	+10	+15	+17
Total	228	56	193	67	203	63	163	59	138	63	135	85	119	97	+11	-4	-4	+4	+22	+12

Source: ILO: Country reports and baselines under the Declaration's 2006 Annual Review.

## Box 1

## Governments that fulfilled their reporting obligations under the Declaration's follow-up for the 2006 Annual Review by category of principle and right

Freedom of association and the effective recognition of the right to collective bargaining (37 countries): Afghanistan, Armenia, Bahrain, Brazil, Canada, China, El Salvador, India, Islamic Republic of Iran, Iraq, Jordan, Kenya, Republic of Korea, Kuwait, Lao People's Democratic Republic, Lebanon, Malaysia, Mexico, Morocco, Myanmar, Nepal, New Zealand, Oman, Qatar, Samoa, Saudi Arabia, Singapore, Solomon Islands, Somalia, Sudan, Thailand, Democratic Republic of Timor-Leste, United Arab Emirates, United States, Uzbekistan, Vanuatu and Viet Nam.

Elimination of all forms of forced or compulsory labour (19 countries): Afghanistan, Canada, China, Japan, Republic of Korea, Lao People's Democratic Republic, Latvia, Madagascar, Malaysia, Myanmar, Nepal, Qatar, Samoa, Singapore, Solomon Islands, Democratic Republic of Timor-Leste, United States, Vanuatu and Viet Nam.

Effective abolition of child labour (38 countries): Afghanistan, Armenia, Australia, Bahrain, Bangladesh, Cambodia, Canada, Cape Verde, Cuba, Czech Republic, Eritrea, Estonia, Gabon, Ghana, Haiti, India, Islamic Republic of Iran, Kiribati, Latvia, Liberia, Mexico, Myanmar, New Zealand, Pakistan, Qatar, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, Somalia, Suriname, Democratic Republic of Timor-Leste, United States, Uzbekistan, Vanuatu and the Bolivarian Republic of Venezuela.

Elimination of discrimination in respect of employment and occupation (21 countries): Bahrain, China, Japan, Kiribati, Kuwait, Lao People's Democratic Republic, Liberia, Malaysia, Myanmar, Namibia, Oman, Qatar, Samoa, Singapore, Solomon Islands, Somalia, Suriname, Thailand, Democratic Republic of Timor-Leste, United States and Vanuatu.

Source: ILO: Country reports and baselines under the Declaration's 2006 Annual Review.

## Box 2

## Governments that failed in their reporting obligations under the Declaration's follow-up for the 2006 Annual Review by category of principle and right

*Governments that did not report during the current round (three countries)*

Freedom of association and the effective recognition of the right to collective bargaining (one country): **Guinea-Bissau**.

Effective abolition of child labour (three countries): **Guinea-Bissau, Saint Lucia and Turkmenistan**.

Source: ILO: Country reports and baselines under the Declaration's 2006 Annual Review.

## Box 3

## Ratification of ILO fundamental Conventions in 2005

Convention No. 29: **Bolivia, Mongolia, Philippines and Sao Tome and Principe** (bringing the total ratifications to **168** by 31 December 2005).

Convention No. 87: **Mauritius and Uganda** (bringing the total ratifications to **144** by 31 December 2005).

Convention No. 105: **Mongolia, Oman and Sao Tome and Principe** (bringing the total ratifications to **165** by 31 December 2005).

Convention No. 100: **Uganda** (bringing the total ratifications to **162** by 31 December 2005).

Convention No. 111: **Djibouti, Estonia and Uganda** (bringing the total ratifications to **163** by 31 December 2005).

Convention No. 138: **Chad, Djibouti, Lao People's Democratic Republic, Oman, Thailand, Saint Kitts and Nevis, Sao Tome and Principe, Singapore and Trinidad and Tobago** (bringing the total ratifications to **142** by 31 December 2005).

Convention No. 182: **Colombia, Djibouti, Israel, Lao People's Democratic Republic, Sao Tome and Principe, Tajikistan, and the Bolivarian Republic of Venezuela** (bringing the total ratifications to **157** by 31 December 2005).

Source: ILO: International Labour Standards Department.

## **B. Expert-Advisers' recommendations to the Governing Body**

28. The Expert-Advisers recommend that the Governing Body draw the attention of all tripartite constituents in reporting States to the earlier recommendation that they volunteer to undertake in-depth studies on achieving respect, promotion and realization of fundamental principles and rights. This could start by a national review and dialogue on a tripartite basis of the baselines as they stand, to examine how to make progress on the basis of this review.
29. Undertaking in-depth studies and reviews should be done within the context of the decent work country programmes being developed, to ensure an integrated approach to achieving the principles and rights as well as national ownership of the Declaration. This will ensure that the full weight and means of the Office are brought to bear at the national level to giving effect to fundamental principles and rights at work, which are an indispensable part of the decent work paradigm of the ILO. This should be done in such a way as to allow the national tripartite partners, especially the employers' and workers' organizations and their members, to become national "champions" of the Declaration and bring other parts of national society into the spirit of the Declaration. Without such steps, meaningful progress in national ownership of the Declaration will be far more difficult.

## **C. Expert-Advisers' recommendations to the Governing Body in relation to the Office**

30. The Expert-Advisers recommend that the Office develop further its ability to support the member States in giving effect to the Declaration's principles and rights. This should include a greater mainstreaming of these principles and rights within all the technical sectors of the Office, and in particular an increase of the capacity of field offices in this respect. This should be done within the context of developing decent work country programmes.
31. We recommend that the Office undertake consultations with the constituents to carry out national tripartite reviews of the baselines and any case studies that will by then have been carried out.

## **D. Comments by the Expert-Advisers on the four categories of fundamental principles and rights at work**

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

32. The Expert-Advisers stress again that full respect should be accorded to this principle and right by all member States regardless of the specific political, economic, social and cultural circumstances of the country. Respect for the principle of freedom of association and the effective recognition of the right to collective bargaining is indispensable if the other rights and principles contained in the Declaration are to be implemented, and this principle and right is indeed one of the founding principles of this Organization.

33. The reason it is so important is that it allows workers and employers to have a greater influence over the world around them, and at the same time to bring their collective experience and wisdom to governance at the enterprise and national levels. A country in which freedom of association is denied deprives its workers of the right to participate in and benefit from the national economy. It is also a foundation of respect for human rights, and a necessary component of democracy.
34. We are encouraged by the increase from the already high rate of reporting last year under this principle and right, to a record 97 per cent. We are also pleased to note the ratification of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), by **Mauritius** and **Uganda** during this period. We regret, however, that the rate of ratifications of the Conventions embodying this principle and right remains lower than for the other three principles and rights. We encourage the governments of **Samoa**, **Solomon Islands** and **Vanuatu** that have provided their first reports under the Declaration this year, to follow up their expressed willingness to ratify Conventions No. 87, and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).
35. We welcome the growing contribution of employers' and workers' organizations to the reporting process, both at the international and national levels. This has given governments the opportunity to respond to workers' organizations' comments by providing greater information and details. The exchange of views and information between the workers' organizations and the governments reflected in the relevant paragraphs of the report are illustrative of the Declaration's spirit of promotion and dialogue.
36. We urge member States to ensure that this key principle and right is given effect in reality on the ground. Reporting countries continue to assert general respect for the principle and right. For instance, many note that their national Constitutions guarantee freedom of association and they all state that these freedoms are recognized in their national laws. However, the reality is often different. In practice and in law, too many countries continue to restrict the freedoms provided by the principle and right. For instance, five countries (**Lebanon**, **Malaysia**, **Samoa**, **Democratic Republic of Timor-Leste** and **Vanuatu**) report that government authorization is required to establish employers' or workers' organizations – taken together with those that reported this obstacle last year, there are at least 14 countries under the Annual Review that require such authorization. Such restrictions clearly deny the full potential of the principle and right.
37. A number of countries have provided information on new legislation, and we welcome among them the fact that the **Republic of Korea** has adopted special laws to allow public service trade unions to exercise the right to organize and collective bargaining. It would be welcome if such information from all reporting countries were more detailed on how the law gives effect to the principle. For instance, while **Bahrain** stated simply that it had promulgated a new Decree relating to trade unions, the Government should indicate whether this is an implementing Decree relating to existing labour law. They should also provide us with considerably more information on the legal and policy measures they are taking to promote this principle and right and to allow its exercise.
38. We cannot stress enough the need to have this principle and right applied to all employers and workers without distinction. This will enable particular categories of workers, already noted in earlier reports – such as agricultural workers, workers in export processing zones (EPZs), migrant workers, domestic workers, workers in the informal economy, some workers in the public service, self-employed workers, temporary workers, and those on precarious contracts – all to enjoy full freedom of association and the right to collective bargaining. Unless they are able to negotiate their conditions of work, they will not be able to enjoy the social protection implied in the notion of decent work.

39. This is particularly important in several countries where migrant workers are concerned. Migrant workers, who are often in a precarious legal situation, should enjoy the right to organize. Their organization will give them and their associations greater social protection, and greater voice, in society and the world of work.
40. In this respect, for instance, it is encouraging to note that a Bill in the **United Arab Emirates** envisages the formation of trade unions in the private sector. However, migrant workers would be able to exercise this right only under certain conditions. It is important to note that the majority of workers in the **United Arab Emirates** and other **Gulf States** are migrant workers. Therefore, while we note that certain measures have been reported relating to this principle and right – e.g. the fact that **Saudi Arabia** is following up on the creation of “workers’ committees” – we stress that the principle and right should be given full effect as regards all the workers present in these countries, including migrant workers, if these countries are to progress meaningfully in this area.
41. We draw attention to the efforts made by the International Confederation of Free Trade Unions (ICFTU) in sending detailed reports concerning a number of countries, and we congratulate this organization for its role in this area. At the same time, we regret that, while some governments have taken part in a dialogue with workers’ organizations in this respect, a number of governments have failed to make an appropriate response to the ICFTU’s comments. This is especially important when the ICFTU and other workers’ organizations have pointed out the failure to allow certain categories of workers (such as agricultural workers, workers in EPZs, migrant workers, domestic workers, workers in the informal economy, some workers in the public service, self-employed workers, temporary workers, and those on precarious contracts) to benefit from this right.
42. We received a number of requests for technical cooperation on this principle and right, which we hope the Office will be able to provide. However, in many cases it is not a question of capacity building but rather the political will to respect fully the right of employers and workers to establish and run their own organizations in full freedom, and to create the conditions under which this can take place, that is lacking.

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

43. The Expert-Advisers welcome the fact that all the States required to do so have furnished reports on this principle and right, giving us the possibility of examining the situation in all the relevant member States. We note that several of these States were assisted in preparing these reports by the Office, and encourage the Office to continue this kind of assistance. We want the momentum for dialogue on this issue to be maintained in the future, and reports to continue to develop in order to provide more substantial information than is contained in some of them.
44. We welcome also the fact that there has been a significant increase in the number of ratifications during the past year, with four ratifications of the Forced Labour Convention, 1930 (No. 29) (**Bolivia, Mongolia, Philippines and Sao Tome and Principe**), and three of the Abolition of Forced Labour Convention, 1957 (No. 105) (**Mongolia, Oman and Sao Tome and Principe**). We encourage those countries which have expressed the intention of doing so to ratify these Conventions. We also hope that the very few governments which are not giving active consideration to ratification of these fundamental instruments (**Afghanistan** and the **United States**) will reconsider the basis for this position, in consultation with their social partners. Finally, we again express the hope that **Malaysia** and **Singapore**, which denounced Convention No. 105, will open a dialogue with the Office and with their national tripartite partners in order to reconsider this decision.

45. We note that an increasing number of States are recognizing explicitly that forced labour does exist in their countries, whether it takes the form of classic slavery or bonded labour, trafficking, forced child labour, serfdom, or others. Such recognition is essential as a first step to combating the problem.
46. The 2005 Global Report on forced labour<sup>3</sup> provides clear evidence that the abolition of forced labour represents a challenge for virtually every country in the world. It sheds new light on the modern forms of forced labour, whether forced labour imposed by the State for economic or political purposes, or forced labour linked to poverty and discrimination, or forced labour that arises from migration and trafficking around the world.
47. The Global Report also provides the first global and regional estimates by an international organization of the volume of forced labour. In addition, it reports the profits generated from trafficked forced labour. The real challenge is to develop reliable forced labour statistics at the national level, providing benchmarks to allow countries to measure their progress over time.
48. Many people in economically developed countries do not realize that forced labour exists also in these economies, in particular as a result of trafficking. Nor are they always aware that they benefit economically from forced labour in other countries as a result of globalization and economic restructuring.
49. The Global Report clarifies what the ILO means by forced labour, and the relevance of this for national and international action against the serious problems of human trafficking today. In many countries the legislation does not make it clear that forced labour exists only where there is coercion and that situations of extreme poverty and other forms of exploitation cannot be defined as forced labour. We urge governments to formulate national action plans, paying close attention to these distinctions. Moreover, the report emphasizes the unique contribution that the ILO can make to action against trafficking, dealing in particular with the labour dimensions of trafficking which have received insufficient attention to date from many governments, the media and the general public.
50. We recall in this context, as in others, the close link among principles and rights covered by the Declaration. Forced labour in all its forms is often closely associated with discrimination and exclusion based on race, national origin and sex; children are forced into labour; and forced labourers are unable to exercise the rights of freedom of association and collective bargaining.
51. The ILO Governing Body approved a four-year action plan on this principle and right in November 2005, seeking the eradication of forced labour worldwide over the next decade as an ILO contribution to the Millennium Development Goal of cutting in half extreme poverty and hunger by the year 2015. This is a practical means of giving effect to the rights-based approach to combating poverty, and we urge ILO member States to join in this proposed global alliance against forced labour.
52. Most government reports contained very limited information regarding problems encountered in practice, or measures taken to seek the eradication of forced labour including the forced labour outcomes of human trafficking, which fails to render this problem visible and prevents effective mobilization against it. Realizing the major importance of the ILO's renewed commitment to combating forced labour through its new global alliance and action plan, we hope that future government reports will give a fuller understanding of the measures taken to give effect to this noble and necessary objective.

<sup>3</sup> ILO: *A global alliance against forced labour*, 2005.

### 3. The effective abolition of child labour

53. The Expert-Advisers note that there has been a significant increase in the proportion of reports on this principle and right this year, though full reporting has not yet been achieved as it has been for some of the other principles and rights. We welcome the fact that this includes first reports from five countries, and encourage all governments which are required to do so to continue their efforts to report. We also note with appreciation the high number of observations from employers' and workers' organizations on this subject, and hope that this reflects a growing commitment of these organizations to take an active and ongoing part in the struggle against child labour.
54. We are reminded, however, that distressingly large numbers of children still work in child labour, including in its worst and most dangerous forms. Although this phenomenon is worse in the poorest countries, developed countries are not exempt from child labour. It exists in some form in every country in the world.
55. We are glad to note that the pace of ratifications of the ILO's Conventions on child labour continues, with seven new ratifications in 2005 for the Minimum Age Convention, 1973 (No. 138) (**Chad, Djibouti, Lao People's Democratic Republic, Oman, Saint Kitts and Nevis, Sao Tome and Principe and Singapore**), and seven also for the Worst Forms of Child Labour Convention, 1999 (No. 182) (**Colombia, Djibouti, Israel, Lao People's Democratic Republic, Sao Tome and Principe, Tajikistan and the Bolivarian Republic of Venezuela**). In addition, a significant number of countries have indicated either that they intend to ratify these two instruments, or that the process is actually under way.
56. The close relationship between child labour and poverty continues to emerge from the reports. We emphasize that poor economic development is not a reason to avoid taking measures that will contribute to the elimination of child labour, whether by legislation or by the adoption of other policies. It is also essential that the elimination of child labour be included in national poverty reduction strategies by governments and by other international organizations, and we intend to examine this more fully in future reports.
57. Nevertheless, low family incomes, high unemployment and other economic and social factors make efforts to eliminate child labour much more difficult. It is essential that steps be taken to break the intergenerational cycle of child labour.
58. The close relationship between free, available and adequate schooling and decreasing child labour is also evident from the reports and from other information available. We are concerned to learn in this connection that in the **Solomon Islands, Democratic Republic of Timor-Leste and Vanuatu** there is no compulsory schooling, and that in **Bahrain**, the low age of 12 is the limit for compulsory schooling. The consequences of lack of schooling also pass from generation to generation so that the children of parents who have not gone to school are more likely to work. And children who are not adequately prepared will not have access to decent work, impeding both their own development and the future of their countries in a globalizing economy.
59. Attention should be drawn to the continuing need for greater awareness of the nature of child labour, and its causes and effects. While not all forms of work by children are child labour of the kind prohibited by ILO Conventions and contemplated in the Declaration, it is important that everyone concerned be aware of when such situations become unacceptable. The work at both national and international levels to raise awareness and understanding of what child labour involves must be continued.
60. We commend the continuing efforts by the ILO's International Programme for the Elimination of Child Labour (IPEC) in this regard, and note with interest that several of the

countries reporting for the first time this year do not yet have programmes of cooperation with ILO/IPEC. A number of these countries have requested technical assistance from the ILO, but we are advised that sometimes it is difficult to mobilize funding to provide the assistance needed. Some countries that experience child labour need the technical expertise of ILO/IPEC but are in a position to finance most of the necessary work to eliminate child labour from their own resources.

61. The need for the involvement of the ILO's tripartite constituency in the elimination of child labour is fundamental, and we draw attention to the positive effect of tripartite consultation in the preparation of first reports, in particular in inducing governments to acknowledge the existence of child labour in their countries. We note that there has been a gradual but marked change of attitude in this connection, with more and more countries ready to acknowledge that child labour exists. This is a necessary condition for taking positive action to combat it.
62. The fight against child labour is an area in which the efforts of non-governmental organizations (NGOs), especially at the national level, are of crucial importance. In cases where governments are unable – or unwilling – to take effective action, NGOs are often the only hope for children to escape child labour. And indeed, they are often essential partners for ILO/IPEC's own work.

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

63. The Expert-Advisers welcome the fact that all the countries required to do so have furnished reports on this principle and right, giving us the possibility of examining the situation in all the relevant member States. We hope that the momentum for a dialogue on this issue can be maintained in the future, and that the reports will continue to develop and to provide more substantial information than is contained in some of them.
64. We also welcome the high degree of participation in this reporting process by national and international organizations of employers and workers. This is particularly important for discrimination issues, where the essence of the obstacles to fully equal opportunity and treatment lies in the practice.
65. In addition, we note the continuing growth in the number of ratifications of the ILO's Conventions on this subject. One additional ratification of the Equal Remuneration Convention, 1951 (No. 100) (**Uganda**), and three additional ratifications of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (**Djibouti, Estonia and Uganda**), during the past year, combined with the intentions expressed by a number of governments to ratify in the near future, means that the ILO can envisage a time of nearly complete ratification in the not too distant future.
66. We are however disappointed with the content of many of the reports received. They do not often address the full range of discrimination issues in these countries, and in particular the issues related to discrimination and exclusion on the grounds of race, ethnicity, age, religion and other forms of discrimination. Many countries have accepted at least the principle of working to eliminate discrimination on the basis of sex, but this is only the beginning of a wider and deeper process aimed at creating a full climate of equality in these countries.
67. We hope that future reports will also include much more substantial information on the measures taken beyond legislation. All countries prohibit discrimination, in more or less specific terms, in their Constitutions, but we note that in many cases this does not provide

effective protection. In other instances, there is coverage by legislation as well as by Constitutions, which is welcome. However, not all these laws provide coverage for all grounds of discrimination, and we have not received information on the mechanisms put into place – if any – to enforce these laws and to promote compliance with them.

- 68.** More generally, neither governments nor employers' and workers' organizations have systematically provided information on practice – this is the great gap in these reports. It is instructive to learn that governments have adopted legislation, and this is an indispensable step towards providing effective protection against discrimination. But, if the measures taken stop with the adoption of legislation, not much will have been achieved. There is certainly information on practice that could have been furnished and has not, and we urge governments to do so in their future reports.
- 69.** Equally important would be if the government concerned would indicate whether it has been able so far to take only the first step of adopting legislation, and does not yet have policies and practical measures in place. This would provide a rich ground for assistance from the Office and from others.
- 70.** This is an area in which measures not obviously related to the elimination of discrimination in the workplace can have a profound influence on equality of opportunity and treatment. For instance, broader social policies to promote employment may target, or have a great impact on, groups including women and ethnic minorities who have not yet had effective access to the labour market.
- 71.** Those groups suffering from discrimination may benefit from broader measures of social protection. For example, increased funding and other measures to provide schooling for all can increase the capacity of groups which have so far been excluded from the possibility of gaining an education, to take part in the national economy and promote development. Measures against discrimination need to be included in a broad range of social policies, taking account of all the excluded groups. Victims of multiple discrimination should be the subject of particular attention.
- 72.** While emphasizing that the contribution of employers' and workers' organizations is vital in this area, we also encourage ILO constituents to develop effective working relations with other groups in civil society. Non-governmental organizations working for the protection of the rights of women, minorities, migrant workers and others can form very effective partnerships with the social partners, and together they can make great contributions to ensuring equality of opportunity and treatment in the workplace.
- 73.** Information supplied by employers' and workers' organizations, at both the national and international levels, can help fill whatever gaps are left by government reports. We are aware that many ministries at the national level have limited means for gathering and providing information, and this can be supplemented by the tripartite process – either through working together to prepare reports, or by comments on the reports once submitted.

## Part II. Information provided under the Annual Review

### A. Efforts made in respecting, promoting and realizing fundamental principles and rights at work <sup>1</sup>

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

##### (a) Reporting

74. Thirty-seven out of 38 States have reported on the principle of freedom of association and the effective recognition of the right to collective bargaining (a 97 per cent reporting rate), which is an increase of 10 per cent compared to the 2005 Annual Review figures on this principle and right (cf. table 1).

75. For the first time, reports were received from **Samoa, Solomon Islands, Somalia, Democratic Republic of Timor-Leste and Vanuatu.**

76. **Guinea-Bissau** failed to comply with its reporting obligations.

77. At the national level, five employers' and 23 workers' organizations from 19 States formulated observations on their governments' reports or completed report forms.

78. At the international level, one general observation was received from the International Organisation of Employers (IOE) and 24 observations from the International Confederation of Free Trade Unions (ICFTU).

79. The table below indicates the national and international employers' and workers' organizations which sent observations and the countries involved.

#### 2006 Annual Review: Observations by employers' and workers' organizations under the principle of freedom of association and the effective recognition of the right to collective bargaining\*

Countries	Observations by national employers' organizations	Observations by national workers' organizations	Observations by the ICFTU
Afghanistan		Afghanistan Workers' Association (AWA)	X
Armenia	Union Manufacturers and Businessmen of Armenia (UMBA)	Confederation of Trade Unions of Armenia (CTUA)	X
Bahrain		General Federation of Bahrain Trade Unions (GFBTU)	X
Brazil			X

<sup>1</sup> The information in sections 1, 2, 3 and 4 of Part II.A is a summary of statements contained in government reports, country baselines and comments submitted to the Office by national and international employers' and workers' organizations for the 2006 Annual Review. In Part I of this Introduction, 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.

Countries	Observations by national employers' organizations	Observations by national workers' organizations	Observations by the ICFTU
China			X
El Salvador			X
India			X
Iraq	Iraq Federation of Industries (IFI)	Iraq Federation of Trade Unions (IFTU)	X
Islamic Republic of Iran			X
Jordan	Jordan's Chamber of Industry (JCI)	General Confederation of Trade Unions (GCTU)	X
Kenya	Federation of Kenya Employers (FKE)	Central Organization of Trade Unions (COTU-KENYA)	X
Republic of Korea			X
Kuwait		General Federation of Trade Unions of Kuwait (GFTUK)	
Lao, People's Democratic Republic	Chambre du Commerce et de l'Industrie (CCIL)		
Lebanon			X
Malaysia			X
Mexico			X
Morocco			X
Nepal			
New Zealand	Business New Zealand (BNZ)	New Zealand Council of Trade Unions (NZCTU)	
Oman		Omani Workers' Committee (OWC)	
Qatar		Qatar Petroleum Workers' Committee (QPWC)	
Samoa		Samoa Public Service Association (PSA) Polynesian Airlines Staff Association (PASA) Yazaki Employees' Association (YEA)	
Saudi Arabia		Aramco Workers' Committee (AWC) Saudi Telecom Workers' Committee (STWC)	
Singapore	Singapore National Employers Federation (SNEF)	National Trade Union Congress (NTUC)	
Solomon Islands	Solomon Islands Indigenous Business Association (SIIBA) Solomon Islands Chamber of Commerce and Industry (SICCI) Solomon Islands Women in Business Association (SIWIB) Association of Solomon Islands Manufacturers (ASIM) Solomon Islands Chinese Association (SICA) Solomon Islands Forestry Association (SFA)	Solomon Islands Public Employees' Union (SIPEU) Solomon Islands Council of Trade Unions (SICTU) Solomon Islands National Teachers' Association (SINTA) Solomon Islands National Union of Workers (SINUW)	
Sudan		Sudan Workers' Trade Union Federation (SWTUF)	X

Countries	Observations by national employers' organizations	Observations by national workers' organizations	Observations by the ICFTU
Thailand			X
United Arab Emirates		Arab Emirates Coordinating Committee of Professionals (AECCP)	X
United States		American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)	X
Uzbekistan		Council of the Federation of Trade Unions of Uzbekistan	
Vanuatu	Vanuatu Chamber of Commerce and Industry (VCCI)	Vanuatu National Workers' Union (UNWU)	
Viet Nam		Viet Nam General Confederation of Labour (VGCL)	X

\* The International Organisation of Employers (IOE) has provided a general comment on the principle and right.

Source: ILO: Country reports and baselines under the Declaration's 2006 Annual Review.

### (b) Reports mentioning efforts

**80. Ratification and intentions of ratification.** Under this principle and right, the Office has recorded two ratifications concerning the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), by **Mauritius** and **Uganda**.

**81.** The table below displays the countries that have expressed in 2005 their intention to ratify the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and/or the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

#### 2006 Annual Review: Status of ratification intentions for Conventions Nos. 87 and 98

	Ratification intentions expressed in 2005
Convention No. 87	Afghanistan, Armenia, Bahrain, El Salvador, Islamic Republic of Iran, Iraq,* Jordan, Kenya,* Lao People's Democratic Republic, Lebanon,* Samoa, Solomon Islands, Sudan,* Vanuatu and Viet Nam
Convention No. 98	Afghanistan, Bahrain, El Salvador, Islamic Republic of Iran, Kuwait, Lao People's Democratic Republic, Samoa, Solomon Islands and Vanuatu.

\* Iraq, Kenya, Lebanon and Sudan intend to ratify Convention No. 87 after the enactment of new legislation.

Source: ILO: Country reports and baselines under the Declaration's 2006 Annual Review.

**82.** The reports indicate that almost all national employers' and workers' organizations request their governments to ratify Conventions Nos. 87 and 98.

**83. Recognition of this principle and right in the Constitution.** Ten States report that their Constitutions guarantee the principle of freedom of association (**Armenia, Brazil, Jordan, Malaysia, Morocco, Republic of Korea, Samoa, Solomon Islands, Democratic Republic of Timor-Leste** and **Vanuatu**). **Iraq, Kenya** and **Sudan** intend to adopt new Constitutions that recognize the principle and right.

**84.** In **El Salvador**, the Government, in response to the ICFTU's observations, notes that the Supreme Court of Justice mentioned discrepancies between the national Constitution and the Labour Code and the provisions of Conventions Nos. 87 and 98. However, a national constitutional and labour law reform is being undertaken to ensure compliance of the national Constitution and laws with the provisions of Conventions Nos. 87 and 98.

- 85. Recognition of this principle and right in policy, legislation, regulations and/or judicial decisions.** All reporting States recognize the principle and right in their national laws. Several employers' and workers' organizations acknowledge that these laws are in compliance with the principle and right.
- 86. Exercise of this principle and right.** Many countries report that the principle and right 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 services. In some countries, the exercise of freedom of association is restricted to defined age groups: workers above 16 years for the **Solomon Islands** and above 15 years for **Somalia** and the **Democratic Republic of Timor-Leste**.
- 87.** In the **Solomon Islands** and **Somalia**, government authorization is not required to establish an employers' or workers' association, but such authorization is required in **Lebanon, Malaysia, Samoa, Democratic Republic of Timor-Leste** and **Vanuatu**. In **Uzbekistan**, an Act was adopted in 2004 to allow the establishment of a Chamber of Trade and Industry.
- 88.** For the conclusion of collective agreements, government authorization is required in **Malaysia, Solomon Islands** and the **Democratic Republic of Timor-Leste**, but not in **Lebanon, Samoa, Somalia** and **Vanuatu**. The Government of the **Solomon Islands** states that, although there is no explicit reference to the right to collective bargaining in national laws and rules, this right is recognized indirectly under sections 26 and 59 of the Trade Unions Act, and many collective bargaining agreements are currently in force in the country.
- 89.** In **Uzbekistan**, according to the Council of the Federation of Trade Unions of Uzbekistan, trade union rights are provided for under the following laws: (i) the Labour Code; (ii) the Law on trade unions, their rights and guarantees; (iii) the Law on voluntary organizations; (iv) the Law on non-governmental non-commercial organizations; (v) the Law on the protection of labour; and (vi) the Law on employment of people. These rights apply to workers in all sectors (except for the armed forces and internal security forces) and are adequately implemented.
- 90. Introducing legislative changes.** A number of countries have enacted new laws or are undertaking such action. For instance, in **Afghanistan**, following the adoption of the Law on freedom of association in 2004, some 170 associations have been registered, including employers' and workers' organizations and cooperatives. The new Labour Code adopted in 2004 in **Armenia** recognizes the principle and right. In **Bahrain**, the Minister of Labour promulgated Decree No. 9 related to trade union work in 2005. In **Jordan**, section 97 of the Labour Code has been amended to prohibit interference by employers' and workers' organizations in each others' affairs.
- 91.** In the **Republic of Korea**, the Government adopted in 2004 an Act to guarantee public officials the right to organize a trade union and to engage in union activity as from 2006. Moreover, with the revision of the Trade Union and Labour Relations Adjustment Act (TULRAA) in 2001, based on tripartite agreement, multiple unions at the enterprise level will be allowed from 1 January 2007.
- 92.** In **Lebanon**, the Civil Service Council has endorsed the draft amendments to the Labour Code in the light of the provisions of Convention No. 87. In **Qatar**, a new Labour Code recognizes the principle and right. In the **United Arab Emirates**, a Bill of 2004 would provide for the formation of trade unions in the private sector for nationals and migrant workers, under certain conditions.

93. In the **Solomon Island**, the Government is currently initiating a labour law reform with the social partners and the ILO in order to ensure compliance of national laws with Conventions Nos. 87 and 98. In **Vanuatu**, a legal reform is being implemented in order to respect, promote and realize the principle and right.
94. Amendments related to the principle and right are in the process of final approval in **Armenia, Iraq, Kenya and Lebanon**. In **New Zealand**, a number of amendments to the Employment Relations Act, 2000, have been proposed to enhance achievement of key objectives regarding the principle and right. Furthermore, the Government of the **United Arab Emirates** states that a draft law on workers' organizations and other amendments to the Labour Relations Act, 1980, were submitted to the ILO in April 2005 for review, and the Government is currently waiting for ILO comments to move ahead with the law and amendments.
95. **National policies/plans**. In **Nepal**, the Government states that it is in the process of adopting a new labour and employment policy and a National Plan of Action on Decent Work to respect and promote the principle and right. In **Singapore**, in addition to the tripartite National Wage Council, tripartite task forces have been formed outside the Council to tackle employment and social policy issues. In **Viet Nam**, the Viet Nam General Confederation of Labour (VGCL) observes that it has participated in the design of state policies concerning labour laws.
96. **Enforcement and sanction mechanisms**. The examination of government reports shows that many States provide for enforcement and/or sanction mechanisms to ensure the application of national laws. In the **Democratic Republic of Timor-Leste**, legal reform and inspection/monitoring mechanisms are referred to with a view to ensuring compliance with freedom of association and the right to collective bargaining. These mechanisms are envisaged in **Vanuatu**. Legal action before courts is possible in **Samoa, Solomon Islands and Vanuatu** and, in case of violation of the principle and right, penalties, including fines and imprisonment, are provided for in **Samoa, Solomon Islands, Somalia and Vanuatu**. In the **Republic of Korea**, the Government refers to the establishment of compulsory arbitration for essential public services.
97. **Special attention to particular situations**. In the **Republic of Korea**, special laws have been adopted to enable public service trade unions to exercise the right to organize and collective bargaining.
98. **Promotional activities**. These activities have been mostly developed by governments and range from institutionalized policies or programmes to awareness-raising/advocacy activities. These activities have been developed in **Afghanistan, Canada, Lao People's Democratic Republic, New Zealand, Saudi Arabia, Solomon Islands and Sudan**. The **Democratic Republic of Timor-Leste and Vanuatu** are envisaging taking similar action. In **Afghanistan**, the Government has organized several workshops on the principle and right with ILO assistance.
99. The National Chamber of Commerce and Industry of the **Lao People's Democratic Republic** indicates that it has organized awareness-raising activities in order to sensitize its members on national and international labour law.
100. In **Singapore**, the National Trade Union Congress (NTUC) states that it is conducting training courses to improve union leaders' skills to be effective organizers.
101. **Data collection and dissemination**. Few governments make reference to the collection and dissemination of data related to the principle and right. The Government of **Jordan** records such information through labour inspection.

- 102. Tripartite discussions.** Several countries report that they have held tripartite discussions on specific measures to respect, promote and realize the principle and right: **Afghanistan, Brazil, Islamic Republic of Iran, Jordan, Republic of Korea, Lebanon, Morocco, Nepal, New Zealand, Singapore, Sudan, Vanuatu** and **Viet Nam**.
- 103.** The social partners have also been involved in the amendment of legislation in order to carry out legal reform to support the principle and right. In **Iraq**, the revised Labour Code has been drafted with the social partners. In **Kenya**, consultations were held with the social partners as regards this principle and right and its inclusion in the new constitutional and legislative provisions. In **Lebanon**, national laws on the principle and right are being reviewed in consultation with employers' and workers' organizations. In **Morocco**, the Labour Code has been drafted in collaboration with the social partners. The Government of **Viet Nam** reports that national laws are being reviewed in consultation with the social partners.
- 104.** The Central Organization of Trade Unions (COTU-KENYA) states that it has actively participated in the preparation of the Constitutional Draft Bill in **Kenya**. In **Sudan**, the Sudan Workers' Trade Union Federation (SWTUF) mentions that it has been involved in the tripartite committees to revise the 1997 Labour Law and the 1995 Public Service Act.
- 105. New initiatives.** Many countries state that new initiatives have been undertaken to implement the principle and right:
- in **Brazil**, a National Labour Forum has been organized in order to reform the current trade union system;
  - in **Iraq**, the Government reports that it no longer interferes in the activities of employers' and workers' organizations;
  - in **Jordan**, a broad national commission has been set up including the Government and the social partners in order to re-examine the Labour Law;
  - in the **Republic of Korea**, the major change concerning this principle and right is the promulgation in January 2005 of the law guaranteeing the labour rights of public officials, to be effective from early 2006;
  - in **New Zealand**, the Department of Labour held "Roadshows" in 2005 throughout the country in order to present and discuss amendments to the Employment Relations Act, 2000;
  - in **Oman**, 23 committees in 23 companies have been established and the main committee of workers elected by subcommittees has been set up. Moreover, the Government mentions that the Joint Plan of Activities 2004-05, concluded between the Council of Ministers of Labour and Social Affairs of the Gulf Cooperation Council (GCC) States, the GCC Executive Bureau and the ILO, includes the realization of fundamental principles and rights at work as a top priority;
  - in **Saudi Arabia**, the Government is following up the creation of workers' committees in enterprises;
  - the Government of **Singapore** refers to the increased number of trade unions: from about 314,000 in 2000 to about 443,000 in 2004;
  - in **Somalia**, a process is being developed with a view to establishing in the country a new labour administration, new employers' and workers' organizations, new tripartite institutions, new labour courts and new legislation;

- in **Sudan**, constitutional and legislative revisions are considered by the Government as progress;
- in the **Democratic Republic of Timor-Leste**, the Government refers to the establishment of the Office of the Registrar, and the adoption in 2002 of the Labour Code that recognizes and promotes the right to collective bargaining of workers' and employers' organizations;
- in **Uzbekistan**, a new Chamber of Trade and industry has been established;
- in **Viet Nam**, the VGCL is carrying out a five-year programme (2003-08) for the recruitment of 1 million more members.

### (c) *Challenges mentioned*

**106. Contextual and legal challenges.** The table below lists the contextual factors and legal obstacles referred to in government reports and in employers' and workers' organizations' observations.

#### 2006 Annual Review: Contextual and legal challenges in the realization of freedom of association and the effective recognition of the right to collective bargaining in reporting States

Type of difficulty	Governments	Employers' organizations	Workers' organizations
Lack of public awareness and/or support	Solomon Islands, Somalia, Democratic Republic of Timor-Leste, United Arab Emirates, Vanuatu	Solomon Islands: Solomon Islands Women in Business Association (SIWIB), Solomon Islands Forestry Association (SFA), Solomon Islands Chinese Association (SICA)	Solomon Islands: Solomon Islands National Union of Workers (SINUW), Solomon Islands Council of Trade Unions (SICTU) Oman: Main Omani Workers' Committee United Arab Emirates: Arab Emirates Coordinating Committee of Professional Associations (AECCPA)
Lack of information and data	Samoa, Solomon Islands, Somalia, Vanuatu	Solomon Islands: Solomon Islands Indigenous Business Association (SIIBA), Association of Solomon Islands Manufacturers (ASIM), SICA	
Social values, cultural traditions	Samoa, Solomon Islands, Thailand, Democratic Republic of Timor-Leste, Vanuatu		
Social and economic circumstances	Lebanon, Solomon Islands, Somalia, Thailand, Vanuatu		
Political situation	Somalia, Thailand, Vanuatu		
Legal provisions	Brazil, India, Samoa, Solomon Islands, Republic of Korea, Thailand, Democratic Republic of Timor-Leste, Vanuatu	Solomon Islands: SIIBA, Solomon Islands Chamber of Commerce and Industry (SICCI), SIWIB, ASIM, SFA, SICA	Solomon Islands: Solomon Islands Public Employee's Union (SIPEU), Solomon Islands National Teachers' Association (SINTA), SINUW, SICTU
Prevailing employment practices	Thailand, Democratic Republic of Timor-Leste, Vanuatu		

Type of difficulty	Governments	Employers' organizations	Workers' organizations
Lack of capacity of responsible government institutions	Samoa, Solomon Islands, Democratic Republic of Timor-Leste, Somalia, Vanuatu	Kenya: Federation of Kenya Employers (FKE) Solomon Islands: SIIBA, SICCI, ASIM, SFA	Solomon Islands: SIPEU, SINTA, SICTU, SINUW
Lack of capacity of employers' organizations	Samoa, Solomon Islands, Somalia, Thailand, Democratic Republic of Timor-Leste, Vanuatu		Solomon Islands: SIPEU, SINTA
Lack of capacity of workers' organizations	Samoa, Solomon Islands, Somalia, Thailand, Democratic Republic of Timor-Leste, Vanuatu		Kuwait: General Federation of Trade Unions of Kuwait (GFTUK) Solomon Islands: SIPEU, SINTA
Lack of social dialogue on this principle	Solomon Islands, Samoa, Somalia, Democratic Republic of Timor-Leste, Vanuatu	Kenya: FKE Solomon Islands: SFA	

Source: ILO: Country reports and baselines under the Declaration's 2006 Annual Review.

- 107. Ratification of Conventions Nos. 87 and 98.** According to the Government of **India**, workers do enjoy the rights and protection provided for under Conventions Nos. 87 and 98, but ratification of these Conventions would involve granting certain rights to government employees that are prohibited under the statutory rules for government employees. Therefore, it reiterates that it is not possible to ratify these two Conventions.
- 108.** In response to the ICFTU's observations, the Government of **El Salvador** mentions that following a firm commitment and the political will expressed by the President of the Republic to ratify ILO Conventions Nos. 87 and 98, a national constitutional and labour law reform programme has been launched in March 2005 with a view to strengthening social dialogue, in particular with respect to freedom of association and collective bargaining, and to ensure compliance with the provisions of these instruments.
- 109. Restrictions on freedom of association.** According to the Government of the **Democratic Republic of Timor-Leste**, foreign employers are not allowed to organize.
- 110.** According to the Government of the **United States**, the Department of Homeland Security and the Department of Defense (DoD) issued regulations that implement legislation authorizing them to establish new human resources management systems. These decisions have been appealed and no ruling has been made on the pending challenge to the DoD regulations, which are scheduled to take effect on 1 February 2006.
- 111.** In **Bahrain**, according to the General Federation of Bahrain Trade Unions (GFBTU), six trade union organizations have been formed in the public sector, but the Government does not recognize them.
- 112.** In **Jordan**, the General Confederation of Trade Unions (GCTU) mentions that every group of employers of more than 30 members may create their own association, while every group of workers of more than 50 may create their own association.
- 113.** In **Kuwait**, the General Federation of Trade Unions of Kuwait (GFTUK) raised the following difficulties: since the practice of trade unionism is new, the Government and the private sector have some fears on the issue of freedom of association; employers encourage multiple trade unions in order to divide them, and are not willing to negotiate unless these unions adopt a common stand.

114. In the **United States**, the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) observes that decisions by the National Labor Relations Board in 2005 severely curtailed workers' rights of freedom of association and collective bargaining in the private sector, by elevating the managerial and property rights of employers and limiting the range of employees' activities encompassed by the right to freedom of association under the National Labor Relations Act.
115. According to the ICFTU, there are legal restrictions to freedom of association forces at workplaces and an increasing trend towards temporary contracts. In **Bahrain**, even though the 2002 Workers Trade Union Law has introduced the right to join trade unions and established the GFBTU, it does not fully recognize freedom of association because all trade unions have to belong to the GFBTU. In **China**, workers are not free to form or join the trade unions of their choice under section 10 of the Trade Union Law. Furthermore, although the Trade Union Law states clearly that trade union officers at each level should be elected, this is usually ignored and most officials are appointed. In **El Salvador**, trade unions must follow complex procedures, including the requirement to obtain prior authorization from the Government. Furthermore, the Government still refuses to ratify Conventions Nos. 87 and 98, arguing that there are discrepancies between the national Constitution (article 145, in particular) and the provisions of these instruments. In the **Islamic Republic of Iran**, obstacles to the right to organize include the presence of security and intelligence, and employers have refused to recognize unions on the grounds that they were not registered. In **Jordan** and **Lebanon**, persisting government interference in the activities of the national trade union centres is reported, as well as restrictions on the registration of trade unions. In **Malaysia**, the 1959 Trade Unions Act and the 1967 Industrial Relations Act, as well as subsequent amendments, place extensive restrictions on freedom of association and no measures have been taken by the Government to speed up union recognition, despite previous promises. The Director-General of Trade Unions (DGTU) has the power to supervise and inspect trade unions, can refuse to register a trade union without giving any reason for the refusal and, in certain circumstances, can withdraw registration.
116. The ICFTU further observes that in **Singapore** the right to form trade unions is limited in the private sector and the formation of a union is subject to the approval of the Registrar of Trade Unions. Uniformed personnel in the private sector are not allowed to join trade unions, and the Trade Unions Act restricts the right of trade unions to elect their officers and whom they may employ. In **Sudan**, the new Labour Code still denies trade unions freedoms and reinforces government control over trade unions. In **Thailand**, the Government uses a Declaration (NPKC Order No. 54) issued by the last military Government to restrict to a maximum of two the number of trade union advisers, and their registration and mandate renewal is subject to approval by the Ministry of Labour. Moreover, union leaders do not benefit from special protection against dismissal. In the **United States**, the National Labor Relations Act applies only to private sector employees but it nevertheless excludes some categories of workers in this sector from freedom of association, including supervisors and independent contractors. In **Viet Nam**, workers are not free to join and form unions of their choice as any union formed must be approved by the Viet Nam General Confederation of Labour (VGCL) and must affiliate with it, and trade unions are urged to disseminate the Government's policies to workers. Even though workers' committees can be set up in **Oman, Qatar, Saudi Arabia** and the **United Arab Emirates**, trade unions are prohibited, in spite of the adoption in **Qatar** of new legislation in 2004 and the elaboration of a draft Labour Code.
117. The ICFTU also mentions that the law does not adequately protect workers against anti-union discrimination in various countries (**Brazil, El Salvador, India** and the **United States**) or illegal sacking (**El Salvador**), or trade unions may not engage in political activities (**El Salvador**). Moreover, in some countries (**Brazil, El Salvador** and **Lebanon**),

the Government controls or monitors trade union elections. It states that a hostile anti-union climate prevails in **El Salvador, India** and **Sudan**, where the governments define the scope of unions' activity, their structures and alliances, and a heavy state censorship and a general feeling of intimidation amongst workers prevail. In practice, trade union monopoly exists in **Bahrain, China, Jordan, Lao People's Democratic Republic, Sudan** and **Viet Nam** (under the control of the political party) where individual unions are also not free to affiliate with, join, or participate in international labour bodies.

**118.** In response to ICFTU observations, the Government of **El Salvador** points out the following: (i) **El Salvador** has not ratified Conventions Nos. 87 and 98 because of the existing discrepancies between its national Constitution and laws and the provisions of these instruments; (ii) this has been highlighted in a resolution of the Constitutional Section of the Supreme Court of Justice which denied the status of legal entity to the Union of Workers of the Ministry of Education (ATRAMEC) on the basis that this contravenes the Constitution and the Labour Code; (iii) however, in March 2005, the President of the Republic expressed a firm commitment and the political will to ratify ILO Conventions Nos. 87 and 98; (iv) during the same month the programme called "Armonia laboral – Progreso para todos" ("Labour harmony – Progress for all") has been set up to strengthen social dialogue on labour issues, in particular with respect to freedom of association and collective bargaining in the public sector; (v) from this programme a special commission called "National Commission for Labour Modernization" (CONAMOL) was established in April 2005 to analyse possible changes to national laws with the objective to strengthen labour laws in the public sector; (vi) after a series of meetings and consultations in which the social partners participated, the CONAMOL recommended unanimously in October 2005 ratification of Conventions Nos. 87 and 98 and by a majority the adoption of constitutional and labour reforms to enable ratification of these instruments; (vii) moreover, in the document entitled "The labour dimension in Central America and the Dominican Republic" known as the "White Paper", the Government addresses substantively the issue of freedom of association; (viii) in this respect, the Government is committed to revise section 5.211 of the Labour Code to reduce the required number of members to form a union, and section 248 to reduce the required period of six months to request again the registration of a union before the Ministry of Labour in the case that the initial request was rejected for not having fulfilled the legal requirements; (ix) furthermore, the Government has set up a special unit in charge of monitoring the compliance of national laws with the illegal dismissal of union leaders and anti-union practices in access to employment or anti-union discrimination; (x) in addition to these reforms, the Government is committed in the White Paper to undertake an open process of national consultation with the participation of the ILO with a view to clarifying any concern that may arise concerning the administrative procedures for union registration; (xi) the Government has also undertaken the organization of a series of public forums in order to broadcast the circulars recently approved by the Ministry of Labour and Social Security concerning reinstatements and blacklists, so that employers and workers understand the related laws and policies; (xii) the Government also has the political will to make progress and ensure consistency between national laws and fundamental principles and rights at work, especially with respect to freedom of association and collective bargaining, with the firm commitment to protect these fundamental rights.

**119.** In response to the ICFTU's observations, the Government of **Lebanon** states that the relations between the Ministry of Labour's competent units and labour organizations is based on cooperation and coordination but not on containment, pressure or force. The Lebanese Constitution upholds individual freedoms and places them under its protection, as do several sections of the Labour Code (sections 89, 90-94, 97-99, 106) and, in particular, section 83 that provides for the right to form and join a trade union and grants the trade unions' right to appeal to courts. The requirement for prior authorization before the establishment of an employers' or a workers' organization under section 86 of the

Labour Code is meant to publicize the wish of the parties to establish a union. Moreover, the administrative procedures set out for the creation of a union or federation are per se an element of legal protection to defend a union from the control of any authority, the ultimate goal being to establish a balance of power between workers and employers and provide adequate legal protection to workers. In addition, trade unionists do take part in political activities without the Ministry of Labour taking any measures to ban or prohibit them. More than 700 trade unions and 785 confederations exist within a population of barely 4 million individuals. Therefore, the purpose of the legislation on organizing trade unions is to protect freedom of association, and not to restrict it.

120. The Government of **Malaysia** observes that currently the cause of delays in the recognition of a trade union is mainly due to legal proceedings against a decision of the Director-General of Trade Unions (DGTU). The DGTU, in the lawful performance of its duty, decides whether a trade union is competent to represent workers or not; if not, the workers concerned may join or become a member of a competent trade union or, in the absence of such trade union, they can form an establishment-based trade union. The Government has taken steps to amend the 1967 Industrial Relations Act and the 1959 Trade Unions Act to speed up union recognition. These laws lay down procedures regarding the formation and activities of trade unions, but they are also meant to grant union rights, immunities and liabilities as legal entities, and to protect workers' interests, citizens' security and economic development. The right to form or join a trade union is provided for in the Federal Constitution as well as the 1955 Employment Act, the 1959 Trade Unions Act and the 1967 Industrial Relations Act. It is necessary to impose conditions and regulations on the formation and growth of trade unions in order to prevent the multiplication of trade unions within a particular establishment, trade, occupation or industry – this will avoid trade union rivalry and ensure the interests of the country and of the people. Furthermore, workers in the electronics industry are allowed to form or join an establishment-based trade union.
121. The Government of **Saudi Arabia** mentions that several bodies and professional associations have been set up, such as the recently elected Journalists' Association's Council and the Saudi Engineers' Council.
122. The Government of **Singapore** states that trade union leaders in Singapore are democratically elected. The executive committees are empowered by their constitutions with the mandate to negotiate and conclude agreements on behalf of their members, and they are fully accountable to their members for their decisions. If they fail to do so, they can be voted out by their members.
123. The Government of **Viet Nam** states that national legislation (Act No. 102/SL/L004 of 20 May 1957, sections 1 and 2, and Decree No. 88/2003/ND-CP) guarantees the right of workers to organize. Everyone has the freedom to join or leave a legally formed association. No one is allowed to violate the right to organize, or the right of other people to join or leave an association. Anyone who violates these rights will be warned or sued and if found guilty will be imprisoned for a period of from one month to one year. Furthermore, the Union Law stipulates that the authority shall not intervene in the establishment of a union. The communication of the union to the authority and relevant agencies regarding establishment is only for the purpose of building working relations.
124. In response to the ICFTU's observations made under the 2005 Annual Review on the prohibition for trade unions to engage in political activities, the Government of **Lebanon** emphasizes that participation in politics is a right for individuals, but not for legal entities such as trade unions.

- 125. Restrictions on the right to strike.** According to the ICFTU, there are some limitations on the right to strike in **Bahrain** where workers may only proceed with a strike after obtaining the approval of three-quarters of the members of the general assembly of the union through a secret ballot. In **China**, the revised Trade Union Law still does not recognize the right to strike. In **El Salvador**, there are restrictions on the right to strike, including the requirement that 51 per cent of workers, whether or not they are members of a union, must support a strike in an enterprise. In the **Islamic Republic of Iran**, the law allows the right to strike, but workers have to remain at the workplace or operate a go-slow. In **Kenya**, frequent violations of the right to strike occur. In the **Republic of Korea**, the law sets out a long list of “essential services” where the right to strike can be seriously restricted by the imposition of mediation and conciliation procedures. In the **Lao People’s Democratic Republic**, although strikes are not illegal, the right to strike is severely restricted by dissuasive penalties, including imprisonment of up to five years for those who join an organization that encourages protests, demonstrations and other actions that might cause “turmoil or social instability” as provided for in the Penal Code. In **Malaysia**, the right to strike is not expressly recognized, and legislative restrictions make it practically impossible for workers to hold a legal strike. Trade unions are not allowed to go on strike for disputes related to trade union registration or illegal dismissals. General strikes and sympathy strikes are also not permitted. In **Nepal**, the Government may stop a strike or suspend a trade union’s activities if it disturbs the peace or is deemed to affect adversely the economic interests of the nation. In the **United States**, the National Labor Relations Act and judicial decisions place limitations on the ability of workers to engage in “concerted activity”, such as intermittent strikes, secondary boycotts and other forms of action. The law also allows employers to replace striking workers permanently. In **Viet Nam**, there are cumbersome pre-strike procedures to follow, and strikes are prohibited in enterprises considered to be important to the national economy and defence, which covers a total of 54 sectors. Moreover, the right to strike is prohibited in some essential services frequently defined in broader terms than the ILO definition in **Bahrain, Singapore and Thailand**, and the right to strike is restricted in such services in **Malaysia**. In addition, the right to strike is legally restricted in **Brazil, El Salvador, India** (in some states), **Qatar** (in 2004) and **Thailand**, and strikes are banned in **Saudi Arabia and Sudan**.
- 126.** The ICFTU also observes that in **Morocco** a draft law would severely restrict the right to strike. The Moroccan Confederation of Labour (*Union Marocaine du Travail – UMT*) called for a revision of this text, since some of its provisions make it impossible to exercise the right to strike. Moreover, employers have the right under the new Labour Code to seek criminal prosecution against strikers that hold a sit-in, damage property or carry out active picketing. The Government can also break up demonstrations held without government authorization in public areas, and can prevent factory occupations.
- 127.** The following governments provided responses to the ICFTU’s observations.
- 128.** The Government of the **Republic of Korea** points out that the “Roadmap” for industrial reform, which deals with matters concerning the expansion of basic labour rights, proposes to abolish the concept of essential public services and compulsory arbitration of disputes while imposing the obligation of maintaining minimum services in public services in the event of a strike. After collecting opinions from experts in industrial relations, the Government plans to design measures based on the “Roadmap” to guarantee both the right to strike and the protection of the public interest.
- 129.** The Government of **Malaysia** states that a trade union is not denied its right to strike as long as the procedures are observed, including the requirement of a two-thirds majority and a clear motion on the acts to be carried out during the strike so as to obtain majority support from union members before industrial action is taken. These procedures aim at

ensuring that democracy prevails within a trade union. Strikes and lockouts are only prohibited when the dispute leading to the strike or lockout has been referred to the Industrial Court and the parties so informed. In addition, the Industrial Relations Act deals adequately with disputes relating to illegal dismissals. Furthermore, the imposition of certain notice requirements before strikes or lockouts are carried out in essential services is necessary to enable contingency actions to be taken. Essential services have been identified in the Schedule to the 1967 Industrial Relations Act and are considered essential as the public and national interests are at stake should disruption and chaos occur in the services concerned on account of strikes or lockouts.

- 130.** The Government of **Morocco** states that article 14 of the national Constitution guarantees the right to strike to workers in both the private and public sectors. Strikes with a sit-in are tolerated so long as they are peaceful and do not threaten the work equipment, freedom to work and the free movement of goods. In case of an occupation of the premises combined with violence, the employers may refer the matter to the penal judge to clear the premises.
- 131.** The Government of **Saudi Arabia** states that the cases of work suspension due to protest over wage increase are limited in number, and the Ministry of Labour is monitoring these cases with a view to resolving them and bringing justice to the injured party.
- 132.** The Government of **Viet Nam** states that the right to strike of workers is respected and guaranteed by law (sections 7 and 173-179 of the Labour Code, and the Ordinance of 1996 on labour dispute settlement). All workers have the right to strike and the law “prohibits any action against the people who take part in or lead a strike” (section 178 of the Labour Code). Furthermore, as in other countries, Vietnamese laws restrict the right to strike in industries that are essential to the national economy and security, safety and health of the people. The National Assembly is planning to consider an amendment to the Labour Code on the right to strike so as to make it more suitable to reality and enable lawful strikes.
- 133. Restrictions on the right to collective bargaining.** According to the ICFTU, restrictions to collective bargaining rights exist in various countries. In **Bahrain**, the existing law does not specifically provide for collective bargaining. However, the amended trade union law submitted to Parliament for discussion in 2004 contains a complete text on collective bargaining and collective labour contracts. In the **Islamic Republic of Iran**, all collective agreements have to be submitted to the Ministry of Labour for review and approval. In the **Republic of Korea**, the existence of management-controlled union schemes known as “paper unions” undermine workers’ rights to collective bargaining. In **Mexico**, legitimate trade union activity has been hampered by agreements negotiated between managers and unions that support them. In **Myanmar**, there is no legal framework to protect collective bargaining. In **Oman**, the right to collective bargaining is not recognized under the 2004 labour law. The implementation of joint labour-management committees, which should act as communication forums in enterprises with more than 50 employees, is uneven. Collective bargaining is still prohibited in **Qatar** and **Saudi Arabia**, and it is not recognized in the **United Arab Emirates**. In **Sudan**, the right to collective bargaining is almost non-existent. In **Thailand**, only employees who represent at least 15 per cent of the workforce or trade unions, the membership of which represents at least 20 per cent of the workforce, may negotiate working conditions. In order to put forward collective bargaining demands, the union has the obligation to take a vote during its annual meeting. In the **United States**, the National Labor Relations Act applies only to private sector employees and excludes some categories of workers from the right to collective bargaining, including supervisors and independent contractors.
- 134.** In response to the ICFTU’s observations, the Government of **Mexico** states that the current labour law reform may affect the right to collective bargaining. It further mentions that, within the social dialogue between employers and workers, the Government acts as

facilitator and monitors respect for constitutional or legal rights; however, the parties engaged in a collective bargaining process are the ones who decide on the outcome of such negotiation.

- 135. Legislation.** The following States acknowledge difficulties in carrying out legal reforms to promote the principle and right: **Samoa, Solomon Islands** and the **Democratic Republic of Timor-Leste**.
- 136.** According to the ICFTU, many countries encounter difficulties in carrying out legal reforms to promote the principle and right. For example, in **Bahrain**, an amendment to the Trade Union Act that recognizes the right to collective bargaining and allows government employees to organize has been submitted to Parliament. However, the law still contains restrictions on the right to strike and on freedom of association. In the **Islamic Republic of Iran**, an amendment to the Labour Code in 2003 allows workers to form and join so-called trade unions, without prior government authorization, provided that registration regulations are observed. However, trade union registrations are subject to formal approval by the Ministry of Labour. In **Lebanon**, draft amendments to the Labour Code to strengthen collective bargaining did not come into force in 2004. In **Morocco**, in many private companies and even within the public sector, labour law is often ignored. Some of the worst offenders are multinational companies, who act with the authorities' connivance. Furthermore, trade unions are not entirely satisfied with the new Labour Code (2003). Indeed, they complain that it institutionalizes job insecurity and makes it easier for companies to hire temporary staff. In **Nepal**, although the right to form and join trade unions is recognized in the Constitution and labour legislation (e.g. the 1992 Labour Law and the 1993 Trade Union Act), the Government has not yet implemented all the provisions of these laws. In **Thailand**, the legal division between the private sector (covered by the 1975 Labour Relations Act) and the public sector (covered by the 2000 State Enterprise Labour Relations Act) allows restrictions on freedom of association when a state-owned company passes to the private sector, since the Government can cancel a trade union's registration.
- 137.** In response to the ICFTU's observations made under the previous Annual Review, the Government of **India** indicates there is no discriminatory provision against union members under the 1926 Trade Unions Act. In response to the observation that the amendment of the 1947 Industrial Disputes Act would make it easier for companies to lay off workers, no amendment of this kind under the Act has been implemented. The Government further states that a proposal for the amendment of the Act is under consideration in association with the social partners.
- 138. Contextual factors.** In **Iraq**, the Government reports that the political and security situation of the country makes it difficult to realize the principle and right. The Iraq Federation of Industries (IFI) wishes to be involved in the decisions taken by the Government as regards economic and social issues.
- 139.** According to the ICFTU, the labour courts in **Thailand** are too weak to ensure an adequate enforcement of national labour standards. Although the members of the bipartite Welfare Committee are protected from dismissal under the 1998 Labour Protection Act, reinstatement for unfair dismissals in such cases is subject to a very lengthy process. In the **United States**, remedies for intimidation and coercion against unionists, such as the illegal dismissal of workers who seek to form unions and bargain collectively, are both limited and ineffective. For example, it takes an average of 557 days for the National Labour Relations Board to resolve a case. Employers who violate labour laws are rarely punished, or if they are, the penalties are too weak to deter them from doing it again.

140. In response to the ICFTU's observations made under the previous Annual Review, the Government of **Lebanon** points out that prior government authorization for the establishment of a union is required because of the anarchy that prevails in the world of unions. The situation of unions is still confused in the country because of the political, religious and economic situation. This system is not a barrier to the establishment of trade unions given that 167 employers' organizations, 381 trade unions and 66 trade union federations operate in the country. Nonetheless, the issue of authorization will be formally discussed with the ILO.
141. In **Saudi Arabia**, the Aramco Workers' Committee (AWC) and the Saudi Telecom Workers' Committee (STWC) observe the slowness of enterprises in establishing workers' committees.
142. In response to these observations, the Government of **Saudi Arabia** mentions the need to promote workers' committees and has requested the organization of a regional seminar on social dialogue and the role of workers' committees. It points out that the Ministry of Labour has set up a working group to tour the main cities to raise awareness about the importance of workers' committees which would enjoy complete independence. A total of 13 workers' committees have been established so far and seven more are in the process of formation.
143. **Workers in the public service.** The Government of **India** mentions that government employees in India are treated as a separate category of workers: they enjoy a high degree of job security and benefit from negotiation machinery for the redress of their grievances. However, the unionization of government employees is not possible as the trade union system is highly politicized. Moreover, these workers are not allowed to strike, nor to openly criticize government policies, to freely accept financial contributions or to freely join foreign organizations. According to the Government of **Lebanon**, section 12 of Legislative Decree No. 112 and its amendments prohibit civil servants from joining organizations. But the draft Labour Code contains provisions allowing civil servants in the public administration to join unions, except for judges and the military and security forces. The Government of **Singapore** reports that workers in the public sector do not have the right to form or join trade unions. According to the General Federation of Bahrain Trade Unions (GFBTU), the same applies in **Bahrain**.
144. In a late response to the ICFTU's observations under the 2005 Annual Review, the Government of **Lebanon** mentions that, in the public sector, there is an association for graduates of the National Institute for Administration to protect their rights, and associations for teachers in the public sector at all levels of education.
145. According to the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), the Government of the **United States** continues to erode the rights to freedom of association and collective bargaining of thousands of workers in the public sector. The regulations promulgated by the Department of Homeland Security under the 2002 Homeland Security Act severely violate the right to collective bargaining provided in the said Act, by establishing a new human resources management system for approximately 170,000 federal workers in the Department of Homeland Security. Under these regulations, the Secretary of Homeland Security retains numerous avenues by which she/he can unilaterally declare contract terms null and void without prior notice to the unions or employees and without bargaining and recourse. Moreover, collective bargaining rights of state workers have been restricted in some states such as in Indiana or in Missouri through, respectively, Executive Orders Nos. 05-14 and 05-01 which rescinded previous orders granting collective bargaining rights for more than 25,000 state workers in each state.

146. The ICFTU notes that the right to freedom of association of civil servants is denied in several countries such as **Brazil**, **El Salvador** (with few exceptions), **Lebanon** (for government employees) and **Oman** where the Labour Law does not cover them. In **India**, the possibilities for exercising freedom of association for public employees are very limited since the amended Trade Union Act, 2002, stipulates that a union has to represent a minimum of 100 workers or 10 per cent of the workforce, whereas this minimum number was seven workers previously. Moreover, some states do not recognize trade union rights. The Supreme Court declared in 2003 that government employees, including lawyers, do not enjoy the right to strike. There are major restrictions on the right to collective bargaining for public employees. In **Iraq**, many employers have referred to old laws to threaten workers seeking to take strike action in public enterprises. In **Malaysia**, general unions are prohibited and employees working for the defence sector, police force or prisons do not have the right to form or join trade unions. In **Morocco**, in the public sector, labour law is often ignored and magistrates are completely barred from carrying out trade union activities. In **Nepal**, public officials are not permitted to form or join a union. In **Thailand**, civil servants are denied the right to form trade unions and the right to strike. Employees of state enterprises regained the right to form trade unions and bargain collectively with the entry into force of the amended State Enterprise Labour Relations Act (2000). Furthermore, civil servants do not enjoy the right to strike in the **Islamic Republic of Iran**, **Qatar**, **United Arab Emirates** and **Viet Nam**.
147. The ICFTU further observes that in the **United States**, the National Labor Relations Act excludes many categories of employees from its scope, thereby excluding employees in the federal, state or public sector from the right to freedom of association and collective bargaining, including severe restrictions on the right to strike which is generally prohibited at state level. In addition, the 1978 Federal Labor Relations Act proscribes collective bargaining over hours, wages and economic benefits for employees of the federal Government, and imposes extensive management rights that further limit the scope of collective bargaining. In 13 states, collective bargaining rights only exist for certain public employees, whereas 14 states do not allow collective bargaining at all. Approximately 40 per cent of all workers in the public sector are denied basic collective bargaining rights.
148. In response to the ICFTU's observations made under the previous Annual Review, the Government of **India** mentions that workers' freedom of association is regulated by the 1926 Trade Union Act, which does not make any distinction between civil servants and other workers. Public servants do not have any restrictions on their rights to organize and collective bargaining under the Industrial Disputes Act. Furthermore, the amendment of the 1926 Trade Union Act in 2002 was aimed at reducing multiple trade unions and promoting an orderly growth of trade unions and internal democracy among them. Concerning the legislation in Tamil Nadu State, the Government reports that the aim of the Tamil Nadu Essential Service Maintenance Act (ESMA) is to ensure that essential services such as those relating to the water supply, electricity, fire-fighting and public health, etc., are provided without any interruption. The Government also mentions that the public servants who were suspended after their participation in strikes have been reinstated.
149. In response to the ICFTU's observations, the Government of **Malaysia** states that it does not impose a ban on the formation of confederations; and trade unions are allowed to form or join a federation of trade unions under the 1959 Trade Unions Act, such as the Malaysian Trade Unions Congress (MTUC).
150. **Domestic workers.** According to the ICFTU, in **Lebanon**, the Labour Code does not apply to domestic workers and day workers. In **Nepal**, women domestic workers are denied freedom of association. Labour laws do not apply to domestic servants in **Oman**, and in the **United Arab Emirates** these workers encounter difficulties in negotiating contracts and are very vulnerable in the event of a dispute with their employer. In the

**United States**, the National Labor Relations Act excludes domestic workers from freedom of association and collective bargaining. In **Qatar**, domestic workers were not allowed to strike in 2004. In **Saudi Arabia**, the Minister of Labour announced that the draft Labour Law would also cover domestic workers.

- 151. Agricultural workers.** In **India**, the ICFTU emphasizes that there is almost no union representation, and it is difficult to enforce legislation in the agricultural sector. The Labour Code does not apply to some categories of agricultural workers in **Jordan**, **Lebanon** and the **United Arab Emirates** where they encounter several difficulties in negotiating contracts and are very vulnerable in the event of a dispute with their employer. In **Morocco**, agricultural workers enjoy fewer rights than others. In the **United States**, the National Labor Relations Act excludes agricultural workers from freedom of association and collective bargaining.
- 152. Workers in export processing zones (EPZs).** In **Brazil**, the ICFTU mentions the weakness of the enforcement of the Labour Law in these zones although it applies equally in EPZs. In **El Salvador**, anti-union policies have been established in the *maquilas* (assembly plants), whereby any attempt to organize is repressed, and workers are subject to dismissal if they join or attempt to create a union. In **India**, there are restrictions on the establishment of trade unions in EPZs and some states have even dissuaded labour departments from carrying out inspections in these zones. In the **Islamic Republic of Iran**, the Labour Law does not apply in EPZs. In **Kenya**, workers in EPZs are allowed to join trade unions under severe restrictions. In the **United Arab Emirates**, although the EPZs are supposed to comply with the labour law, these zones are not regulated by the Ministry of Labour. Consequently, each zone has its own labour department to deal with workers' issues. In **Viet Nam**, although the same labour laws apply to both EPZs and the rest of the country, employers in these zones tend to ignore workers' rights, but workers are too afraid of losing their jobs to protest in spite of poor working and living conditions. In practice, labour offices in EPZs do not deal with labour disputes and little is done to ensure workers' legal protection in the event of a conflict.
- 153. Workers in the informal economy.** According to the Government of **Malaysia**, workers in the informal economy cannot exercise the right.
- 154.** The ICFTU observes that union representation is almost non-existent among workers in the informal economy in **India** where it is difficult to enforce legislation. In **Nepal**, almost 90 per cent of the workforce is engaged in the informal economy, where few workers are unionized.
- 155. Migrant workers.** The General Confederation of Trade Unions (GCTU) and the ICFTU in **Jordan** raised several challenges among which it evokes the lack of possibility for non-Jordanian workers to join trade unions.
- 156.** In response to the GCTU's observations, the Government of **Jordan** indicates that, under national legislation, non-Jordanian workers are not entitled to join trade unions, but nothing prevents them from exercising their right to collective bargaining and the right to strike.
- 157.** According to the ICFTU, in **Lebanon**, Palestinian refugees are not allowed to form trade unions. In **Malaysia**, the Minister of Human Resources has stated that migrant workers do not enjoy the right to join trade unions, despite the fact that the law only prohibits them from becoming union officials. In **Qatar**, migrant workers, who make up three-quarters of the workforce, do not enjoy trade union rights. In **Singapore**, foreigners may not hold union office or become employees of unions. In **Thailand**, although legally registered migrant workers have the same rights as nationals, the provisions of the Memorandum of

Understanding on labour between **Myanmar** and **Thailand** are used to impede migrant workers' freedom of association. In the **United Arab Emirates**, migrant workers, who account for about 85 per cent of the workforce, risk expulsion if they try to organize trade unions or take strike action. In the **United States**, the National Labor Relations Act, anti-discrimination laws, and wage and hour standards apply to employees, regardless of their immigration status. However, the Federal Supreme Court ruled in 2002 that undocumented workers are not entitled to back pay as a remedy for reinstatement. These restrictions have made it difficult to enforce trade union rights on behalf of the millions of undocumented workers in the country.

- 158.** In response to the ICFTU's observations, the Government of **Lebanon** states that the Minister of Labour adopted Decree No. 67 on 7 June 2005, which allows Palestinian refugees to exercise all professions and activities allowed to Lebanese citizens.
- 159.** The Government of **Malaysia** mentions that, according to the 1959 Trade Unions Act, migrant workers may join a trade union as union members; the only condition is that they cannot be elected as trade union officials.
- 160.** The Government of **Singapore** indicates that restrictions apply only to foreigners whose stay is transient in nature and whose interests may not be in line with those of Singaporean workers.
- 161. Building capacities to challenge legal, economic and social factors.** In the **Solomon Islands**, most of the social partners refer to the lack of adequate labour laws and the need to strengthen labour administration to monitor and enforce legislation concerning the principle and right.
- 162.** In response to these comments, the Government hopes that the forthcoming establishment of the Labour Advisory Board will help improve the realization of the principle and right in the country and to bring together the Government and employers' and workers' organizations in better promoting and realizing the principle and right, namely through the implementation of a Declaration Programme.
- 163. Requests for technical cooperation.** With a view to meeting these challenges and facilitating the realization of the principle, **Afghanistan, Armenia, El Salvador, Islamic Republic of Iran, Iraq, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Qatar, Samoa, Solomon Islands, Somalia, Sudan, Democratic Republic of Timor-Leste, Vanuatu** and **Viet Nam** have requested ILO technical cooperation to assist them in realizing the principle and right. (For further information, refer to Part II.D of this part of the report.)

**(d) Reports indicating no change**

- 164.** Only a few governments state that there has been no major change since their last report: **China, India, Morocco** and **Myanmar**.

**2. Elimination of all forms of forced or compulsory labour**

**(a) Reporting**

- 165.** All 19 countries have submitted a report under the principle of the elimination of all forms of forced or compulsory labour (a 100 per cent reporting rate), which is an increase of

17 per cent compared to the 2005 Annual Review figures on this principle and right (cf. table 1).

**166.** For the first time, reports were received from **Samoa, Solomon Islands, Democratic Republic of Timor-Leste** and **Vanuatu**.

**167.** At the national level, ten employers' organizations and 14 workers' organizations from nine States formulated observations on their governments' reports, or completed report forms.

**168.** At the international level, one general observation was received from the International Organisation of Employers (IOE). The International Confederation of Free Trade Unions (ICFTU) sent comments regarding the realization of the principle and right in two countries.

**169.** The table below indicates the national and international employers' and workers' organizations which sent observations and the countries involved.

**2006 Annual Review: Observations by employers' and workers' organizations under the principle of the elimination of all forms of forced or compulsory labour\***

	Observations by national employers' organizations	Observations by national workers' organizations	Observations by the ICFTU
Afghanistan		Afghanistan Workers' Association (AWA)	
Japan		Japanese Trade Union Confederation (JTUC-RENGO)	X
Lao People's Democratic Republic	Chambre du Commerce et de l'Industrie du Lao (CCIL)	Fédération Syndicale du Lao (FSL)	
Madagascar		Confédération des Travailleurs Malgaches (CTM) Confédération Chrétienne des Syndicats Malgaches (SEKRIMA)	
Qatar		Qatar Petroleum Workers' Committee (QPWC)	X
Samoa	Samoa Chamber of Commerce and Industry (CCI) Samoa Association of Manufacturers and Exporters (SAME)	Samoa Public Service Association (PSA) Polynesian Airlines Staff Association (PASA) Yazaki Employees' Association (YEA)	
Solomon Islands	Association of Solomon Islands Manufacturers (ASIM) Solomon Islands Forestry Association (SFA) Solomon Islands Chinese Association (SICA) Solomon Islands Chamber of Commerce and Industry (SICCI) Solomon Islands Indigenous Business Association (SIIBA) Solomon Islands Women in Business Association (SIWIB)	Solomon Islands Council of Trade Unions (SICTU) Solomon Islands National Union of Workers (SINUW) Solomon Islands National Teachers' Association (SINTA) Solomon Islands Public Employees' Union (SIPEU)	
Vanuatu	Vanuatu Chamber of Commerce and Industry (VCCI)	Vanuatu National Workers' Union (VNWU)	
Viet Nam		Viet Nam General Confederation of Labour (VGCL)	

\*The International Organisation of Employers (IOE) has provided a general comment under this principle and right.

Source: ILO: Country reports and baselines under the Declaration's 2006 Annual Review.

**(b) Reports mentioning efforts**

**170. Ratification and ratification intentions.** The table below shows the number of ratifications and the ratification intentions expressed by governments for the year 2005 concerning the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105).

**2006 Annual Review: Status of ratifications and ratification intentions for Conventions Nos. 29 and 105**

	Ratifications in 2005	Ratification intentions
Convention No. 29	Bolivia Mongolia Philippines Sao Tome and Principe	Afghanistan Republic of Korea Latvia Samoa Vanuatu Viet Nam
Convention No. 105	Mongolia Oman Sao Tome and Principe	Republic of Korea Lao People's Democratic Republic Madagascar Qatar Samoa Solomon Islands Vanuatu Viet Nam (after ratification of Convention No. 29)

Source: ILO: Country reports and baselines under the Declaration's 2006 Annual Review.

**171.** The Government of **Japan** again mentions that a study needs to be carried out to examine compliance of national laws and regulations with the provisions of Convention No. 105.

**172.** The Government of **Singapore** mentions that it will continue to review the remaining non-ratified core Conventions with the view to ratification if it is able to comply with their requirements.

**173. Recognition of the principle and right in the Constitution.** The principle of the elimination of all forms of forced or compulsory labour is recognized in all reporting countries. For example, according to the governments of **Afghanistan, Canada, Lao People's Democratic Republic, Samoa, Solomon Islands, Democratic Republic of Timor-Leste** and **Vanuatu**, the principle applies to all categories of persons and activities. In **Afghanistan**, forced or compulsory labour is prohibited in article 41 of the 2004 Constitution. In **Samoa**, article 8 of the Constitution provides that no person shall be required to perform forced or compulsory labour. In the **Solomon Islands**, article 6 of the national Constitution specifies that no person shall be held in slavery or servitude and that no person shall be required to perform forced labour.

**174. Recognition of this principle and right in policy, legislation, regulations and/or judicial decisions.** In **Afghanistan**, forced or compulsory labour is prohibited in section 11 of the Labour Code. In **Madagascar**, section 4 of Law No. 2003-044 (2004) on the Labour Code provides that forced or compulsory labour is prohibited. In **Vanuatu**, section 7(1) of the Employment Act (CAP 160), 1983, provides that "[n]o person shall exact, procure, or employ forced or compulsory labour". In **Viet Nam**, national laws and regulations prohibit all forms of forced or compulsory labour.

**175. Definition of forced or compulsory labour.** This definition is provided for by legislation and/or judicial decisions in all reporting countries except **Samoa**. In **Afghanistan**, article 41 of the Constitution defines forced labour as a situation in which anyone is

compelled to work without his/her consent or under a threat. In **Madagascar**, section 4 of the Labour Code defines forced labour as all work or service which is extracted from an individual under a threat and which was not offered voluntarily. The **Solomon Islands** report that forced or compulsory labour is defined in article 6.3 of the Constitution. In the **Democratic Republic of Timor-Leste**, according to section 2 of Regulation No. 2002/5 on the establishment of the Labour Code for East Timor, forced labour means “all work or service that is extracted from any person under the threat or penalty and is not offered voluntarily (...)”. In **Vanuatu**, section 7(2) of the Employment Act (CAP 160), 1983, defines forced labour as all work or service which is exacted from any person under the threat of any penalty and for which that person has not offered himself voluntarily.

- 176. Introducing new legal instruments.** According to government reports, in **Canada**, the Minister of Justice introduced Bill C-49, an Act to amend the Criminal Code (trafficking in persons), which, along with existing related offences in the Criminal Code and the Immigration and Refugee Protection Act, would create a more comprehensive legislative framework to combat trafficking in persons. In **Madagascar**, the 2004 Labour Code takes into account the ILO Conventions on forced or compulsory labour. In the **Democratic Republic of Timor-Leste**, the 2002 Labour Code prohibits forced or compulsory labour. In **Viet Nam**, regulations against the different forms of forced labour have been issued in consultation with the social partners.
- 177.** In **Viet Nam**, the Viet Nam General Confederation of Labour (VGCL) reports that it has actively participated with the Government and concerned bodies in the elaboration of regulations against forced or compulsory labour.
- 178.** The Government of **Nepal** states that it is in the process of adopting a new labour and employment policy and a National Plan of Action on Decent Work that have been elaborated in consultation with social partners and other stakeholders. The Government of **Singapore** will review the legal framework and design better enforcement procedures in consultation with employers and unions. The governments of the **Solomon Islands** and **Vanuatu** are initiating a labour law reform in association with the social partners and the ILO to ensure compliance of national laws with the principle and right. **Japan** refers to the provisions in various laws that may have a relation to the provisions of Convention No. 105 and to the possibility the laws will be revised.
- 179. Preventive, enforcement and sanction mechanisms.** The Government of the **Democratic Republic of Timor-Leste** indicates that it is in the process of developing an instrument and mechanism to allow it to find cases where the principle has not been respected. According to government reports, inspection/monitoring mechanisms are being implemented in **Japan** and the **Democratic Republic of Timor-Leste**. Such measures are envisaged in the **Solomon Islands** and **Vanuatu**. Penal, civil and/or administrative sanctions have been implemented in the case of forced or compulsory labour in **Canada**, **Republic of Korea**, **Solomon Islands** and **Vanuatu**. For example, **Canada** reiterates that penal sanctions have been implemented under the Criminal Code against individuals involved in forced labour activities. The Immigration and Refugee Protection Act also provides for penal sanctions ranging from fines of up to 1 million Canadian dollars to life imprisonment for the offence of trafficking in persons. In the **Republic of Korea**, penal sanctions are provided for under section 110 of the Labour Standards Act. In the **Solomon Islands**, articles 17 and 18 of the Constitution provide that any person whose fundamental rights have been violated may apply to the High Court for redress and shall be entitled to compensation. In **Vanuatu**, section 78 of the Employment Act sanctions any person who contravenes or fails to comply with the provisions regarding forced or compulsory labour, with a penalty of VT100,000 (about US\$1,000 as of 15 September 2005) and imprisonment for a term not exceeding three years. Penal sanctions are also envisaged in the **Solomon Islands** and the **Democratic Republic of Timor-Leste**.

- 180. Special attention to particular groups and human trafficking.** According to the Government of the **Democratic Republic of Timor-Leste**, special attention is given to the situation of women and children. A session during an ILO-conducted awareness-raising training programme was dedicated to women's issues, and the Labour Code (section 11.1-4) provides protection to child workers against forced labour. The Government of **Viet Nam** has been instructing ministries, relevant agencies and local authorities to work jointly with social organizations to prevent and combat proactively cross-border trafficking in women and children. Trafficking in persons is a criminal offence under national law and shall be prosecuted in accordance with penal legislation. **Japan** reiterates that an enforcement section responsible for the identification, emancipation and/or rehabilitation of persons subject to forced labour has been established. The **Democratic Republic of Timor-Leste** reports that the Immigration Police and the Department of Labour are responsible for the identification, emancipation and/or rehabilitation of victims of forced labour. Rehabilitation following removal from forced labour is envisaged in the **Solomon Islands** and the **Democratic Republic of Timor-Leste**.
- 181.** With regard to human trafficking, the federal Government of **Canada** reports that in May 2005 the Minister of Justice introduced new amendments to the Criminal Code that would create three new indictable offences to strengthen the Government's response against trafficking in persons. It reiterates that the Interdepartmental Working Group on Trafficking in Persons coordinates federal efforts to combat human trafficking and is in the process of developing a federal strategy. **China** states that a field study on trafficking and forced labour was carried out in one province. In **Viet Nam**, law enforcement agencies have tightened their control to combat human trafficking and have collaborated actively with mass organizations to disseminate information and raise public awareness. At the same time, official efforts at poverty reduction and employment programmes are designed to prevent women and children from becoming victims of trafficking.
- 182. Promotional activities.** The Government of **Canada** indicates that it has organized a training seminar on international human trafficking designed for law enforcement officials, victim services programmes, non-governmental organizations, government officials and academics. The Royal Canadian Mounted Police also released a guidebook for law enforcement officials. In **China**, a national seminar and a provincial seminar on trafficking and forced labour have been held. The **Lao People's Democratic Republic** reports that it has organized, in cooperation with the ILO, several national training seminars on fundamental Conventions including Conventions Nos. 29 and 105. In the same vein, awareness-raising measures have similarly been reported in the **Democratic Republic of Timor-Leste** and **Vanuatu**. **Singapore** plans to step up public education, through tripartite efforts, to raise awareness about employers' and workers' rights and obligations. Awareness-raising activities are also envisaged in the **Solomon Islands**.
- 183.** According to the International Organisation of Employers (IOE), employers have been actively involved in promoting and supporting the principle and right, in particular on the occasion of the debate on the ILO Global Report on forced or compulsory labour during the 2005 session of the International Labour Conference. The IOE, along with the Employers' spokesperson for this debate, used this opportunity to engage its members in a dialogue regarding the continued importance of the employers' support for the elimination of forced and compulsory labour.
- 184. Data collection and dissemination.** Some governments mention the availability of government statistics and other information relevant to the elimination of all forms of forced or compulsory labour. In **Japan**, no violation of section 5 of the Labour Standards Law (prohibition of forced labour) was reported during periodic inspections between 1999 and 2004; eight cases relevant to this provision were sent to the Prosecutor's Office during

that period. In the **Republic of Korea**, according to the statistics on violations of labour and labour-related laws collected from 2003 to August 2005, there was no case of a judicial decision referring to the violation of section 6 (prohibition of forced labour) of the Labour Standards Act. **Malaysia** reports that the number of cases of abuse reported to the Labour Department has decreased. The **Democratic Republic of Timor-Leste** indicates that it collects data on the labour force in the country. The **Solomon Islands** and **Vanuatu** are planning to collect relevant statistics and other information.

**185. Broad national policy.** According to government reports, a national policy to fight against forced or compulsory labour is envisaged in the **Solomon Islands, Democratic Republic of Timor-Leste** and **Vanuatu**.

**186. New initiatives.** Some governments report new initiatives to promote and realize the principle and right. In **Afghanistan**, a national tripartite seminar on international labour standards was organized in May 2005 with ILO technical assistance. The Government of **Canada** is supporting action by women's organizations working with sex trade workers and live-in caregivers, on the issue of trafficking in women. A new partnership was also concluded with **Mexico** and the **United States** which commits them to work together to combat human trafficking. **China** indicates that a study on Chinese legislation concerning trafficking, illegal migration and forced labour was conducted in cooperation with the ILO. A study tour on trafficking was also undertaken to **Australia** and **Japan**, and field studies to projects were carried out in two Chinese provinces. **Madagascar** mentions the adoption of a new Labour Code in 2004 and a national plan of action to combat this scourge, in consultation with social partners. In **Viet Nam**, the survey on the extent of forced labour in the country is being developed for the second consecutive year in cooperation with the ILO, so as to harmonize national laws with the provisions of Conventions Nos. 29 and 105 with a view to their ratification.

### (c) *Challenges mentioned*

**187. Contextual and legal challenges.** The table below shows the general challenges mentioned by reporting governments and employers' and workers' organizations that have provided first reports or observations.

#### 2006 Annual Review: Contextual and legal challenges in the realization of the elimination of all forms of forced or compulsory labour in reporting States

Type of difficulty	Governments	Employers' organizations	Workers' organizations
Legal obstacles	Samoa, Solomon Islands, Democratic Republic of Timor-Leste, Vanuatu	Samoa: Samoa Chamber of Commerce and Industry (CCI), Samoa Association of Manufacturers and Exporters (SAME)  Solomon Islands: Association of Solomon Islands Manufacturers (ASIM), Solomon Islands Forestry Association (SFA), Solomon Islands Chinese Association (SICA), Solomon Islands Chamber of Commerce and Industry (SICCI), Solomon Islands Indigenous Business Association (SIIBA), Solomon Islands Women in Business Association (SIWIB)  Vanuatu: Vanuatu Chamber of Commerce and Industry (VCCI)	Samoa: Polynesian Airlines Staff Association (PASA), Yazaki Employees' Association (YEA)  Vanuatu: Vanuatu National Workers' Union (VNWU)

Type of difficulty	Governments	Employers' organizations	Workers' organizations
Lack of public awareness and support	Solomon Islands, Vanuatu	Samoa: CCI, YEA Solomon Islands: SFA, SICA, SICCI, SIWIB Vanuatu: VCCI	Solomon Islands: Solomon Islands Council of Trade Unions (SICTU), Solomon Islands National Union of Workers (SINUW), Solomon Islands National Teachers' Association (SINTA), Solomon Islands Public Employees' Union (SIPEU)
Lack of information and data	Solomon Islands, Democratic Republic of Timor-Leste, Vanuatu	Solomon Islands: ASIM, SICA, SICCI, SIIBA	
Social values and cultural traditions (forced labour due to debt bondage and to trafficking)	Solomon Islands, Democratic Republic of Timor-Leste	Samoa: CCI; PASA, SAME, YEA	
Social and economic circumstances (forced labour due to debt bondage and to trafficking)	Democratic Republic of Timor-Leste (for debt bondage)	Samoa, SAME	
Political situation (forced labour due to debt bondage and to trafficking)	Solomon Islands		
Lack of capacity of government institutions	Solomon Islands, Democratic Republic of Timor-Leste, Vanuatu	Samoa: CCI, SAME Solomon Islands: ASIM, SIIBA	Solomon Islands: SICTU, SINUW Vanuatu: VNWU
Lack of capacity of employers' organizations	Solomon Islands, Democratic Republic of Timor-Leste, Vanuatu	Solomon Islands: SIWIB	Solomon Islands: SICTU
Lack of capacity of workers' organizations	Solomon Islands, Democratic Republic of Timor-Leste, Vanuatu		Solomon Islands: SICTU
Lack of social dialogue	Solomon Islands, Democratic Republic of Timor-Leste, Vanuatu	Solomon Islands: SFA	

Source: ILO: Country reports and baselines under the Declaration's 2006 Annual Review.

**188. Ratification of Convention No. 105.** According to the Government of **Japan**, further study is still needed on the issue of compliance of national laws and regulations with the provisions of Convention No. 105.

**189.** In this respect, the Japanese Trade Union Confederation (JTUC-RENGO) observes that, despite the Government's commitment, there have been no consultations between the Government and trade unions since May 2005 to address reforms in the public service, in

particular with respect to sanctions for participation in strikes. Reforms of the public service system have completely stalled since then.

190. In response to these observations, the Government of **Japan** indicates that, during the meeting held in May 2005 between representatives of JTUC-RENGO, the Prime Minister and other ministers, it acknowledged the necessity of holding meetings with JTUC-RENGO on the civil service reform.
191. According to the International Confederation of Free Trade Unions (ICFTU), in **Japan** the National Public Service Law and the Local Public Service Law are not in line with Convention No. 105 as they provide for penal servitude as a punishment for participation in strikes.
192. In response to these observations, the Government of **Japan** mentions that, under the National Public Service Law and the Local Public Service Law, penal sanctions, including penalty of imprisonment, may be imposed upon individuals who conspire, instigate or incite other public employees to strike or make such an attempt, and upon the main authors of such illegal act. These provisions do not refer to forced labour as a punishment for having participated in a strike.
193. **Building capacities to challenge legal and contextual factors.** In the **Solomon Islands**, most of the social partners refer to the lack of adequate labour laws and the need to strengthen labour administration to monitor and enforce legislation concerning the principle and right.
194. In response to these comments, the Government hopes that the forthcoming establishment of the Labour Advisory Board will help improve the realization of the principle and right in the country and to bring together the Government and employers' and workers' organizations in better promoting and realizing the principle and right. It hoped that improvements would be achieved through: (i) the revision of labour laws in the light of the provisions of Convention No. 105; (ii) capacity building of employers' and workers' organizations; (iii) the strengthening of the new Labour Advisory Board; and (iv) public awareness raising on forced labour issues.
195. In **Vanuatu**, in response to the Vanuatu National Workers' Union (VNWU)'s observations concerning the lack of inspection on forced labour issues, the Government states that it is in the process of creating a new inspectorate unit, with labour inspectors, which should contribute to assessing the situation of forced labour in the country.
196. **Trafficking in persons.** The Government of **Canada** acknowledges that, although forced or compulsory labour appears to be rare in the country, there have been reported instances where the country has been used as a transit and destination point for the trafficking of persons, most often for destinations in the **United States**. Reported cases in **Canada** usually involve women who have been trafficked for the purpose of sexual exploitation.
197. In the **Solomon Islands**, the Association of Solomon Islands Manufacturers (ASIM) observes some forms of trafficking in persons for the purpose of prostitution. It therefore requests the implementation of an ILO/IPEC Programme and a Declaration Programme to assist the country in fighting against poverty and in realizing the fundamental principles and rights at work. According to the Government, the involvement of girls under 15 years old in prostitution is rooted in poverty.
198. The Government of **Viet Nam** reports that the majority of victims of trafficking come from poor, rural areas, with low public awareness and insufficient credible information, and therefore the victims are vulnerable to enticement and deception.

- 199. Community service obligations.** According to the Samoa Association of Manufacturers and Exporters (SAME) and the Polynesian Airlines Staff Association (PASA), although the principle and right is recognized in the Constitution in **Samoa**, community service obligations, with social obligations such as compulsory participation in building churches, are close to forced labour. They are often arbitrary, with no specific guidelines given by the Government.
- 200. Other forms of forced labour practices.** The Solomon Islands Forestry Association (SFA) and the Solomon Islands National Teachers' Association (SINTA) report cases of forced child labour in the plantation sector, mostly within families.
- 201.** In **Vanuatu**, the Vanuatu National Workers' Union (VNWU) mentions the possibility of practices of forced labour among some Chinese communities.
- 202. Requests for technical cooperation.** In view of meeting the above challenges, **Afghanistan, Lao People's Democratic Republic, Madagascar, Nepal** (new laws anticipate support and cooperation from the ILO), **Samoa, Solomon Islands, Democratic Republic of Timor-Leste, Vanuatu** and **Viet Nam** have requested ILO technical cooperation to assist them in realizing the principle and right (for further information, refer to Part II.D of this report).
- 203.** Moreover, in **Afghanistan**, the Afghanistan Workers' Association (AWA) mentions the need for technical cooperation. In the **Solomon Islands**, all the employers' and workers' organizations mention the need for capacity building of government institutions and/or social partners. The Qatar Petroleum Workers' Committee (QPWC) indicates that technical cooperation on the principle and right and other fundamental principles and rights at work will be needed as soon as workers' committees are generalized in **Qatar**. Similarly, in **Vanuatu**, a workers' organization (VNWU) mentions the need for capacity building of workers' organizations.

**(d) Reports indicating no change**

- 204.** The governments of **Myanmar** and the **United States** report no change in relation to their previous reports.

**3. Effective abolition of child labour**

**(a) Reporting**

- 205.** Thirty-eight out of 41 States have submitted a report under the principle of the effective abolition of child labour (a 93 per cent reporting rate), which is an increase of 7 per cent compared to the 2005 Annual Review figures on this principle and right (cf. table 1).
- 206.** Five countries sent their reports for the first time, namely **Samoa, Solomon Islands, Somalia, Democratic Republic of Timor-Leste** and **Vanuatu**.
- 207.** The governments of **Guinea-Bissau, Saint Lucia** and **Turkmenistan** failed to comply with their reporting obligations under the 2006 Annual Review.
- 208.** At the national level, 30 employers' organizations and 43 national workers' organizations from 23 States formulated observations under this principle and right.

**209.** At the international level, one general observation was received from the International Organisation of Employers (IOE). The International Confederation of Free Trade Unions (ICFTU) sent comments on the realization of the principle and right in one country.

**210.** The table below indicates the names of the national employers' and workers' organizations that sent observations and the countries involved.

**2006 Annual Review: Observations by employers' and workers' organizations under the principle of the effective abolition of child labour**

Countries	Observations by national employers' organizations	Observations by national workers' organizations
Afghanistan		Afghanistan Workers' Association (AWA)
Armenia	Union Manufacturers and Businessmen of Armenia (UMBA)	Confederation of Trade Unions of Armenia (CTUA)
Bangladesh	Bangladesh Employers' Federation (BEF)	
Cape Verde	Association Commerciale Industrielle et Agricole de Barlavento (ACIAB) Association Commerciale de Sotavento (ACS)	Union Nationale des Travailleurs Capverdiens – Centrale Syndicale (UNTC-CS) Confédération Capverdienne des Syndicats Libres (CCSL)
Cuba		Central de Trabajadores de Cuba (CTC)
Eritrea	Employers' Federation of Eritrea (EFE)	National Confederation of Eritrean Workers (NCEW)
Estonia	Confederation of Estonian Employers (CEE)	
Gabon	Confédération Patronale Gabonaise (CPG)	Confédération Démocratique des Syndicats Autonomes (CDSA) Confédération Gabonaise des Syndicats Libres (CGSL)
Ghana	Ghana Employers' Association (GEA)	Ghana Trade Union Congress (GTUC)
Haiti	Association des Industries d'Haiti (ADIH) Chambre de Commerce et d'Industrie Haïtienne Américaine (HAMCHAM)	Coordination Syndicale Haïtienne (CSH) Groupe d'Initiatives des Enseignants de Lycée (GIEL) Mouvement Syndical Haïtien (MSH) Confédération des Travailleurs Haïtiens (CTH) Secteur Syndical Haïtien (SSH) Organisation Générale Indépendante des Travailleurs Haïtiens (OGITH)
Kiribati	Kiribati Chamber of Commerce (KCC)	Kiribati Trade Union Congress (KTUC) Botakin Karikirakean Aroi Taan Murakuri (BKATM) Bank of Kiribati Union (BOKU) Betio Ports and Stevedoring Union (BPSU) Housing Workers' Union (HWU) Kiribati Islands Overseas Seafarers' Union (KIOSU) Kiribati Nursing Association (KNA) Kiribati National Union of Teachers (KNUT) Kiribati Overseas Fishermen Union (KOFU) Nanotasi Garment Union (NGU) Postal Services Union (PSU)
Liberia		United Seamen Ports and General Workers' Union of Liberia/the Liberia Federation of Labour Unions (USPOGUL/LFLU)
Mexico		Confederación de Cámaras Industriales (CONCAMIN)
New Zealand	Business New Zealand (BNZ)	New Zealand Council of Trade Unions (NZCTU)
Pakistan		All Pakistan Federation of Trade Unions (APFTU)

Countries	Observations by national employers' organizations	Observations by national workers' organizations
Qatar		Qatar Petroleum Workers' Committee (QPWC)
Saint Vincent and the Grenadines	Saint Vincent Employers' Federation (SVEF)	National Labour Congress (NLC)
Samoa	Samoa Chamber of Commerce and Industry (CCI) Samoa Association of Manufacturers and Exporters (SAME)	Samoa Public Service Association (PSA) Yazaki Employees' Association (YEA) Polynesian Airlines Staff Association (PASA)
Sierra Leone	Sierra Leone Employers' Federation (SLEF)	Sierra Leone Labour Congress (SLLC)
Solomon Islands	Association of Solomon Islands Manufacturers (ASIM) Solomon Forestry Association (SFA) Solomon Islands Chamber of Commerce and Industry (SICCI) Solomon Islands Indigenous Business Association (SIIBA) Solomon Islands Women in Business Association (SIWIB) Solomon Islands Chinese Association (SICA)	Solomon Islands Council of Trade Unions (SICTU) Solomon Islands National Union of Workers (SINUW) Solomon Islands National Teachers' Association (SINTA) Solomon Islands Public Employees Union (SIPEU)
Uzbekistan		Council of Federations of Trade Unions of Uzbekistan (CFTUU)
Vanuatu	Vanuatu Chamber of Commerce and Industry (VCCI)	Vanuatu National Workers' Union (VNWU)

Source: ILO: Country reports and baselines under the Declaration's 2006 Annual Review.

## (b) Reports mentioning efforts

**211. Ratification and ratification intentions.** The table below shows the ratifications and the ratification intentions expressed by governments for the year 2005 concerning the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182).

### 2006 Annual Review: Status of ratifications and ratification intentions for Conventions Nos. 138 and 182

	Ratifications in 2005	Ratification intentions in 2005
Convention No. 138	Chad Djibouti Lao People's Democratic Republic Oman Saint Kitts and Nevis Sao Tome and Principe Singapore	Afghanistan Armenia Cape Verde Estonia Gabon Haiti India Islamic Republic of Iran Kiribati Latvia Liberia Pakistan Samoa Sierra Leone Solomon Islands Suriname Vanuatu Uzbekistan

	Ratifications in 2005	Ratification intentions in 2005
Convention No. 182	Colombia Djibouti Israel Lao People's Democratic Republic Sao Tome and Principe Tajikistan Bolivarian Republic of Venezuela	Afghanistan Armenia Cambodia Eritrea Haiti India Kiribati Latvia Samoa Sierra Leone Solomon Islands Suriname Vanuatu Uzbekistan

Source: ILO: Country reports and baselines under the Declaration's 2006 Annual Review.

- 212. Australia** reports that the law and practice in all Australian jurisdictions except one now complies with Convention No. 182. Compliance legislation is expected to be passed in that jurisdiction later this year. The Australian Government also stated that, as previously advised, Australian law and practice meets the objectives of Convention No. 138. This is achieved through state and territory laws, which require children aged up to 15 years (16 in Tasmania) to attend school; and laws providing for minimum ages for employment in selected occupations, child welfare and occupational health and safety.
- 213.** The Government of **Cambodia** reports that its National Assembly authorized the ratification of Convention No. 182 in August 2005, but the official instrument has not yet been received by the Office. The Government of Liberia states that Convention No. 138 is before the plenary of Parliament for final approval for ratification.
- 214.** The Government of **India** states that the matter of ratification of Convention No. 182 is being taken seriously at government level and will be considered once the national laws are in conformity with the requirements of the said Convention. As far as Convention No. 138 is concerned the Government states that its ratification will be considered after enactment of central legislation for fixing the minimum age for admission to employment.
- 215.** The Government of **New Zealand** reiterates that it is still in the process of assessing whether or not it can ratify Convention No. 138.
- 216.** The Ministry of Labour and Social Security of **Uzbekistan** with the support of the Council of the Federation of Trade Unions of Uzbekistan (CFTUU) presented a proposal to the Oliy Majlis in May 2005 on the need to ratify Conventions Nos. 138 and 182. The Oliy Majlis will examine the question of ratification of the abovementioned ILO Conventions in accordance with the work plan for the period 2005-09. A Bill on ratification will be introduced in the Committee for International Affairs and Inter-parliamentary Relations of the Oliy Majlis of the Republic of Uzbekistan.
- 217. Recognition of this principle and right in the Constitution.** According to several governments, national constitutions provide protection for children. In **Armenia**, the 1995 Constitution guarantees the rights of children as defined by the Convention on the Rights of the Child, which has been ratified. In **Bahrain**, article 5 of the Constitution recognizes the principle of the effective abolition of child labour. The 1999 Constitution of **Cape Verde** protects children against exploitation at work and prohibits work for children, while they are required to attend school, that is, between 6 and 14 years.

- 218.** Article 6 of the 1986 Constitution of **Liberia** puts emphasis on mass education and the elimination of illiteracy, including equal access to educational opportunities and facilities. The Constitution (86th) Amendment Act, 2002, of **India** makes education for children in the age group of 6 to 14 years a fundamental right. In **Somalia**, this principle and right is recognized in the Constitution under the 2004 Somali Transitional Federal Charter (articles 18.4 and 24.2).
- 219. Recognition of this principle and right in policy, legislation and regulations.** In **Ghana**, the law authorizes labour inspectors or the security forces to act jointly or separately to take actions against those who make use of child labour. In **Samoa**, the relevant legislation regarding this principle and right is as follows: the Education Ordinance Act, 1959; the Compulsory Education Act, 1994; and the Employment and Labour Act. The ICFTU observes that in **Sierra Leone**, although the minimum age for employment is 18 years, children between the ages of 12 and 18 are allowed to work in non-hazardous employment with parental consent. However, the law is not enforced adequately and child labour is widespread, in particular in family businesses and petty vending in urban areas and in family farms in rural areas. Foreign employers employ some children as domestic servants overseas. Some street children are employed as street vendors or beggars.
- 220.** In the **Solomon Islands**, the relevant legislation regarding this principle and right is found in the Labour Act (CAP 73), 1960 (as revised in 1998); sections 46-63 provide for minimum ages for admission to employment ranging from 12 (with exceptions) to 18 depending on the type of the work.
- 221.** In **Somalia**, the relevant legislation regarding this principle and right is found in national legislation under section 90 of the Labour Code, Act No. 65 of 1972. In **Vanuatu**, the relevant legislation regarding this principle and right is the Employment Act (CAP 160), 1983; sections 39-44 provide for the minimum age for admission to employment ranging from 12 (with exceptions) to 18 depending on the type of work performed.
- 222. Minimum age legislation for admission to employment or work.** In **India**, article 24 of the Constitution prohibits employment of children below the age of 14 years in factories, mines and other hazardous employment. Article 39 of the Constitution directs that children should be given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity, and that childhood and youth be protected against exploitation and against moral and material abandonment. These articles have been complemented by article 45 which states that the State should endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they reach the age of 14 years. However, the Government states that, despite these constitutional provisions, **India** could not achieve much progress towards the eradication of child labour and to achieve compulsory education for all the children.
- 223.** In **Australia**, as regards minimum ages for employment, the Child Employment Bill relates only to the jurisdiction of Victoria where it gained assent as the Child Employment Act, 2003. In **Afghanistan**, the 1987 Labour Code provides for a minimum age of 14 years for admission to employment or work for both boys and girls. The Government of the **Islamic Republic of Iran** reports that allowing those aged below 15 years to work is prohibited based on article 79 of the national Labour Code. In **Liberia** the Labour Code prohibits child labour subject to criminal penalties, and provides for a general minimum age for admission to employment and work of 16 years. **Samoa, Solomon Islands, Somalia** and the **Democratic Republic of Timor-Leste** have reported the general minimum age for admission to employment or work is 15 years for both boys and girls.

- 224.** The Government of **Singapore** has proposed to amend the Employment Act to raise the minimum permissible age for work in non-hazardous industrial undertakings from 14 to 15 years. The minimum permissible age for exceptional cases in light work for children is also to be raised from 12 to 13 years. These legislative changes, if passed in Parliament, will further ensure that the rights and interests of children and young persons will be protected, in line with Convention No. 138.
- 225.** However, in **New Zealand** and **Vanuatu**, there is no general minimum age for admission to employment or work.
- 226.** The table below shows the types of work that are covered in the legislation of the countries which have reported for the first time.

Home work	Samoa, Solomon Islands, Somalia and the Democratic Republic of Timor-Leste
Domestic service	Samoa, Solomon Islands, Somalia and the Democratic Republic of Timor-Leste
Self employed work	Samoa, Solomon Islands, Somalia and the Democratic Republic of Timor-Leste
Commercial agriculture	Samoa, Solomon Islands, Somalia and the Democratic Republic of Timor-Leste
Export processing zones	Samoa, Solomon Islands and the Democratic Republic of Timor-Leste
Family-owned or operated enterprise	Samoa and the Democratic Republic of Timor-Leste
Family and small-scale agriculture	Samoa, Somalia and the Democratic Republic of Timor-Leste
Light work	Somalia and the Democratic Republic of Timor-Leste

Source: ILO: Country reports and baselines under the Declaration's 2006 Annual Review.

- 227. Compulsory schooling.** According to the reporting States, a compulsory schooling system has been established in **Armenia, Australia, Bahrain, Canada, Cape Verde, Kiribati, Samoa** and **Somalia**. The lowest age for the end of compulsory education, i.e. 12 years, is registered in Bahrain.
- 228.** The ICFTU observes that in **Sierra Leone** education is compulsory through primary school; however, school enrolment is low and there is a lack of schools, which were destroyed during the civil war, as well as a lack of teachers. Net primary school attendance for girls was 39 per cent in the period 1996-2003, whereas this percentage was 43 per cent for boys. Gross secondary school enrolment was 31 per cent for boys and 22 per cent for girls over the period 1998-2002. The female literacy rate was 51 per cent in 2000 (UNICEF).
- 229.** The governments of the **Solomon Islands, Democratic Republic of Timor-Leste** and **Vanuatu** report that there is no compulsory education in their respective countries.
- 230. Hazardous work.** The Government of **Australia** reports that the minimum age for engaging in hazardous work is 18 years. In **Somalia**, hazardous work is defined in the legislation and the minimum age for engaging in that type of work is 18 years. Furthermore, section 94 of the Labour Code provides for the elimination of any of the worst forms of child labour, referring to work on a vessel and underground work where the minimum age is 18.
- 231.** Hazardous work is defined in legislation in the **Democratic Republic of Timor-Leste** and the minimum age for engaging in this type of work is 15 years.

232. The Government of **Singapore** states that a Workplace Safety and Health Act governing occupational safety and health will be introduced in January 2006. Appropriate provisions governing hazardous work under that Act will be introduced to ensure that persons under the age of 18 will be fully protected.
233. In **Samoa** and the **Solomon Islands**, although hazardous work is not defined in legislation the minimum age for engaging in such work is 18 years.
234. **Laws/regulations to eliminate the worst forms of child labour.** The Government of **Canada** has introduced a Bill to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act to enhance child pornography prohibitions by broadening the definition; increasing maximum penalties; and providing a new, clearer and narrower two-part, harms-based “legitimate purpose” defence for child pornography. It further provides for increased protection against sexual exploitation of youth (between 14 and 18 years of age). It also increases penalties for offences involving abuse, neglect and sexual exploitation of children to better reflect the serious nature of such conduct. It facilitates testimony by children and other vulnerable victims/witnesses under the age of 18 by the use of testimonial aids and other measures unless it would interfere with the proper administration of justice; and allows children under 14 to give evidence if they are able to understand and respond to questions, without the need for a competency hearing; and it creates new voyeurism offences to protect against the surreptitious viewing or recording of persons in specific circumstances that give rise to a reasonable expectation of privacy.
235. **Worst forms of child labour.** The Government of **Kiribati** reports that prostitution exists in the country. **Somalia** reports that there is forced recruitment for armed conflict in the country. In the **Solomon Islands** the Government states that it is not known whether debt bondage, serfdom and other forms of forced or compulsory labour exist but confirms that prostitution, pornography and illicit activities, in particular production and trafficking of drugs, exist amongst girls. The **Democratic Republic of Timor-Leste** reports that it is not known whether prostitution or pornography exist in the country. The Government of **Vanuatu** states that sales and/or trafficking, prostitution, pornography and, for boys only, illicit activities, in particular production and trafficking of drugs, exist in the country.
236. The ICFTU observes that in **Sierra Leone** many children work in diamond mining, in which thousands of children between 7 and 16 years are estimated to work in the minefields of Koidu Town in the Kono district. It further states that, in 2003, the NGO, World Vision, released a report of a survey amongst 1,000 children involved in mining, of whom 90 per cent were boys, in situations close to slave labour. Payments are irregular or in kind. The Child Soldiers Global Report for 2004 estimates the number of child soldiers working in mines at 2,000 to 3,000, some as young as 10 years old, in extremely harsh conditions and employed in virtually all aspects of mining. According to the BBC, children between 7 and 16 years old work ten hours a day, in activities such as digging in soil and gravel, sifting with a pan and shifting heavy mud. Child prostitution and the use of child soldiers were widespread during the conflict. Although many children have been reunited with their families since the conflict, many girls have continued to be kept in slavery for sexual exploitation and many boys in forced labour activities.
237. The governments of **Samoa**, **Solomon Islands** and the **Democratic Republic of Timor-Leste** report that there is no law or regulation prohibiting the worst forms of child labour in their respective countries.
238. **Special attention to particular groups of children including those operating in the informal economy.** **Cape Verde** is the only country that has stated that it gives special attention to particular groups of children, i.e. street children and those from poor families.

**239. Data collection and dissemination.** The ICFTU quotes the 2000 UNICEF statistics in relation to **Sierra Leone** as follows: in the age group 5-14 years, 71.6 per cent of the children were working, either paid or unpaid (more than four hours a day). This rose to 65.6 per cent for the 5-9 age group and 80.1 per cent for the 10-14 age group. Most of the children were engaged in unpaid work. The share of children carrying out household chores for less than four hours a day was 74.2 per cent whereas 9.9 per cent worked more than four hours per day in the household.

**240.** The table below reflects the responses provided by the reporting countries with respect to data collection on child labour.

#### 2006 Annual Review: Data collection and dissemination in reporting States for the first time

Country	Recording of children withdrawn from child labour	Records of number of ex-child labourers pursuing formal or non-formal education	Sanctions applied to users of child labourers
Afghanistan	Yes	No	No
Cape Verde			Yes
Gabon			Yes
Haiti			Yes
India	Yes	Yes	
Samoa	No	No	No
Solomon Islands	No	No	No
Somalia	No	No	No
Vanuatu	No	No	No

Source: ILO: Country reports and baselines under the Declaration's 2006 Annual Review.

**241.** The table below reflects the responses provided by reporting countries concerning surveys and census.

#### 2006 Annual Review: National surveys and census in selected reporting States

Country	National surveys on representation by sex, occupation and type of activity	Lowest age of people for whom questions were asked about economic activity	Last census
Cape Verde	Yes	10	2000
India	Yes	5	2001
Samoa	Yes	15	2001
Solomon Islands		14	2004
Vanuatu	Yes	15	1999

Source: ILO: Country reports and baselines under the Declaration's 2006 Annual Review.

**242.** According to the Government of **Cape Verde** the last survey was carried out in 2000 and it showed that there were 7,500 children between the ages of 10 and 17 years out of a population of 432,000 who were in employment. The Government of **Gabon** states that it now has some data regarding child labour for the capital, Libreville. The Government of **Haiti** indicates that there are some 250,000 children performing the worst forms of child labour. The Government of **India** reports that according to a 2001 census, the estimated number of working children was 12.66 million. In **Samoa**, a labour market survey of private sector employers was conducted in 2000 by the Department of Labour and the

UNDP, while a *Statistical Digest* was prepared in 2002 by the Samoa Department of Education. The **Solomon Islands** reports that, in 2004, it made a situation analysis and surveys so as to eliminate the worst forms of child labour. The Government of **Vanuatu** states that, as part of the Pacific Children's Programme funded by the Government of **Australia**, several surveys on children, including child labour and its worst forms, have been carried out. However, the governments of **Somalia** and the **Democratic Republic of Timor-Leste** report that no surveys have been carried out in their countries.

- 243. National and international policies/plans.** The Government of **Armenia** states that a National Plan of Action for Children (2004-10) was adopted in 2004 and covers possible concerns regarding the realization of the rights of the child.
- 244.** The Government of **Canada** states that the Department of Foreign Affairs and International Trade (DFAIT) continues to publish the brochure *Bon voyage, but ...* warning travellers about the existence of extraterritorial legislation that allows for the Canadian prosecution of nationals believed to have engaged in sexual exploitation of children outside **Canada**. The brochure is now available on their web site. In June 2005, a Canadian was sentenced to ten years in prison for crimes involving children committed while he was visiting **Cambodia**. This is the first conviction obtained under **Canada's** child sex tourism legislation. In 2004, the Government continued to support the ILO's International Programme for the Elimination of Child Labour (IPEC), contributing Can\$3 million to child labour projects in the **Americas** and in **Africa**. In 2005, an additional contribution of Can\$500,000 supported the continuation of projects in **Costa Rica, Chile, Central America, Dominican Republic** and the **Caribbean region**.
- 245.** The Government of **Cape Verde** reports that the Institute of Cape Verde Minors (ICM) and the Cape Verde Institute of Social Security have jointly set up sensitization campaigns to fight against child labour.
- 246.** The Government of **Ghana** reports that a White Paper explaining its policy on early child development (ECD), education, school feeding and fee paying has been published. It has now taken over fee payment and school feeding for at least one daily meal. In this respect, the ECD is now part of the regular basic school system to protect children and ensure that they receive quality education. The GEA and the GTUC mention that they are carrying out surveys on child labour in palm oil and rubber plantations and in the cocoa industry, respectively.
- 247.** In the framework of its national policy on the principle and right, the Government of **Haiti** reports that it has taken a number of measures to combat child labour, including the following: (i) enactment of a law against corporal punishment in 2001; (ii) enactment of a law against all forms of abuse, violence and inhuman behaviour in 2003; (iii) abrogation of the chapter relating to "Children in employment" in the Labour Code; (iv) the organization of a conference on the eradication of juvenile domestic labour; (v) the celebration of National Children's Day; (vi) establishment of a hotline; (vii) participation in conferences on the follow-up of the objectives in the World Summit for the Elimination of Child Labour; (viii) intersectional consultation for the implementation of the Convention on the Rights of the Child; (ix) consultation with national and international agencies on the issue of street children; (x) setting up of a specific space in the National Fort for the benefit of minor detainees; (xi) setting up of a dedicated section in the Documentation Centre on Children's Rights; and (xii) participation in the National Plan for Children's Protection.
- 248.** The Government of **New Zealand** reports that it continues to carry out a work programme designed to improve knowledge of existing protection for children at work. As part of this programme, the Government has generated promotional material specifically for young employees to learn about their employment rights and obligations. These materials, known

as “wallet cards”, and pamphlets have been distributed by employees of New Zealand’s Department of Labour at various career exhibitions throughout the country. These exhibitions are attended by young people curious about their future career options after leaving school. The Department of Labour found that the materials were well received by the young people in attendance.

- 249.** In **Sierra Leone**, a series of activities on child labour has been organized between the Ministry of Social Welfare and the Ministry of Labour in order to improve the child labour situation in the country.
- 250.** According to the Government of **Uzbekistan**, the measures set out in the National Action Plan to implement the recommendations of the United Nations Committee on the Rights of the Child as well as the ILO/IPEC regional programme for the elimination of the worst forms of child labour includes a labour law reform component.
- 251. Bringing about the effective abolition of child labour: prevention mechanisms, programmes of action, new initiatives and other measures.** The Government of **Afghanistan** reports that, in 2005, 5.5 million children were going to school in the country. Moreover, 12,000 out of 50,000 street children were benefiting from literacy and vocational training programmes. In addition, a national tripartite seminar on international labour standards organized in May 2005 with ILO technical assistance dealt with the Declaration’s principles and rights, including the issue of child labour.
- 252.** In **Armenia**, a law on labour inspection was adopted in March 2005 which provides for special attention to the supervision of working conditions, including child labour and child protection.
- 253.** The Government of **Canada** reports that, in September 2005, following extensive negotiations with the provinces and territories, it ratified the Optional Protocol to the Convention on the Sale of Children, Child Prostitution and Child Pornography.
- 254.** In **Cape Verde**, the Institute of Cape Verde Minors (ICM) addresses street children in particular, and offers possibilities of being reintegrated into society. The Government further reports that a national commission for legal and institutional reform in favour of adolescents has been established. Moreover, in 1999, the National Commission on Human Rights and the ICM set up, in cooperation with UNICEF, a Children’s Parliament which sits once every two years to discuss problems relating to children and formulate recommendations in the form of an action plan for the Government and the Parliament. The Children’s Parliament also follows up on its recommendations with the relevant authorities. Additionally, the month of June is designated in **Cape Verde** as “Children’s month” during which workshops are organized to reflect on problems relating to children and their possible solutions.
- 255.** According to the Government of **India**, national child labour projects (NCLPs) are implemented in 250 districts, with 5,394 special schools rehabilitating 277, 000 children. An amount of Rs.93.158 million (about US\$2.3 million as of December 2005) was spent on various schemes for rehabilitation of victims of child labour in the financial year 2004-05. Over 323,000 children have already been withdrawn and mainstreamed into the formal education system.
- 256.** The Government of **Saint Vincent and Grenadines** hopes to ensure that all children of school age take advantage of the opportunity to achieve both primary and secondary education in its thrust towards education development.

- 257.** The Government of **Samoa** reports that carrying out surveys and the establishment of a child protection information system (CPIS) can be regarded as successful examples of the abolition of child labour.
- 258.** The following statistics are supplied for fiscal year 2004 to update those supplied for fiscal year 2003 by the **United States**: 1,616 cases concluded in which child labour violations were found, and 5,840 minors illegally employed in relation to these violations.
- 259.** The Government of **Uzbekistan** reports that, in cooperation with the ILO, consultations were held between 14 and 19 June 2004 with governmental and non-governmental organizations on the problem of child labour. A seminar took place and a planning document was prepared. On 27-28 June 2005, in Tashkent, a seminar was held under this project with the participation of ILO/IPEC, as well as representatives of UNICEF, the Ministry of Labour and Social Protection of the Population and the social partners in **Uzbekistan**. Furthermore, work is now in progress, in the framework of this project, on an analysis of current legislation on child labour in **Uzbekistan**. Additionally, through the efforts of the “Mehr Tayanchi” children’s centre, an ILO project was implemented on providing social services and vocational and professional training for vulnerable children and street children, representing groups at risk from the worst forms of child labour.
- 260.** The following table shows the measures implemented or envisaged by reporting governments to enforce the effective abolition of child labour.

**2006 Annual Review: Measures to enforce the principle of the effective abolition of child labour in reporting States**

	Measures to enforce minimum age(s) for employment		Measures to eliminate the worst forms of child labour	
	Implemented	Envisaged	Implemented	Envisaged
Legal reform	Armenia, Canada, Cuba, Czech Republic, New Zealand, Solomon Islands	Kiribati, Samoa, Solomon Islands, Somalia, Democratic Republic of Timor-Leste, Vanuatu	Armenia, Canada, Cuba, Czech Republic, Haiti, India, New Zealand, Solomon Islands	Estonia, Samoa, Solomon Islands, Somalia, Democratic Republic of Timor-Leste, Vanuatu
Inspection/monitoring mechanism	Ghana, Kiribati, New Zealand, Saudi Arabia, Solomon Islands	Democratic Republic of Timor-Leste, Vanuatu	Gabon	Haiti, Kiribati, Solomon Islands, Democratic Republic of Timor-Leste, Vanuatu
Penal sanctions	Kiribati		Gabon, Kiribati	
Special institutional machinery	Ghana, New Zealand, Pakistan, Solomon Islands		Cape Verde, Haiti, India, Solomon Islands	
Free compulsory education	Afghanistan, Australia, Bahrain, Canada, Cape Verde, Kiribati, Samoa, Somalia			
Social assistance	Ghana		India	
Child rehabilitation following removal from work	India		Afghanistan, India	
Vocational and skills training for young workers	Afghanistan			

	Measures to enforce minimum age(s) for employment		Measures to eliminate the worst forms of child labour	
	Implemented	Envisaged	Implemented	Envisaged
Awareness-raising/advocacy	Cape Verde, New Zealand, Solomon Islands, Somalia		Cape Verde, India, Solomon Islands	
International cooperation programmes or projects	Afghanistan		India	

Source: ILO: Country reports and baselines under the Declaration's 2006 Annual Review.

### (c) Challenges mentioned

**261. Contextual and legal challenges.** The table below shows the general challenges mentioned by governments and employers' and workers' organizations concerning the principle and right.

#### 2006 Annual Review: Contextual and legal challenges in the realization of the effective abolition of child labour in selected reporting States

Type of difficulty	Governments	Employers' organizations	Workers' organizations
Legal obstacles	Bangladesh, Solomon Islands, Somalia, Democratic Republic of Timor-Leste, Vanuatu	Samoa: Samoa Chamber of Commerce and Industry (CCI), Samoa Association of Manufacturers and Exporters (SAME)  Solomon Islands: Association of Solomon Islands Manufacturers (ASIM), Solomon Islands Forestry Association (SFA), Solomon Islands Chinese Association (SICA), Solomon Islands Chamber of Commerce and Industry (SICCI), Solomon Islands Indigenous Business Association (SIIBA), Solomon Islands Women in Business Association (SIWIB)  Vanuatu: Vanuatu Chamber of Commerce and Industry (VCCI)	Samoa: Polynesian Airlines Staff Association (PASA), Yazaki Employees' Association (YEA)  Vanuatu: Vanuatu National Workers' Union (VNWU)
Lack of public-awareness and support	Cape Verde, Ghana, Solomon Islands, Vanuatu	Samoa: CCI, YEA  Solomon Islands: SFA, SICA, SICCI, SIWIB  Vanuatu: VCCI	Solomon Islands: Solomon Islands Council of Trade Unions (SICTU), Solomon Islands National Union of Workers (SINUW), Solomon Islands National Teachers' Association (SINTA), Solomon Islands Public Employees' Union (SIPEU)
Lack of information and data	Solomon Islands, Democratic Republic of Timor-Leste, Vanuatu	Solomon Islands: ASIM, SICA, SICCI, SIIBA	

Type of difficulty	Governments	Employers' organizations	Workers' organizations
Social values and cultural traditions (forced labour due to debt bondage and to trafficking)	Cape Verde, Democratic Republic of Timor-Leste	Samoa: CCI; PASA, SAME, YEA	
Social and economic circumstances (informal economy, poverty, unemployment, war effects)	Bangladesh, Cape Verde, Samoa, Sierra Leone, Solomon Islands, Somalia, Democratic Republic of Timor-Leste	Samoa: SAME	
Political situation	Haiti, Somalia		
Lack of capacity of government institutions	Haiti, Solomon Islands, Somalia, Democratic Republic of Timor-Leste, Vanuatu	Samoa: CCI, SAME Solomon Islands: ASIM, SIIBA	Solomon Islands: SICTU, SINUW Vanuatu: VNWU
Lack of capacity of employers' organizations	Solomon Islands, Somalia, Democratic Republic of Timor-Leste, Vanuatu	Solomon Islands: SIWIB	Solomon Islands: SICTU
Lack of capacity of workers' organizations	Solomon Islands, Somalia, Democratic Republic of Timor-Leste, Vanuatu		Solomon Islands: SICTU
Lack of social dialogue	Solomon Islands, Democratic Republic of Timor-Leste, Vanuatu	Solomon Islands: SFA	

Source: Country reports and baselines under the Declaration's 2006 Annual Review.

**262. Ratification of Convention No. 138.** In Cape Verde, the employers' organizations (the Commercial, Industrial and Agriculture Association of Barlavento – ACIAB and the Commercial Association of Sotavento – ACS) and the workers' organizations (the Capeverdean Confederation of Free Trade Unions – CCSL and the National Union of Capeverdean Workers – UNTC-CS) support ratification of Convention No. 138.

**263.** In response to their suggestion, the Government confirms that ratification of this instrument is in process, and was expected before the end of 2005.

**264. Lack of compulsory schooling and/or school attendance.** These issues have been raised by the governments of **Cape Verde, Solomon Islands, Somalia** and **Vanuatu** as a consequence of poverty and lack of free education, but also as a phenomenon that underpins child labour.

**265. Lack of minimum age legislation.** This issue has been raised by the governments of **New Zealand, Solomon Islands, Democratic Republic of Timor-Leste** and **Vanuatu**. For the Government of **Vanuatu** this gap is caused by the non-recognition and misunderstanding of the concept of child labour in the country, and the ILO is assisting the Government in labour law reform. For the Government of **New Zealand**, despite the lack of minimum age legislation, the measures currently in force in the country do contribute to the protection of children in employment.

**266. Child domestic workers and child rural workers.** According to the Capeverdean Confederation of Free Trade Unions (CCSL), there are a few cases of domestic child labour and child rural workers in **Cape Verde**.

267. In response to these observations, the Government of **Cape Verde** confirms that these forms of child labour exist in the country, and the major problem is that the national tradition is that children should be at work to prepare them for adult life. It is therefore important to sensitize parents on the importance of education for children's future. However, education is not free for everyone although there is provision for children from poor families to benefit from free education including meals and school materials; this is achieved through the help of the World Food Programme and UNICEF.
268. **Child prostitution.** This phenomenon is reported in **Kiribati** and the **Solomon Islands**.
269. In **Kiribati**, following the observations made by the employers' (KCC) and workers' (KTUC and its affiliates) organizations, the Government confirms a growing phenomenon of child prostitution involving girls below the age of 18 who go to nightclubs to have a drink with Korean fishermen and end up on board Korean fishing vessels. It reports that some cases of child prostitution have been found. According to a recent survey on child commercial and sexual exploitation in **Kiribati**, carried out in 2005 by the Government in cooperation with UNICEF, some 40 prostitutes called "*korekorea*" (those who "go" with Korean fishermen) exist in the country, amongst whom 20 are under the age of 18. The Government hopes that an IPEC Programme – that is also requested by the KCC and the KTUC – will be implemented in the country in order to fight against child labour and its worst forms, as well as to promote youth employment generation in the country.
270. Growing child prostitution in the **Solomon Islands** has also been reported by the employers' (ASIM, SFA and SIWIB) and workers' (SICTU and SINTA) organizations and confirmed by the Government. According to the Government, the involvement of girls under 15 years of age in prostitution is rooted in poverty. It therefore requests the implementation of an ILO/IPEC Programme and a Declaration Programme to assist the country in fighting against poverty and realizing the fundamental principles and rights at work.
271. **Building capacities to challenge legal and contextual factors.** In the **Solomon Islands**, most of the social partners refer to the lack of adequate labour laws and the need to strengthen labour administration to monitor and enforce legislation concerning the principle and right.
272. In response to these comments, the Government of the **Solomon Islands** hopes that the forthcoming establishment of the Labour Advisory Board will help improve the realization of the principle and right in the country and will bring together the Government and employers' and workers' organizations in better promoting and realizing the principle and right through the implementation of an ILO/IPEC Programme.
273. **Strengthening social dialogue.** In **Vanuatu**, in response to the social partners' comments, the Government states that wide tripartite consultations will be held, with a view inter alia to addressing child labour issues at the workplace and promoting the principle and right. It also requests the implementation of a national ILO/IPEC Programme.
274. **Requests for technical cooperation.** With a view to meeting these challenges and facilitating the realization of the principle, **Afghanistan, Bangladesh, Cambodia, Colombia, Djibouti, Eritrea, Guinea Bissau, Haiti, Islamic Republic of Iran, Lao People's Democratic Republic, Kiribati, Latvia, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sierra Leone, Suriname** and the **Bolivarian Republic of Venezuela** have requested ILO technical cooperation. (For further information, refer to Part II.D of this report.)

**(d) Reports indicating no change**

275. The governments of **Bahrain, Estonia** and **Myanmar** report no change in relation to their previous reports.

**4. Elimination of discrimination in employment and occupation****(a) Reporting**

276. All 21 States required to do so have submitted a report under the principle of the elimination of discrimination in employment and occupation (a 100 per cent reporting rate), which is an increase of 17 per cent compared to the 2005 Annual Review figures on this principle and right (cf. table 1).

277. Five countries sent their first reports for the first time, namely from **Samoa, Solomon Islands, Somalia, Democratic Republic of Timor-Leste** and **Vanuatu**.

278. At the national level, ten employers' organizations and 26 workers' organizations formulated observations under this principle and right.

279. At the international level, one general observation was received from the International Organisation of Employers (IOE). The International Confederation of Free Trade Unions (ICFTU) sent a late observation for the 2005 Annual Review concerning the realization of the principle and right in one country and observations concerning three countries under the same principle and right for the 2006 Annual Review.

280. The table below shows the observations submitted by employers' and workers' organizations at national and international levels.

**2006 Annual Review: Observations by employers' and workers' organizations under the principle of the elimination of discrimination in employment and occupation**

Countries	Observations by national employers' organizations	Observations by national workers' organizations	Observations by international workers' organization
Bahrain		The General Federation of Bahrain Trade Unions (GFBTU)	
Brazil			ICFTU
Japan		JTUC-RENGO	ICFTU
Kiribati	The Kiribati Chamber of Commerce (KCC)	The Kiribati Trade Union Congress (KTUC); the Botakin Karikirakean Aroia Taan Murakuri (BKATM); the Bank of Kiribati Union (BOKU); the Betio Ports and Stevedoring Union (BPSU); the Housing Workers' Union (HWU); the Kiribati Islands Overseas Seafarers' Union (KIOSU); the Kiribati Nursing Association (KNA); the Kiribati National Union of Teachers (KNUT); the Kiribati Overseas Fishermen Union (KOFU); the Nanotasi Garment Union (NGU); and the Postal Services Union (PSU)	

Countries	Observations by national employers' organizations	Observations by national workers' organizations	Observations by international workers' organization
Kuwait		The General Confederation of Trade Unions of Kuwait (GCTUK)	
Lao People's Democratic Republic	Chambre du Commerce et de l'Industrie (CCIL)	Fédération des Syndicats du Lao (FSL)	
Liberia		The Liberia Federation of Labour Union (USPOGUL-LFLU)	
Oman		The Main Omani Workers' Committee	
Qatar		The Qatar Petroleum Workers' Committee (QPWC)	ICFTU
Samoa	The Samoa Chamber of Commerce and Industry (CCI)	The Samoa Public Service Association (PSA); the Polynesian Airlines Staff Association (PASA); and the Yazaki Employees' Association (YEA)	
Solomon Islands	The Solomon Islands Chamber of Commerce (SICCI); the Solomon Islands Chinese Association (SICA), the Solomon Islands Indigenous Business Association (SIIBA); the Solomon Islands Women in Business Association (SIWIB); the Association of Solomon Islands Manufacturers (ASIM), and the Solomon Forest Association (SFA)	The Solomon Islands Council of Trade Unions (SICTU); the Solomon Islands National Teachers' Association (SINTA); the Solomon Islands National Union of Workers (SINUW); and the Solomon Islands Public Employees' Union (SIPEU)	
Singapore		The National Trade Union Congress (NTUC) and affiliates	
Vanuatu	The Vanuatu Chamber of Commerce and Industry (VCCI)	The Vanuatu National Workers' Union (VNWU)	

Source: ILO: Country reports and baselines under the Declaration's 2006 Annual Review.

## (b) Reports mentioning efforts

**281. Ratification and ratification intentions.** Table 2 records the ratifications and ratification intentions by governments for the year 2005 concerning the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

### 2006 Annual Review: Status of ratifications and ratification intentions for Conventions Nos. 100 and 111

Status	Ratification in 2005	Ratification intention expressed in 2005
Convention No. 100	Uganda	Kiribati, Lao People's Democratic Republic, Liberia, Qatar, Samoa, Solomon Islands, Somalia and Vanuatu
Convention No.111	Djibouti, Estonia, Uganda	China, Kiribati, Lao People's Democratic Republic, Samoa, Solomon Islands and Vanuatu

Source: ILO: Country reports and baselines under the Declaration's 2006 Annual Review.

282. The Government of **China** has informed the ILO officially that ratification of Convention No. 111 has been approved by the Standing Committee of the National People's Congress.
283. The Government of **Japan** mentions that further study is necessary to ensure compliance of the provisions of Convention No. 111 with national laws and regulations.
284. **Recognition of the principle and right in the Constitution.** The principle and right of the elimination of discrimination in respect of employment and occupation is recognized in the Constitution, legislation and/or judicial decisions in all reporting countries.
- The Government of **Japan** reiterates that its Constitution (article 12.1) prohibits discrimination on grounds of race, sex, social status or family origin, and all people are equal under the laws and in political, economic or social relations.
  - In the **Solomon Islands**, the 1978 Constitution (article 15) provides that no law shall make any provision that is discriminatory either of itself or in its effect. In addition, no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.
  - The governments of the **Lao People's Democratic Republic** (the 1991 Constitution, article 6), **Samoa** (the 1962 Constitution, article 15), **Somalia** (the 1979 Somali Transitional Federal Charter, articles 15 and 18.1) and **Vanuatu** (the 1980 Constitution, article 5(1)) prohibit all forms of discrimination under their respective constitutions.
  - The Government of **Qatar** states that it endorses the ILO fundamental principles and rights at work.
285. **Recognition of this principle and right in policy, legislation, regulations and/or judicial decisions.** National legislation in **Japan, Lao People's Democratic Republic, Liberia, Somalia** and **Vanuatu** contains specific provisions concerning equal treatment in the field of remuneration.
- In **Japan**, the Labour Standards Law prohibits any form of discrimination on the grounds of nationality, creed or social status (section 3) or sex (section 4).
  - In the **Lao People's Democratic Republic**, under the Labour Code (section 2) there shall be no discrimination against any worker on the grounds of race, colour, nationality, sex, religious creed, political opinion and/or social origin.
  - In **Liberia**, the 1974 Labour Law guarantees equal remuneration between men and women for work of equal value.
  - In **Somalia**, the Labour Code (article 70) provides that equal remuneration shall be given for work of equal value, efficiency and duration.
  - In **Vanuatu**, the Employment Act (section 8.1) provides for equal opportunity and treatment in employment and in the field of remuneration, irrespective of sex and gender.
286. **Definitions and grounds of discrimination.** **Vanuatu** is the only country to make reference to the same grounds of discrimination expressly covered by Convention No. 111, i.e. race, colour, sex, religion, political opinion, national extraction and social origin. In the **Solomon Islands**, discrimination is defined under article 15.4 of the Constitution as affording different treatment to different persons, including persons subject to disabilities

and restrictions, and excluding them from privileges or advantages on the grounds of race, place of origin, political opinion, colour, creed or sex. The governments of **Samoa** and **Somalia** prohibit discrimination on the grounds of language, place of birth and family status. In the **Democratic Republic of Timor-Leste**, grounds of discrimination, such as sexual orientation, maternity, family responsibility, health status (HIV/AIDS and disabled persons), language and age, are referred to in the Labour Code (section 2).

**287. Introducing new legal instruments.** Several reporting countries state that they are committed to integrating the principle and right in their national legislation (**Kiribati, Liberia, Somalia** and the **Solomon Islands**).

- In **Kiribati** and the **Solomon Islands**, a labour law review process is being carried out in cooperation with the social partners and the ILO to ensure compliance with Conventions Nos. 100 and 111.
- In **Liberia**, according to the Government, a Bill has been submitted to the National Assembly to amend the existing labour laws, which contain discriminatory clauses in relation to employment.
- In **Somalia**, the revision of national labour laws to incorporate the provisions of Conventions Nos. 100 and 111 and the establishment of new labour courts are envisaged in the framework of the multilateral national reconstruction process.

**288. Enforcement and sanction mechanisms.** The Government of **Japan** makes reference to the monitoring role of the labour inspection concerning the realization of the principle and right. The Government of **Kiribati** reports that its Ministry of Labour is entrusted with enforcing the laws concerning the principle and right. Moreover, the judiciary, the church groups and women's associations play a monitoring and defence role for cases of discrimination in employment and occupation. Under article 15.7 of the 1979 Constitution, any person who considers that (s)he is subject to discrimination may apply to the courts through civil or criminal proceedings. The Government of **Samoa** mentions that, in case of violation of this principle and right, advice is provided to the offending party and a mutual agreement is found. In the **Solomon Islands**, the 1978 Constitution (articles 17 and 18) provides that a legal action can be lodged before the High Court for redress and compensation for discrimination. In **Somalia** and **Vanuatu**, fines and imprisonment are provided for under the Labour Code (sections 143-146) and the Employment Act CAP 160 (section 78.1), respectively. In **Vanuatu**, the Supreme Court may order the payment of compensation and enforcement of the right in accordance with the Constitution (article 6). However, the Government emphasizes that labour courts need to be established in order to ensure a better enforcement of the principle and right.

**289. Special attention to particular categories of workers or sectors of activities.** Few governments indicate that special measures have been taken in favour of special categories of workers.

- According to the Government of the **Democratic Republic of Timor-Leste**, specific measures have been implemented or are envisaged for workers in establishments of a certain size, workers in particular types of employment (for example, part-time or temporary workers), agricultural workers, workers in export processing zones (EPZs) and migrant workers.
- Particular attention is given to women in the **Solomon Islands** and **Vanuatu**. Domestic workers and women workers are given special consideration by the Government due to their vulnerability in the **Solomon Islands**.

- According to the Government, special attention is given to older workers in **Singapore**.
- The Government of the **Lao People's Democratic Republic** intends to adopt measures to protect particular categories of workers against discrimination.

**290. Promotional activities.** A number of reporting countries mention that awareness-raising and advocacy programmes are implemented to promote this principle and right.

- For example, in the **Lao People's Democratic Republic**, various national seminars have been organized by the Government in collaboration with the ILO to promote Conventions Nos. 100 and 111 and other ILO fundamental Conventions. Since 2003, the National Chamber of Commerce and Industry of the **Lao People's Democratic Republic** has initiated awareness-raising activities on national laws and international labour standards (including Conventions Nos. 100 and 111), in cooperation with the ILO and the Australian Chamber of Commerce.
- In the **Solomon Islands**, a national women's week is organized every year to promote women's work and achievements.
- The Government of **Vanuatu** established a Women's Development Microfinance programme in 1996 and plans to expand it.

**291.** According to the International Organisation of Employers (IOE), employers have been actively involved in promoting and supporting this principle and right. They continue to seek further opportunities for engagement in this area. In this respect, the IOE has developed an employers' handbook on HIV/AIDS in cooperation with UNAIDS, and participated in the elaboration of the ILO code of practice on HIV/AIDS and the accompanying training materials. The IOE further participated in the G8 Labour Ministers meeting in London in March 2005. Training and awareness-raising seminars for IOE members were also held in **Africa**, the **Caribbean** and the **Asia and Pacific** region. The employers were also involved in coordinating employers' views on the ILO activities promoting women's entrepreneurship as well as employment of youth and older people, and implementing promotional activities on equality in the workplace.

**292. Data collection and dissemination.** **Japan** and the **Democratic Republic of Timor-Leste** are the only countries to mention that they record information and data in relation to the principle and right. In **Japan**, statistical reports by the labour inspectorate on cases and number of violations are sent to the Prosecutor in accordance with the Labour Standards Law (sections 3 and 4). In the **Democratic Republic of Timor-Leste**, data on remuneration for women and men workers is gathered by labour inspectors. According to the governments of **Samoa**, **Solomon Islands**, **Somalia** and **Vanuatu**, statistics and information relevant to this principle and right are not collected on a regular basis. The Government of **Kiribati** expects to collect information and data within the preparation of the forthcoming government report under the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

**293. New initiatives.** Few governments report new initiatives to promote and realize this principle and right.

- The Government of **Kiribati** refers to the establishment of a national tripartite Decent Work Agenda Steering Committee in cooperation with the ILO to tackle decent work issues, including discrimination in the world of work.
- The Government of **Liberia** has implemented a project on HIV/AIDS at the workplace in collaboration with the United Nations Population Fund (UNFPA).

- In the **Solomon Islands**, the Government refers to the National Situation Analysis on Women, Youth and Children that was finalized in 2004.

**294.** The Government of the **Democratic Republic of Timor-Leste** has adopted a Labour Code and established a National Labour Board to fight against discrimination.

**(c) Challenges mentioned**

**295. Contextual and legal challenges.** The table below summarizes the main difficulties expressed by the governments and the employers' and workers' organizations concerning the realization of this principle and right.

**2006 Annual Review: Contextual and legal challenges in the realization of the elimination of discrimination in employment and occupation in reporting States for the first time**

Type of difficulty	Governments	Employers' organizations	Workers' organizations
Legal provisions	Kiribati, Solomon Islands, Somalia, the Democratic Republic of Timor-Leste, Vanuatu	Solomon Islands (SICA, SIIBA, SFA); Samoa (CCI); Vanuatu (VCCI)	Samoa (PASA, YEA); Solomon Islands (SIPEU, SINUW, SICTU, SINTA); Vanuatu (VNWU); Kiribati (All Kiribati Trade Unions)
Social values, cultural traditions	Kiribati, Solomon Islands, Somalia, the Democratic Republic of Timor-Leste, Vanuatu	Solomon Islands (SIWIB); Samoa (CCI); Vanuatu (VCCI)	Samoa (PASA, YEA); Solomon Islands (SINUW, SICTU, SINTA); Vanuatu (VNWU)
Social and economic circumstances	Kiribati, Solomon Islands, Somalia, the Democratic Republic of Timor-Leste, Vanuatu		Samoa (PASA); Solomon Islands (SINUW, SICTU)
Political situation	Solomon Islands, Somalia, the Democratic Republic of Timor-Leste, Vanuatu		
Prevailing employment practices	Solomon Islands, Somalia, the Democratic Republic of Timor-Leste, Vanuatu		
Lack of capacity of responsible government institutions	Kiribati, Solomon Islands, Somalia, the Democratic Republic of Timor-Leste, Vanuatu	Solomon Islands (SIIBA)	Solomon Islands (SINTA, SIPEU)
Lack of capacity of workers' organizations	Kiribati, Solomon Islands, Somalia, the Democratic Republic of Timor-Leste, Vanuatu	Solomon Islands (SIIBA)	Solomon Islands (SINTA, SIPEU)
Lack of capacity of employers' organizations	Kiribati, Solomon Islands, Somalia, Vanuatu	Solomon Islands (SIIBA)	Solomon Islands (SINTA, SIPEU)
Lack of social dialogue on this principle	Kiribati, Solomon Islands, Somalia, Vanuatu	Solomon Islands (SFA)	Solomon Islands (SINTA, SIPEU)
Lack of information and data collection		Solomon Islands (SICA, SIWIB, SIIBA)	Samoa (PASA, YEA); Solomon Islands (SIPEU, SINUW, SICTU, SINTA); Vanuatu (VNWU)
Lack of public awareness and support		Solomon Islands (SICA, SFA); Samoa (CCI); Vanuatu (VCCI)	Samoa (YEA); Solomon Islands (SINTA); Vanuatu (VNWU)

Type of difficulty	Governments	Employers' organizations	Workers' organizations
Lack of education programme		Solomon Islands (ASIM, SICA, SFA, SIWIB, SIIBA); Samoa (CCI); Vanuatu (VCCI)	Vanuatu (VNWU)
Discrimination against women			Bahrain (GFTU); Japan (JTUC-RENGO); Kiribati (All Kiribati Trade Unions)
Lack of ILO support and technical cooperation programmes		Solomon Islands (SICA, SIIBA)	
Lack of employment opportunities		Solomon Islands (SFA)	

Source: ILO: Country reports and baselines under the Declaration's 2006 Annual Review.

**296. Implementing policies on equality and discrimination.** In **Malaysia**, the Ministry of Women, Family and Community Development has formulated the National Policy on Women to address gender inequality in employment and increase female participation in the labour force. According to government reports, national policies aimed at promoting the principle and right are envisaged in the **Solomon Islands, Somalia** and **Vanuatu**. In **Singapore**, in 2005, the Government set up the Tripartite Committee on Employability of Older Workers to address various issues, including discrimination against older workers in employment.

**297. Ratification of Convention No. 100.** The governments of **Kiribati, Lao People's Democratic Republic, Samoa, Solomon Islands** and **Vanuatu** enjoy the full support of national employers' and workers' organizations for ratification of Convention No. 100 and request ILO technical cooperation in this regard.

**298.** In **Liberia**, the Government intends to ratify Convention No. 100 and supports the request for ILO technical cooperation on discrimination in the world of work made by the Liberia Federation of Labour Unions (USPOGUL-LFLU).

**299.** According to the ICFTU, the Government of **Qatar** should ratify Convention No. 100.

**300. Ratification of Convention No. 111.** According to the Japanese Trade Unions Confederation (JTUC-RENGO) a number of revisions should be made to national laws (the Equal Employment Opportunity Law (EEOL) and the Law concerning the improvement of employment management, etc., of part-time workers) with a view to achieving substantial gender equality and equal treatment between full-time and part-time workers in **Japan**. ILO cooperation is needed in this respect. This viewpoint is supported by the International Confederation of Free Trade Unions (ICFTU), which also observes that gaps in the Labour Standards Law (non-prohibition of discrimination on grounds of national extraction, political opinion and social origin as regards wages) should be addressed before ratification of Convention No. 111 by **Japan**.

**301.** In response to these observations, the Government of **Japan** reiterates that further studies are needed to ensure compliance of national laws and regulations with the provisions of Convention No. 111.

**302.** The governments of **Kiribati, Lao People's Democratic Republic, Samoa, Solomon Islands** and **Vanuatu** enjoy the full support of national employers' and workers' organizations for ratification of Convention No. 111 and request ILO technical cooperation in this regard.

- 303. Building capacities to challenge legal and contextual factors.** In the **Solomon Islands**, most of the social partners refer to the lack of adequate labour laws and the need to strengthen labour administration to monitor and enforce legislation concerning the principle and right. According to the SIIBA, the lack of expertise and resources in the Labour Division is a major hindrance in the fight against discrimination in employment and occupation in the **Solomon Islands**.
- 304.** In response to these comments, the Government of **Solomon Islands** hopes that the forthcoming establishment of the Labour Advisory Board will help improve the realization of the principle and right in the country, and bring together the Government and employers' and workers' organizations in better promoting and realizing the principle and right. It hoped that improvements would be achieved through: (i) the revision of labour laws in the light of the provisions of Conventions Nos. 100 and 111; (ii) capacity building of employers' and workers' organizations; (iii) the strengthening of the new Labour Advisory Board; and (iv) public awareness-raising on labour discrimination issues. The Government also requests ILO technical support, namely through the implementation of a national Declaration Programme.
- 305. Strengthening social dialogue.** In **Malaysia**, the Government intends to strengthen cooperation between employers' and workers' organizations on development issues, including on the principle and right. In **Vanuatu**, the Government, in response to the social partners' comments, states that wide tripartite consultations will be held, including with a view to addressing discrimination and equality issues at the workplace and promoting the principle and right. It also requests the implementation of an ILO national Declaration Programme.
- 306. Request for technical cooperation.** With a view to meeting these challenges, **Kiribati, Lao People's Democratic Republic, Liberia, Samoa, Solomon Islands, Somalia** and **Vanuatu** have requested ILO technical cooperation to assist them in realizing the principle and right. Moreover, many employers' and workers' organizations would welcome ILO technical cooperation to assist them in realizing the principle and right. Needs for ILO technical cooperation include, among others, awareness-raising activities and technical support for the launch of an ILO Declaration Programme to facilitate the realization of the fundamental principles and rights at work especially in the new reporting countries. (For further information, refer to Part II.D of this report).

**(d) Reports indicating no change**

- 307.** The governments of **Myanmar, Namibia** and the **United States** report no change in relation to their previous reports.

**B. The role of employers' and workers' organizations**

**1. General involvement**

- 308.** The reports received under the 2006 Annual Review show an increase of 21 per cent in observations received from employers' organizations, and an increase of 24 per cent in observations from workers' organizations.

Table 2. Observations by national and international employers' and workers' organizations, 2000-06\* (per cent of government reports)

Principle	2000 (First round)		2001 (Second round)		2002 (Third round)		2003 (Fourth round)		2004 (Fifth round)		2005 (Sixth round)		2006 (Seventh round)	
	% of comments on reports due	% of comments on reports received	% of comments on reports due	% of comments on reports received	% of comments on reports due	% of comments on reports received	% of comments on reports due	% of comments on reports received	% of comments on reports due	% of comments on reports received	% of comments on reports due	% of comments on reports received	% of comments on reports due	% of comments on reports received
Freedom of association/ collective bargaining	46	69	60	85	34	48	88	106	22	30	33	38	168	177
Forced labour	2	5	39	74	4	7	25	41	14	20	8**	10	136	136
Child labour	3	6	25	36	15	28	13	23	13	23	46	53	158	171
Discrimination	7	13	32	43	8	13	29	43	18	23	39	47	180	180
Average % total	14	24	37	55	17	30	33	51	16	25	32	37	161	166

\* The response rate exceeds 100 per cent given that in some cases (notably Kiribati and Solomon Islands) comments were sent by several employers' and workers' organizations. \*\* No national employers' organizations made any comments concerning the principle of the elimination of forced or compulsory labour.

## 2. Employers' organizations

**309. The International Organisation of Employers.** As it did last year, the International Organisation of Employers (IOE) sent a statement outlining its position and activities with regard to the Declaration and its follow-up, which is reproduced here in extenso, except for its section on general IOE initiatives in relation to the four fundamental principles and rights at work, and section 3 on employers and freedom of association, which both are reproduced in Part D of this document.

The IOE reaffirms its strong commitment to the Declaration. The Declaration was created out of the employers' initiative and the IOE remains firmly committed to ensuring its success. In 2005, the IOE has continued to promote the Declaration in various specific ways which are presented below.

### *1. Communication to IOE members regarding the Annual Review*

Consistent with its regular practice, the IOE has drawn the attention of its members to the follow-up procedures and of the importance of their participation. The IOE has member employers' organizations in 41 of the member States affected by the Annual Review. The IOE Secretary General sent an official communication to our members in these 41 countries strongly encouraging them to devote the necessary resources to review the baseline tables. In this communication, the Secretary General also urged them to participate in any related national consultation processes. In addition and as part of the services it offers to members employers' organizations, the IOE provides assistance and support to maximize the impact of their engagement.

### *2. Guidance and information to members regarding the ILO Declaration*

Since its adoption in 1998, the IOE has continued to provide guidance to its members about the Declaration, as well as the interpretation and application of the four fundamental principles on a case by case basis.

During the International Labour Conference (ILC) in June 2005, the IOE organized a special session for the Employers' group on the Declaration. The special session addressed the importance of the instrument to employers and proposed possible means of promoting it, in particular, in the context of corporate social responsibility.

### *3. The Global Report and International Labour Conference (ILC): Discussions*

The Global Report and its ILC discussions continue to be viewed by the IOE as effective promotional tools for the Declaration. The discussions represent an excellent opportunity for members of the IOE to become actively engaged in the Declaration since the issues that are addressed in the Global Report directly affect many of them. To facilitate the preparation of our members for the Global Report discussions during the ILC, the IOE drafted a Global Report Speakers' Guide. The Speakers' Guide was distributed to those who wished to intervene during the discussions. It is clear that to ensure the continued relevance of the Global Report, it will be necessary to consider ways in which the ILC discussions can be made more meaningful. In the meantime, the IOE is doing what it can internally to increase the value of the debate.

### *4. The IOE and the Organization of American States (OAS) in the integration process of the Americas*

The ILO Declaration was one of the instruments used as the basis for the preparation of the Declaration to be issued to the Inter-American Conference of Ministers of Labour (IACML). Through the IACML, the Organization of American States (OAS) aims to approach the social dimension of the process of regional integration. The IOE, therefore, used this opportunity to link activities of the IACML to the ILO Declaration.

The IOE coordinates the involvement of its American members through the Business Technical Advisory Committee on Labour Affairs (CEATAL), one of the advisory bodies of the IACML. Through its role in coordinating the participation of the employers' organizations in the Americas, the IOE is continuously and actively involved in the integration and promotion of the ILO Declaration.

### 5. *Corporate Social Responsibility (“CSR”)*

The prominence of the CSR continued to increase in the past year, as did the significance of the Declaration as a useful reference point in the debate. The IOE, through its CSR Working Group, continues to provide guidance to its members about the application of the Declaration in this context, including its reference in international framework agreements.

On this point, it is important to highlight the need to maintain a clear distinction between the application of the Declaration to member States and its application to employers.

### 6. *The Global Compact*

The Global Compact’s labour principles are drawn from the ILO Declaration. The IOE was actively involved in promoting the Global Compact. Since the addition of the tenth principle on corruption, the IOE has updated its Guide to members on the scope and application of the Global Compact. In addition, the IOE continued to involve itself in country launches and regional initiatives, often in collaboration with the ILO.

Given the introduction of the Global Compact’s new governance framework, the role of the ILO as guardian of the four labour principles taken from the Declaration is more important than ever.

#### *IOE initiatives in relation to the four fundamental principles (...)*

##### *Areas of concern for employers*

Based on the foregoing list of employers’ activities to promote the Declaration and the four fundamental principles, our support remains clear. However, as we have done in prior years, we take this opportunity to highlight issues and trends of particular concern to employers in relation to the Declaration.

#### *1. The obligations created under the Declaration*

The employers have repeatedly raised the fact that, unlike the ILO’s regular supervisory machinery which is a legal track, the Declaration, including its follow-up of which the Annual Review forms part, is a political track. The political obligations required to promote, achieve and realize the principles under the Declaration are distinct from the specific legal obligations that are undertaken through the ratification of a Convention. The assessment under the Annual Review should not, therefore, involve a discussion of law and practice, i.e. of the substance. It should instead focus on the process, i.e. the steps taken by member States to give effect to the fundamental principles, including requests for ILO technical cooperation.

#### *2. Capacity building of employers’ organizations and technical cooperation*

The Declaration can only be effectively promoted in environments with strong constituents. Greater attention must, therefore, be paid to using the Declaration’s follow-up to build the capacity of employers’ organizations so as to help improve the voice of business and strengthen the spirit of tripartism and social dialogue.

In concrete terms, this will require the ILO to set resources aside for the development of technical cooperation programmes that specifically target employers’ organizations. Donors should also be encouraged to devote a portion of their funding towards the capacity building of the social partners, as was done under the ILO/Norway Framework Agreement. As a result of this Agreement, the IOE has been working closely with ACT/EMP in developing [a] Child Labour Kit for employers and is thus providing meaningful support to national employers’ organizations in addressing this important issue. This is a model that should serve as an example for other donor funding.

(...)

#### *4. Governing Body discussion of the Annual Review*

In prior years, the IOE has highlighted the fact that the Annual Review process has led to less than satisfactory discussions during the Governing Body, with no real benefits or impact being derived from the debate. We are pleased to see the Office’s attempts to improve the impact of the Annual Review process. The baseline analyses should serve as a useful reference point to track the steps taken by member States in giving effect to the Declaration. Though it remains to be seen what, if any, the impact of these analyses will have, the IOE would particularly commend the Office for its openness to new ways of working.

### *Conclusion*

The Declaration remains an outstanding example of how the ILO should and can react to pressing social issues through its unique process of consensus building. We appreciate the opportunity to provide feedback in this regard.

**310. National employers' organizations.** The majority of governments indicate that copies of their reports were sent to national employers' organizations, in accordance with article 23(2) of the ILO Constitution. They further state that they held consultations with these organizations during the preparatory stages, and forwarded a copy of the report(s) to them for information and comments.

**311.** A total of 25 national employers' organizations provided observations under the four principles and rights, as shown in the table below. These observations are set out as follows: 14 under the principle of freedom of association and the effective recognition of the right to collective bargaining; ten under the principle of the elimination of all forms of forced or compulsory labour; 19 under the principle of the effective elimination of child labour; and 10 under the principle of the elimination of discrimination in employment and occupation.

#### 2006 Annual Review: Observations by national employers' organizations

Countries	Employers' organizations
Armenia	Union of Manufacturers and Businessmen of Armenia (UMBA)
Cape Verde	Association commerciale industrielle et agricole de Barlavento (ACIAB) Association commerciale de Sotavento (ACS)
Eritrea	Employers' Federation of Eritrea (EFE)
Gabon	Confédération Patronale Gabonaise (CPG)
Ghana	Ghana Employers' Association (GEA)
Haiti	Association des Industries d'Haiti (ADIH) Chambre de Commerce et d'Industrie haïtienne américaine (CHAMCAM)
Iraq	Iraq Federation of Industries
Jordan	Jordan's Chamber of Industry (JCI)
Kenya	Federation of Kenya Employers (FKE)
Kiribati	Kiribati Chamber of Commerce Congress (KCC)
Lao People's Democratic Republic	Chambre du Commerce et de l'Industrie du LAO (CCIL)
New Zealand	Business New Zealand (BNZ)
Samoa	Samoa Association of Manufacturers and Exporters (SAME) Samoa Chamber of Commerce and Industry (SCCI)
Singapore	Singapore National Employers' Federation (SNEF)
Solomon Islands	Solomon Islands Chinese Association (SICA) Solomon Islands Women in Business Association (SIWIB) Solomon Forestry Association (SFA) Solomon Islands Chamber of Commerce and Industry (SICCI) Solomon Islands Indigenous Business Association (SIIBA) Solomon Islands Manufacturers (ASIM)
Sierra Leone	Sierra Leone Employers' Federation (SLEF)
Vanuatu	Vanuatu Chamber of Commerce and Industry (VCCI)

Source: ILO: Country reports and baselines under the Declaration's 2006 Annual Review.

**312.** The receipt of government reports has allowed some employers' organizations either to support the views expressed by the government (e.g. in **Samoa, Solomon Islands and Vanuatu**) or to express diverging opinions (e.g. **Samoa (SAME)** and the **Solomon Islands (ASIM, SFA)**). Replies to the employers' observations were received from the governments of **Armenia, Iraq, Kenya, Jordan, Lao People's Democratic Republic** and the **Solomon Islands**. Almost all replies support the view expressed by the employers' organizations.

### 3. Workers' organizations

**313. International Confederation of Free Trade Unions.** For the 2006 Annual Review, the International Confederation of Free Trade Unions (ICFTU) sent a total of 30 observations set out as follows: twenty-four concerning the realization of the principle of freedom of association and the effective recognition of the right to collective bargaining (**Bahrain, Brazil, China, El Salvador, India, Iraq, Islamic Republic of Iran, Jordan, Kenya, Republic of Korea, Lebanon, Malaysia, Mexico, Morocco, Nepal, Oman, Qatar, Saudi Arabia, Singapore, Sudan, Thailand, United Arab Emirates, United States and Viet Nam**); two under the principle of the elimination of all forms of forced or compulsory labour (**Japan and Qatar**); one under the principle of the effective abolition of child labour (**Sierra Leone**); and three under the principle of the elimination of discrimination in employment and occupation (**Brazil, Japan and Qatar**).

**314. National workers' organizations.** The majority of governments indicate that copies of their reports were sent to national workers' organizations, in accordance with article 23(2) of the ILO Constitution. In some cases, consultations were held with these organizations during the reporting process.

**315.** A total of 54 national workers' organizations have provided separate comments under the four principles and rights, as shown in the table below. Twenty-three observations were received concerning the principle of freedom of association and the right to collective bargaining. Fourteen observations were received under the principle of forced or compulsory labour. Thirty-six observations were received under the principle of the effective abolition of child labour. The number of observations received from workers' organizations related to the principle of the elimination of discrimination in employment and occupation was 25.

#### 2006 Annual Review: Observations by national workers' organizations

Countries	Workers' organizations
Afghanistan	Afghanistan Workers' Association (AWA)
Armenia	Confederation of Trade Unions of Armenia (CTUA)
Bahrain	General Federation of Bahrain Trade Unions (GFBTU)
Cape Verde	Confédération capverdienne des syndicats libres (CCSL) Association commerciale de Sotavento (ACS) Union nationale des travailleurs capverdiens – centrale syndicale (UNTC-CS)
Cuba	Workers Confederation of Cuba (CTC)
Czech Republic	Czech-Moravian Confederation of Trade Unions (CMKOS)
Eritrea	National Confederation of Eritrean Workers (NCEW)
Gabon	Confédération Démocratique des Syndicats Autonomes (CDSA) Confédération Gabonaise des Syndicats Libres (CGSL)
Ghana	Ghana Trade Union Congress (GTUC)

Countries	Workers' organizations
Haiti	Coordination Syndicale Haïtienne (CSH) Groupe d'Initiatives des Enseignants de Lycée (GIEL) Mouvement Syndical Haïtien (MSH) Confédération des Travailleurs Haïtiens (CTH) Secteur Syndical Haïtien (SSH) Organisation Générale Indépendante des Travailleurs Haïtiens (OGITH)
Japan	Japan Trade Union Confederation (JTUC-RENGO)
Jordan	General Confederation of Trade Unions (GCTU)
Kiribati	The Botakin Karikirakean Aroia Taan Murakuri (BKATM) The Bank of Kiribati Union (BOKU) The Betio Ports and Stevedoring Union (BPSU) The Housing Workers' Union (HWU) The Kiribati Islands Overseas Seafarers' Union (KIOSU) The Kiribati Nursing Association (KNA) The Kiribati National Union of Teachers (KNUT) The Kiribati Overseas Fishermen Union (KOFU) The Nanotasi Garment Union (NGU) The Postal Services Union (PSU) The Kiribati Trade Union Congress (KTUC)
Kuwait	General Federation of Trade Unions of Kuwait (GFTUK)
Lao People's Democratic Republic	Fédération Syndicale du Lao (FSL)
Liberia	Liberia Federation of Labour Union (USPOGUL-LFLU)
Madagascar	Confédération des Travailleurs Malgaches (CTM) Confédération Chrétienne des Syndicats Malgaches (SEKRIMA)
New Zealand	New Zealand Council of Trade Unions (NZCTU)
Oman	Omani Workers' Committee (OWC)
Pakistan	All Pakistan Federation of Trade Unions (APFTU)
Qatar	Qatar Petroleum Workers' Committee (QPWC)
Samoa	Samoa Public Service Association (PSA) Polynesian Airlines Staff Association (PASA) Yazaki Employees' Association (YEA)
Saudi Arabia	Aramco Workers' Committee (AWC) Saudi Telecom Workers' Committee (STWC)
Singapore	National Trade Union Congress (NTUC)
Solomon Islands	Solomon Islands Council of Trade Unions (SICTU) Solomon Islands National Union of Workers (SINUW) Solomon Islands National Teachers' Association (SINTA) Solomon Islands Public Employees' Union (SIPEU)
Sierra Leone	Sierra Leone Labour Congress (SLLC)
Sudan	Sudan Workers' Trade Union Federation (SWTUF)
United Arab Emirates	Arab Emirates Coordinating Committee of Professionals (AECCP)
Vanuatu	Vanuatu National Workers' Union (VNWU)
Viet Nam	Viet Nam General Confederation of Labour (VGCL)
United States	American Federation of Labour-Congress of Industrial Relations (AFL-CIO)
Uzbekistan	Council of the Federation of Trade Unions of Uzbekistan

Source: ILO: Country reports and baselines under the Declaration's 2006 Annual Review.

**316.** The receipt of government reports has allowed workers' organizations either to express diverging opinions (e.g. **Japan, Samoa, Solomon Islands** and the **United States**) or to

support the views expressed by the government (e.g. in **Afghanistan, Madagascar, Qatar, Vanuatu** and **Viet Nam**). Replies to these observations were received from the governments of the **Lao People's Democratic Republic, Madagascar, Saudi Arabia, Solomon Islands, Vanuatu** and **Viet Nam**.

#### 4. Involvement in reporting

- 317. Consultations and communications of governments' reports.** In relation to the principle of freedom of association and the effective recognition of the right to collective bargaining, more than one-third of the governments (**Armenia, Iraq, Kenya, Lao People's Democratic Republic, Malaysia, New Zealand, Samoa, Sudan, Solomon Islands, Democratic Republic of Timor-Leste, United States, Vanuatu** and **Viet Nam**) indicate that they held consultations with employers' and/or workers' organizations in the process of preparing the report. About one-third of these governments (**Afghanistan, Canada, Jordan, Lebanon, Malaysia, New Zealand, Samoa, Saudi Arabia, Solomon Islands, Sudan, Thailand, Democratic Republic of Timor-Leste, Vanuatu** and the **United States**) state that they have sent a copy of their report(s) to employers' and/or workers' organizations. Many governments that have sent updated reports did not specify whether employers' or workers' organizations were involved in the reporting process.
- 318.** As regards the principle of the elimination of all forms of forced or compulsory labour, almost half the governments (**Canada, Samoa, Solomon Islands, Democratic Republic of Timor-Leste, Vanuatu** and the **United States**) mention that they held consultations with employers' and/or workers' organizations. Most governments that have sent updated reports did not specify whether employers' and workers' organizations were consulted in the reporting process. Almost half the governments (**Canada, Latvia, Malaysia, Samoa, Solomon Islands, Democratic Republic of Timor-Leste, United States** and **Vanuatu**) state that they forwarded a copy of their reports to employers' and workers' organizations. Most governments that sent updated reports make no mention of whether employers' or workers' organizations were involved in the reporting process.
- 319.** Concerning the principle of the effective abolition of child labour, less than a quarter of the governments (**Armenia, Eritrea, Ghana, Kiribati, Samoa, Solomon Islands, Democratic Republic of Timor-Leste** and **Vanuatu**) indicate that they held consultations with employers' and/or workers' organizations. Only a few governments (**Canada, Cape Verde, Czech Republic, Saudi Arabia** and the **Bolivarian Republic of Venezuela**) mention that they sent a copy of their reports to employers' and/or workers' organizations. Most governments that have sent updated reports did not mention whether employers' or workers' organizations were involved in the reporting process.
- 320.** As regards the principle of the elimination of discrimination in employment and occupation, almost of half the governments (**Kiribati, Kuwait, Lao People's Democratic Republic, Liberia, Oman, Samoa, Solomon Islands** and the **Democratic Republic of Timor-Leste**) mention that they held consultations with employers' and/or workers' organizations. Most governments that have sent updated reports did not specify whether employers' and workers' organizations were consulted in the reporting process. Only a quarter of the governments (**Kiribati, Samoa, Solomon Islands, Democratic Republic of Timor-Leste** and **Vanuatu**) mention that they sent a copy of their reports to employers' and/or workers' organizations. Most governments that have sent updated reports did not indicate whether employers' or workers' organizations were involved in the reporting process.

## 5. Involvement in activities

### 321. Development and implementation of government promotional programmes.

Concerning the principle of freedom of association and the right to collective bargaining, a tripartite national seminar on international labour standards, that covered the Declaration as well as Conventions and Recommendations, was organized in **Afghanistan** in May 2005. In the **Islamic Republic of Iran**, the Government is currently performing a feasibility study on the possibility of ratifying Conventions Nos. 87 and 98 through a tripartite national labour conference. In **Nepal**, the Government reports that it has developed a National Plan of Action on Decent Work based on intensive and extensive consultations with the social partners. In **New Zealand**, the Department of Labour held “Roadshows” in 2005 throughout the country to present and discuss the amendments of the Employment Relations Act, 2000, in collaboration with employers’ and workers’ organizations.

322. As regards the elimination of all forms of forced or compulsory labour, the **Democratic Republic of Timor-Leste** reports that employers’ and workers’ organizations have been involved in the National Labour Board, which provides policy advice and settles industrial disputes.

323. With respect to the effective abolition of child labour, a tripartite national advocacy strategy on child labour is being developed in **Ghana**. In **Kiribati**, in January 2005, the Government set up a tripartite national Decent Work Agenda Steering Committee that also considers child labour issues. The **Solomon Islands** reports that a tripartite National Labour Advisory Board is being established to promote and realize the Declaration’s principles and rights.

324. Concerning the elimination of discrimination in employment and occupation, the social partners have been involved in awareness-raising activities in the **Lao People’s Democratic Republic**. In **Malaysia**, the Government wishes to enhance further the association of employers’ and workers’ organizations in the promotion and realization of the principle and right. In **Singapore**, employers’ and workers’ organizations are part of the Tripartite Committee on Employability of Older Workers, which tackles discrimination in employment against older people. In **Suriname**, the Government intends to associate the social partners in the implementation of a minimum wage system in the country. In **Somalia**, the Government reports that employers’ and workers’ organizations are to be established in the framework of the national reconstruction process.

325. Law enactment, revision and/or enforcement. **Brazil, Cape Verde, Jordan, Lao People’s Democratic Republic, Lebanon, Nepal, New Zealand, Solomon Islands, Sudan, Democratic Republic of Timor-Leste, Vanuatu and Viet Nam** report that employers’ and workers’ organizations are participating in the formulation, amendment and/or enforcement of laws relating to the Declaration’s principles and rights.

## C. Governments’ relations with regional or international organizations and other donors

326. Cooperation with non-governmental organizations (NGOs). This activity has been reported by the following governments:

- In 2004, the Government of **Canada** hosted the Forum on Trafficking in Persons, Especially Youth, Children and Women in cooperation with NGOs. It is also working with NGOs in the field of exploitation and abuse at work of live-in caregivers.

- The Government of **Kiribati** collaborates with the National Council of Women's Federations and major church groups in the fight against discrimination.
- The Government of **Vanuatu** mentions its collaboration with local NGOs (Vanuatu Women's Centre, Disability, Promotion and Advocacy Association (DPA)) to combat discrimination in the country.

**327.** In the area of child labour, many governments work with NGOs in the framework of IPEC Programmes (cf. table 4 on technical assistance provided by ILO/IPEC).

- In **Cape Verde**, awareness-raising activities on child labour issues have been carried out with the support of national NGOs such as Infância Feliz and the Association for Disadvantaged Children (ACRIDES);
- The Government of the **Solomon Islands** cooperates with NGOs such as Save the Children, World Vision and the Solomon Islands Christian Association (SICA) to combat child labour.

**328. Bilateral cooperation.** The governments of **Australia** (Australia Aid – AusAID) and **New Zealand** (the New Zealand Overseas Development Assistance – NZODA) provide several types of bilateral cooperation (to **Samoa, Solomon Islands** and **Vanuatu**) to promote the elimination of child labour. The governments of **Canada** and the **United States** agreed in 2004 to work together to combat trafficking in persons.

**329. Regional cooperation.** The Government of **Canada** continues to promote the principle of freedom of association and the right to collective bargaining through various programmes of the Federal Mediation and Conciliation Service (FMCS), mainly in the field of industrial relations in **Latin America**. It also supports various countries in **Central America, Latin America** and the **Caribbean** through the ILO's International Programme for the Elimination of Child Labour (IPEC).

**330.** Concerning the abolition of child labour, various **South Pacific** countries benefit from the support of the Government of **Australia** through its Pacific Children's Programme. The Government of **New Zealand** also provides assistance to some countries of **East Asia**. In March 2005, the governments of **Canada, Mexico** and the **United States** adopted the Security and Prosperity Partnership of North America to combat human trafficking.

**331. International cooperation.** Almost all governments cooperate directly or indirectly with the ILO as regards the Declaration's follow-up. Cooperation with the ILO Declaration Programme and/or ILO/IPEC has been mentioned in several activities, including Time-Bound Programmes. Several countries (**Afghanistan, China, Republic of Korea, Lao People's Democratic Republic, Lebanon, Solomon Islands, Sudan, Democratic Republic of Timor-Leste, United Arab Emirates** and **Viet Nam**) mention that they have received assistance from the Office to revise the existing legislation or to organize tripartite workshops/seminars on fundamental ILO Conventions. Moreover, several countries (**Canada, Cape Verde, Haiti, Kiribati, Solomon Islands** and the **Democratic Republic of Timor-Leste**) refer to cooperation with the United Nations (UN), the United Nations Development Programme (UNDP), the United Nations Office on Drugs and Crime (UNODC), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Children's Fund (UNICEF), the International Organization for Migration (IOM), the International Criminal Police Organization (INTERPOL) and/or the Food and Agriculture Organization of the United Nations (FAO), in the promotion and realization of the Declaration's principles and rights.

## D. Technical cooperation

### 1. General considerations

332. The action plans adopted by the Governing Body concerning each of the categories of principles and rights are being implemented. A yearly report on their implementation is presented in a *Provisional Record* of the International Labour Conference.<sup>2</sup>
333. The International Labour Conference discussed in June 2005 the second Global Report on the elimination of forced labour, *A global alliance against forced labour*.<sup>3</sup> This report assessed the implementation of the first Action Plan adopted by the Governing Body in November 2001 on this principle. In its November 2005 session, the Governing Body adopted a new action plan on the elimination of forced labour.
334. The next Global Report is on the abolition of child labour, to be discussed by the International Conference in June 2006.

### 2. International assistance

335. Operational activities relating to all four principles of the Declaration continued apace.
336. In promoting freedom of association and the effective recognition of the right to collective bargaining, the Office continued to work with challenging situations in several **Arab States** (e.g. assisting the Government of **Jordan** to develop laws and institutions for giving effect to this principle), drawing upon lessons on the relationship between this principle and right, good governance and democratic principles.
337. Over the last four years, technical cooperation activities under the ILO Declaration Programme in **Bangladesh, Indonesia, Kenya, Morocco, Nigeria, United Republic of Tanzania, Democratic Republic of Timor-Leste, Uganda, Ukraine** and **Viet Nam** have started to bear fruit with many of these countries improving their legislation, enforcement mechanisms and dispute prevention and settlement instruments. More obvious results of these activities are, as an example, the ratification by **Uganda** of Conventions Nos. 87, 100 and 111.
338. A subregional project in Southern Africa covering **Botswana, Lesotho, Malawi, Namibia, Swaziland** and **Zambia** has gathered momentum and has begun to review labour laws and strengthening labour administration. A project is due to commence shortly to assist **Bahrain** and **Oman** in their efforts to modernize their legislation and strengthen tripartism.
339. The activities carried out by the *Programme pour la mise en oeuvre de la Déclaration* (PAMODEC) in **Benin, Burkina Faso, Madagascar, Mali, Mauritania, Senegal** and **Togo** have also gathered momentum with respect to the representativity of employers' and workers' organizations and the necessary amendments to be introduced in national laws in

<sup>2</sup> ILO: *Provisional Record* No. 7, Record of Proceedings, Vol. I, ILC, 93rd Session, Geneva, 2005. See also [www.ilo.org/public](http://www.ilo.org/public).

<sup>3</sup> ILO: *A global alliance against forced labour*, Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (Report I(B)), ILC, 93rd Session, Geneva, 2005. See also [www.ilo.org/declaration](http://www.ilo.org/declaration).

accordance with Conventions Nos. 87 and 98. This programme should gain momentum for 2006-09 and include **Guinea-Bissau**.

- 340.** In the area of eliminating forced labour, the Office shed light on this complex phenomenon through further studies, including pioneering research in the destination countries of victims of trafficking (e.g. persons trafficked to **Germany** and the exploitation of Chinese immigrants in **France**). A new capacity-building project gathered momentum in selected European source and destination countries, to combat the forced labour outcomes of trafficking, with a series of workshops for key stakeholders held in 2005. The operational projects of the Special Action Programme to Combat Forced Labour (SAP-FL) continued in selected countries in **West Africa, South Asia, Central Asia** and **South-East Asia**, as well as in **China**, addressing bonded labour and trafficking issues through community-level activities for prevention and rehabilitation coupled with upstream policy advice and capacity-building. In **Latin America**, important progress was made in addressing forced labour of indigenous peoples. With the support of the Declaration/SAP-FL and the ILO subregional office, National commissions on forced labour have been established in **Bolivia** and **Peru**, charged with developing and implementing national plans of action. The Plan of Action adopted by the Fourth Summit of the **Americas**, held in Mar del Plata in November 2005, included, as its first point, a commitment to eliminate forced labour by 2010, with the support of the ILO.
- 341.** Action for the elimination of child labour has again been an outstanding area of progress. The following examples may be highlighted concerning the countries that are submitting Annual Reports under the principle of the effective abolition of child labour: ILO/IPEC is supporting comprehensive “Time-Bound Programmes (TBPs)” in **Bangladesh, Cambodia, Ghana** and **Pakistan**. TBPs are based on a high-level political commitment and aimed at preventing and eliminating a country’s worst forms of child labour within a clearly defined time frame. Experience has shown that the TBP approach targeting the worst forms to start with is also an effective way to mobilize society to address the problem of child labour as a whole. ILO/IPEC assistance to **India** comprises projects in hazardous sectors covering four states, the Andhra Pradesh state-based project and the sericulture industry in Karnataka state. The **Lao People’s Democratic Republic** has been supported by ILO/IPEC with a country programme as well as under the Mekong subregional project against trafficking in children and women.
- 342.** In the area of eliminating discrimination, conceptual analyses (e.g. ethnicity in poverty reduction strategy programmes (PRSPs)) as well as national actions (e.g. draft racial equality legislation and policy for action in **Brazil**) helped to place this principle at the heart of anti-poverty and pro-employment policies. In January 2005, a project sponsored by the Government of **Belgium**, was launched in the **Balkan region** to strengthen the capacity of policy-makers and social partners to design and implement national employment policies that ensure equal opportunities between men and women. In early 2005 in **Peru**, a Commission for Equal Opportunities was created within the Ministry of Labour with ILO’s technical support, with the mandate of ensuring that its employment programmes guarantee equal opportunities without distinctions based on sex, race and disability. The Plan of Action adopted by the Fourth Summit of the **Americas**, held in Mar del Plata in November 2005, included among its first points a commitment to combat discrimination and promote equal opportunities in cooperation with the ILO.

### 3. Technical cooperation needs or requests

- 343.** There are still an important number of outstanding requests for technical cooperation to promote and realize the Declaration’s principles and rights. Table 4 indicates which

governments have expressed those needs. Many countries that sent updated reports did not update their technical cooperation needs or requests.

- 344.** Most national employers' and workers' organizations that sent observations, expressed their needs for technical cooperation in order to strengthen their capacity to ensure that the Declaration's principles and rights are respected, promoted and applied in their country.

**Table 3. 2006 Annual Review: Governments' 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
Assessment in collaboration with the ILO of the difficulties identified and their implication for realizing the principle and right	Afghanistan (2), Armenia (1), Islamic Republic of Iran, Lao's People Democratic Republic, Lebanon, Oman, Qatar (2), Samoa (1), Solomon Islands (1), Somalia (6), Sudan, Democratic Republic of Timor-Leste (3), Vanuatu (1), Viet Nam	Afghanistan*** (1), Lao People's Democratic Republic,** Madagascar,** Nepal,** Samoa (1), Solomon Islands*** (1), Democratic Republic of Timor-Leste (6), Vanuatu*** (1), Viet Nam**	Afghanistan, Cape Verde, Eritrea, Gabon, Haiti, Kiribati, Solomon Islands	Kiribati (1), Lao People's Democratic Republic,** Liberia (1), Oman,** Samoa (1), Solomon Islands (1), Somalia (4), Democratic Republic of Timor-Leste (7)
Awareness-raising, legal literacy and advocacy	Afghanistan, Armenia (1), Kenya, Oman, Qatar (2), Samoa (1), Solomon Islands (3), Somalia (8), Democratic Republic of Timor-Leste (4), Vanuatu (3)	Afghanistan (1), Lao People's Democratic Republic,** Madagascar,** Nepal,** Samoa (2), Solomon Islands (1), Democratic Republic of Timor-Leste (5), Vanuatu (2), Viet Nam**	Afghanistan, Armenia, Cape Verde, Eritrea, Ghana, Kiribati, Samoa, Solomon Islands, Somalia, Vanuatu	Kiribati,** Lao People's Democratic Republic,** Oman,** Samoa (2), Solomon Islands (2), Somalia (7), Democratic Republic of Timor-Leste (6), Vanuatu (2)
Capacity building, e.g. labour inspection and administration	Armenia (2), Iraq (1), Jordan, Kenya, Oman, Samoa (1), Solomon Islands (1), Somalia (1), Democratic Republic of Timor-Leste (5), Vanuatu (1)	Afghanistan (1), Lao People's Democratic Republic,** Madagascar,** Nepal,** Samoa (3), Solomon Islands (1), Democratic Republic of Timor-Leste (1), Vanuatu (2), Viet Nam**	Afghanistan, Armenia, Kiribati, Solomon Islands, Somalia, Vanuatu	
Establishing or strengthening specialized institutional machinery				Kiribati,** Lao People's Democratic Republic,** Oman,** Samoa (3), Solomon Islands (2), Somalia (10), Democratic Republic of Timor-Leste (11), Vanuatu (2)

Type of technical cooperation*	Freedom of association/ collective bargaining	Forced or compulsory labour	Effective abolition of child labour	Elimination of discrimination
Cross-border cooperation		Afghanistan (1), Lao People's Democratic Republic,** Madagascar,** Nepal,** Samoa (3), Solomon Islands (1), Democratic Republic of Timor-Leste (14), Vanuatu (3), Viet Nam**	Afghanistan (1), Armenia, Eritrea, Solomon Islands, Somalia, Vanuatu	
Data collection and analysis	Afghanistan (1), Armenia (1), Qatar (1), Oman, Samoa (1) Solomon Islands (1), Somalia (9), Democratic Republic of Timor-Leste (2), Vanuatu (1)	Afghanistan (1), Lao People's Democratic Republic,** Madagascar,** Nepal,** Samoa (3), Solomon Islands (1), Democratic Republic of Timor-Leste (4), Vanuatu (1), Viet Nam**	Afghanistan (1), Armenia, Eritrea, Ghana, Kiribati, Samoa, Solomon Islands, Somalia, Vanuatu	Kiribati,** Lao People's Democratic Republic,** Oman,** Solomon Islands (1), Somalia (12), Democratic Republic of Timor- Leste (5) Vanuatu (1)
Employment creation, skills training and income generation		Afghanistan (1), Lao People's Democratic Republic,** Madagascar,** Nepal,** Samoa (3), Solomon Islands (1), Democratic Republic of Timor-Leste (10), Viet Nam**	Afghanistan (1), Armenia, Eritrea, Ghana, Kiribati, Solomon Islands, Somalia, Vanuatu	
Inter-institutional coordination		Afghanistan (1), Lao People's Democratic Republic,** Madagascar,** Nepal,** Samoa (3), Solomon Islands (1), Democratic Republic of Timor-Leste (13), Vanuatu (3), Viet Nam**	Armenia, Ghana, Samoa, Solomon Islands, Somalia, Vanuatu	Kiribati,** Lao People's Democratic Republic,** Oman,** Samoa (3), Solomon Islands (2), Somalia (11), Democratic Republic of Timor-Leste (12), Vanuatu (2)
Legal reform	Afghanistan (1), Armenia (2), Oman, Samoa (1), Solomon Islands (1), Somalia (7), Democratic Republic of Timor-Leste (10), Vanuatu (1)	Afghanistan (1), Lao People's Democratic Republic,** Madagascar,** Nepal,** Samoa (3), Solomon Islands (1), Democratic Republic of Timor-Leste (2), Vanuatu (1), Viet Nam**	Afghanistan (1), Armenia, Ghana, Solomon Islands, Somalia, Vanuatu	Kiribati,** Lao People's Democratic Republic,** Oman,** Samoa (3), Solomon Islands (1), Somalia (5), Democratic Republic of Timor-Leste (4), Vanuatu (1)
Policy advice		Afghanistan (1), Lao People's Democratic Republic,** Madagascar,** Nepal,** Samoa (3), Solomon Islands (2), Democratic Republic of Timor-Leste (7), Vanuatu (2), Viet Nam**	Afghanistan (1), Armenia, Eritrea, Ghana, Solomon Islands, Somalia, Vanuatu	

Type of technical cooperation*	Freedom of association/ collective bargaining	Forced or compulsory labour	Effective abolition of child labour	Elimination of discrimination
Sharing experiences across countries/regions	Afghanistan (2), Armenia (2), Oman, Samoa (1), Solomon Islands (3), Somalia (10), Democratic Republic of Timor-Leste (1), Vanuatu (3)	Afghanistan (1), Lao People's Democratic Republic,** Madagascar,** Nepal,** Samoa (3), Solomon Islands (2), Democratic Republic of Timor-Leste (11), Vanuatu (3), Viet Nam**	Afghanistan (1), Armenia, Eritrea, Ghana, Solomon Islands, Somalia, Vanuatu	Kiribati,** Lao People's Democratic Republic,** Oman,** Samoa (3), Solomon Islands (3), Somalia (13), Democratic Republic of Timor-Leste (13), Vanuatu (3)
Social protection systems		Afghanistan (1), Lao People's Democratic Republic,** Madagascar,** Nepal,** Samoa (3), Solomon Islands (1), Democratic Republic of Timor-Leste (8), Vanuatu (3), Viet Nam**	Afghanistan (1), Armenia, Eritrea, Ghana, Solomon Islands, Somalia, Vanuatu	
Rural development policies		Afghanistan (1), Lao People's Democratic Republic,** Madagascar,** Nepal,** Samoa (3), Solomon Islands (1), Democratic Republic of Timor-Leste (12), Vanuatu (3), Viet Nam**	Afghanistan	
Developing labour market policies that promote equality of opportunity				Kiribati,** Lao People's Democratic Republic,** Oman,** Samoa (3), Solomon Islands (1), Kiribati,** Somalia (8), Democratic Republic of Timor-Leste (8), Vanuatu (1)
Development of policies regarding equal remuneration				Kiribati,** Lao People's Democratic Republic,** Oman,** Samoa (3), Solomon Islands (1), Somalia (9), Democratic Republic of Timor-Leste (10), Vanuatu (1)
Time-bound programme for the elimination of the worst forms of child labour			Ghana	
Strengthening tripartite social dialogue	Afghanistan (1), Jordan, Oman, Samoa (1), Solomon Islands (1), Democratic Republic of Timor-Leste (9), Vanuatu (1)			Kiribati,** Lao People's Democratic Republic,** Oman,** Malaysia,** Vanuatu (1)

Type of technical cooperation*	Freedom of association/ collective bargaining	Forced or compulsory labour	Effective abolition of child labour	Elimination of discrimination
Strengthening capacity of employers' and workers' organizations	Afghanistan (1), Armenia (2), Iraq (1), Kenya, Oman, Samoa (1), Solomon Islands (1), Somalia (2), Democratic Republic of Timor-Leste (7), Vanuatu (1)	Afghanistan (9), Lao People's Democratic Republic,** Madagascar,** Nepal,** Samoa (3), Solomon Islands (1), Democratic Republic of Timor-Leste (3), Vanuatu (2), Viet Nam**	Afghanistan (1), Armenia, Ghana, Solomon Islands, Somalia, Vanuatu	Kiribati,** Lao People's Democratic Republic,** Oman,** Samoa (3), Solomon Islands (2), Somalia (employers' organizations (3), workers' organizations (2)), Democratic Republic of Timor-Leste (employers' organizations (2), workers' organizations (3)), Vanuatu (2)
Training of other officials (e.g. police, judiciary, social workers, teachers)	Afghanistan (2), Armenia (2), Iraq (3), Oman, Samoa (2), Solomon Islands (3), Somalia (5), Democratic Republic of Timor-Leste (6), Vanuatu (2)	Afghanistan (8), Lao People's Democratic Republic,** Madagascar,** Nepal,** Samoa (3), Solomon Islands (3), Democratic Republic of Timor-Leste (9), Vanuatu (3), Viet Nam**	Armenia, Eritrea, Ghana, Solomon Islands, Somalia, Vanuatu	Kiribati,** Lao People's Democratic Republic,** Oman,** Samoa (3), Solomon Islands (3), Somalia (6), Democratic Republic of Timor-Leste (9), Vanuatu (3)

\* Ranking of priorities or specific requests as expressed by the country may appear in brackets following the country: 1 = most important; 2 = second most important, etc. \*\* These countries have been considered under each type of technical cooperation, as they made a general request for technical cooperation under the relevant principle and right, with no specifications. \*\*\* Afghanistan, Kiribati, Samoa, Solomon Islands and Vanuatu have requested the preparation (survey and validation seminar) and launch of a national Declaration Programme.

Source: ILO: Country reports and baselines under the Declaration's 2006 Annual Review.

#### 4. Follow-up to technical cooperation needs or requests

**345.** A number of additional services are being provided by the ILO Declaration Programme, the decent work country programmes and other ILO field and headquarters' units with a view to responding to technical cooperation needs or requests expressed under the Declaration's Annual Review.

**346.** The following table shows the type of technical assistance provided by ILO/IPEC or which it intends to provide to the respective countries:

Table 4. ILO/IPEC technical assistance

Type of assistance	Countries where ILO/IPEC assistance has already been provided	Countries where ILO/IPEC assistance has already been provided
Substantive technical cooperation assistance	Bangladesh, Colombia, the Lao People's Democratic Republic and Suriname	Afghanistan, Sierra Leone and Tajikistan
Capacity building for labour inspection and administration	Bangladesh and the Lao People's Democratic Republic	Tajikistan
Cross-border cooperation	Bangladesh	
Data collection and analysis	Bangladesh, Colombia and the Lao People's Democratic Republic	
Employment creation, skills training and income generation	Bangladesh	Afghanistan, Sierra Leone and Tajikistan

Type of assistance	Countries where ILO/IPEC assistance has already been provided	Countries where ILO/IPEC assistance has already been provided
Legal reform	Bangladesh and the Lao People's Democratic Republic	Tajikistan
Policy advice	Islamic Republic of Iran, Saint Kitts and Nevis and Saint Vincent and the Grenadines	Afghanistan and Tajikistan
Sharing experiences across countries/regions	Bangladesh, Colombia, Islamic Republic of Iran and the Lao People's Democratic Republic	Tajikistan
Social protection systems	Bangladesh and the Lao People's Democratic Republic	Afghanistan and Tajikistan
Time-bound programme for the elimination of the worst forms of child labour	Bangladesh	Lao People's Democratic Republic and Suriname

Source: ILO/IPEC.

## E. Effect given to past recommendations

### 1. Country baseline information, reporting and promotional dialogue

**347. Country baseline information.** As already indicated above, in their 2005 Introduction, the Expert-Advisers submitted a recommendation<sup>4</sup> concerning the establishment of baseline information on countries in order to assess and monitor their progress towards fuller realization of fundamental principles and rights at work. It is expected that the baseline information system will be completed by the next Annual Review cycle.

**348. Reporting.** As a follow-up to these recommendations, in 2005, the Office carried out various awareness-raising, advocacy and technical assistance activities, which resulted in an increased reporting rate under the Annual Review, in particular the formulation and communication of first reports by **Samoa, Solomon Islands, Somalia, Democratic Republic of Timor-Leste** and **Vanuatu**.

**349.** In this respect, all the States that should do so have now sent at least one report. This exercise also enables the employers' and workers' organizations of these countries to have their voices heard in the Declaration's follow-up. The Office also assisted **Cape Verde** to fulfil its reporting obligations, which included observations by the social partners.

**350. Promotional dialogue.** Following the receipt of all governments' first reports, for the first time since the start of the Annual Review in 2000, a full universal dialogue has been established with reporting States. This promotional dialogue on building progress towards fuller realization of the Declaration's principles and rights is also being strengthened with countries that have ratified all ILO fundamental Conventions. In this respect, in cooperation with the African Regional Labour Administration Centre, the Office organized in May 2005 in Harare a subregional tripartite workshop on international labour standards and the Declaration on Fundamental Principles and Rights at Work. This workshop involved participants from **Botswana, Lesotho, Mauritius, Namibia, South Africa** and **Zimbabwe**. Similar activities are planned to promote the Declaration's follow-up in **Guinea-Bissau, Sudan** and **Turkmenistan** among other countries. Further assistance is

<sup>4</sup> GB.292/4 (Mar. 2005), para. 31.

also envisaged for the development of country baselines on the fundamental principles and rights at work among reporting States.

## 2. Outreach and research

351. The Declaration Programme is developing relations with national and international media in an effort to promote the Declaration as well as to provide forums for the tripartite partners to engage wider audiences. Radio programmes on the Declaration's principles have been broadcast in **Indonesia, Kenya, United Republic of Tanzania** and **Uganda** in recent years in 11 different languages by national broadcasters. Internationally, the Programme continues to work closely with CNN and the BBC. The ILO has an ongoing commitment from CNN to broadcast video news releases (VNR) for their World Report programme. A series of media workshops and editorial roundtables, often with trainers from different media organizations e.g. the BBC, CNN and the EBU continue to be organized in countries where Declaration's technical cooperation projects are active. These are mainly for production staff and senior management/editors of media organizations respectively. The training provides intensive introduction to the Declaration's issues as well as small workgroup research and interviews with ILO experts.
352. Prior to the launch of the 2005 Global Report: *A global alliance against forced labour*, a multimedia package was developed and distributed to the ILO offices and different broadcast partners. This has resulted in some of the widest and most sustained media coverage of an ILO report and of the Declaration. A well-coordinated set of launches, coordinated with DCOMM, for ILO offices in 58 countries, and a series of events in 14 selected countries, combined with an ambitious set of broadcast and information activities developed with BBC World and the World Service, gave maximum global coverage to the forced labour issue. A similar effort, with different components, is under proposition for the Global Report on the effective abolition of child labour, due to be released in April 2006.
353. Products and activities such as video production, radio programmes, media training workshops, launches of technical cooperation projects and of Global Reports, have provided good opportunities to work in a more coordinated way with in-house units and external partners.
354. The Declaration has developed stronger relationships with national and international media to promote these categories of rights as well as provide forums for the tripartite partners to engage wider audiences. A series of radio programmes in **Kenya, Indonesia, United Republic of Tanzania** and **Uganda** have been broadcast over the past year in 11 different languages by national broadcasters. Internationally, the programme's work with CNN and the BBC, in both television and radio, has increased with greater demand for interviews from ILO officials and material for the development of features and documentaries.
355. An increasing number of videos for broadcast on television have been developed in conjunction with the Declaration's technical cooperation (TC) projects. Many projects have been instrumental in changing labour legislation and introducing labour management cooperation at the enterprise level, and these success stories are being presented to a global audience.
356. Many communication and outreach activities are being developed and implemented in collaboration with a number of units and departments within the ILO. A number of activities, especially involving radio and journalist training workshops, have provided good opportunities to work in a more coordinated fashion.

- 357.** A number of products have been developed for educators and academics with an increase in distribution to a wider range of audiences. The web site has been upgraded to include new features such as polling, slideshows, audio and video material as well as access to materials for project staff in a secured area.
- 358.** The Global Reports have continued to provide excellent opportunities for the Declaration to bring its message to wider audiences. Media packages for television, radio and print have been developed and distributed to all ILO Offices and representatives. This has resulted in increased exposure for the ILO and the Declaration in areas that have not traditionally yielded media coverage. The launch of the Global Reports has become a central part of the Declaration's outreach.

**Box 4**

**Research on fundamental principles and rights at work**

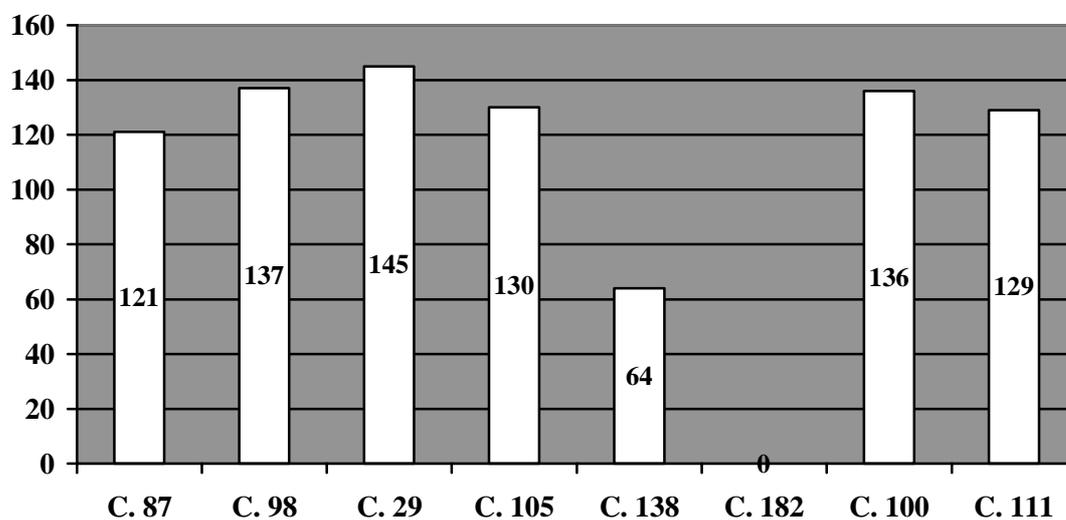
The following Declaration working papers were issued in the course of 2005:

- No. 37** *Trafficking of migrant workers from Albania: issues of labour and sexual exploitation*, by Sarah Stephens and Mariska N.J. van der Linden, in cooperation with the International Catholic Migration Commission and the Centre for Refugee and Migration Studies
- No. 38** *Forced labour outcomes of migration from Moldova: rapid assessment*, by Eduard Mihailov, Mariska N.J. van der Linden and Shivaun Scanlan, in cooperation with the International Centre for Women's Rights Protection and Promotion
- No. 39** *Trafficking of migrant workers from Ukraine: Issues of labour and sexual exploitation*, by Tetyana Kiryan and Mariska N.J. van der Linden
- No. 40** *El Trabajo Forzoso en la Extracción de la Madera en la Amazonía Peruana*, by Eduardo Bedoya Garland and Alvaro Bedoya Silva-Santisteban
- No. 41** *Enganche y Servidumbre por Deudas en Bolivia*, by Eduardo Bedoya Garland and Alvaro Bedoya Silva-Santisteban
- No. 42** *Forced labour and human trafficking: Estimating the profits*, by Patrick Belser
- No. 43** *Bonded labour in India: its incidence and pattern*, by Ravi S. Srivastava
- No. 44** *Affirmative action for racial equality: features, impact and challenges*, by Manuela Tomei
- No. 45** *Servidumbre por deudas y marginación en el chaco de Paraguay*, by Alvaro Bedoya Silva-Santisteban and Eduardo Bedoya Garland

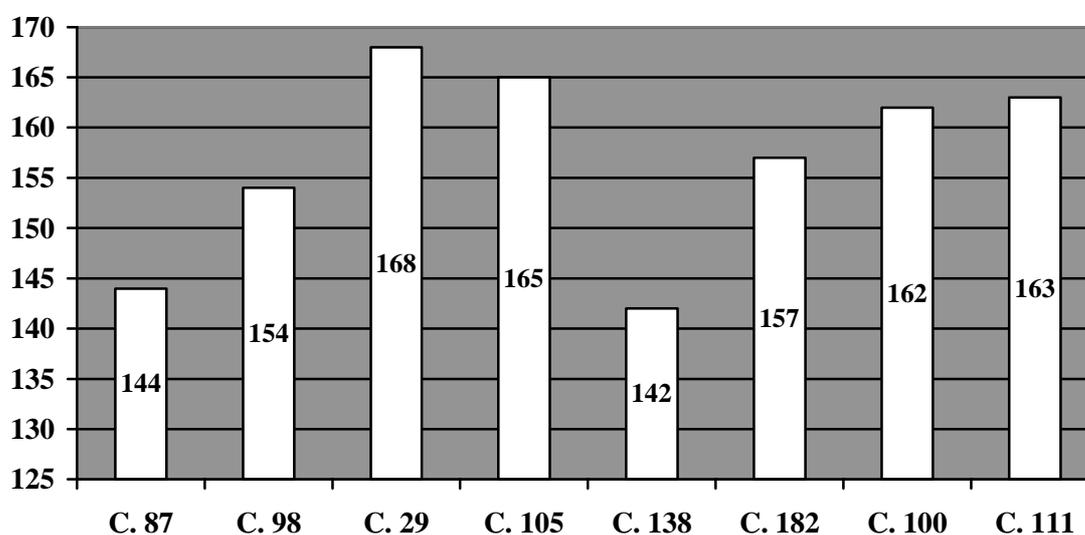
Source: ILO Declaration Programme.

## Annex 1

Number of ratifications of ILO fundamental Conventions (by Convention) before the adoption of the 1998 ILO Declaration on Fundamental Principles and Rights at Work (as of 18 June 1998)

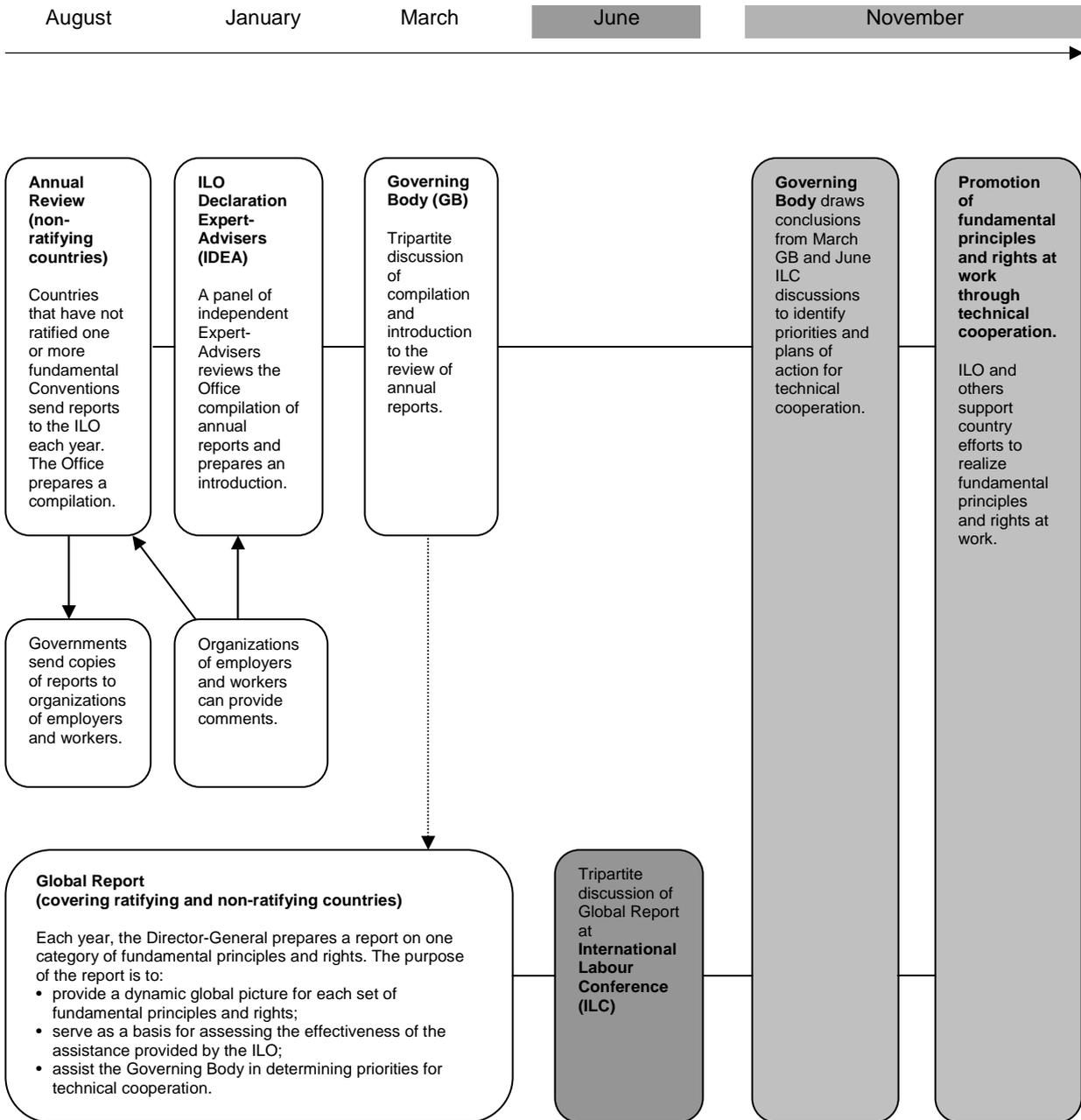


Number of ratifications of ILO fundamental Conventions (by Convention) after the adoption of the 1998 ILO Declaration on Fundamental Principles and Rights at Work (as of 31 December 2005)



## Annex 2

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



## Annex 3

### ILO Declaration Expert-Advisers

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

International consultant on development issues; former positions: Assistant Secretary-General 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, Berkeley, US; Doctoral candidate, Columbia University, New York, US.

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

Professor of Labour Economics, Faculty of Economics, Business and Accounting and President of the Graduate Programme on Integration in Latin America at the University of São Paulo, São Paulo, Brazil. President of the Curator Council of the Institute of Economic Research Foundation, affiliate at the University of São Paulo. Member of the University's MERCOSUR Forum and representative of the university in UDUAL (Unión de las Universidades Latino Americanas). Visiting Professor at a number of universities both in Brazil and other countries. President of the Brazilian Association for Labour Studies (2001-03), Member of the Regional Economic Council (1998-2004), and Coordinator of several international cooperation projects. Author of publications on labour markets, public policy, the informal sector and themes related with the fundamental principles and rights at work (child labour, forced labour, unionism and discrimination in the labour market). Consultant to the Brazilian Ministry of Labour and Ministry of Planning, to the ILO and other public and private institutions. Degrees: Master and Doctorate in Economics; Livre-docência in Development and Labour 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; Chairperson, Government of the Philippines Negotiating Panel with the Communist Party of the Philippines/National Democratic Front/New People's Army; 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. Former Secretary of the Department 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)**

Vice-Chairperson of the UN Committee for the Protection of Migrant Workers and their Families. Chairperson of the Committee of Law Experts of the Arab Labour Organization. Professor and Head of Labour Legislation, Faculty of Law, and Director of the Centre for Labour Relations, University of Cairo. Formerly representative of Egypt to UNESCO and consultant to the 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).

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

Retired; Chairperson of the French Association for the ILO. Vice-Chairperson of the French Association for Labour Relations Studies. Former Chairperson of the International Labour Conference (1998). Served as Chairperson and Vice-Chairperson of the ILO Governing Body. Former President of the European Community Social Commission of the Federation of Industry (UNICE). Honorary President of the International Organization of Employers (IOE). 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 of the 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; University of Western Ontario and University of Toronto.

## Annex 4

### Table of contents of the compilation of annual reports by the International Labour Office, Geneva, March 2006

**Introductory note:** *The information gathered in this compilation<sup>1</sup> reflects the governments' reports and baselines and the social partners' observations under the annual follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work. It does not represent the views of the Office.*

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

Afghanistan	Government Observations by the Afghanistan Workers' Association (AWA) forwarded by the Government Government's response to the AWA's observations
Armenia	Government Observations by the Union of Manufacturers and Businessmen of Armenia (UMBA) forwarded by the Government Observations by the Confederation of Trade Unions of Armenia (CTUA) forwarded by the Government Government's response to the UMBA's observations Government's response to the CTUA's observations
Bahrain	Government Observations submitted to the Office by the General Federation of Bahrain Trade Union (GFBTU) Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's response to the GFBTU's observations Government's response to the ICFTU's observations
Brazil	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)
Canada	Government
China	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)
El Salvador	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's response to the ICFTU's observations

<sup>1</sup> See [www.ilo.org/declaration](http://www.ilo.org/declaration). The texts of these reports are edited and compiled in their original versions in English, French or Spanish; original versions in other languages have been translated into English. The compilation also includes country baseline information on reporting States. The text of the Declaration itself can be accessed through the ILO's general web site ([www.ilo.org](http://www.ilo.org)) or through the web site of the Declaration Programme or obtained from ILO Offices.

Guinea Bissau	Note from the Office
India	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)
Iran, Islamic Republic of	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)
Iraq	Government Observations by the Iraq Federation of Industries (IFI) forwarded by the Government Observations by the Iraq Federation of Trade Unions (IFTU) forwarded by the Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's response to the IFI's observations Government's response to the IFTU's observations
Jordan	Government Observations by the Jordan Chamber of Commerce (JCC) forwarded by the Government Observations by the General Confederation of Trade Unions (GCTU) forwarded by the Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's response to the GCTU's observations
Kenya	Government Observations by the Federation of Kenya Employers (FKE) forwarded by the Government Observations by the Central Organization of Trade Unions (COTU)-Kenya forwarded by the Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's response to the FKE's observations Government's response to the COTU Kenya's observations
Korea, Republic of	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's response to the ICFTU's observations
Kuwait	Government Observations submitted to the Office by the General Confederation of Trade Unions of Kuwait (GCTUK) Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)
Lao People's Democratic Republic	Government Observations by the Chambre de Commerce et d'Industrie du Lao (CCIL) forwarded by the Government Observations by the Fédération des Syndicats du Lao (FSL) forwarded by the Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's response to the CCIL's observations Government's response to the FSL's observations

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Lebanon	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's response to the ICFTU's observations
Malaysia	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's response to the ICFTU's observations
Mexico	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's response to the ICFTU's observations
Morocco	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's response to the ICFTU's observations
Myanmar	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)
Nepal	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)
New Zealand	Government Observations by Business New Zealand (BNZ) forwarded by the Government Observations by the New Zealand Council of Trade Unions (NZCTU) forwarded by the Government Government's response to the BNZ's observations Government's response to the NZCTU's observations
Oman	Government Observations submitted to the Office by the Main Omani Workers' Committee (MOWC) Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)
Qatar	Government Observations submitted to the Office by the Qatar Petroleum Workers' Committee (QPWC) Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)
Samoa	Government Observations by the Samoa Chamber of Commerce and Industry (CCI) forwarded by the Government Observations by the Samoa Association of Manufacturers and Exporters (SAME) forwarded by the Government Observations by the Samoa Public Service Association (PSA) forwarded by the Government Observations by the Yazaki Employees' Association (YEA) forwarded by the Government Observations by the Polynesian Airlines Staff Association (PASA) forwarded by the Government

	Government's response to the observations by the social partners (CCI, SAME, PSA, YEA and PASA)
Saudi Arabia	Government Observations submitted to the Office by the Aramco Workers Committee (AWC) Observations submitted to the Office by the Saudi Telecom Workers' Committee (STWC) Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's response to the observations by the AWC and the SWTC Government's response to the ICFTU's observations
Singapore	Government Observations by the Singapore National Employers' Federation (SNEF) forwarded by the Government Observations by the National Trade Union Congress (NTUC) forwarded by the Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's response to the ICFTU's observations
Solomon Islands	Government Observations by the Association of Solomon Islands Manufacturers (ASIM) forwarded by the Government Observations by the Solomon Forestry Association (SFA) forwarded by the Government Observations by the Solomon Islands Chamber of Commerce and Industry (SICCI) forwarded by the Government Observations by the Solomon Islands Indigenous Business Association (SIIBA) forwarded by the Government Observations by the Solomon Islands Women in Business Association (SIWIB) forwarded by the Government Observations by the Solomon Islands Chinese Association (SICA) forwarded by the Government Observations by the Solomon Islands Council of Trade Unions (SICTU) forwarded by the Government Observations by the Solomon Islands National Union of Workers (SINUW) forwarded by the Government Observations by the Solomon Islands National Teachers' Association (SINTA) forwarded by the Government Observations by the Solomon Islands Public Employees Union (SIPEU) forwarded by the Government Government's response to the observations by the social partners (ASIM, SFA, SICCI, SIIBA, SIWIB, SICA, SICTU, SINUW, SINTA and SIPEU)
Somalia	Government
Sudan	Government Observations by the Workers' Trade Union Federation (WTUF) forwarded by the Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's response to the WTUF's observations

Thailand	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)
Democratic Republic of Timor-Leste	Government
United Arab Emirates	Government Observations by the United Arab Emirates Coordinating Committee of Professional Associations (UAECPPA) forwarded by the Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)
United States	Government Observations submitted to the Office by the American Federation of Labour – Congress of Industrial Organizations (AFL-CIO) Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)
Uzbekistan	Government Observations by the Council of Federation of Trade Unions of Uzbekistan (CFTUU) forwarded by the Government
Vanuatu	Government Observations by the Vanuatu Chamber of Commerce and Industry (VCCI) forwarded by the Government Observations by the Vanuatu National Workers' Union (VNWU) forwarded by the Government Government's response to the observations by the social partners (VCCI and VNWU)
Viet Nam	Government Observations by the Viet Nam General Confederation of Labour (VGCL) forwarded by the Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's response to ICFTU's observations Government's response to the VGCL's observations
	Observations submitted to the Office by the International Organisation of Employers (IOE).

***The elimination of all forms of forced or compulsory labour***

Afghanistan	Government Observations by the Afghanistan Workers' Association (AWA) forwarded by the Government Government's response to the AWA's observations
Canada	Government
China	Government
Japan	Government Observations submitted to the Office by the Japanese Trade Union Confederation (JTUC-RENGO) Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's response to the JTUC-RENGO's observations

	Government's response to the ICFTU's observations
Korea, Republic of	Government
Lao People's Democratic Republic	Government Observations by the Chambre Nationale de Commerce et d'Industrie du Lao (CCIL) forwarded by the Government Observations by the Fédération des Syndicats du Lao (FSL) forwarded by the Government Government's response to the CCIL's observations Government's response to the FSL's observations
Latvia	Government
Madagascar	Government Observations by the Confédération des Travailleurs Malgaches (CTM) forwarded by the Government Observations by the Confédération Chrétienne des Syndicats Malgaches (SEKRIMA) forwarded by the Government Governments response to the observations by CTM and SEKRIMA
Malaysia	Government
Myanmar	Government
Nepal	Government
Qatar	Government Observations submitted to the Office by the Qatar Petroleum Workers' Committee (QPWC) Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)
Samoa	Government Observations by the Samoa Chamber of Commerce and Industry (CCI) forwarded by the Government Observations by the Samoa Association of Manufacturers and Exporters (SAME) forwarded by the Government Observations by the Samoa Public Service Association (PSA) forwarded by the Government Observations by the Yazaki Employees' Association (YEA) forwarded by the Government Observations by the Polynesian Airlines Staff Association (PASA) forwarded by the Government Government's response to the observations by the social partners (CCI, SAME, PSA, YEA and PASA)
Singapore	Government
Solomon Islands	Government Observations by the Association of Solomon Islands Manufacturers (ASIM) forwarded by the Government Observations by the Solomon Forestry Association (SFA) forwarded by the Government Observations by the Solomon Islands Chamber of Commerce and Industry (SICCI) forwarded by the Government Observations by the Solomon Islands Indigenous Business Association (SIIBA) forwarded by the Government Observations by the Solomon Islands Women in Business Association (SIWIB) forwarded by the Government

	<p>Observations by the Solomon Islands Chinese Association (SICA) forwarded by the Government</p> <p>Observations by the Solomon Islands Council of Trade Unions (SICTU) forwarded by the Government</p> <p>Observations by the Solomon Islands National Union of Workers (SINUW) forwarded by the Government</p> <p>Observations by the Solomon Islands National Teachers' Association (SINTA) forwarded by the Government</p> <p>Observations by the Solomon Islands Public Employees Union (SIPEU) forwarded by the Government</p> <p>Government's response to the observations by the social partners (ASIM, SFA, SICCI, SIIBA, SIWIB, SICA, SICTU, SINUW, SINTA and SIPEU)</p>
Democratic Republic of Timor-Leste	Government
United States	Government
Vanuatu	<p>Government</p> <p>Observations by the Vanuatu Chamber of Commerce and Industry (VCCI) forwarded by the Government</p> <p>Observations by the Vanuatu National Workers' Union (VNWU) forwarded by the Government</p> <p>Government's response to the observations by the social partners (VCCI and VNWU)</p>
Viet Nam	<p>Government</p> <p>Observations by the Viet Nam General Confederation of Labour (VGCL) forwarded by the Government</p> <p>Government's response to the VGCL's observations</p>
Observations submitted to the Office by the International Organisation of Employers (IOE).	

### ***The effective abolition of child labour***

Afghanistan	<p>Government</p> <p>Observations by the Afghanistan Workers' Association (AWA) forwarded by the Government</p> <p>Government's response to the AWA's observations</p>
Armenia	<p>Government</p> <p>Observations by the Union of Manufacturers and Businessmen of Armenia (UMBA) forwarded by the Government</p> <p>Observations by the Confederation of Trade Unions of Armenia (CTUA) forwarded by the Government</p> <p>Government's response to the UMBA's observations</p> <p>Government's response to the CTUA's observations</p>
Australia	Government
Bahrain	Government
Bangladesh	<p>Government</p> <p>Observations by the Bangladesh Employers' Federation (BEF) forwarded by the Government</p>
Cambodia	Government
Canada	Government

Cape Verde	Government Observations by the Association Commerciale Industrielle et Agricole de Barlavento (ACIAB) forwarded by the Government Observations by the Association Commerciale de Sotavento (ACS) forwarded by the Government Observations by the Union Nationale des Travailleurs Capverdiens – Centrale Syndicale (UNTC-CS) forwarded by the Government Observations by the Confédération Capverdienne des Syndicats Libres (CCSL) forwarded by the Government Government's response to the observations by the ACIAB and the ACS Government's response to the observations by the UNTC-CS and the CCSL
Cuba	Government Observations by the Central de Trabajadores de Cuba (CTC) forwarded by the Government
Czech Republic	Government Observations by the Czech-Moravian Confederation of Trade Unions (CMCOS) forwarded by the Government
Eritrea	Government Observations by the Employers' Federation of Eritrea (EFE) forwarded by the Government Observations by the National Confederation of Eritrean Workers (NCEW) forwarded by the Government Government's response to the EFE's observations Government's response to the NCEW's observations
Estonia	Government Observations by the Confederation of Estonian Employers (CEE) forwarded by the Government
Gabon	Government Observations by the Confédération patronale gabonaise (CPG) forwarded by the Government Observations by the Confédération démocratique des syndicats autonomes (CDSA) forwarded by the Government Observations by the Confédération gabonaise des syndicats libres (CGSL) forwarded by the Government Government's response to the CPG's observations Government's response to the observations by the CDSA and the CGSL
Ghana	Government Observations by the Ghana Employers' Association (GEA) forwarded by the Government Observations by the Ghana Trade Union Congress (GTUC) forwarded by the Government
Guinea-Bissau	Note from the Office

Haiti	<p>Government</p> <p>Observations by the Association des Industries d'Haïti (ADIH) and the Chambre de Commerce et d'Industrie Haïtienne Américaine (HAMCHAM) forwarded by the Government</p> <p>Observations by the Coordination Syndicale Haïtienne (CSH) and the Groupe d'Initiatives des Enseignants de Lycée (GIEL) forwarded by the Government</p> <p>Observations by the Mouvement Syndical Haïtien (MSH) and the Confédération des Travailleurs Haïtiens (CTH) forwarded by the Government</p> <p>Observations by the Secteur Syndical Haïtien (SSH) and the Organisation Générale Indépendante des Travailleurs Haïtiens (OGITH) forwarded by the Government</p> <p>Government's response to the observations by the employers' organizations (ADIH and HAMCHAM)</p> <p>Government's response to the observations by workers' trade unions (CSH, GIEL, MSH, CTH, SSH and OGITH)</p>
India	Government
Iran, Islamic Republic of	Government
Kiribati	<p>Government</p> <p>Observations by the Kiribati Chamber of Commerce (KCC) forwarded by the Government</p> <p>Joint observations submitted through the Government by the Kiribati Trade Union Congress (KTUC); the Botakin Karikirakean Aroi Taan Murakuri (BKATM); the Bank of Kiribati Union (BOKU); the Betio Ports and Stevedoring Union (BPSU); the Housing Workers' Union (HWU); the Kiribati Islands Overseas Seafarers' Union (KIOSU); the Kiribati Nursing Association (KNA); the Kiribati National Union of Teachers (KNUT); the Kiribati Overseas Fishermen Union (KOFU); the Nanotasi Garment Union (NGU); and the Postal Services Union (PSU).</p> <p>Government's response to the observations by the social partners (KCC, KTUC, BKATM, BOKU, BPSU, HWU, KIOSU, KNA, KNUT, KOFU, NGU and PSU)</p>
Latvia	Government
Liberia	<p>Government</p> <p>Observations by the United Seamen Ports and General Workers' Union of Liberia/the Liberia Federation of Labour Unions (USPOGUL/LFLU) forwarded by the Government</p> <p>Government's response to the observations by the USPOGUL/LFLU</p>
Mexico	<p>Government</p> <p>Observations by the Confederación de Cámaras Industriales (CONCAMIN) forwarded by the Government</p>
Myanmar	Government
New Zealand	<p>Government</p> <p>Observations by Business New Zealand (BNZ) forwarded by the Government</p>

	Observations by the New Zealand Council of Trade Unions (NZCTU) forwarded by the Government Government's response to the BNZ's observations Government's response to the NZCTU's observations
Pakistan	Government Observations by the All Pakistan Federation of Trade Unions (APFTU) forwarded by the Government Government's response to the BNZ's observations Government's response to the NZCTU's observations
Qatar	Government Observations submitted to the Office by the Qatar Petroleum Workers' Committee (QPWC)
Saint Lucia	Note from the Office
Saint Vincent and the Grenadines	Government Observations by the Saint Vincent Employers' Federation (EF) forwarded by the Government Observations by the National Labour Congress (NLC) forwarded by the Government
Samoa	Government Observations by the Samoa Chamber of Commerce and Industry (CCI) forwarded by the Government Observations by the Samoa Association of Manufacturers and Exporters (SAME) forwarded by the Government Observations by the Samoa Public Service Association (PSA) forwarded by the Government Observations by the Yazaki Employees' Association (YEA) forwarded by the Government Observations by the Polynesian Airlines Staff Association (PASA) forwarded by the Government Government's response to the observations by the social partners (CCI, SAME, PSA, YEA and PASA) forwarded by the Government
Saudi Arabia	Government
Sierra Leone	Government Observations by the Sierra Leone Employers' Federation (SLEF) forwarded by the Government Observations by the Sierra Leone Labour Congress (SLLC) forwarded by the Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's response to the observations by the social partners (SLEF and SLLC)
Singapore	Government
Solomon Islands	Government Observations by the Association of Solomon Islands Manufacturers (ASIM) forwarded by the Government Observations by the Solomon Forestry Association (SFA) forwarded by the Government Observations by the Solomon Islands Chamber of Commerce and Industry (SICCI) forwarded by the Government

	Observations by the Solomon Islands Indigenous Business Association (SIIBA) forwarded by the Government
	Observations by the Solomon Islands Women in Business Association (SIWIB) forwarded by the Government
	Observations by the Solomon Islands Chinese Association (SICA) forwarded by the Government
	Observations by the Solomon Islands Council of Trade Unions (SICTU) forwarded by the Government
	Observations by the Solomon Islands National Union of Workers (SINUW) forwarded by the Government
	Observations by the Solomon Islands National Teachers' Association (SINTA) forwarded by the Government
	Observations by the Solomon Islands Public Employees Union (SIPEU) forwarded by the Government
	Government's response to the observations by the social partners (ASIM, SFA, SICCI, SIIBA, SIWIB, SICCA, SICTU, SINUW, SINTA and SIPEU)
Somalia	Government
Suriname	Government
Democratic Republic of Timor-Leste	Government
Turkmenistan	Note from the Office
United States	Government
Uzbekistan	Government Observations by the Council of Federation of Trade Unions of Uzbekistan (CFTUU) forwarded by the Government
Vanuatu	Government Observations by the Vanuatu Chamber of Commerce and Industry (VCCI) forwarded by the Government Observations by the Vanuatu National Workers' Union (VNWU) forwarded by the Government Government's response to the observations by the social partners (VCCI and VNWU)
Venezuela, Bolivarian Republic of	Government
Observations submitted to the Office by the International Organisation of Employers (IOE).	

***The elimination of discrimination in respect of employment and occupation***

Bahrain	Government Observations submitted to the Office by the General Federation of Bahrain Trade Union (GFBTU) Government's response to the GFBTU's observations
China	Government
Japan	Government Observations submitted to the Office by the Japanese Trade Union Confederation (JTUC-RENGO) Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's response to the JTUC-RENGO's observations

	Government's response to the ICFTU's observations
Kiribati	Government Observations by the Kiribati Chamber of Commerce (KCC) forwarded by the Government Joint observations submitted through the Government by the Kiribati Trade Union Congress (KTUC), the Botakin Karikirakean Aroi Taan Murakuri (BKATM); the Bank of Kiribati Union (BOKU); the Betio Ports and Stevedoring Union (BPSU); the Housing Workers' Union (HWU); the Kiribati Islands Overseas Seafarers' Union (KIOSU); the Kiribati Nursing Association (KNA); the Kiribati National Union of Teachers (KNUT); the Kiribati Overseas Fishermen Union (KOFU); the Nanotasi Garment Union (NGU), and the Postal Services Union (PSU). Government's response to the observations by the social partners (KCC, KTUC, BKATM, BOKU, BPSU, HWU, KIOSU, KNA, KNUT, KOFU, NGU and PSU)
Kuwait	Government Observations submitted to the Office by the General Federation of Trade Unions (GFTU)
Lao People's Democratic Republic	Government Observations by the Chambre Nationale de Commerce et d'Industrie du Lao (CCIL) forwarded by the Government Observations by the Fédération des Syndicats du Lao (FSL) forwarded by the Government Government's response to the CCIL's observations Government's response to the FSL's observations
Liberia	Government Observations by the United Seamen Ports and General Workers' Union of Liberia/the Liberia Federation of Labour Unions (USPOGUL/LFLU) forwarded by the Government Government's response to the observations by USPOGUL/LFLU
Malaysia	Government
Myanmar	Government
Namibia	Government
Oman	Government Observations submitted to the Office by the Main Omani Workers' Committee (MOWC)
Qatar	Government Observations submitted to the Office by the Qatar Petroleum Workers' Committee (QPWC) Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)
Samoa	Government Observations by the Samoa Chamber of Commerce and Industry (CCI) forwarded by the Government Observations by the Samoa Association of Manufacturers and Exporters (SAME) forwarded by the Government

	Observations by the Samoa Public Service Association (PSA) forwarded by the Government
	Observations by the Yazaki Employees' Association (YEA) forwarded by the Government
	Observations by the Polynesian Airlines Staff Association (PASA) forwarded by the Government
	Government's response to the observations by the social partners (CCI, SAME, PSA, YEA and PASA).
Singapore	Government
Solomon Islands	Government
	Observations by the Association of Solomon Islands Manufacturers (ASIM) forwarded by the Government
	Observations by the Solomon Forestry Association (SFA) forwarded by the Government
	Observations by the Solomon Islands Chamber of Commerce and Industry (SICCI) forwarded by the Government
	Observations by the Solomon Islands Indigenous Business Association (SIIBA) forwarded by the Government
	Observations by the Solomon Islands Women in Business Association (SIWIB) forwarded by the Government
	Observations by the Solomon Islands Chinese Association (SICA) forwarded by the Government
	Observations by the Solomon Islands Council of Trade Unions (SICTU) forwarded by the Government
	Observations by the Solomon Islands National Union of Workers (SINUW) forwarded by the Government
	Observations by the Solomon Islands National Teachers' Association (SINTA) forwarded by the Government
	Observations by the Solomon Islands Public Employees Union (SIPEU) forwarded by the Government
	Government's response to the observations by the social partners (ASIM, SFA, SICCI, SIIBA, SIWIB, SICA, SICTU, SINUW, SINTA and SIPEU)
Somalia	Government
Suriname	Government
Thailand	Government
Democratic Republic of Timor-Leste	Government
United States	Government
Vanuatu	Government
	Observations by the Vanuatu Chamber of Commerce and Industry (VCCI) forwarded by the Government
	Observations by the Vanuatu National Workers' Union (VNWU) forwarded by the Government
	Government's response to the observations by the social partners (VCCI and VNWU)

Observations submitted to the Office by the International Organisation of Employers (IOE).

Source: ILO Declaration Programme.