

**FOR DECISION**

## THIRD ITEM ON THE AGENDA

**Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work****Introduction to the compilation of annual reports presented by the ILO Declaration Expert-Advisers (Geneva, March 2007)**

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 to them the responsibility, in line with the objectives of the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work as set out in the annex to the Declaration, 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. Under the Declaration’s 2007 Annual Review, the information sent by governments and by employers’ and workers’ organizations was compiled by the Office in the form of country baseline tables under each principle and right, in accordance with established practice.

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

Following consultations during the November 2002 session of the Governing Body, the “compilation” – which now consists almost entirely of the baselines – is no longer issued in paper form, but can be consulted on the public web site of the Declaration Programme.<sup>2</sup> The list of country baseline tables can be found in Appendix IV to this Expert-Advisers’ Introduction.

3. The compilation of baselines was submitted to the Expert-Advisers, who met from 10 to 15 January 2007. This attached Introduction prepared by the Expert-Advisers, is submitted for review by the Governing Body.
4. ***The Governing Body may wish to examine the attached Introduction by the Expert-Advisers, and take the appropriate decisions on the recommendations in paragraphs 27 to 29 of the Introduction.***

Geneva, 28 February 2007.

*Point for decision:* Paragraph 4.

<sup>2</sup> See [www.ilo.org/declaration](http://www.ilo.org/declaration), and then click under Quick Links (Annual Review and database). It should be noted that the text of reports will only be published separately in future when they are the first reports received from a government under the Declaration, a situation applicable entirely to new member States. No such reports were received under the 2007 Annual Review, and so all reports received have been integrated into the baselines.

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

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

**Geneva, March 2007**

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## Abbreviations

ACT/EMP	(ILO) Bureau for Employers' Activities
DWCP	Decent Work Country Programme
EPZs	export processing zones
FPRW	fundamental principles and rights at work
GCC	Gulf Cooperation Council
IACML	Inter-American Conference of Ministers of Labor
ICFTU	International Confederation of Free Trade Unions
ILC	International Labour Conference
ILO	International Labour Organization/International Labour Office
IOE	International Organisation of Employers
IPEC	International Programme on the Elimination of Child Labour
NGOs	non-governmental organizations
OAS	Organization of American States
PRSP	Poverty Reduction Strategy Programme
SAP/FL	(ILO) Special Action Programme to Combat Forced Labour
UN	United Nations
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
WCL	World Confederation of Labour

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

### A. Expert-Advisers' overall observations

1. This Expert-Advisers' Introduction to the compilation of annual reports under the 2007 Annual Review, the eighth since the inception of the process in 2000, is an essential part of the Declaration 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 mission is to assess and promote progress among reporting States in moving towards fuller respect, promotion and realization of the fundamental principles and rights at work:
  - freedom of association and the effective recognition of the right to collective bargaining;
  - the elimination of all forms of forced or compulsory labour;
  - the effective abolition of child labour; and
  - the elimination of discrimination in respect of employment and occupation.
3. To this end, as independent Expert-Advisers, we consider the information in the reports we received. In doing so we hope to be able to move beyond information on legislation and consider actual situations as reflected in 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. Some basic considerations

4. Our work has contributed to an evaluation of the progress made in the implementation of the principles and rights enunciated by the Declaration. We are convinced that the Declaration is highly relevant to the major social issues of today, as well as to the principles enunciated by the ILO Constitution. These principles and rights, which are inherent in the Constitution, and which were renewed in the Declaration of Philadelphia in 1944, are becoming even more important in responding to the social challenges that are linked to the process of globalization. They also lie at the foundation of the concept of decent work that has been enunciated more recently by the ILO.
5. We welcome the constructive discussions of the Introduction to the compilation of reports by the Governing Body, and of the free exchange of views which is necessary to put the basic principles of the ILO into practice. In the same vein, we note that the information that is provided in the report submitted by both governments and the employers' and workers' organizations is much more substantial than it was at the earliest stages of the

<sup>1</sup> The reporting process under the Declaration's follow-up is set out in Appendix II to this Introduction.

- follow-up, and are glad to note that the provisions of the Declaration, and the principles contained in it, are being given serious consideration in a growing number of States.
6. If ratification alone were the main outcome of the work of following up the Declaration, we would be able to note that a high degree of success has been achieved. As is noted in the tables provided with this report, a large number of States have ratified the eight Conventions that underlie the Declaration, and the Conventions on forced labour and the elimination of discrimination are nearing universal ratification. While the Conventions on freedom of association and collective bargaining, and on child labour, have not yet been so widely ratified, significant progress has nevertheless been achieved.
  7. It is our opinion, however, that implementation has not kept pace with ratifications. As indicated above, our central task is to assess progress among those States that have not yet ratified these Conventions, as they move at different rates not only towards ratification, but also towards fuller respect for and realization of the principles and rights contained in the Declaration. We have therefore consistently encouraged member States to provide information in their reports that goes well beyond the legislation they have adopted, to allow us to assess and understand the real situation at the national and sectoral levels. In order to make a full assessment, it is necessary also to have information on the promotional activities, and on the national policies, programmes and evolving institutions that have been established at the national level for these purposes, in order to understand the degree to which member States have created an enabling environment for the full realization of these principles and rights.
  8. One of the contributions of the Declaration itself, as well as of the Annual Review process, is the fostering of a culture of human rights and its contribution to the consolidation of democratic values around the world. The principles and rights contained in the Declaration, and in the Conventions and Recommendations the ILO has adopted over the years, are essential contributions to democracy. A country that fails to establish at least the fundamental human rights principles of the ILO will be unable to establish fully democratic institutions.
  9. We must point out the importance of freedom of association to building tripartite social dialogue, transparency and systems of social protection. These institutions are central to the establishment of democratic regimes, and to the ability of workers and employers to participate in the definition of working conditions. Freedom of association and collective bargaining are major components in the search for social justice, and help prevent resort to extremist attitudes. The realization of this right will also contribute to the implementation of the other three principles, and to raising productivity, promoting greater welfare and protection of the environment. It is important that these institutions be constructed at the same time that emerging economies are achieving democracy, rather than waiting until the economic foundations of the country have been secured and constructing such institutions only at that point. These institutions themselves are a vital component of constructing a just society.
  10. We rely heavily on the Global Reports which are also prepared under the Declaration, and note that they have now nearly completed their second full cycle. These reports allow an overall assessment of global trends in the promotion and realization of the principles and rights across the member States, against which individual governments' reports can be better appreciated and considered. On the basis of both the Global Reports and the annual reports, we have been able over this period to call attention to difficulties which hinder progress, and to highlight the measures that serve to enhance the institutionalization of these principles in member States.

11. We repeat that the level of economic development of a country, a lack of financial resources and a lack of technical capacity, cannot be taken as an excuse for lack of political will to give effect to these principles, and that much can be done even when resources are lacking.

## 2. Government reporting and observations by employers' and workers' organizations

12. We welcome the high reporting rate by governments (93 per cent). We note that we have, as in the past, substantial observations by international organizations of employers and workers, and are encouraged by the growing number of observations by employers' and workers' organizations at the national level under the 2007 Annual Review. Indeed, this enriches the debate under the Declaration's follow-up and allows us to assess the actual situation most effectively. We note with particular interest the participation of employers' and workers' organizations of the **Gulf States** and the involvement of international employers' and workers' organizations in this debate.
13. Nevertheless, we note that contributions of employers' and workers' organizations still focus on freedom of association and the right to collective bargaining. We encourage governments to provide more information on the three other principles and rights and we hope for more involvement of employers' and workers' organizations in the debate concerning the realization of the elimination of all forms of forced or compulsory labour, the effective abolition of child labour and the elimination of discrimination in employment and occupation.
14. We have continued to request that both the constituents and the Office provide information that will allow us to assess all the measures taken to promote the realization of the principles and rights of the Declaration. A full assessment of the progress made may require examining how national development plans and strategies, including the decent work programmes adopted in different countries, contribute to respect for these principles and rights. They will also allow us to assess the political will for this, as it is then translated into strategic goals and the allocation of resources for various initiatives.
15. We have noted in several cases that workers' organizations are being formed for the first time, a development that we welcome. In some of these cases, however, the organizations being created represent only a small proportion of the national workforce, and the degree to which they can represent the views of all the workers in the country is extremely limited. This is especially the case when the creation of workers' organizations has been limited by law to certain categories of workers, which is contrary to the spirit of this right in the Constitution and the Declaration. Similar restrictions apply to employers' organizations in several countries. We urge the countries concerned to expand the access of both employers and workers to the right to freedom of association, as we urge the organizations themselves to broaden their membership to represent all parts of national society.

## 3. Country baseline information

16. Over the last eight years, the reporting process has helped reporting countries to develop their information base regarding their efforts to respect, promote and realize the Declaration principles and rights, namely through government reports and observations by employers' and workers' organizations. Since 2005, this process has also allowed the Office, in cooperation with governments and employers' and workers' organizations, to prepare and compile country baseline information on the realization of each principle and right in reporting States. These baselines were created on the basis of our recommendation that was approved by the Governing Body in March 2005.

17. The Office has now been able to prepare these baselines for all countries covered by the Annual Review, except for a few (**Saint Lucia, Solomon Islands and Turkmenistan**) that have not yet confirmed the information contained in the draft baselines. Every year, these baselines are updated in the same manner, and they have allowed us to measure progress, or the lack thereof, in reporting States, and make recommendations on how best to promote and realize the Declaration's principles and rights. These country baselines<sup>2</sup> provide a better picture of the situation in each member State, but they remain uneven in the amount and kind of information provided. We recall once again that these baselines are intended to allow each country to measure its own progress in relation to where it began as indicated in its first report. The contribution of employers' and workers' organizations is essential to allowing this assessment to be as full as possible.

#### 4. **Case studies, national tripartite dialogue and ratification of ILO fundamental Conventions**

18. Last year, with a view to filling the gaps in the annual reporting system, we encouraged reporting States to volunteer to undertake in-depth case studies on achieving respect, promotion and realization of the fundamental principles and rights at work, and to organize a national tripartite review and dialogue from these studies and baselines, in cooperation with the ILO.

19. This step is essential, as it will allow governments and employers' and workers' organizations to champion the Declaration principles and rights by assessing their national situation, and addressing and exploring different approaches and their impact in achieving respect, promotion and realization of these principles and rights.

20. We are encouraged to note that this procedure has been applied, in cooperation with the Office, in **Liberia** and **Sierra Leone**, each of which has prepared a national case study and adopted a set of tripartite resolutions/recommendations, respectively, with a view to facing national challenges, completing ratification of all ILO fundamental Conventions and ensuring the national realization of the fundamental principles and rights at work. In this regard, we are pleased to note that the Tripartite Resolution on the Humanization of the Liberia Labour Force has been considered by the United Nations Development Assistance Framework (UNDAF) in Liberia as a priority tool for its development action.

21. In the same vein, we note that a number of other governments have volunteered to undertake case studies and national tripartite debate on the Declaration's follow-up, and we encourage the Office to follow up these requests and assist on an individual basis the countries that are in the process of finalizing ratification of ILO fundamental Conventions. We are aware, however, that the Office may not immediately have the resources available to meet all these requests, and hope that funding will become available in the near future.

#### 5. **Appreciation**

22. We would like to express again our appreciation to 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 (10 to 15 January 2007). 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.

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

## 6. Information table on reporting and ratifications

Table 1. Reports due and received by category of fundamental principles and rights, 2000-07

Category	Number due and per cent received																Difference in per cent received						
	2000		2001		2002		2003		2004		2005		2006		2007		<u>2000</u> 2001	<u>2001</u> 2002	<u>2002</u> 2003	<u>2003</u> 2004	<u>2004</u> 2005	<u>2005</u> 2006	<u>2006</u> 2007
	No.	%	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	35	97	+3	+13	-12	+2	+14	+10	-
Forced labour	41	51	36	53	28	61	27	52	23	65	23	83	19	100	17	94	+2	+8	-9	+13	+18	+17	-6
Child labour	92	51	72	68	102	56	72	56	56	54	50	86	41	93	33	94	+17	-12	0	-2	+32	+7	+1
Discrimination	43	56	38	74	31	68	26	58	22	68	23	83	21	100	19	95	+18	-6	-10	+10	+15	+17	-5
Total	228	56	193	67	203	63	163	59	138	63	135	85	119	97	104	93	+11	-4	-4	+4	+22	+12	-4

Source: ILO: Country reports and baselines under the Declaration's 2007 Annual Review.

**Box 1****Governments that fulfilled their reporting obligations under the Declaration follow-up for the 2007 Annual Review by category of principle and right**

Freedom of association and the effective recognition of the right to collective bargaining (34 countries): **Afghanistan, Bahrain, Brazil, Canada, China, Guinea-Bissau, 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, Somalia, Sudan, Thailand, Timor-Leste, United Arab Emirates, United States, Uzbekistan and Viet Nam.**

Elimination of all forms of forced or compulsory labour (16 countries): **Afghanistan, Canada, China, Japan, Republic of Korea, Lao People's Democratic Republic, Madagascar, Malaysia, Myanmar, Nepal, Qatar, Samoa, Singapore, Timor-Leste, United States and Viet Nam.**

Effective abolition of child labour (29 countries): **Afghanistan, Australia, Bahrain, Bangladesh, Canada, Cuba, Czech Republic, Eritrea, Estonia, Gabon, Ghana, Guinea-Bissau, Haiti, India, Islamic Republic of Iran, Kiribati, Liberia, Mexico, Myanmar, New Zealand, Samoa, Saudi Arabia, Sierra Leone, Somalia, Suriname, Timor-Leste, United States, Uzbekistan and Vanuatu.**

Elimination of discrimination in respect of employment and occupation (18 countries): **Bahrain, Japan, Kiribati, Kuwait, Lao People's Democratic Republic, Liberia, Malaysia, Myanmar, Namibia, Oman, Qatar, Samoa, Singapore, Somalia, Suriname, Thailand, Timor-Leste and United States.**

Source: ILO: Country reports and baselines under the Declaration's 2007 Annual Review.

**Box 2****Governments that failed in their reporting obligations under the Declaration follow-up for the 2007 Annual Review by category of principle and right**

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

Freedom of association and the effective recognition of the right to collective bargaining (one country): **Solomon Islands.**

Elimination of all forms of forced or compulsory labour (one country): **Solomon Islands.**

Effective abolition of child labour (five countries): **Cape Verde, Saint Lucia, Solomon Islands and Turkmenistan.**

Elimination of discrimination in respect of employment and occupation (one country): **Solomon Islands.**

Source: ILO: Country reports and baselines under the Declaration's 2007 Annual Review.

**Box 3****Ratification of ILO fundamental Conventions in 2006**

Convention No. 29: **Latvia and Vanuatu** (bringing the total ratifications to **170** by 31 December 2006).

Convention No. 87: **Armenia, El Salvador and Vanuatu** (bringing the total ratifications to **147** by 31 December 2006).

Convention No. 98: **El Salvador and Vanuatu** (bringing the total ratifications to **156** by 31 December 2006).

Convention No. 100: **Vanuatu** (bringing the total ratifications to **163** by 31 December 2006).

Convention No. 105: **Vanuatu** (bringing the total ratifications to **166** by 31 December 2006).

Convention No. 111: **China and Vanuatu** (bringing the total ratifications to **165** by 31 December 2006).

Convention No. 138: **Armenia, Latvia, Pakistan, Qatar and Saint Vincent and the Grenadines** (bringing the total ratifications to **147** by 31 December 2006).

Convention No. 182: **Armenia, Australia, Cambodia, Latvia, Suriname and Vanuatu** (bringing the total ratifications to **163** by 31 December 2006).

Source: ILO: International Labour Standards Department.

## 7. The future

23. We indicated in our last report that the time has come to reflect on the future of this process, and we have devoted a considerable amount of time during our session to reflecting on what has been achieved and what yet remains to be done. We continue to believe that the examination of annual reports has proven useful in promoting the realization of these principles and rights in the member States, and that it continues to be so. We are also aware that each year our work relates to a diminishing number of countries. In this respect, 117 member States were to report under the first Declaration's Annual Review in 2000 as compared to 55 under the 2007 Annual Review. In 2006, six member States joined those countries that have ratified all the fundamental Conventions, bringing that number to 123 out of 180 member States.<sup>3</sup> Therefore, as of 31 December 2006, the number of ratifications of ILO fundamental Conventions reached 1,276 as compared to 1,440 if these ratifications were universal. States that have ratified all ILO fundamental Conventions no longer fall within our mandate,<sup>4</sup> 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.
24. However, a number of countries 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. We consider it important to note that, while the number of ratifications of fundamental Conventions has been impressive,<sup>5</sup> some of the world's largest States have not yet ratified several of these Conventions, which leaves a large proportion of the world's workers unprotected in international law. This fact makes it important that the Annual Review continue to be part of the follow-up to the Declaration.
25. It is equally important that the Annual Review process be integrated even more closely with other parts of the follow-up to the Declaration. As we have drawn on the Global Report, those reports can draw on the information provided under this process to ensure that they take account of the situation in countries that have not ratified the Conventions, as well as in those countries that have done so. Equally important, the technical assistance offered by the Office, including under the Decent Work Country Programmes (DWCPs), should to the greatest extent possible be based on the assessment of the national situations described in countries' reports, and on the assistance requested in these reports.

## 8. Recent developments in international financial institutions concerning the Declaration's principles and rights

26. We were informed of recent developments by which several international financial institutions have incorporated the Declaration's principles in their policies and programmes. For instance, the International Finance Corporation adopted performance standards in February 2006 that make direct reference to the Declaration principles and rights, as well as to other principles covered by ILO standards. The Inter-American

<sup>3</sup> Brunei Darussalam and Montenegro, which joined the ILO only recently, are not to report under the Declaration's 2007 Annual Review.

<sup>4</sup> A member State that has ratified an ILO Convention has a two-year period before it submits its first report on the application of the Convention (i.e., 12 months after ratification for entry into force and 12 months for reporting after entry into force) to adjust its laws and practice vis-à-vis the provisions of the ratified Convention.

<sup>5</sup> Appendix I, p. 83.

Development Bank also adopted such a policy, with relation to infrastructure development, during the course of the year, and the European Bank for Reconstruction and Development (EBRD) began consideration of a revised social policy in the same sense. The Asian Development Bank issued, during 2006, a *Core labour standards handbook* drafted with ILO participation, in furtherance of its social policy adopted in 2001. Other development banks, whether national or international, have also been considering similar exercises. We welcome this new indication of the positive impact that the Declaration has had, and look forward to learning in future sessions how these policies have been applied, particularly in cases in which countries have expressed the need for assistance in implementing the principles and rights under the Declaration. The Expert-Advisers recall that the Declaration provides in Article 3 for the ILO to call upon other international organizations to support its efforts to assist Members in attaining the objectives laid down.

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

27. The Expert-Advisers welcome the case studies and the national tripartite reviews and dialogues that have been carried out, as well as the expression of interest by several other countries in availing themselves of this possibility. It hopes that the Office will continue to be able to respond to these requests, and that the resources can be found to enable it to do so. We also hope the Office will encourage them to update the baselines.
28. We also note a number of cases in which governments have requested the assistance of the Office in removing obstacles to the full implementation of the rights and principles contained in the Declaration, or in moving towards ratification. We encourage the Office to continue to provide this assistance, and in particular to include promotion of the Declaration's principles and rights in the DWCPs and in all other forms of assistance provided.
29. We have noted a number of instances in which employers' and workers' organizations have called attention to the need for assistance to help them develop their own capacity to promote these principles and rights. We encourage the Office to do everything possible to respond to these requests, and to the donor community to assist the Office in this regard.

## **C. 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**

30. The Expert-Advisers recall that the principle of freedom of association and the effective recognition of the right to collective bargaining is one of the founding principles of this Organization, and that its observance is indeed a prerequisite for the exercise of the other principles and rights contained in the Declaration. In this regard, all the Declaration principles and rights are interlinked and mutually supportive. Freedom of association is an essential element of the basic principle of good governance. Its absence deprives employers and workers of an important aspect of their right to participate in and benefit from the national economy and to contribute to respect for human rights and democracy.

31. We are glad to note the high reporting rate by governments (97 per cent) under this principle and right and the significant increase of comments received from national employers' and workers' organizations. Their involvement demonstrates the importance given by them to freedom of association and the right to collective bargaining. By responding to these comments, the governments have taken part in the exchange of views and information that is instrumental to realizing the Declaration principles and rights in a spirit of promotion and dialogue.
32. We welcome the fact that the Office has recorded a large number of ratifications of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1948 (No. 98) since the start of the Annual Review process in 2000. However, we regret to note once again that some 52 per cent of the total labour force of ILO member States live in four countries that have not yet ratified both of these Conventions (**Brazil, China, India and United States**). This leaves many millions of workers and employers without the protection offered by these instruments in international law, even if the governments concerned may consider that their law and practice are sufficient.
33. We are pleased nevertheless to note ratification, during the last year (2006), of Conventions Nos. 87 and 98 by **Armenia, El Salvador and Vanuatu**. We encourage the governments that have expressed willingness to ratify Conventions Nos. 87 and/or 98 to realize their intention. ILO assistance is available in this regard. We note in this connection that several countries – in particular **Afghanistan, Guinea-Bissau, the Islamic Republic of Iran, Iraq, the Republic of Korea, the Lao People's Democratic Republic, Nepal, Qatar, Saudi Arabia, Sudan, Thailand and Viet Nam** – have been indicating their intention to ratify these Conventions for several years, with no indication that progress has been made. In this context, we welcome in particular the fact that the **United Arab Emirates** has for the first time expressed its intention to ratify.
34. We are concerned that several countries are not expressing the intention to ratify, and encourage them to take the appropriate measures to allow them to do so. In the meantime, we expect them to bring their law and practice into closer conformity with this principle and right. We also urge other governments that have not yet done so to express their intentions concerning the ratification of Conventions Nos. 87 and/or 98 (**China, Malaysia, Morocco, Timor-Leste and Uzbekistan**).
35. Too often in their reports, governments make it seem as if there is no problem in the realization of this principle and right. This is the principle and right under which we have the largest number of comments by employers' and workers' organizations. In a certain number of cases, the reports give information only on laws and regulations, and do not indicate how this principle and right is actually implemented in the national context. Therefore, we encourage governments to provide detailed and accurate information concerning the realization of the principle and right, so as to allow us to have a good basis for our appreciation of the national situations.
36. Social dialogue cannot be based on non-representative organizations; and without proper social dialogue, there can be no democracy. We stress again that workers and employers, without distinction whatsoever, have the right under the ILO's Constitution to establish and to join organizations of their own choosing with a view to furthering and defending their respective interests, as well as the right to bargain collectively. It is important in this respect that employers and workers should be able to set up their organizations freely and organize themselves voluntarily, and that they not be subjected to control by their governments. In this respect, we note with interest that some progress has been reported in the **Gulf States**.

37. However, with a view to giving fuller effect to this principle and right, employers' and workers' organizations everywhere should be independent, and these countries should also be able to offer all workers the opportunity to exercise these rights, including freedom of association. Restrictions on the right to organize of migrant workers (as in **Jordan, Lebanon, Malaysia, Qatar, Singapore, Thailand** and **Timor-Leste**), domestic workers (as in **Bahrain, Lebanon** and **Qatar**), workers in export processing zones (as in **Brazil, Kenya** and **United Arab Emirates**) or workers in the public service (as in **Brazil, India, Republic of Korea, Lebanon, Mexico, Morocco, Nepal** and **Qatar**) are not compatible with the full realization of this principle and right. Equally, while progress towards the right to organize and bargain collectively for only some parts of the workforce may constitute progress in some cases, the aim is to encourage this principle and right for all workers.
38. Finally, we note with interest that several countries have initiated or intend to initiate a labour law review. We recall that the Office can provide technical assistance in this process. In addition to legislation, it is equally important to create an enabling environment in which all employers and workers can freely exercise their right to organize and collective bargaining, and can take a full and active part in the realization of the principle and right.

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

39. The Expert-Advisers are glad to note the high reporting rate by governments (94 per cent) under this principle and right, but regret the lack of participation by employers' and workers' organizations in this discussion. Needless to say, their contribution can be invaluable as it provides us with essential information that allows us to have an accurate picture of the realization of the principle and right in reporting States.
40. We welcome the fact that during the last year (2006), **Latvia** has ratified the Forced Labour Convention, 1930 (No. 29), and that **Vanuatu** has ratified both the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105). We encourage countries that have expressed their intention to ratify these Conventions to complete the process (**Afghanistan, Islamic Republic of Iran, Nepal, Qatar** and **Viet Nam**). We are, however, concerned that the Governments of **Malaysia** and **Singapore**, which earlier denounced Convention No. 105, did not indicate that they had opened a dialogue with the Office and their employers' and workers' organizations with a view to reconsidering this decision. We urge them to take action in this regard. We also urge the Governments of **Myanmar** and **Timor-Leste** to express their intentions concerning the ratification of Conventions Nos. 29 and/or 105.
41. On a further positive note there is a significant increase in the reports of actions to combat forced or compulsory labour in several countries (**Afghanistan, Canada, China, Japan, Republic of Korea, Lao People's Democratic Republic, Madagascar, Qatar, Thailand** and **Timor-Leste**). We reiterate our observations made in last year's report 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 indispensable to combating forced or compulsory labour, as it is undoubtedly the first step in what is a daunting but essential task.

42. As mentioned in the 2005 Global Report on forced labour,<sup>6</sup> the elimination of forced or compulsory labour represents a challenge for virtually every country in the world. Beside the traditional forms of forced or compulsory labour, several modern forms of forced labour are emerging; in particular through the exploitation of migrants, bonded labour practice in new workplaces and increases in trafficking around the world. It has been said that the twenty-first century is considered to be the century of migration, and so far this is indeed the case.
43. We have to stress that most government reports contained very limited information regarding problems encountered in practice, or measures taken to seek the elimination of forced labour, which fails to render this problem visible and prevents effective mobilization against it. Once again, we reiterate that it would be extremely difficult to face the ever-growing trend and practice of forced labour without detailed and accurate information from governments and employers' and workers' organizations. We therefore hope that future government reports and employers' and workers' observations will provide us with a complete picture of the realities regarding this principle and right including a full account of the measures taken in order to achieve this necessary objective.
44. Irregular migration inevitably leads to working conditions that do not benefit from the traditional protections, such as social security or protection against hazardous conditions of work. This relatively new phenomenon can therefore give rise to servitude in its traditional form. Irregular migration also puts specific groups, particularly women, children and minorities, in a situation of greater vulnerability. In addition, it introduces more subtle forms of forced labour such as the common practice in several countries by employers of withholding workers' passports.
45. It is important, however, that governments ensure that combating the forced labour outcomes of irregular forms of migration does not become an excuse for halting migration itself.
46. The Global Report on forced labour has shown the magnitude of this scourge, the profit that trafficking in human beings generates, and the challenges it raises. This should lead countries, both those which have ratified these instruments and those which have not, to prepare themselves adequately to address the issue effectively. The nearly universal ratification of these instruments demonstrates the will of almost all States in the world to collaborate in these issues, particularly when investors in some countries are benefiting from forced labour carried out in other countries.
47. Human trafficking and forced labour bring yet another dimension to the problem. The conditions that lead to irregular migration and human trafficking involve the countries of origin, of transit and of destination. This calls for cross-border and international cooperation and synergy to combat effectively the lucrative trade of human trafficking. It cannot be treated exclusively as a criminal undertaking: its labour dimension, including in particular the provision of equal economic opportunities, must also be taken into account. Without an integrated and concerted approach it will be impossible to combat forced labour.
48. 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

<sup>6</sup> See *A global alliance against forced labour: Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, ILO, 2005.

particularly vulnerable to forced labour and forced labour is in itself contradictory to the right of freedom of association and collective bargaining.

49. In this respect, the forced labour projects carried out under the ILO Declaration Programme have proved most effective when they have taken an integrated approach to the problem, combining community-based interventions with upstream policy components. And, in the case of forced labour and trafficking, they have yielded particularly positive results when they: (a) deal with these problems from a labour market perspective so that those involved in labour issues work together with law enforcement agencies; and (b) have components across the trafficking cycle, in countries or regions of origin and transit as well as of destination.
50. Some governments have indicated that they need further clarification on the conformity of their situations with the Conventions, which is an obstacle to ratification. We therefore urge those countries to avail themselves of the ILO's assistance to overcome that hurdle. Lack of clarity should never act for any length of time as a deterrent to ratification, as the many years of experience of the ILO and its Members in this regard should serve to clear up any questions that may arise.

### 3. The effective abolition of child labour

51. The Expert-Advisers are glad to note that the governments' reporting rate under this principle and right remains high (97 per cent), but are concerned at the failure to report by four countries – **Cape Verde, Saint Lucia, Solomon Islands and Turkmenistan**. We encourage these countries, as well as all others that are required to do so, to continue their efforts to report. At the same time, we note with appreciation the high number of observations from employers' and workers' organizations, which clearly illustrates their commitment to the elimination of child labour. We draw attention to the fact that the involvement of employers' and workers' organizations is indispensable to the success of action against child labour.
52. Nevertheless, we note a paucity of practical information in several reports (**Bahrain, Canada** (as concerns child labour generally), **Estonia, Guinea-Bissau, Haiti, Myanmar, Samoa, Saudi Arabia, Somalia, Suriname, Timor-Leste** and **Vanuatu**), which complicates our task of assessing the extent to which the principle is realized in the countries concerned. We draw the attention of governments to the possibility of requesting technical assistance from the Office to facilitate fuller and more comprehensive reporting.
53. We are glad to note that the pace of ratification of the ILO Conventions on child labour continues in 2006, with five new ratifications for the Minimum Age Convention, 1973 (No. 138) (**Armenia, Latvia, Pakistan, Qatar** and **Saint Vincent and the Grenadines**), and six for the Worst Forms of Child Labour Convention, 1999 (No. 182) (**Armenia, Australia, Cambodia, Latvia, Suriname** and **Vanuatu**). Additionally, a significant number of countries have indicated that they intend to ratify the Conventions, or that the ratification process is already under way. We encourage them to complete this process. Furthermore, we urge the Governments of **Mexico** and **Timor-Leste** to express their intention concerning ratification of Conventions Nos. 138 and/or 182.
54. We welcome the publication by the Office in May 2006 of the Global Report on child labour, entitled *The end of child labour: Within reach*,<sup>7</sup> which puts forward the ambitious

<sup>7</sup> See *The end of child labour: Within reach*: Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, ILO, 2006.

but achievable goal of eliminating the worst forms of child labour in the next ten years. We are also encouraged by the global trends presented in the Report, which indicate a significant decline by 11 per cent in child labour worldwide, and an even steeper decline in hazardous child labour. Nevertheless, we are very concerned by the fact that child labour remains a widespread phenomenon, and that the progress recorded in the Report has mostly been achieved in **Latin America**, while the least progress has been in **sub-Saharan Africa**, and only marginal progress has been made in **Asia**. We also note with concern that child labour remains present also in developed countries. The Global Report stressed that while economic progress is important, governments and employers' and workers' organizations need to develop a strategic approach to the elimination of child labour by mainstreaming child labour concerns in national development and policy frameworks, including human rights frameworks, Education for All (EFA), poverty reduction strategies and youth training and employment plans. This multi-sectoral approach is indispensable for the effective abolition of child labour.

55. We stress the importance of education as a means to reduce and eliminate child labour. The provision of free compulsory education of good quality up to the minimum age for admission to employment is crucial in this respect. We welcome the continued cooperation by the ILO with the World Bank, UNICEF and UNESCO in the framework of EFA, particularly through the Global Task Force on Child Labour and Education launched in Beijing in 2005. We are very concerned that the Global Report on child labour notes that more than 80 countries will fail to meet the Millennium Development Goal of universal education by 2015, and we urge governments to redouble their efforts in investing in education as a means of eliminating child labour.
56. It is important that national initiatives against child labour enjoy full ownership by ILO constituents and other national actors, and we stress the importance of drawing up national action plans in a consultative process. National ownership needs to be supported by a coherent and strengthened worldwide movement consisting of all major intergovernmental and non-governmental actors. We appreciate the Global Action Plan presented in the Global Report on child labour, and endorsed by the Governing Body in November 2006, in which the Office outlines a number of initiatives to deepen and strengthen the worldwide movement against child labour.
57. We commend the continuing efforts by the ILO's International Programme on the Elimination of Child Labour (IPEC), and note the importance of providing technical support both to those countries that have ratified Conventions Nos. 138 and 182 and to those that have not yet done so. While taking full note of the constraints facing IPEC in terms of funding and operational capacity, we encourage IPEC to explore options for providing assistance to these countries.
58. We note that some constituents (the Governments of **Australia** and **New Zealand** and Business New Zealand) expressed concern at the possibility that ratification of Convention No. 138 might negatively affect opportunities for young persons to enter the labour market. We point out that these concerns can be adequately addressed through the various kinds of flexibility inherent in the principle of eliminating child labour, regarding for instance light work, or vocational training and apprenticeships. A better understanding of the principle and right would alleviate those concerns, and we draw the attention of these constituents to the possibility of obtaining technical advice from the Office in this regard.
59. Finally, we note that the number of member States that have not yet ratified one or both child labour Conventions is now relatively small. We suggest to the Office that more targeted and individualized action is required to encourage and assist these remaining countries to ratify these instruments, in particular in respect of those countries that are not

already benefiting from technical cooperation, or that may have limited contact with the ILO.

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

60. The Expert-Advisers welcome the high reporting rate by governments (95 per cent) under this principle and right, giving us the possibility of examining the situation in most of 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.
61. We also welcome the increase in the degree of participation in the reporting process by national and international employers' and workers' organizations. This is particularly important for discrimination issues, where the essence of the obstacles lies in the practice.
62. We note that **Vanuatu** has ratified both the Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) during the past year (2006). We also welcome the intentions expressed by a number of Governments to ratify these instruments in the near future (**Bahrain, Kiribati, Lao People's Democratic Republic, Liberia, Oman and Qatar**). Nevertheless, we are concerned that a few Governments (**Namibia and the United States**) indicate that ratification is not presently being considered, and urge them to take the necessary steps to do so. We also urge few other Governments to express their intentions concerning ratification of Conventions Nos. 100 and/or 111 (**Malaysia, Myanmar, Singapore and Timor-Leste**).
63. We reiterate that the information supplied by employers' and workers' organizations, at both national and international levels, can help fill whatever gaps are left by governments' reports. We are aware that many ministries at the national level have limited means for gathering and providing information and that this could be supplemented by tripartite discussions and ILO technical assistance.
64. We regret that the information provided in the reports and observations is often limited, and does not cover the wide range of discrimination issues regarding their respective countries, in particular the issues related to discrimination and exclusion on the grounds of race, ethnicity, age, religion and other forms of discrimination. In our opinion, it is important to note that discrimination is not merely a gender issue, as seems to be the general tendency according to the reports. We agree that effectively addressing sex discrimination is very important but it does not deal fully with this complex issue. The ILO's constituents must realize the full range and impact of discrimination, so that the measures and policies they put into place can be effective.
65. In addition, many of the reports are limited to measures taken in laws and regulations. We therefore hope that future reports will also provide more substantial information on the action taken beyond legislation, especially on action against occupational segregation. It is clear from the reports that all countries prohibit discrimination, in more or less specific terms, in their constitutions and laws, but we note that in many cases this does not provide effective protection. While proper drafting of anti-discriminatory laws is the basis for eliminating discrimination, it cannot in itself guarantee the elimination of discrimination in employment and occupation. Adequate sanctions and preventive and monitoring mechanisms, as well as awareness raising, are merely examples of the type of action that needs to be taken to achieve elimination of discrimination at the workplace. Access to education, including technical and vocational education, and to working experience for

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disadvantaged groups is also essential. We cannot achieve our objective of assessing the difficulties and challenges with regard to this principle and right unless governments, as well as employers' and workers' organizations, provide us with detailed and relevant information.

66. The fact that migration is on the increase as one of the effects of globalization, leads workers to be more and more exposed to discrimination. Countries should therefore be adequately prepared to face this phenomenon, given the magnitude of migration and the frequent denial of the rights of migrant workers, who do not enjoy the fundamental right of freedom of association in many countries. The denial of freedom of association will undoubtedly mean that workers will be more exposed to discrimination, as these two problems are inextricably linked.
67. We stress the need also to tackle discrimination and forced labour together, particularly as regards indigenous and tribal peoples and other ethnic minorities. Forced labour cannot be effectively eliminated if the widespread and systemic discrimination in employment and remuneration facing these peoples is not addressed as well. Focusing on the links between categories of fundamental principles and rights at work (FPRW) will enhance the effectiveness of project and policy interventions.
68. We urge governments to pay more attention to social dialogue, by organizing national debate on equality and discrimination. This is an area in which measures taken in other fields can have a profound influence on equality of opportunity and treatment in the workplace. 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. In our opinion failing to address discrimination in its widest sense will eventually create social tension also outside the workplace. Discrimination is therefore not only a workplace issue, but can also be a ground for social unrest, and we should all bear that in mind.<sup>8</sup>

<sup>8</sup> See *Time for equality at work: Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, ILO, 2003.

## 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*

- 69.** Thirty-four out of 35 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 the same as the 2006 Annual Review figures on this principle and right (cf. table 1, page 7 of this document).
- 70.** Only **Solomon Islands** failed to comply with the reporting obligations under the 2007 Annual Review.
- 71.** At the national level, 18 employers' and 19 workers' organizations from 19 States formulated observations on their governments' reports.
- 72.** At the international level, one general observation was received from the International Organisation of Employers (IOE) <sup>2</sup> with general references to the realization of the principle and right, while 23 observations were received from the International Confederation of Free Trade Unions (ICFTU). These observations were sent to the Office by the ICFTU before its unification with the World Confederation of Labour (WCL) and eight other national trade union organizations to form the International Trade Union Confederation (ITUC) in November 2006.
- 73.** The table below indicates the national and international employers' and workers' organizations which sent observations and the countries involved.

<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 2007 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.

<sup>2</sup> cf. pp. 69–75 of this document.

**2007 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 \***

Country	Observations by national employers' organizations	Observations by national workers' organizations	Observations by the ICFTU
Afghanistan	Chamber of Commerce of Afghanistan (CCA)	All Afghanistan Federation of Trade Unions (AAFTU)	–
Bahrain	Bahrain Chamber of Commerce and Industry (BCCI)	General Federation of Bahrain Trade Unions (GFBTU)	X
Brazil	–	–	X
Canada	–	–	X
China	China Enterprise Confederation (CEC)	–	X
India	All India Manufacturers' Organization (AIMO)	Indian National Trade Union Congress (INTUC), Centre of Indian Trade Unions, All India Trade Union Congress (AITUC)	X
Islamic Republic of Iran	Iran's Confederation of Employers' Associations (ICEA)	Iran Confederation of Islamic Labour Conference (ICILC)	X
Iraq	Iraq Federation of Industries (IFI)	Iraq Federation of Trade Unions (IFTU)	X
Jordan	–	General Federation of Jordanian Trade Unions (GFJTU)	X
Kenya	Federation of Kenya Employers (FKE)	Central Organization of Trade Unions (COTU–Kenya)	X
Republic of Korea	–	–	X
Kuwait	Kuwait Chamber of Commerce and Industry (KCCI)	General Federation of Trade Unions of Kuwait (GFTUK)	–
Lao, People's Democratic Republic	Chambre Nationale de Commerce et d'Industrie (CCIL)	Fédération des syndicats Lao (FSL)	X
Lebanon	–	General Confederation of Workers of Lebanon (CGTL)	X
Malaysia	Malaysian Employers Federation (MEF)	–	X
Mexico	–	–	X
Morocco	–	–	X
Nepal	–	–	X
New Zealand	Business New Zealand (BNZ)	New Zealand Council of Trade Unions (NZCTU)	–
Oman	Omani Chamber of Commerce and Industry (OCCI)	Omani Workers' Committee (OWC)	X
Qatar	Qatar Chamber of Commerce and Industry (QCCI)	Qatar Petroleum Workers' Committee (QPWC)	X
Saudi Arabia	Council of Saudi Chambers of Commerce and Industry (SCCI)	Aramco Workers' Committee (AWC), Saudi Telecom Workers' Committee (STWC)	X
Singapore	Singapore National Employers Federation (SNEF)	National Trade Union Congress (NTUC)	X
Sudan	Sudan Businessmen and Employer's Federation (SBEF)	Sudan Workers' Trade Union Federation (SWTUF)	–
Thailand	Employers' Confederation of Thailand (ECOT)	–	X

Country	Observations by national employers' organizations	Observations by national workers' organizations	Observations by the ICFTU
United Arab Emirates	United Arab Emirates Federation of Chambers and Industry (UAEFCCI)	United Arab Emirates Coordinating Committee of Professional Associations (UAECCPA)	–
United States	–	–	X
Uzbekistan	–	Council of the Federation of Trade Unions of Uzbekistan	–
Viet Nam	–	–	X

\* 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 2007 Annual Review.

## (b) Reports mentioning efforts

**74. Ratification and intentions of ratification.** Under this principle and right, the Office has recorded three ratifications concerning the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (**Armenia, El Salvador and Vanuatu**) and two ratifications concerning the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (**El Salvador and Vanuatu**). Countries that have newly ratified both fundamental Conventions under the same principle and right have no more reporting obligations under the Declaration's Annual Review. They also have a two-year period before they submit their first report (i.e., 12 months after ratification for entry into force and 12 months for reporting after entry into force) to adjust their laws and practice vis-à-vis the provisions of the ratified Conventions before they report on the application of these newly ratified instruments (under article 22 of the ILO Constitution).

**75.** The table below displays the countries that expressed in 2006 their intention to ratify Conventions Nos. 87 and/or 98.

### 2007 Annual Review: Status of ratification intentions for Conventions Nos. 87 and 98

	Ratification intentions expressed under the 2007 Annual Review
Convention No. 87	Afghanistan, Guinea-Bissau, Islamic Republic of Iran, Iraq, Republic of Korea, Lao People's Democratic Republic, Nepal, Oman, Qatar, Sudan, Thailand, United Arab Emirates and Viet Nam
Convention No. 98	Afghanistan, Islamic Republic of Iran, Republic of Korea, Lao People's Democratic Republic, Oman, Qatar, Thailand, United Arab Emirates, and Viet Nam

**76.** Country baselines indicate that most employers' and workers' organizations support their governments in the ratification process for Conventions Nos. 87 and/or 98.

**77.** Various countries are contemplating ratification of Conventions Nos. 87 and/or 98, but as a preliminary step they wish to ensure that policy, laws and/or practice fully comply with the provisions of these Conventions (**Kenya, Republic of Korea, New Zealand, Qatar and Thailand**).

**78.** In **Thailand**, the Government indicates that the survey for ratification of Conventions Nos. 87 and 98 has been completed, and that ILO technical cooperation would be needed to ensure compliance of national labour laws with the provisions of these Conventions.

**79.** In **Bahrain**, the Government, the Bahrain Chamber of Commerce and Industry (BCCI) and the General Federation of Bahrain Trade Unions (GFBTU) support the establishment

of a tripartite committee to study and make recommendations on further ratification of ILO fundamental Conventions, including Conventions Nos. 87 and 98.

- 80. Recognition of this principle and right in the Constitution.** As indicated in the 2006 Annual Review Introduction,<sup>3</sup> most countries recognize the principle and right in their national constitutions (**Afghanistan, Bahrain, Brazil, Canada, China, Guinea-Bissau, India, Islamic Republic of Iran, Jordan, Lao People's Democratic Republic, Lebanon, Malaysia, Morocco, Republic of Korea, Qatar, Samoa, Solomon Islands, Timor-Leste, United Arab Emirates and United States**). The 2007 Annual Review includes **Iraq** among these countries following the adoption of a new national Constitution in 2006.
- 81. Recognition of this principle and right in policy, legislation, regulations and/or judicial decisions.** In **Iraq**, the draft Labour Code, currently under review with ILO technical cooperation, recognizes the principle of freedom of association.
- 82.** In **Singapore**, the Singapore National Employers' Federation (SNEF) observes that the existing laws in respect to collective bargaining are comprehensive and that no changes are necessary at this juncture.
- 83. Exercise of this principle and right.** In **Oman**, the Government indicates that, following the amendment of national labour laws, the Government's approval is no longer needed to conclude collective agreements.
- 84.** The Government of **Samoa** states that the Government's authorization is not required to establish employers' and workers' organizations.
- 85.** In **Singapore**, the Government emphasizes that union membership stood at 450,000 in 2005. The National Trades Union Congress (NTUC) has set up a unit for contract workers to help address the concerns of the growing number of this category of workers although their overall number vis-à-vis permanent employees is still small. A new union for employees working in private educational institutions was set up in March 2006 and has a potential of 50,000 members.
- 86. Introducing legislative amendments.** In **Afghanistan**, the Government drafted a new Labour Law in 2006, in cooperation with employers' and workers' organizations and the ILO, the comments of which have been integrated in the final text.
- 87.** In **Jordan**, the Government has established a tripartite committee to consider the amendments required to the Labour Code in compliance with international standards. The Ministry of Labour expects that the proceedings of this committee will be completed and that a final version of the draft amendments to the Labour Code will be submitted to Parliament before the end of 2006. The amendments under discussion include several subjects, such as the right to organize and bargain collectively, the means of settlement of collective disputes and other questions concerning individual and collective relations. Moreover, some emerging gaps in the law will be addressed to cope with new developments in the national labour market.
- 88.** Labour laws have been amended in the **Republic of Korea** (January 2006) and **Oman** to allow workers to form trade unions and carry out collective bargaining. In **Oman**, the joint

<sup>3</sup> ILO: GB.295/5: Introduction by the ILO Declaration Expert-Advisers to the compilation of annual reports, 2006, p. 17, para. 83.

- committees have become trade unions and the Main Omani Workers' Committee is renamed as the Omani General Labour Federation.
- 89.** In the **Islamic Republic of Iran**, the Government notes that some amendments are being made to the Labour Code to promote employers' and workers' organizations' rights and their multiplication through free and democratic process.
- 90.** In the **Lao People's Democratic Republic**, the Government states that a revision of the trade unions' law is under examination, as are amendments to the Labour Code that would explicitly recognize the role of employers' and workers' organizations. It is envisaged that the country's growing integration into ASEAN and the wider world will lead to a more prominent role for collective bargaining in the country's emerging industries. The Government further states that the activities of the Lao National Chamber of Commerce and Industry are regulated by the Decree on the Organization Structures and Activities, No. 125/PM, that outlines the industrial relations with workers' organizations.
- 91.** In **Lebanon**, the Government is waiting for ILO comments on the draft amendments to the Labour Code, in particular as regards the requirement of prior authorization to establish employers' or workers' organizations.
- 92.** In the same vein, various countries report that a labour law revision has been initiated by the Government in cooperation with employers' and workers' organizations (**Afghanistan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Sudan, Thailand** and **United Arab Emirates**).
- 93. National Policies.** In **Thailand**, the Government indicates that it has set up a policy and procedures to enhance the capacity of employers' and workers' organizations on the principle and right.
- 94. Enforcement, monitoring and sanction mechanisms.** The examination of governments' reports shows that a large majority of countries provide for enforcement and/or sanction mechanisms to ensure the application of national laws. For example, in **Guinea-Bissau**, the Government indicates that inspection/monitoring mechanisms are used to ensure the adequate enforcement of freedom of association and the right to collective bargaining. In instances where this principle and right has not been respected, the procedure referred to usually involved conciliation and mediation. In case of failure, judicial action, redress and civil, administrative and/or penal sanctions are provided for.
- 95.** In the **Republic of Korea**, the Government mentions that the Trade Union and Labour Relations Adjustment Act, 1997 (TURLAA) considers as unfair labour practice any impediments by employers of trade unions' establishment or operation. In this respect, 195 indictments for unfair labour practices were recorded as of August 2006.
- 96. Special attention to particular situations.** The Governments of **Guinea-Bissau** and **Lebanon** state that they are giving special attention to women's involvement in the realization of the principle and right.
- 97. Promotional activities.** These activities have mostly been developed by governments and range from institutionalized policies or programmes to awareness-raising/advocacy activities. They have been reported in **Afghanistan, Canada, China, Kenya, Kuwait, Morocco, New Zealand, Oman, Saudi Arabia, Singapore, Thailand, Timor-Leste** and **United Arab Emirates**.

98. For example, workshops, seminars or training courses on international labour standards, the Declaration and social dialogue were organized in **Kuwait, Morocco, New Zealand, Oman, Qatar, Saudi Arabia, Thailand** and **Timor-Leste**.
99. In **China**, most promotional activities referred to in the Government's report concern collective bargaining. This right is being promoted at national, provincial and enterprise level by means of circulars and training materials.
100. In **New Zealand**, a government budget of NZ\$2 million is being provided annually towards an openly contestable employment relations education fund. This has resulted in the creation of 282 courses for 2005–06. The courses are designed to increase skills and knowledge of employers and workers in employment matters and to improve relationships within the workplace to allow parties to deal with each other in good faith.
101. In **Uzbekistan**, various promotional measures have been implemented in relation to the principle and right, such as the capacity building of labour officers and employers' and workers' organizations and the training of other government officials.
102. Some Governments indicate that they held promotional activities in cooperation with the ILO. For example, **Bahrain, Kuwait, Oman, Qatar, Saudi Arabia** and the **United Arab Emirates** mention their participation in the ILO/Gulf Cooperation Council (GCC) Fourth Regional Workshop on the ILO Declaration and International Labour Standards in GCC countries organized in Kuwait City in April 2006. The Government of **Viet Nam** states that workshops have been organized in cooperation with the ILO to raise awareness on the principle and right.
103. The Government of **Lebanon** indicates that the prevalent political conditions did not allow the organization of the planned workshop on international labour standards, with special focus on freedom of association, in cooperation with the International Training Centre of the ILO, Turin. This activity has been postponed.
104. Various employers' and workers' organizations mention that they have participated in governments' promotional activities or indicate that they have organized similar activities. For example, **Afghanistan**, the All Afghanistan Federation of Trade Unions (AAFTU) states that it strives to work for the improvement of workers' rights and its main objective is the realization of the fundamental principles and rights at work.
105. In **China**, the China Enterprise Confederation (CEC) states that it is carrying out a pilot programme on collective contracts and collective consultations on wages in the developing district of Dalian City, Liaoning Province. The All China Federation of Trade Unions (ACFTU) mentions that it has carried out the following activities: (i) involvement in the supervision of the application of labour laws (2005); (ii) a national meeting on promoting and organizing trade unions in foreign enterprises (March 2006); (iii) involvement in the adoption of the Provisional Regulation on Enforcing the Work of Trade Unions in Enterprises (July 2006); (iv) a training course on international labour standards and collective bargaining with the ILO; and (v) a training course for collective bargaining trainers.
106. In **Kenya**, the Central Organization of Trade Unions (COTU–Kenya) indicates its participation in the ILO/SLAREA (Strengthening Labour Administration and Labour Relations in East Africa) Declaration Programme.
107. **Data collection and dissemination.** Only a few governments (**Canada, Mexico, New Zealand** and **Oman**) make reference to data collection and dissemination concerning the

- principle and right. For example, the Government of **Mexico** has provided data on strikes, collective agreements and wage revisions.
- 108. Tripartite discussions. Afghanistan, Republic of Korea, Lebanon, Morocco, Oman, Qatar and Sudan** report that they have held tripartite discussions on specific measures to respect, promote and realize the principle and right.
  - 109.** The Government of the **Republic of Korea** reports that the Tripartite Representatives Committee was set up in March 2006 to pursue social dialogue aiming to improve labour-related legislation.
  - 110.** In **Lebanon**, employers' and workers' organizations have been involved in the amendment of the legislation to support the principle and right.
  - 111.** In **Oman**, tripartite activities were organized with the support of the Arab Labour Organization (ALO).
  - 112. New initiatives.** Various countries indicate that new initiatives were undertaken to realize the principle and right.
  - 113.** In **Afghanistan**, the Government states that a new employers' organization was established in 2005: the Chamber of Commerce of Afghanistan (CCA). Several sectoral organizations (teachers, engineers, shopkeepers, journalists, writers, doctors, lawyers, etc.) and additional national workers' organizations now exist in the country.
  - 114.** According to the Government of the **Republic of Korea**, several special initiatives were taken following the recommendations of international organizations. A "Committee for the Advancement of Industrial Relations Laws and Systems" was established in March 2006. It has made suggestions, inter alia, on how to: (i) establish multiple unions at enterprise level; (ii) repeal the third-party support notification requirement; and (iii) abolish the compulsory arbitration system. Moreover, a "Tripartite Representatives Committee" was set up in March 2006 to pursue social dialogue aiming to improve labour-related legislation. This Committee has also held negotiations more than 40 times during the last six months, and has finally reached a tripartite agreement to abolish the compulsory arbitration system for essential public services and the third-party support notification requirement. In addition, public officials' rights to organize and to bargain collectively will be protected. It is considered that these reforms should pave the way for national laws and systems that would be more closely in line with international labour standards.
  - 115.** In **Kuwait**, a committee to strengthen national efforts in realizing the principle and right has recently been established.
  - 116.** In the **Lao People's Democratic Republic**, the Government reports that the Lao Federation of Trade Unions has taken the initiative to draft the Trade Union Law – the drafting process is under way.
  - 117.** In **Lebanon**, the Government states that the large number of workers' federations and unions in the country should be attributed to the following elements: (i) the well-known experience of free trade union movement in the country; (ii) the Government's non-interference in trade unions' establishment and activities; and (iii) the legal protection of trade unions.

- 118.** In **Mexico**, the Government refers to the Advisory Board for Dialogue with the Productive Sectors that has been an efficient tool for tripartite dialogue in the country and national economic and concerted social reforms.
- 119.** In **Oman**, trade unions have been established in 33 companies.
- 120.** The Government of **Qatar** indicates that progress has been made, thanks especially to the improvement of industrial relations and the increasing dialogue between employers and workers. The new Labour Code is a qualitative move in relation to the principle and right. For the first time it contains a specific chapter under the heading “Workers’ organizations” concerning the provisions governing the establishment of workers’ committees at enterprise, sectoral and national level. Other chapters address collective bargaining, collective agreements and collective disputes. Section 127 of this Labour Code provides that the scope of collective bargaining and collective agreements shall embrace any matters relating to work. Moreover, the Law on Societies and Private Associations was promulgated in 2004. The second chapter of this law contains specific provisions concerning the rules for the establishment and functioning of professional associations. Indeed, a number of such associations have already been established, including for journalists, engineers, lawyers and physicians.
- 121.** Union membership figures in **Singapore** stood at 450,000 in 2005. The Ministry of Manpower noted from the National Trades Union Congress (NTUC) reports that about 30 per cent of unionized companies have included a clause in their collective agreements to allow employment of older workers beyond the retirement age of 62. Moreover, a new union for workers operating in private educational institutions was set up in March 2006 and has a potential of 50,000 members.
- 122.** In **Saudi Arabia**, the Aramco Workers’ Committee (AWC) indicates that some progress is being made in the establishment of workers’ committees in the country. Moreover, the Saudi Telecom Workers’ Committee (STWC) states that the number of these committees has slightly increased, and that it is working on the establishment of additional ones.
- 123.** In **Sudan**, after the Comprehensive Peace Agreement (CPA), an Interim Committee was established in December 2005, which caters for basic freedoms, including the right to organize. Accordingly, all Sudanese laws are being revised. Moreover, the Sudan Workers’ Trade Union Federation (SWTUF) indicates that trade unions’ elections and congress were held in April 2006. The SWTUF underlines that women’s participation in the trade union movement is promoted: they represent 25 per cent in many trade unions.

**(c) Challenges mentioned**

- 124. Obstacles to ratification of Conventions Nos. 87 and 98.** Ratification of Conventions Nos. 87 and 98 is envisaged in various countries. However, some of them indicate that they are encountering difficulties in bringing their national legislation into compliance with these two Conventions and that this is an obstacle to ratification.
- 125.** The Government of **Brazil** indicates it is still not possible to ratify Convention No. 87, due to a contradiction between the text of the Constitution and the provisions of the Convention. However, a proposed constitutional amendment is currently being examined by the National Congress, at the behest of the Executive, with the aim of ensuring freedom of association. This amendment would render the Constitution compatible with the Convention, thus allowing for its ratification. The Government further indicates that a proposal for trade union organization agreed in the National Labour Forum, to be submitted to the National Congress in 2006, will still not allow ratification of Convention No. 87, because the proposed model is neither for one single trade union unity nor for

plurality, but is based on the real or de facto representativity of trade union bodies, unlike the present model in which representativity is merely legal, with representation and unity based primarily on the seniority of trade union bodies.

- 126.** In **Kenya**, ratification of Convention No. 87 will be considered after the enactment of the revised labour laws.
- 127.** The Government of the **Republic of Korea** indicates that it will continue to review the possibility of ratifying Conventions Nos. 87 and 98 when considering the existing national laws and institutions. In this respect, social dialogue is being pursued to improve labour laws through the Tripartite Representatives Committee and the “Committee for the Advancement of Industrial Relations Laws and Systems” that were established in March 2006. The Government considers that these reforms should pave the way for improved national laws and systems.
- 128.** The Government of **Lebanon** indicates that there are still some discrepancies between the draft amendments to the Labour Code and Convention No. 87. The Government is waiting for ILO comments on the draft amendments to the Labour Code.
- 129.** The Government of **Mexico** reports that social dialogue needs to be strengthened in the country, as it has allowed the social actors to find common solutions to national problems and realities.
- 130.** In **New Zealand**, the Government’s policy remains not to ratify any Convention unless law, policy and practice fully comply with it. Business New Zealand considers that ratification of Convention No. 87 would not be in the interests of New Zealanders generally, given that the Convention has been interpreted as permitting sympathy strikes and boycotts as well as strikes on social and economic grounds, which would affect many more individuals than those whom such action is intended to influence.
- 131.** In **Qatar**, the Government looks forward to reaching, in the future, the legal and practical level that would allow ratification of both Conventions.
- 132.** In **Thailand**, the survey on ratification of Conventions Nos. 87 and 98 has been completed and ILO technical cooperation will be needed to ensure compliance of national labour laws with these Conventions.
- 133. Contextual and legal challenges.** The tables below list the contextual factors and legal obstacles referred to in governments’ reports and in employers’ and workers’ organizations’ observations.

#### 2007 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	Kenya, United Arab Emirates	Kenya: the Federation of Kenya Employers (FKE); Omani Chamber of Commerce and Industry (OCCI)	Arab Emirates Coordinating Committee of Professional Associations (UAE); Main Omani Workers’ Committee (MOWC)
Lack of information and data	United Arab Emirates	-	New Zealand Council of Trade Unions (NZCTU); Employers’ Confederation of Thailand (ECOT)
Social values, cultural traditions	United Arab Emirates	-	-

Type of difficulty	Governments	Employers' organizations	Workers' organizations
Social and economic circumstances	United Arab Emirates	Iraq Federation of Industries (IFI)	Iraq Federation of Trade Unions (IFTU)
Political situation	United Arab Emirates, Lebanon	Iraq Federation of Industries (IFI)	Iraq Federation of Trade Unions (IFTU)
Legal provisions	United Arab Emirates, Lebanon	–	–
Prevailing employment practices	United Arab Emirates	–	–
Lack of capacity of responsible government institutions	Kenya, Oman, Timor-Leste	Federation of Kenya Employers (FKE)	Central Organization of Trade Unions (COTU–Kenya)
Lack of capacity of employers' organizations	Kenya, Oman, United Arab Emirates, Timor-Leste	Federation of Kenya Employers (FKE); Omani Chamber of Commerce and Industry (OCCI)	–
Lack of capacity of workers' organizations	Kenya, United Arab Emirates, Oman, Timor-Leste	Federation of Kenya Employers (FKE)	Main Omani Workers' Committee (MOWC)
Lack of social dialogue on this principle	United Arab Emirates, Qatar	Qatar Chamber of Commerce and Industry (QCCI)	Qatar Petroleum Workers' Committee (QPWC)

Source: ILO: Country reports and baselines under the Declaration's 2007 Annual Review.

- 134. Restrictions on freedom of association.** In **Afghanistan**, the All Afghanistan Federation of Trade Unions (AAFTU) observes that there are practical problems of registration and requests ILO technical assistance to solve this problem.
- 135.** In **Jordan**, the General Federation of Jordanian Trade Unions (GFJTU) states that the labour law review should take place with a view to allowing improved trade union registration.
- 136.** In response to the GFJTU's observations, the Government of **Jordan** indicates that registration is a formality and that there is no government interference in trade unions' elections.
- 137.** In the **United Arab Emirates**, the United Arab Emirates Coordinating Committee of Professional Associations (UAECCPA) observes that, although the Government is making progress in relation to freedom of association and other fundamental principles and rights at work, some entities are expressing reluctance due to their lack of awareness on the principle and right.
- 138.** According to the ICFTU, in **Malaysia**, the law recognizes the right of most workers to form and join trade unions, although the procedure for obtaining union recognition is lengthy and cumbersome. However, the 1959 Trade Unions Act and the 1967 Industrial Relations Act, as well as subsequent amendments, place extensive restrictions on freedom of association. 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 can withdraw registration. Unions that do not register are considered illegal organizations. The DGTU is given very broad discretion in deciding these matters. For example, a union's registration can be withdrawn if the DGTU "is of the opinion" that the union is "likely to be used for unlawful purposes", or "for purposes contrary to [...] its objects and rules". Registration can also be withdrawn if the DGTU is "of the opinion" that the union has not complied with any section of the Trade Union Act or its regulations. The DGTU may also deregister a union if he finds that two or more registered trade unions exist in a "particular establishment, trade, occupation or industry", or order the

smaller of the two unions to remove members in that industry from its registry of members. The DGTU may decide this “if he is satisfied it is in the interest” of the workers to do so. The DGTU can specify the category in which the union would be permitted to organize. He must also give his approval before a trade union is permitted to join an international organization. Section 9 of the Trade Unions Act that limits trade union membership to workers in similar trades has allowed the DGTU to promote in-house and enterprise-level unions. This has served to keep the labour movement small and fragmented. Moreover, 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.

- 139.** In response to the ICFTU’s observations, the Government of **Malaysia** indicates that under the Trade Unions Act 1959 and the Industrial Relations Act 1967 the formation and the activities of trade unions, laws and procedures are to be observed. This requirement is meant to accord a trade union certain rights, immunities and liabilities as a legal entity. Laws are imposed to protect workers’ interests as well as the security of all Malaysians and the economic development of the country, and workers are granted the right to form or join a trade union. This right is provided for in the federal Constitution as well as in the various labour laws, namely the Employment Act 1955, the Trade Unions Act 1959 and the Industrial Relations Act 1967. To speed up union recognition the Government has taken steps to amend the Industrial Relations Act 1967 and the Trade Unions Act 1959. The powers conferred on the DGTU are meant to enable him to have the general supervision, direction and control of all matters relating to trade unions. Thus, the powers of the Minister of Human Resources to ensure national security and public order are maintained and observed by all. The same principle applies pertaining to the deregistration of a trade union. The DGTU only de-registers a trade union if a trade union has contravened the Trade Unions Act 1959, the Trade Unions Regulations or its own rules and regulations. The Government considers that it is necessary to “impose conditions, restrictions and regulations on the birth and growth of trade unions in the country”.
- 140.** The ICFTU also underscores that in certain countries there is only one official trade union or national trade union centre that is legally recognized or tolerated in practice (**Bahrain, Islamic Republic of Iran, Jordan, Myanmar, Viet Nam and Sudan**). It considers that some of these unions are subject to governments’ interference or influence (**China, Republic of Korea, Lao People’s Democratic Republic, Lebanon, Malaysia, Singapore and Sudan**).
- 141.** Moreover, the ICFTU observes that there is a ban on the formation of trade unions in **India**. In the **Islamic Republic of Iran**, obstacles to the right to organize include the presence of security and intelligence forces, and employers have refused to recognize unions on the grounds that they were not registered. In **Iraq**, Decree No. 875 gave the Government total control over the existing unions’ finances. The fact that only one national trade union has been granted official recognition gives the opportunity to employers to refuse to acknowledge other unions in the workplace unless they join the Iraq Federation of Trade Unions (IFTU). The Federation of Workers’ Councils and Unions claims 300,000 members across the country, but has been denied recognition as a representative workers’ organization. In the **Republic of Korea**, severe restrictions on the right to create unions exist in the private sector because when an employer creates a union, it is legally forbidden to organize alternative unions. In **Lebanon**, freedom of association is restricted for many categories of workers (government employees, some categories of agricultural workers, domestic workers, day and temporary workers). In the **United Arab Emirates** even though workers’ committees can be set up, trade unions are prohibited.

142. In response to the ICFTU's observations, the Government of **India** indicates that the right to organize is a fundamental right. Workers can establish or join unions of their own choosing. Under the Trade Unions Act, 1926, a trade union can be registered if it has a minimum of seven members. In bigger establishments, the unions are required to have a minimum of ten or 100 workers, whichever is less, to become eligible for registration. This requirement is considered legitimate as it promotes orderly growth of trade unions and reduces their multiplicity. This in turn has a positive impact on industrial relations. Concerning government employees who are workers under the Industrial Disputes Act 1947, they do not have any restrictions on their right to organize and bargain collectively. Government employees who are not workers under the Industrial Disputes Act are governed by the Central Civil Services Rules, which impose reasonable restrictions on government employees in associating themselves with organizations which are generally connected with political parties. They, however, enjoy job security under article 309 of the Constitution and also have negotiation machinery under the Joint Consultative Machinery (JCM). The grievances of these employees can also be redressed through the administrative courts. The Trade Unions Act 1926 is yet to be extended to the State of Sikkim which is an industrially backward State. The state government carries out the required labour law extensions from time to time.
143. The Government of the **Islamic Republic of Iran** states that although Convention No. 87 has not been ratified, the Government has taken some very positive steps toward the implementation of its provisions through attempting to modify the pertinent chapter in the existing labour law. According to the draft amended version, workers will be free to form their own independent trade unions. The Government is now determined to promote the multiplicity of workers' organizations in the country and does not recognize the Workers' House as the only workers' organization therein but rather as a political party.
144. The Government of **Jordan** indicates that section 97 of the Labour Code has given the workers in any occupation the right to establish their own trade union. Moreover, the classification and identification of groups of occupations and industries for the purpose of establishing trade unions representing their workers cannot be achieved without the agreement of the workers' movement itself, according to section 98 of the Labour Code. The decision of the registrar of trade unions concerning the registration of a trade union is associated with certain requirements mentioned in section 102 of the Labour Code, such as the submission of an application by the founding members accompanied by the statutes of the union and the election of the first administrative board. This means that his authority is limited rather than absolute. Furthermore, his decision to register or not a union is not deemed final since an appeal against that decision can be submitted to the Supreme Court by the founding members or by any person who has suffered damages. It is true that the General Federation of Jordanian Trade Unions (GFJTU) is the only existing federation to date, but the law has given the trade unions the right to form other federations among themselves, without the approval of the Government (section 110 of the Labour Code).
145. In response to the ICFTU's observations, the Government of **Singapore** points out that these comments are similar to those made under the 2006 Annual Review. Therefore, it refers to its previous statements 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.
146. The ICFTU further mentions that in **Qatar**, a new Labour Code came into force in January 2005 which allows for free trade unions, but only for Qatari nationals. It also

- contains many restrictions: for example, a union must have a minimum membership of 100 workers, and those working in the government sector are not allowed to organize.
- 147.** The ICFTU also raises several restrictions concerning freedom of association in **Thailand**, such as the limitation of freedom of association in state enterprises. Furthermore, the Government uses a proclamation – NPKC Order 54 – by the last military Government to restrict unions’ right to have advisers. Under this Order, each union is entitled to have no more than two advisers, who must register with the Ministry of Labour and have their registration regularly renewed. The Ministry has broad discretion to deny registration, and to penalize labour leaders who fail to register.
- 148.** Moreover, the ICFTU states that in **Myanmar**, the Independent Federation of Trade Unions–Myanmar (IFTUM) is still obliged to operate clandestinely. In **Timor-Leste**, there are still restrictions on the freedom to assemble publicly. In **Brazil, India, Lebanon** and **Thailand**, the law does not adequately protect workers against anti-union discrimination. In the **United States**, employers have a legal right to engage in a wide range of anti-union tactics that discourage the exercise of freedom of association. Even in cases of violation of the law, the penalties are too weak to deter employers who violate labour laws from doing it again.
- 149.** In response to the ICFTU’s observations, the Government of **Brazil** states that new legislation proposed within the National Labour Forum (FNT), in July 2003, and now under review by the Proposed Constitutional Amendment (PEC) 369/05, provides for a series of situations involving anti-union conduct. Any act, the purpose of which is to undermine or damage trade union activity on the part of the employers or the workers, shall be held to be anti-union conduct and the perpetrator shall be subject to penalties.
- 150.** The Government of **Myanmar** points out that the Federation of Trade Unions–Myanmar (FTUM) does not operate in the country, and it is an unlawful association as mentioned in the Declaration of the Ministry of Home Affairs with its Notification No. 3/2005. The situation of the trade unionists who work clandestinely is due to their misconduct and their violation of the laws. Moreover, the Union Solidarity Association (USDA) is not an organization set up by the military, and citizens are not forced to join this association.
- 151. Restrictions on the right to strike.** According to the ICFTU’s observations, restrictions on the right to strike continue to exist to varying degrees in a number of countries. In the **Islamic Republic of Iran**, the law does not give workers the right to strike, but they can down tools so long as they remain at the workplace, or operate a go-slow. A law adopted in 1993 prohibits public sector strikes. In **Iraq**, many employers have reportedly used the existence of the old laws to threaten any workers seeking to take strike action in public enterprises. The right to strike is also limited in **Brazil, Kenya, India** (in some states) and **Qatar** (in 2004) and tolerated in **Jordan** and the **United Arab Emirates**. In **Guinea-Bissau, Republic of Korea, Lao People’s Democratic Republic, Mexico, United States** and **Viet Nam**, there are strong restrictions concerning the right to strike in the public sector. Moreover, in certain countries (**Malaysia, Mexico, Nepal, Singapore** and **Timor-Leste**), pre-strike procedures are so complex that they render the application of the right to strike very difficult, and in some cases even impossible. For example, 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 **Morocco**, the draft law (2004) would severely restrict the right to strike, and the Moroccan Confederation of Labour (Union Marocaine du Travail) calls for a revision of this text, since some of its provisions make it impossible to exercise the right to strike. In **Oman**, the position of the Government is unclear. The 2004 Labour Law repeals the Decree of 1973 forbidding strikes, but does not permit them

specifically. However, there is no mention of any punishment in that section of the law, should workers strike. In **Sudan**, since the adoption of the Trade Union Act, 1992, strikes have been outlawed.

152. In response to the ICFTU's observations, the Government of **Brazil** mentions that article 37, VII, of the federal Constitution guarantees the right to strike by civil servants, providing that this right shall be exercised under the terms and within the limits defined under the relevant law. However, no law has been passed regulating the exercising of the right to strike of civil servants. Therefore, the Constitutional Court of Brazil issued a ruling in which it stated the following: "... the constitutional precept that recognized the right to strike of public civil servants constitutes a standard of purely limited effectiveness and is consequently not self-executing, for which reason, in order to act fully, it requires the passage of the supplementary law called for in the text of the Constitution itself ...". Aware of the need for regulations governing the right to strike of public civil servants, the Government, within the framework of the Sectoral Chamber of the Public Service of the National Labour Forum (FNT), guided the discussions with the social partners directly concerned by this issue, with the aim of formulating a draft law regulating the right to strike by civil servants. The draft law is in the final stage of preparation.
153. The Government of **India** states that under the Industrial Disputes Act 1947, a person employed in the public utility service needs to give a strike notice 14 days in advance. The provisions concerning strike notice are considered essential to allow the Government to intervene and avert a strike in public utility service. This is to ensure that people at large are not adversely affected. The requirement of giving a prior strike notice is not necessary in an industrial establishment that is not a public utility service. Furthermore, even though the Essential Services Maintenance Act (ESMA) allows the state governments to ban strikes in certain essential industries, a legal mechanism exists for challenging a decision taken under this Act.
154. The Government of the **Islamic Republic of Iran** indicates that the law recognizes workers' right to go on strike in the premises of the workshop.
155. The Government of **Jordan** indicates that a strike can take place before obtaining the prior permission of the Government. In this regard, section 135 of the Labour Code provides that "No worker shall go on strike without giving the employer, and not the Government, notice thereof at least 14 days before the date set for the strike". All strikes which take place in the country are applied in practice according to the rules provided by the law. The Ministry of Labour has never tried to oblige workers to give it notice of their strikes, nor to have its approval. On the contrary, it was always endeavouring to urge parties to abide by law, and in particular, that: (i) workers give notice of the strike to the employer within the legally determined period; and (ii) employers inform workers of their intention to lock out within the legally determined period for this purpose.
156. The Government of the **Republic of Korea** states that the right to strike for public officials is restricted to maintain minimum service.
157. The Government of **Morocco** reports that despite the lack of legislation on the exercise of the right to strike, workers freely enjoy this right.
158. The Government of **Mexico** mentions that the labour legislation establishes requirements to guarantee the right to strike for workers in general and for civil servants. However, suspension of the services provided by civil servants could have a generalized effect on citizens; that is why they do not enjoy the same rights as other workers.

- 159. Restrictions on the right to collective bargaining.** According to the ICFTU, in the **Islamic Republic of Iran**, all collective agreements must be submitted to the Ministry of Labour for examination and approval; the Government maintains that this is to prevent these agreements from undermining the minimum rights established by law.
- 160.** In response to the ICFTU's observations, the Government of the **Islamic Republic of Iran** indicates that Chapter 7 of the Labour Law duly provides the substance for collective bargaining and agreements. To ensure that workers are awarded their minimum wage and other benefits, through consultation and collaboration with its social partners in the Supreme Labour Councils, the Government helps wage setting and monitors any probable undermining of the minimum wage adversely affecting the welfare of the workers.
- 161.** The ICFTU also observes that in the **Republic of Korea**, the right to collective bargaining is recognized but limited to some subjects of negotiation. In **Mexico**, legitimate trade union activity has been hampered by agreements negotiated between managers and unions that support them. In **Oman** and in the **United Arab Emirates**, the right to collective bargaining is still not recognized under the law. In **Qatar**, the new law (2005) allows trade unions to conduct collective bargaining, but that right is heavily curtailed by the Government's control over the rules and procedures for bargaining. In **Thailand**, only an estimated 5 per cent of employed workers are covered by collective bargaining agreements. In the **United States**, at federal level, in the public sector, approximately 40 per cent of all workers are still denied basic collective bargaining rights. Furthermore, in 2005, there was a disturbing trend of employers using the bankruptcy system to declare collective bargaining agreements no longer valid. In **Viet Nam**, there is a lack of collective bargaining agreements in the private sector.
- 162.** In response to the ICFTU's observations, the Government of the **Republic of Korea** mentions that working conditions, such as remuneration for public officials, are determined by laws, budgets, etc., following democratic procedures at the National Assembly. What is agreed upon between labour and management is not considered to prevail over laws and budgets but the good-faith obligation is imposed on the Government, so there is no possibility that budgets may be drawn up against the agreement. The subjects of negotiation are matters concerning remuneration, welfare, etc., or unions. Only matters concerning policy decisions and appointment that are not directly related to working conditions are excluded from the subjects of negotiation.
- 163.** The Government of **Mexico** reports that in the framework of the new labour culture in the country, dialogue between production factors is fundamental and there is unrestricted respect of the exercise of the right to organize and collective bargaining, with a view to creating social and labour certainty between employers and workers. The will of the parties is expressed in the contents of the collective agreements, with the sole proviso that they do not affect the minimum guarantees provided by the relevant standards. Labour legislation does not recognize the so-called "protection contracts".
- 164. Gaps in legislation or law enforcement.** According to the Government of the **Republic of Korea**, neither employers nor workers are prepared to enforce the legal provisions on multiple unions at enterprise level and the ban on wage payment to full-time union officials because of a sharp conflict of opinions among them. Therefore, based on the agreement among tripartite parties, the enforcement of these provisions will be postponed for three years in the spirit of stabilizing industrial relations. During this grace period, the tripartite committee will intensively discuss detailed standards and methods of enforcement.
- 165.** In **Myanmar**, the Government states that the current legislation does not recognize the principle of freedom of association.

- 166.** In **Afghanistan**, the All Afghanistan Federation of Trade Unions (AAFTU) underlines that the Government did not consult with it in the labour review process.
- 167.** The ICFTU reiterates that in **Canada** the legislation in several Canadian provinces/territories does not comply with Convention No. 98, and that there is no willingness of these provinces to harmonize their laws with ILO Conventions. In **India**, the Trade Union Act does not apply in Sikkim where workers do not benefit from trade union rights whereas Delhi State has exempted export processing zones (EPZs) from most labour legislation. In the **Islamic Republic of Iran**, the 1990 Labour Code focuses on Islamic societies and associations, and prohibits independent trade union organizations. Moreover, an amendment to the Labour Code in 2003 allows workers to form and join so called “trade unions”, without prior authorization, but the Ministry of Labour determines their rights and responsibilities. In **Iraq**, the new Labour Code drafted with input from the ILO has still not been implemented. In **Kenya**, workers complain about the delays in finalizing the labour law review to incorporate ILO core labour standards. In the **Republic of Korea**, the Law on the Establishment and Operation of Public Officials’ Trade Unions of 31 December 2004 excludes many categories of workers (such as managers, human resources personnel, personnel dealing with trade unions or industrial relations) in the private sector, and special public servants such as military, police, firefighters, politically appointed officials, and high-level public officials from the right to organize. Furthermore, the legislation does not foresee any sanctions against unfair labour practices and foreign companies are exempted by the Law on Special Economic Zones (SEZs) of July 2003 from the obligation to respect the labour legislation. In the **Lao People’s Democratic Republic**, the labour law is not applied. In **Malaysia**, the law prohibits industrial unions from organizing employees in managerial and executive positions. This definition is extensively abused by most employers to deny union membership rights and often to demand the removal of experienced union leaders. Furthermore, a trade union must apply for recognition from the employer, who then has the discretion to recognize the union, deny recognition, or appeal to the Director-General for a ruling on whether the members of the union are, in fact, really members. In **Morocco**, in many private companies and especially in export processing zones, labour law is often ignored. In **Oman**, the law still does not recognize the right to form unions and to bargain collectively. In **Singapore**, several restrictions in labour law are outdated and are not applied, and unions have asked for the law to be revised in order to reflect that. In **Timor-Leste**, the enforcement of the Labour Law is limited. In the **United States**, the National Labour Relations Act (NLRA) excludes many categories of private sector employees from its scope, including agricultural and domestic workers, supervisors and independent contractors.
- 168.** In response to the ICFTU’s observations, the Government of **Canada** indicates that in Ontario, since 2005, there have been a number of amendments to labour laws that strengthen protection for the exercise of collective bargaining rights. In British Columbia, the province is enjoying an unprecedented level of labour peace thanks to the recent success of this year’s public sector bargaining that saw the conclusion of 139 collective agreements (as of 11 December 2006). The British Columbia government is also continuing an Industrial Inquiry Commission review to examine the bargaining structure and to build on the success on the latest round of bargaining to ensure that negotiated settlements are reached in future rounds of bargaining.
- 169.** The Government of **Malaysia** emphasizes that it does not encourage the establishment of an industrial trade union by electronic workers. This policy is aimed at protecting the national interest as well as the interests of workers in the electronics industry. Trade unions may refer to the Minister of Human Resources for his decision on matters relating to the definition of employees in managerial, executive, confidential or security capacities and their eligibility to be union members. Disputes relating to scope of representation of

- such workers by industrial unions, should they arise, be dealt with under section 9(1)(A) of the Industrial Relations Act.
- 170.** The Government of the **Islamic Republic of Iran** indicates that some amendments were being made to the Labour Code to promote employers' and workers' organizations' rights and their multiplication through free and democratic methods, irrespective of the latter's affiliation to the Workers' House as a political party.
- 171.** According to the Government of the **Republic of Korea**, following the Act on the Establishment and Operation of Public Officials' Trade Unions enacted on 28 January, 2006, public officials are guaranteed the right to organize, including the right to establish a trade union and engage in union activities, and the right to conclude collective agreements through negotiation. Concerning the Law on Special Economic Zones (SEZs) of July 2003, the purpose of this Act is to promote foreign investment, and to pursue stronger national competitiveness and balanced development between different regions by improving business environments for foreign companies investing in free economic zones and living conditions for foreigners. This Act has only two provisions on exemption from labour standards concerning holidays and temporary agency workers.
- 172. Contextual factors.** In **Iraq**, the Iraq Federation of Industries (IFI) and the Iraq Federation of Trade Unions (IFTU) indicate that the social and economic situation (economic crisis with more than 50 per cent unemployment rate and insecurity) makes it difficult to exercise the principle and right.
- 173.** In **Somalia**, the Government reports no changes because of the current national crisis.
- 174. Workers in the public service.** The ICFTU notes that the right to freedom of association of civil servants is denied in **Brazil**, **Lebanon** (for government employees) and **Oman** where labour laws do 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 also major restrictions on the right to collective bargaining for public employees. In the **Republic of Korea**, the Government persecutes public servants' unions. In **Mexico**, the law imposes a trade union monopoly on state employees, prohibiting the coexistence of two or more unions in the same state body. Workers are obliged to join unions affiliated to the public service union (i.e. La Federación de Sindicatos de Trabajadores al Servicio del Estado – FSTSE). In **Morocco**, in the public sector, labour law is often ignored and magistrates are completely barred from carrying out trade union activities. In **Nepal**, the Government issued a Civil Service Ordinance (July 2006) that flouts the rights of public servants to form and belong to unions of their own choosing. The amendment made to the Civil Service Act of 1992 forbids the formation of any association or union of civil servants except for those specified by the Government. In **Qatar**, the new Labour Code, in force since January 2005, does not allow government employees to enjoy the right to organize.
- 175.** The Government of the **Republic of Korea** indicates that the bill resulting from the Grand Tripartite Agreement will abolish compulsory arbitration for disputes in essential public services. As a complementary measure, in the event of disputes, it will be made mandatory for essential public services to maintain minimum services prescribed in accordance with ILO standards, thereby guaranteeing the protection of public interests.

- 176.** The Government of **Mexico** states that it is respectful of the internal activities of trade union organizations, and recognizes the right of one or more trade unions and one or more employers' organizations to conclude agreements to establish the working conditions in one or more enterprises or establishments through the conclusion of collective labour agreements. Moreover, section B of article 123 of the political Constitution provides that workers have the right to organize to defend their common interests and to exercise their right to strike when the rights provided in that article are violated in a general and systematic manner. Therefore, that category of workers is guaranteed the right to organize and bargain collectively. It should be noted that in June 2005, the Democratic Federation of Civil Servants' Trade Unions (FEDESSP) was registered, so civil servants have the opportunity to join FEDESSP or the Federation of Trade Unions of Public Service Workers (FSTSE). In addition, initiatives have been proposed before the Congress of the Union – the depository body of the legislative authority in the country – to reform the legislative provisions of the Federal Civil Servants' Act to bring it into line with current practice. The congress of the union will determine autonomously, with full respect of the principle of division of power, the parliamentary process that those initiatives will follow.
- 177. Domestic workers.** In **Bahrain**, the Government, the Bahrain Chamber of Commerce and Industry (BCCI) and the General Federation of Bahrain Trade Unions (GFBTU) note that domestic workers do not enjoy the right to organize and bargain collectively. According to the Government of **Lebanon**, domestic workers are excluded from the application of the Labour Code. In **Qatar**, domestic workers are not authorized to strike.
- 178. Workers in export processing zones (EPZs).** In **Brazil**, the ICFTU mentions the weakness of the enforcement of labour law in these zones although as a matter of law it applies equally in EPZs. In **Kenya**, workers in EPZs cannot enjoy effective freedom of association. In the **United Arab Emirates**, each EPZ has its own labour regulations.
- 179.** In response to the ICFTU's observations, the Government of **India** indicates that all labour laws as enforced by the state governments are equally applicable to special economic zones (SEZs) and/or EPZs.
- 180. Migrant workers.** According to the ICFTU, migrant workers in **Jordan, Lebanon, Malaysia, Qatar, Singapore** and **Thailand** are not allowed to form trade unions. In **Timor-Leste**, section 11 of the Immigration and Asylum Act, 2003, provides that foreigners are forbidden from participating in the "administrative or social organs of a union". This Act also prohibits foreigners from "organizing or participating in demonstrations, processions, rallies, and meetings of a political nature". Those who violate the law can be arrested and deported, and excluded from returning to the country.
- 181.** In response to the ICFTU's observations, the Government of **Malaysia** states that notices on work permits state that workers who are not Malaysian nationals are not allowed to join associations. The Malaysian Trades Union Congress (MTUC) continually calls for migrant workers to be given full rights to associate and form labour unions, and continues to advocate for these rights.
- 182.** In response to the ICFTU's observations, the Government of **Singapore** points out that these comments are similar to those made previously under the 2006 Annual Review. Therefore, it makes reference to its previous response, i.e. restrictions apply only to foreigners whose stay is transient in nature and whose interests may not be in line with those of Singaporean workers.
- 183. Data collection and dissemination.** According to the New Zealand Council of Trade Unions (NZCTU) there is a lack of information and data collection caused by the cancellation of the magazine *ERA info*.

- 184.** In response to the NZCTU's observations, the Government of **New Zealand** indicates that an amended *Code of good faith* publication is available upon request, and information is also available on the web at [www.ers.govt.nz/goodfaith/code.html](http://www.ers.govt.nz/goodfaith/code.html). Moreover, the collective agreement database and strike information databases are linking actively with the Department of Labour's mediation service to pre-empt potential collective bargaining problems. The databases contain information on proposed and historical strike action.
- 185. Requests for technical cooperation.** With a view to meeting the above challenges, **Afghanistan, Bahrain, China, India, Islamic Republic of Iran, Iraq, Lebanon, Nepal, Oman, Saudi Arabia, Sudan, Thailand, Timor-Leste** and **United Arab Emirates**, have requested ILO technical cooperation to assist them in realizing the principle and right.<sup>4</sup>
- 186.** For example, according to the Government of **Afghanistan**, ILO technical cooperation is needed to help better implement the new labour laws and realize fundamental principles and rights at work. Labour inspection and employers' and workers' organizations also need ILO support for training and capacity building. A case study on the fundamental principles and rights at work is needed in the country. The All Afghanistan Federation of Trade Unions (AAFTU) requests ILO technical assistance to solve the unions' registration problem in the country.
- 187.** In **Kenya**, the Government, the Federation of Kenya Employers (FKE) and the Central Organization of Trade Unions (COTU–Kenya) underline that they regret that the SLAREA Programme was not extended. They observe that ILO technical cooperation is still needed on awareness raising and capacity building in the areas of freedom of association and social dialogue, but also in respect of research and data collection on the principle and right. The Government is also volunteering for the preparation of a case study followed up by a national tripartite workshop on ratification of Convention No. 87, with the participation of members of Parliament.
- 188.** The Government of **Lebanon** is waiting for ILO advice on the draft amendments to the Labour Code.

**(d) Reports indicating no change**

- 189.** The Governments of **Malaysia, Myanmar** and **Somalia** (due to national crisis) report no change in relation to their previous reports.

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

**(a) Reporting**

- 190.** Sixteen out of 17 States have reported on the principle of the elimination of all forms of forced or compulsory labour (a 94 per cent reporting rate), which is a decrease of 6 per cent compared to the 2006 Annual Review figures on this principle and right (cf. table 1, page 7 of this document).
- 191.** The **Solomon Islands** failed to comply with the reporting obligations under the 2007 Annual Review.

<sup>4</sup> For further information concerning technical cooperation, refer to Part II.D of this report.

- 192.** At the national level, six employers' organizations and six workers' organizations from six States formulated observations on their governments' reports, or completed report forms.
- 193.** At the international level, one general observation was received from the International Organisation of Employers (IOE)<sup>5</sup> with general references to the realization of the principle and right, and the International Confederation of Free Trade Unions (ICFTU) sent a late observation under the 2006 Annual Review concerning the realization of the principle and right for **Malaysia**.
- 194.** The table below indicates the national and international employers' and workers' organizations which sent observations and the countries involved.

**2007 Annual Review: Observations by employers' and workers' organizations under the principle of the elimination of all forms of forced or compulsory labour \***

Country	Observations by national employers' organizations	Observations by national workers' organizations	Observations by the ICFTU
China	China Enterprise Confederation (CEC)	–	–
Republic of Korea	Republic of Korea (no names are given)	Republic of Korea (no names are given)	–
Bahrain	Bahrain Chamber of Commerce and Industry (BCCI)	General Federation of Bahrain Trade Unions (GFBTU)	–
Japan	–	Japanese Trade Union Confederation (JTUC-RENGO)	–
Qatar	Office of the Chamber of Commerce and Industry of Qatar (QCCI)	Qatar Petroleum Workers Congress (QPWC)	–
Madagascar	Groupement des employeurs de Madagascar (GEM) (and its 14 affiliates)	Confédération travailleurs malgaches (CTM) (and its ten affiliates)	
Malaysia	Malaysian Employers' Federation (MEF)	–	X (under the 2006 Annual Review)

\* 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 2007 Annual Review.

**(b) Reports mentioning efforts**

- 195. Ratification and ratification intentions.** The table below shows the number of ratifications and the ratification intentions expressed by governments for the year 2006 concerning the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105).

**2007 Annual Review: Status of ratifications and ratification intentions for Conventions Nos. 29 and 105**

Status	Ratification in 2006	Ratification intentions expressed in 2007
Convention No. 29	Latvia, Vanuatu	Afghanistan, Republic of Korea, Qatar, Viet Nam
Convention No. 105	Vanuatu	Republic of Korea, Madagascar, Nepal, Qatar, Viet Nam

Source: ILO: Country reports and baselines under the Declaration's 2007 Annual Review.

<sup>5</sup> cf. pp. 69–75 of this document.

- 196.** In an effort to ratify both Conventions Nos. 29 and 105, the Government of the **Republic of Korea** held a seminar on forced labour in May 2006 where ILO experts, tripartite representatives, and officers from relevant ministries were invited to discuss the matter. The Government also organized the International Labour Policy Advisory Board to accelerate the ratification process for these instruments. However, discussion is still under way due to divergence of opinions between relevant ministries.
- 197.** The Government of **Madagascar** mentions that it has completed the formalities regarding ratification of Convention No. 105 which will be submitted to Parliament.
- 198.** The Government of **Nepal** states that Convention No. 105 is in the ratification process.
- 199.** The Government of **Qatar** indicates that ratification is under consideration by the competent authority.
- 200.** According to the Government of **Viet Nam**, section 5 of the Labour Code clearly prohibits all forms of forced or compulsory labour. In that spirit, an inter-agency taskforce comprised of the Ministry of Labour, Invalids and Social Affairs, (MoLISA); the Ministry of Justice; Ministry of Public Security; the Viet Nam Chamber of Commerce and Industry (VCCI) and the Viet Nam General Confederation of Labour (VGCL) has been established. The MoLISA has been cooperating with the ILO in conducting comparative analysis of national legal provisions and Conventions Nos. 29 and 105 as part of a move to ratify the two Conventions. The VCCI and the VGCL support the ratification of these Conventions.
- 201. Recognition of this principle and right in the Constitution.** As indicated in the 2006 Annual Review Introduction,<sup>6</sup> the principle and right is recognized in all reporting States. For example, the Governments of **Canada, China, Japan, Republic of Korea** and **Singapore** report that they recognize it in their respective constitutions.
- 202. Recognition of this principle and right in policy, legislation, regulations and judicial decisions.** In **Canada**, Bill C-49, which is an Act to amend the Criminal Code (trafficking in persons), received Royal Assent in November 2005. This Bill creates new indictable offences related to trafficking in persons, the earning of financial or material benefit for the purpose of committing or facilitating the trafficking of a person, and the withholding or destruction of documents for the same purpose.
- 203.** In **China**, forced or compulsory labour is prohibited under the Criminal Law (sections 240–242) and the Law on the Protection of the Rights and Interests of Women (sections 37 and 39). The Regulation on Forbidding the Use of Child Labour (section 11) also gives protection on this. Furthermore, under section 15 of the Judicial Explanation of the Supreme Court, 2001, in instances where the worker proposes to terminate the labour contract, the employer should pay for the remuneration, and may pay compensation.
- 204.** In **Japan**, this principle and right is recognized in several pieces of legislation.
- 205.** In the **Lao People's Democratic Republic**, the Government indicates that in 2004, the Law on the Development and Protection of Women was adopted with provisions on trafficking.
- 206.** According to the Malaysian Employers' Federation (MEF), there is no prison labour in **Malaysia**. Prisoners are taught living skills while undergoing their imprisonment term so

<sup>6</sup> ILO: GB.295/5: Introduction by the Declaration ILO Expert-Advisers to the compilation of annual reports, 2006, p. 34, para. 173.

it is easier for them to reintegrate society when they are released from prison. Importing skills to the prisoners should not and cannot be considered as forced labour even though some of the skills training may be carried out with private sector employers.

- 207.** In **Qatar**, the Government reports that laws in force prohibit forced and bonded labour and provide for sanctions for those who resort to such work.
- 208.** In the **United States**, the Government indicates that the Trafficking Victims Protection Reauthorization Act of 2005 (TVPRA), PL 109–164, 119 Stat 3558 was enacted in January 2006, amending the Trafficking Victims Protection Act of 2000 (TVPA), Division A of PL 106–386, 22USC § 7101 et seq.
- 209. Definition of forced or compulsory labour.** In **Canada**, Bill C-49 provides that: “Exploiting a person” under the proposed amendments would mean to cause someone to provide, or offer to provide, labour or service by engaging in conduct that leads the victim to fear, on reasonable grounds, for their safety or that of someone known to them if they fail to comply”.
- 210.** In the **Lao People’s Democratic Republic**, the Government states that a definition of forced labour is being considered in the context of the revision of the Labour Code, 1994.
- 211.** In **China**, the definition of forced labour is found in section 244 of the Criminal Law that provides that an employer would be in violation of laws and regulations on labour administration should he or she compel his/her employees to work by restricting their personal freedom.
- 212. Preventive, enforcement and sanction mechanisms.** According to the Government of the **Republic of Korea** the following measures have been implemented to realize the principle and right: (i) inspection/monitoring mechanisms; (ii) penal sanctions; (iii) civil or administrative sanctions; and (iv) capacity building.
- 213.** In **China**, section 11 of the Regulation on Forbidding the Use of Child Labour, 2002, provides that forcing children to work is punishable under the Criminal Law.
- 214.** In **Qatar**, labour inspectors have been instructed to be strict in dealing with any practices that might be considered as or analogous to forced labour practices, and in drawing the attention of employers to such practices.
- 215.** The Government of **Samoa** indicates that through its Ministry of Commerce and Labour acting under the Labour and Employment Act 1972 and the Occupational Safety and Health Act 2002, it has authority to take action against persons found to be engaging workers in forced labour or under terms and conditions contrary to the provisions of the law.
- 216.** In the **United States**, the Government indicates that under the Trafficking Victims Protection Act of 2000 (TVPA) as amended, information on monitoring and enforcement is contained in yearly assessments that may be found in the following web site: [http://www.usdol.gov/whatwedo/whatwedo\\_ctip.html](http://www.usdol.gov/whatwedo/whatwedo_ctip.html).
- 217. Promotional activities.** In **Afghanistan**, a national tripartite workshop on international labour standards, the Declaration and social dialogue was organized in 2006, in cooperation with the ILO.
- 218.** The Government of **Canada** indicates that the Interdepartmental Working Group on Trafficking in Persons (IWGTIP) is developing a broad-based prevention strategy

- focusing on public awareness activities, enhancing efforts to reduce the factors that make persons vulnerable to trafficking and enhancing the Government's ability to respond to the factors that fuel the demand for exploitative labour/services.
- 219.** The Government of **China** reports that in order to reform the mechanism of Rehabilitation through Labour (*laojiao*), the Standing Committee of the National People's Congress proposed in December 2005 to formulate a Law on Correction of Minor Offences. This suggestion has been included in its national legislation plan.
- 220.** In **Japan**, the Government reiterates that studies are being carried out on compliance of national laws with Convention No. 105.
- 221.** According to the Government of the **Republic of Korea**, the followings measures have been implemented to realize the principle and right: (i) awareness raising/advocacy; (ii) employment creation/income generation; (iii) educational programmes; (iv) rehabilitation following removal from forced labour; and (v) international cooperation programmes or projects.
- 222.** In the **Lao People's Democratic Republic**, the Government reports that the Trafficking in Children and Women Project has recognized the recently adopted Memorandums of Understanding (MOUs) on trafficking between **Thailand** and the **Lao People's Democratic Republic**. Moreover, the Ministry of Labour and Social Welfare cooperates with the ILO to implement trafficking projects in several regions of the countries.
- 223.** The Government of **Madagascar** states that an inter-ministerial workshop in relation to the principle and right was organized with the assistance of the ILO in December 2005. Furthermore, a study on forced labour was conducted with the assistance of the ILO. This study was validated by a tripartite national seminar on forced labour following which an action plan to eliminate forced labour was adopted.
- 224.** In **Qatar**, the Government reports that measures have been taken to reinforce the Labour Relations Unit in order to develop good relations with employers and workers and to undertake efforts to ensure that working conditions and relations between employers and workers are in conformity with international labour standards. Moreover, guidance publications on working conditions and workers' rights have been issued. Thus, symposiums and dialogues have also been held on working situations where it has been indicated that arbitrary and harsh treatment of workers by their employers could be deemed forced labour, and hence will be in contradiction with laws. Furthermore, the Qatar Chamber of Commerce and Industry (QCCI) and the Qatar Petroleum Workers Committee (QPWC), referred to their participation in the ILO/Gulf Cooperation Council (GCC) Fourth Regional Workshop on the ILO Declaration and International Labour Standards in GCC countries organized in Kuwait City in April 2006.
- 225.** In **Timor-Leste**, a workshop on the Labour Code was organized in 2006.
- 226.** **New initiatives.** In **Afghanistan**, the All Afghanistan Federation of Trade Unions (AAFTU) mentioned that it was working to improve workers' rights, and its major objective was the realization of the fundamental principles and rights at work.
- 227.** The Government of **Canada** indicates that a privately managed prison will be returned to the public sector when the current contract expires in the autumn of 2006. Moreover, the Canadian International Development Agency is continuing to support global cooperation in combating the trafficking of persons through the funding of specific projects and initiatives.

**228.** The Government of **Singapore** states that it will be reviewing the need to amend section 13 of the Destitute Persons Act, 1989, to articulate better the voluntary nature of the work performed by destitute persons under this Act. This exercise is expected to be completed by early 2008.

**(c) Challenges mentioned**

**229. Obstacles to ratification of Conventions Nos. 29 and 105.** The All Afghanistan Federation of Trade Unions (AAFTU) indicates that the Government of **Afghanistan** did not consult with it in the labour law review process.

**230.** The Government of the **Republic of Korea** notes that discussion on ratification of these Conventions is still under way, due to differences of opinion between relevant ministries.

**231.** According to the Japanese Trade Union Confederation (JTUC–RENGO), a major barrier to the ratification of Convention No. 105 by **Japan** is that the National Public Service Law (NPSL) and the Local Public Service Law (LPSL) stipulate as follows: (i) “Personnel shall not strike or engage in delaying tactics or other acts of dispute against the public represented by the national Government as employer, or resort to delaying tactics which reduce the efficiency of government operations, nor shall personnel or other persons attempt, conspire to effect, instigate or incite such illegal actions.” (section 98.2 NPSL and section 37.1 LPSL); and (ii) “A person who conspires to effect, instigates or incites the illegal action defined in the first part of section 98.2, or attempts such action [...] shall be sentenced to penal servitude not to exceed three years or fined not to exceed one hundred thousand yen.” (section 110, NPSL and section 61, LPSL). The process of public service system reform is under way. In this regard, the amendment of these hindering sections should shortly be materialized through the ongoing reform process. Furthermore, the current situation of the reform process is that a table for union–government consultation was established in January 2006. Thus, based on the consultations, the unions (JTUC–RENGO and Alliance of Public Services Workers’ Unions (APU)) and the Government agreed on an outline for the establishment of a “Board of Examination” where “the scope of public employees to be granted fundamental labour rights” is discussed. The first meeting was held in July 2006, with three of the participants from trade unions.

**232.** In response to these observations, the Government of **Japan** states that if the workers’ organizations are of the view that the prohibition of strikes provided for in section 98, paragraph 2, of the National Public Service Law and section 37, paragraph 1, of the Local Public Service Law is a major barrier to Japan’s ratification of Convention No. 105, it has to be made clear that this Convention merely prohibits the type of forced labour characterized to be “a punishment for having participated in a strike” and does not deal with the issue of the right of workers to strike per se. In addition to the persons who conspire, instigate or incite other public employees to strike or make such an attempt, are the main persons involved in the illegal act, their act to cause other public employees to undertake illegal activity is in itself of high illegality, and therefore penal sanctions, including imprisonment, may be imposed upon them under the National Public Service Law or the Local Public Service Law. These provisions do not refer to forced labour as a punishment for having participated in a strike. Regarding the ratification of Convention No. 105, the Government considers that the interpretation of the precise scope of forced labour prohibited by the Convention is not clear enough and therefore a careful study is still needed with respect to, among other things, consistency between the provisions of the Convention and of the relevant national laws and regulations in force in Japan. The Government regards civil service reform as an important issue which should be worked on promptly, because the public is highly concerned about public service employees these days. It also recognizes that it is necessary to hold sufficient exchanges of views with relevant parties regarding the reform. It held the ministerial-level meetings with the

Japanese Trade Union Confederation (JTUC–RENGO) in January, March and May 2006. Based on these meetings, the Government established the “Special Examination Committee of the Headquarters for the Promotion of Administrative Reform”. Having held its first meeting in July 2006, the Committee has held five meetings altogether so far, and it has examined the scope of government affairs in a simple and efficient government; the classification of personnel who carry out government affairs; what those government affairs and personnel should be; and based on these examinations, the prospective labour–employer relationship in the public sector, including the fundamental labour rights of public service employees.

- 233. Contextual and legal challenges.** The table below shows the general challenges mentioned by reporting governments and employers’ and workers’ organizations.

**2007 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
Lack of public awareness and support	Qatar	–	–
Social and economic circumstances (forced labour due to debt bondage and to trafficking)	Republic of Korea; Timor-Leste	–	–
Lack of social dialogue	–	Qatar	Qatar

Source: ILO: Country reports and baselines under the Declaration’s 2007 Annual Review.

- 234.** In the **Republic of Korea**, the Government states that special types of military service in the country need to be reviewed, and ILO assistance has been requested in this regard.
- 235.** The Government of **Qatar** notes that in a few individual cases, employers’ behaviour might be interpreted as forced labour practices. The competent authorities are cooperating to face that challenge. Action taken on this includes awareness-raising campaigns and dialogue with employers to explain related laws and regulations and to indicate what could be considered as forced labour.
- 236.** In **Timor-Leste**, the Government reports that the military crisis has affected the implementation of effective remedies against forced labour.
- 237.** According to the ICFTU, the Government of **Malaysia** should take measures to end the trafficking of women and girls for the purpose of forced prostitution. Effective legislation has to be drafted to address trafficking, and support should be given to victims of trafficking.
- 238. Requests for technical cooperation.** With a view to meeting the above challenges, **Afghanistan, China, Japan, Republic of Korea, Madagascar, Malaysia, Nepal, Qatar** and **Timor-Leste** have requested ILO technical cooperation to assist them in realizing the principle and right.<sup>7</sup>
- 239.** The Government of **China** indicates that ILO technical cooperation would be needed for legal reform, awareness raising and training, among others.
- 240.** According to the Government of **Japan**, the need for ILO technical cooperation exists in two priority areas: (i) the interpretation of the precise scope of forced labour prohibited

<sup>7</sup> For further information concerning technical cooperation, refer to Part II.D of this report.

under Convention No. 105; and (ii) the Expert-Advisers should clarify whether existing provisions are obstacles to ratification of Convention No. 105.

- 241.** The Government of the **Republic of Korea** requests the ILO to provide advisory assistance in evaluating special types of military service.
- 242.** The Government of **Qatar** reports that a plan of joint activities with the ILO should be carried out to realize the principle and right, with a focus on examples of practices that might be considered as forced labour.
- 243.** The Government of **Timor-Leste** requests ILO technical advice and training of government officials on the principle and right.

**(d) Reports indicating no change**

- 244.** The Governments of **Malaysia** and **Myanmar** report no change in relation to their previous reports.

**3. Effective abolition of child labour**

**(a) Reporting**

- 245.** Twenty-eight out of 33 States have submitted a report under the principle of the effective abolition of child labour (a 94 per cent reporting rate), which is an increase of 1 per cent compared to the 2006 Annual Review figures on this principle and right (cf. table 1, page 7, of this document).
- 246.** The Governments of **Cape Verde, Saint Lucia, Solomon Islands** and **Turkmenistan** failed to comply with their reporting obligations under the 2007 Annual Review.
- 247.** At the national level, 22 employers' organizations and 24 workers' organizations and their affiliates from 18 States formulated observations under this principle and right.
- 248.** At the international level, one general observation was received from the International Organisation of Employers (IOE),<sup>8</sup> with general references to the realization of the principle and right.
- 249.** The table below indicates the names of the national employers' and workers' organizations that sent observations and the countries involved.

**2007 Annual Review: Contextual and legal challenges in the realization of the effective abolition of child labour in selected reporting States**

Country	Observations by national employers' organizations	Observations by national workers' organizations
Afghanistan	Chamber of Commerce of Afghanistan (CCA)	All Afghanistan Federation of Trade Unions (AAFTU)
Bahrain	Bahrain Chamber of Commerce and Industry (BCCI)	General Federation of Bahrain Trade Unions (GFBTU)
Bangladesh	Bangladesh Employers' Federation (BEF)	–
Cuba	–	National Centre of Cuban Workers (CTC)

<sup>8</sup> cf. pp. 69–75 of this document.

Country	Observations by national employers' organizations	Observations by national workers' organizations
Czech Republic	Czech–Moravian Confederation of Trade Unions (CMCTU)	Confederation of Industry and Transport (CIT)
Eritrea	Employers' Federation of Eritrea (EFE)	National Confederation of Eritrean Workers (NCEW)
Estonia	Confederation of Estonian Employers (CEE)	Confederation of Estonian Trade Unions (CETU)
Gabon	Gabonese Employers' Confederation (CPG)	Gabonese Labour Confederation (CGT/FL) and its 12 affiliates
Ghana	Ghana Employers' Association (GEA)	Ghana Trade Union Congress (GTUC)
India	Employers' Federation of India (EFI)	Centre of Indian Trade Unions (Hind Mazdoor Sabha–HMS); Indian National Trade Union Congress (INTUC)
Islamic Republic of Iran	Iran Confederation of Employers' Associations (ICEA)	Iran Confederation of Islamic Labour Councils (ICILC)
Kiribati	Kiribati Chamber of Commerce (KCC)	Kiribati Trade Union Congress (KTUC) and its ten affiliates
Liberia	Firestone Liberia (FL); Liberian Agriculture Company (LAC); Rubber Planters Association of Liberia (RPAL); Cemenco Liberia Cement Corporation (CLCC); Monrovia Breweries (MB)	Confederation of National Trade Unions of Liberia (CONATUL) and its 19 affiliates; Federation of Road Transport Unions of Liberia (FRTUL) and its 15 affiliates; United Seamen, Ports and General Workers' Union of Liberia and the Liberia Federation of Labour Unions (USPOGUL–LFLU) and its 14 affiliates; General Agriculture and Allied Unions (GAAWUL) and its eight affiliates; Federation of Agriculture Workers of Liberia (FAWUL); Press Union of Liberia (PUL)
Mexico	Employers' Confederation of the Mexican Republic (COPARMEX) and the Confederation of Industrial Chambers (CONCAMIN)	Workers' Confederation of Mexico (CTM)
New Zealand	Business New Zealand (BNZ)	New Zealand Council of Trade Unions (NZCTU)
Saudi Arabia	Council of Saudi Chambers of Commerce and Industry (SCCI)	Aramco Workers' Committee (AWC); Saudi Telecom Workers' Committee (STWC)
Sierra Leone	Sierra Leone Employers' Federation (SLEF)	Sierra Leone Labour Congress (SLLC) and its 23 affiliates
Vanuatu	Vanuatu Chamber of Commerce and Industry (VCCI)	Vanuatu National Workers' Union (VNWU)

\* 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 2007 Annual Review.

## (b) Reports mentioning efforts

**250. Ratifications and ratification intentions.** The table below shows the ratifications in 2006 and the ratification intentions expressed by governments under the 2007 Annual Review concerning the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182).

## 2007 Annual Review: Status of ratifications and ratification intentions for Conventions Nos. 138 and 182

	Ratifications in 2006	Ratification intentions expressed under the 2007 Annual Review
Convention No. 138	Armenia, Latvia, Pakistan, Qatar, Saint Vincent and the Grenadines	Afghanistan, Bahrain, Czech Republic, Estonia, Gabon, Ghana, Guinea-Bissau, Haiti, Islamic Republic of Iran, Liberia, Sierra Leone, Uzbekistan, Vanuatu
Convention No. 182	Armenia, Australia, Cambodia, Latvia, Suriname, Vanuatu	Afghanistan, Guinea-Bissau, Haiti, Sierra Leone, Uzbekistan

Source: ILO: Country reports and baselines under the Declaration's 2007 Annual Review.

- 251.** According to the Government of **Afghanistan**, ratification of Conventions Nos. 138 and 182 will soon be submitted to the newly established Parliament. The Chamber of Commerce of Afghanistan (CCA) supports ratification of these Conventions. The All Afghanistan Federation of Trade Unions (AAFTU) also supports ratification and hopes that the Government will accelerate this process.
- 252.** **Australia** reports that ratification of Convention No. 138 is not possible for technical reasons, as advised on previous occasions.
- 253.** In **Bahrain**, the Government reports that in collaboration with the Bahrain Chamber of Commerce and Industry (BCCI) and the General Federation of Bahrain Trade Unions (GFBTU), a tripartite committee will be set up to study and make recommendations on further ratification of ILO fundamental Conventions, including Convention No. 138.
- 254.** In **Cuba**, Convention No. 182 was submitted to the competent authorities, and its ratification was deferred until the analysis of the Convention and the revision of the labour legislation have been completed. When this has been done, the Convention will again be evaluated.
- 255.** In the **Czech Republic**, according to the Government, the Labour Bill, mentioned in the previous report, was approved by Parliament in May 2006 and published as Act No. 262/2006 (entry into force on 1 January 2007), bringing the national legislation fully into line with the provisions of Convention No. 138, and action has been taken to ratify it as soon as possible. As to consultation with the social partners, ratification of Convention No. 138 was already brought to the Working Group of the Council of Economic and Social Agreement for cooperation with the ILO in December 2004. The proposal to ratify this Convention was discussed with representatives of the Czech–Moravian Confederation of Trade Unions (CMCTU) and the Confederation of Industry and Transport (CIT), with favourable responses from most of both sides' representatives on 29 June 2006. The proposal was approved by Cabinet Resolution No. 871 of 19 July 2006, and was communicated to Parliament at the beginning of August 2006.
- 256.** The Government of **Estonia** reports that the ratification of Convention No. 138 is before Parliament, and the Convention was expected to be ratified during 2006. According to the Confederation of Estonian Employers (CEE), there is no need to take extra measures in this field, considering that no problems are foreseen in the implementation of this Convention.
- 257.** In **Gabon**, the Government indicates that the ratification of Convention No. 138 is on the agenda of Parliament. At the suggestion of the Gabonese Confederation of Employers

- (CPG), the Government has accelerated efforts to encourage Parliament to take up the issue of ratification as a matter of urgency.
- 258.** In **Ghana**, the Government reports that the ratification process for Convention No. 138 is still in process. The Ghana Employers' Association (GEA) and the Ghana Trade Union Congress (GTUC) states that this ratification process should be accelerated, in cooperation with the ILO.
- 259.** In **Guinea-Bissau**, the Government reports that Conventions Nos. 138 and 182 have been placed before the National Popular Assembly.
- 260.** According to the Government of **Haiti**, after two years of political transition, the National Assembly and the Senate have been elected, which should speed up the process of ratifying Conventions Nos. 138 and 182.
- 261.** The Government of the **Islamic Republic of Iran** reports that it has requested assistance from the ILO for preparing the possible ratification of Convention No. 138. Ratification is supported by the Iran Confederation of Employers' Associations (ICEA) and the Iran Confederation of Islamic Labour Councils (ICILC).
- 262.** The Government of **Kiribati** expressed its intention to ratify Conventions Nos. 138 and 182 during the celebration of 50 years of ILO presence in the Pacific region held in Suva, Fiji, in December 2005. The Kiribati Chamber of Commerce (KCC) and the Kiribati Trade Union Congress (KTUC) strongly support the rapid ratification of the Conventions.
- 263.** The Government of **Liberia** reports that ratification of Convention No. 138 was being processed. The Tripartite Resolution on the Humanization of the Liberia Labour Force, adopted in October 2006, recommended ratification of Convention No. 138. The Cemenco Liberia Cement Corporation (CLCC), the Monrovia Breweries (MB), the Rubber Planters Association of Liberia (RPAL), the Liberian Agriculture Company (LAC), Firestone Liberia (FL), the Confederation of National Trade Unions of Liberia (CONATUL), the Federation of Road Transport Unions of Liberia (FRTUL), the United Seamen, Ports and General Workers' Union of Liberia and the Liberia Federation of Labour Unions (USPOGUL-LFLU), the General Agriculture and Allied Unions (GAAWUL), the Federation of Agriculture Workers' of Liberia (FAWUL) and the Press Union of Liberia (PUL) requested the Government to take immediate action to ratify this Convention in cooperation with the ILO.
- 264.** The Government of **Mexico** reports that action under the Programme of Human Development Opportunities reduced by 15 to 25 per cent the probability of labour participation by children under 16, among other things.
- 265.** The Government of **New Zealand** states that its policy remains not to ratify any Convention unless law, policy and practice fully comply with the provisions of the Convention. Thus, it wishes to reiterate that it is still in the process of assessing whether or not it can ratify Convention No. 138. This process includes an analysis of what legislative changes may be required in order for New Zealand to be in full compliance with the Convention. The New Zealand Department of Labour is developing a proposal describing possible reforms to New Zealand's policy settings that might ensure full compliance of New Zealand law, practice and policy with the spirit of Convention No. 138. The Department will be working closely with the tripartite partners in the development of this proposal with the aim of achieving tripartite approval so that it can be discussed with ILO officials.

266. The Government also states that it does not believe that all forms of child employment are harmful. While restrictions exist on the employment of young persons (mainly in education and occupational safety and health legislation), there is a long-established practice of the employment of children in a range of work, including newspaper rounds and fruit picking. The Government considers that the employment of children in this type of work is not harmful, and indeed is socially desirable, since it prepares them for independence and greater responsibility.
267. As previously noted, the employers (Business New Zealand) consider that the national situation complies with Convention No. 138 by having a de facto minimum age, that is, a school leaving age of 16 that serves to prohibit the employment of children younger than 16 years during school hours. However, there is a perception that in order to comply with the Convention, the ILO requires an actual minimum age and this perception is incompatible with Business New Zealand's view that employment at ages less than 16 can be beneficial for the young people concerned. Ratification on the ILO's terms could not, therefore, be supported. Were ratification to occur, the absence of an actual age below which employment of any kind is prohibited would leave New Zealand open to a challenge of non-compliance with a ratified Convention. But providing for an actual age below which employment was not permissible would be contrary to a long-standing and accepted New Zealand practice of allowing a certain amount of out-of-school employment in the belief that acquiring early work experience is of considerable value to young people.
268. According to the Government of **Sierra Leone**, Parliament has approved ratification of Conventions Nos. 138 and 182. Formal ratification of these instruments will be processed as soon as possible, and the Government would appreciate ILO assistance in this regard. The Sierra Leone Employers' Federation (SLEF) and the Sierra Leone Labour Congress (SLLC) also requested ILO assistance to accelerate the formal ratification process of these Conventions.
269. According to the Government of the **United States**, there are no efforts under way at this time to ratify Convention No. 138.
270. In **Uzbekistan**, in June 2006, the Ministry of Labour and Social Protection submitted a written proposal to the Ministry of Foreign Affairs for the ratification of three fundamental Conventions including Convention No. 182. According to section 15 of the Act concerning international agreements, the Ministry of Foreign Affairs, in the light of consultations with the relevant agencies, must put forward proposals on the ratification of Conventions to the Cabinet of Ministers.
271. The Government of **Vanuatu** thanks the Office for its assistance and reports that all ILO fundamental Conventions, including Conventions Nos. 138 and 182, have been ratified by Parliament after consultation with major stakeholders, including the Vanuatu Chamber of Commerce and Industry (VCCI) and the Vanuatu National Workers' Union (VNWU). The Instrument of Ratification of Convention No. 138 and the appended declaration will soon be submitted to the ILO for registration.
272. **Recognition of this principle and right in the Constitution.** No new developments were reported during the last reporting period. The principle and right remains recognized by almost all reporting States.
273. **Recognition of this principle and right in policy, legislation and regulations.** In **Afghanistan**, the Ministry of Martyrs, Disabled and Social Affairs drafted a new Labour Law in 2006, in cooperation with the social partners and the ILO, the comments of which

have been integrated. In this draft labour law, the minimum age for admission to employment or work is 15 years, but apprenticeship can start at 14 years of age.

- 274.** Further detailed information on relevant state-level legislation has been supplied from **Australia**, namely: *Victoria* – Child Employment Act 2003, Mandatory Code of Practice for the Employment of Children in Entertainment, and the Justice Legislation (Sexual Offences and Bail) Act 2004, which introduces amendments into the Crimes Act 1958, to strengthen Victoria’s laws against the commercial sexual exploitation of children under 18; *Queensland* – the Child Employment Act 2006, effective from 1 July 2006, the purpose of which, together with its supporting Regulation, is to ensure that work does not interfere with children’s schooling and that children are prevented from performing work that may be harmful to their health or safety or their physical, mental, moral or social development; and *Western Australia* – where recently amended legislation prohibits the employment of children under the age of 15 except under strict conditions as specified under the Children and Community Services Act 2004, additionally supported by the School Education Act 1999.
- 275.** The Government of **Bangladesh** reports that it is now actively working on finalizing the National Child Labour Policy.
- 276.** According to the Government of **Ghana**, the Ministry of Women and Children Affairs has drawn up a three-year strategic development plan to implement the National Gender and Children Policy in collaboration with stakeholders, and has set up a secretariat to coordinate and monitor the implementation of the Human Trafficking Law. Furthermore, the Government indicated that it has adopted a policy called the Capitation Grant Scheme which seeks to take care of minor levies at the basic schools level that might otherwise prevent children from going to school.
- 277.** According to the Government of **Guinea-Bissau**, the principle is recognized in the Labour Code. A parliamentary committee continues its work to reinforce protection in the law of the needs and rights of women and children.
- 278.** In **New Zealand**, there has been no new relevant legislation passed since 2005, save for Minimum Wage Order of 27 March 2006. For persons 16 or 17 years old, the minimum wage is \$8.20 (per hour), and for a person who is aged 18 or over, the minimum wage is \$10.25. The *Code of good faith* was amended to take account of the Employment Relations Act.
- 279.** The Government of **Sierra Leone** reports that a new policy has been adopted in cooperation with the social partners and other stakeholders, UNICEF and the ILO. A Bill entitled “the Child Rights Act, 2006” has been adopted and communicated to the ILO. The final Act will be formalized soon.
- 280.** In **Suriname**, a total revision of the labour legislation is now being considered. The Ministry of Labour, Technological Development and Environment is finalizing the terms of reference with the Ministry of Planning. Together, they are in the process of seeking financial aid to finalize the revision.
- 281. Minimum age legislation for admission to employment or work.** The Government of **Australia** reports no general minimum age for admission to employment or work. However, it states that there are a number of legislative provisions that aim to maximize successful transitions and provide social safety nets for young people. There is also an industry-specific legislation that provides minimum age requirements. These minimum age requirements combined with the compulsory education provisions ensure Australia’s law and practice meets the objectives of Convention No. 138.

- 282.** In **Liberia**, the Tripartite Resolution on the Humanization of Liberia Labour Force, established in October 2006, recommended the minimum age be reviewed to match the age of the end of compulsory schooling.
- 283.** The Government of **Sierra Leone** states that under the Child Rights Bill, 2006, the age for both boys and girls at the end of free compulsory schooling will be 15 years (section 125). The minimum age provisions apply to employment in both the formal and the informal sectors. Section 135 of the Bill provides that the minimum age at which a child may commence an apprenticeship with a craftsperson is 15 years or after completion of basic education, whichever is later. The minimum age for light work is 13 years, and light work is defined as any work that is not likely to be harmful to the health or development of the child and does not affect the child's attendance at school or the capacity of the child to benefit from school work (section 127).
- 284. Compulsory schooling.** The Government of **Australia** reports that the age of free compulsory education for both boys and girls at the end of this period is 15 years, with a general requirement of nine years of grades or instruction.
- 285.** According to the Government of **Haiti**, a scholastic reinsertion centre for disadvantaged children was created in February 2005 at Carrefour, a suburb of Port au Prince. In addition, the Government requires that all children of school age attend school.
- 286.** The Government of **Liberia** reports that the national policy for compulsory education is being carried out. This policy promotes education for all based on "each one teach one".
- 287.** In **Sierra Leone**, according to the Government, under the Child Rights Bill, 2006 (section 125), the age of 15 shall be the age at which the compulsory primary education of a child shall end, and also the minimum age for the engagement of a child in full-time employment.
- 288. Hazardous work.** The Government of **Samoa** reports that "dangerous work" is defined as "a task or activity of any kind which may cause serious injury to any person" (section 5, Occupational Safety and Health Act 2002, administered by the Ministry of Commerce Industry and Labour).
- 289.** The Government of **Sierra Leone** indicates that under the Child Rights Bill, 2006 (section 128), the minimum age for the engagement of a person in hazardous work is 18 years. Hazardous work is defined as work that poses a danger to the health, safety or morals of a person, and includes: (a) going to sea; (b) mining and quarrying; (c) portering of heavy loads; (d) manufacturing industries where chemicals are produced or used; (e) work in places where machines are used; and (f) work in places such as bars, hotels and places of entertainment where a person may be exposed to immoral behaviour.
- 290. Laws/regulations to eliminate the worst forms of child labour.** The Government of **Guinea-Bissau** reports that there are no clear definitions in the law, and that technical assistance is needed in this respect.
- 291. Worst forms of child labour.** In **Estonia**, the employers consider that there is no need for extra measures for implementation of Convention No. 182, as no cases of worst forms of child labour have been reported.
- 292.** In **Sierra Leone**, a tripartite identification of the worst forms of child labour has been carried out through a case study and a workshop on the fundamental principles and rights at work, in cooperation with the ILO.

- 293. Special attention to particular groups of children including those operating in the informal economy.** In **Gabon**, according to the Government and the Gabonese Confederation of Employers (CPG), particular attention is paid to foreign children who are the largest group of working children, principally in the tertiary sector (especially commerce), garages, woodworking, fishing and agriculture. Attention is also focused on small girls of West African origin who are exploited by their guardians. Social services for foreign children in the process of being repatriated after having been freed from a work situation have been put into place in cooperation with ILO–IPEC and UNICEF.
- 294. Data collection and dissemination.** The Government of **Afghanistan** reports that there is a lack of information on child labour in the country.
- 295.** According to the federal Government of **Australia**, the Australian Bureau of Statistics (ABS) population census currently collects workforce data for children over 15 years. The ABS is currently considering expanding this to younger ages in response to reviews of child labour in various states.
- 296.** According to the Government of **Bangladesh**, the Bangladesh Bureau of Statistics, in collaboration with ILO–IPEC, conducted a national child labour survey in 2003 and another national survey on determining hazardous child labour sectors during 2005–06. The report was published in August 2006.
- 297.** The Government of **Eritrea** reports that the Ministry of Labour is planning to conduct a child labour survey during 2007.
- 298.** The Government of **Guinea-Bissau** indicates that it does not have the resources for data collection.
- 299.** The Government of **India** points out that according to the 2001 census, the estimated number of children working was 12.66 million.
- 300.** The Government of **Ghana** mentions that its statistical services conducted a survey on child labour in the country in 2005.
- 301.** In **Liberia**, the Confederation of National Trade Unions of Liberia (CONATUL) suggests that a mechanism for data collection on the principle and right should be established with ILO assistance.
- 302.** In **New Zealand**, the Department of Labour has completed a review of its data collection methods. Although the reports developed using these new methods have not yet been released, they are not expected to affect the Department’s child labour information.
- 303.** In **Sierra Leone**, some data on child labour in the country was collected during the case study on the realization of the fundamental principles and rights at work in the country, in cooperation with the ILO.
- 304. National and international policies/plans.** The Government of **Bangladesh** reports that it is now actively working on finalizing the National Child Labour Policy.
- 305.** In **Uzbekistan**, in accordance with the measures reflected in the national action plan to implement the recommendations of the United Nations Committee on the Rights of the Child, and the Programme of Cooperation between Uzbekistan and the ILO for 2004–05, several activities have been carried out with the help of the ILO–IPEC project “Increasing the potential of the Republics of Central Asia: Regional programme for the elimination of the worst forms of child labour”. In June 2005, a seminar was held in Tashkent on the

project, with the participation of ILO–IPEC, UNICEF, the Ministry of Labour and Social Protection, and the social partners. At present, within the IPEC project, work has begun on a review of national labour laws of relevance to child labour and is to be submitted to the partners on the subject of the compatibility of current legislation with the ILO child labour Conventions. In accordance with the recommendations contained in the report, a new employment bill has been drawn up with special sections on child labour and social employment safeguards for young people. A consultative seminar for the social partners was held in January 2006, with the participation of a representative of the Ministry of Labour and Social Protection and other interested public and international organizations (ILO–IPEC, UNICEF). This seminar dealt with social dialogue in support of efforts to promote ratification of the ILO child labour Conventions and the elimination of the worst forms of child labour, among others. As a result of a national consultation process, proposals were formulated and submitted in March 2006 to the Ministry’s Social Affairs Office for inclusion in the national programme for improving children’s welfare.

- 306. Bringing about the effective abolition of child labour: Prevention mechanisms, programmes of action, new initiatives and other measures.** According to the Government of **Afghanistan**, a national tripartite workshop on international labour standards, the Declaration and social dialogue was organized in 2006 in cooperation with the ILO. The Chamber of Commerce of Afghanistan (CCA) states that it has participated in these workshops and in the labour law review process. The All Afghanistan Federation of Trade Unions (AAFTU) mentions that it has participated in these workshops. For the first time, the World Day against Child Labour has been celebrated in Afghanistan in cooperation with the ILO and with the participation of employers’ and workers’ organizations, NGOs and child workers. Furthermore, the Government approved a first national strategy for children at risk that includes a section on the fight against child labour. About 12,000 child workers are being provided with basic education and vocational training for their self-sufficiency. This action is coordinated by the Government and NGOs. The Ministry of Martyrs, Disabled and Social Affairs also drafted a new labour law in 2006, in cooperation with the social partners and the ILO, whose comments have been integrated. In this draft labour law, the minimum age for admission to employment or work is 15 years, but apprenticeship can start at 14 years of age. The All Afghanistan Federation of Trade Unions (AAFTU) mentions that: (i) it works to improve education for very poor children; (ii) it has organized activities against child labour; and (iii) its major objective is the realization of fundamental principles and rights at work in the country.
- 307.** As to the involvement of the social partners in **Australia**, there is information on several state level situations: *Victoria* – The Child Employment Act 2003 required the responsible minister to consult with representatives of employers and employees in the entertainment industry and with relevant government agencies before drafting the Mandatory Code of Practice for the Employment of Children in Entertainment. The Government consults with a wide range of stakeholders in developing legislation. *Queensland* – In 2001, the Queensland government established the Commission for Children and Young People, now the Commission for Children and Young People and Child Guardians, to promote and protect the rights, interests and well-being of children in Queensland. The Young Workers’ Advisory Service (YWAS) was established in April 2002 to assist workers under the age of 25 years with queries relating to their working entitlements. The service offers advice and represents young workers in cases taken to the Queensland Industrial Relations Commission or Queensland Anti-Discrimination Commission on workplace issues such as bullying, discrimination, sexual harassment or dismissal. *Western Australia* – Consultation with key stakeholders has occurred in the development of the Children and Community Services Act 2004. The consultation has been with not only government and non-government areas, but also with children, families and communities.

- 308.** The Government of **Bahrain**, the Bahrain Chamber of Commerce and Industry (BCCI) and the General Federation of Bahrain Trade Unions (GFBTU) refer to their participation in the Fourth ILO/Gulf Cooperation Council (GCC) Regional Workshop on the ILO Declaration and International Labour Standards held in Kuwait City in April 2006.
- 309.** The Government of **Bangladesh** mentions that it has set up a high-level Social Compliance Forum chaired by the Minister of Commerce for the garment industry to ensure, inter alia, compliance with labour standards in this sector. The Ministry of Labour and Employment is heading the Task Force on Labour Welfare in the ready-made garment sector. The tripartite partners are represented in high-level committees such as the above social forum. Also, employers' and workers' organizations participate in other child-related activities carried out by the Government and other agencies.
- 310.** The Government of **Canada** continues funding of IPEC, UNICEF and other agencies combating child labour and exploitation.<sup>9</sup>
- 311.** In **Cuba**, the principal activity to promote the principle of the abolition of child labour is through the improvement of the social security system, which covers the entire population and not only workers and their families. An increase in pensions and personalized attention to those who have been dismissed, and to anyone in need of social assistance, has been put into place. Social protection includes entirely free education up to the highest levels, which covers the entire national territory and which in recent years has achieved important improvements in the quality of teaching with the introduction of video and audiovisual media at all levels. All children of school age attend school. The system covers urban, rural and mountain regions, and includes disabled children through specialized teaching programmes. The mechanisms for social protection have the effect of avoiding school drop-outs and facilitating continuous studies up to the highest levels. The health system is also entirely free. Efforts are made to maintain full employment. At the end of 2005, the unemployment rate was the lowest in Cuban history at 1.9 per cent. The Cuban family does not require children to work to achieve family well-being. There are no abandoned or begging children in the streets. In spite of the economic difficulties and the international situation which negatively affect the economy, the principle of prohibition of child labour is maintained, along with the mechanisms of supervision to prevent violations.
- 312.** In **Estonia**, the Government reports cooperation in the field of legislation between the Ministry of Social Affairs, the Ministry of Education and Research, the Ministry of Justice and the Ministry of Internal Affairs, together with the labour inspection services.
- 313.** The Government of **Gabon** refers to the comment of the Gabonese Employers' Confederation (CPG) concerning the promotional activities carried out on the fight against child labour. According to the CPG, social services for foreign children being repatriated after being withdrawn from work have been put into place in cooperation with ILO-IPEC and UNICEF. The accused child traffickers have been brought to court. When found guilty, they are sentenced to pay for the repatriation of child workers. The population has been made more aware of the duties of citizens, including through turning in traffickers, especially through the telephone hotline.
- 314.** In **India**, according to the Government, a joint project in partnership with the US Department of Labor (USDOL) for rehabilitation of working children called the INDUS Project is under implementation since 2004. INDUS is a US\$40 million project with equal contributions from the Government of India and USDOL. At present, INDUS is

<sup>9</sup> cf. <http://les.acdi-cida.gc.ca/servlet/JKMSearchController>.

functioning in 21 districts in five states, and presently 956 transitional education centres are covering 47,800 children. Financial support has been provided for the rehabilitation of child labour in the financial year 2005–06. Moreover, under the Grant-in-Aid (GIA) Scheme, funds are released to NGOs to set up special schools on the model of the National Child Labour Project (NCLP) schools. At present, 220 special schools are covering 11,000 children. The Employers' Federation of India (EFI) mentioned its support for the eradication of child labour through tripartite forums, and publication of labour market information including child labour and awareness-raising activities on the principle and right. According to the Hind Mazdoor Sabha (HMS) and the Indian National Trade Union Congress (INTUC), under the Decent Work Country Programme, HMS and INTUC organized workshops on the fundamental Conventions. Moreover, HMS, INTUC and the All India Trade Union Confederation (AITUC) opened schools and promoted schooling for poor children in the tobacco industries (bidi handmade cigars) in the framework of INDUS. Activities included distribution of books and posters for child labour prevention and a week-long celebration for the abolition of child labour. In addition, HMS and INTUC organize workers' awareness-raising activities on ILO fundamental Conventions, national laws and judicial decisions.

- 315.** The Government of the **Islamic Republic of Iran** reports that special initiatives are being taken to bridge the gap between the poor and rich by granting the former group shares in lucrative state enterprises under the Justice Shares Scheme. To avoid child labour, women heads of household are granted special protection and benefit from positive discrimination for access to employment. To curb unemployment and poverty as the main sources of child labour, the Government has embarked on a large, small and medium enterprises expansion project to provide 900,000 new productive employment opportunities per year. Vocational education and training has also been redirected to labour market requirements.
- 316.** The Government of **Kiribati** published a booklet on the ILO fundamental Conventions, in cooperation with the ILO. Moreover, **Kiribati** participated in the activities concerning the promotion of the ILO Declaration during the celebration of 50 years of ILO presence in the Pacific region, held in Suva, Fiji, in December 2005. The Kiribati Chamber of Commerce (KCC) reports that it is currently taking part in the labour law revision process that should integrate the provisions of ILO fundamental Conventions into national laws.
- 317.** In **Liberia**, according to the Government, a case study and a workshop on the humanization of the Liberia labour force were carried out in September and October 2006 in cooperation with employers' and workers' organizations and the ILO. The workshop adopted a tripartite resolution on this issue, including recommendations against child labour in Liberia. The USPOGUL–LFLU stated that it had provided special assistance to labour unions to print promotional materials and encourage awareness-raising programmes on the principle and right. The CONATUL stated that it had supported the job-creation policy of the Government to absorb the ex-child combatants. According to Firestone Liberia, following the prohibition of the presence of children accompanying their parents in rubber plantations and the building of schools in the plantation areas by the Firestone Company, school attendance in these areas rose by 300 per cent between 2005 and 2006.
- 318.** In **Mexico**, the Government and the Confederation of Industrial Chambers (CONCAMIN) mention the participation of employers' and workers' organizations in the programmes for the effective abolition of child labour. Support by ILO–IPEC, in particular for the victims of commercial sexual exploitation of children, is also mentioned by the Government. The CONCAMIN and the Employers' Confederation of the Mexican Republic (COPARMEX) state that they have organized promotional activities against child labour in cooperation with the ILO. The Workers' Confederation of Mexico (CTM) observes that it has established a special committee to combat all forms of child labour including its worst

- forms, and has also launched a publicity campaign through television and radio. According to the Government, the Programme for the Prevention, Attention, Discouragement and Eradication of Marginalized Urban Child Labour (Programa para la Prevención, Atención, Desaliento y Erradicación del Trabajo Infantil Urbano Marginal – PROPADETIUM) concentrates on strengthening of communities, families and schools for working children and adolescents in marginalized urban areas. Action is also taken for prevention and discouragement of children's entry into labour including working on the streets, as well as the protection of migrant children and youth along the south border.
- 319.** The Government of **New Zealand** reported several activities. The Department of Labour continues to attend the Coca Cola Careers Expo where it distributes information targeted at informing young people about their employment rights. The information included wallet sized "know your rights" sheets. Information on youth employment rights is available on the Department of Labour's web site. As to promotional measures by the social partners, Business New Zealand prepares information for its regional associations on employer obligations under relevant employment legislation, including health and safety legislation. Its regional associations distribute this and other material to their direct employer members and are also active in the presentation of seminar material where employers are made aware of their obligations to all persons they employ, including anyone under the age of 16.
- 320.** According to the Government of **Saudi Arabia**, some activities were organized to promote the ILO Declaration in the country. The Government also mentioned its participation in the ILO/Gulf Cooperation Council (GCC) Fourth Regional Workshop on the Declaration and International Labour Standards, organized in Kuwait City in April 2006. It also took part in workshops on small and medium enterprises (SMEs) held in Oman in 2006.
- 321.** In **Sierra Leone**, the Child Rights Bill, 2006 (Part IV, sections 47–69) provides for the establishment of local committees and district councils that have child welfare functions, including the promotion of child rights awareness and enjoyment and the monitoring of these rights. In case of violation of the minimum age provisions (Part VIII, sections 125–141), the Child Rights Bill provides for sanctions ranging from fines (not exceeding Le10 million – about US\$3,500 – as of December 2006) to imprisonment (not exceeding two years), or both. Further, a case study and a tripartite workshop on the fundamental principles and rights at work in Sierra Leone were carried out in September and October 2006, in cooperation with employers' and workers' organizations and the ILO.
- 322.** The Government of **Timor-Leste** reports that it has conducted a workshop for workers and employers on the principle.
- 323.** According to the Government of the **United States**, the Department of Labor continues its efforts to abolish illegal child labour and ensure the safety and well-being of young people at work. In fiscal year 2005, the Department initiated a five-year summer job safety campaign. In the summer of 2006, the campaign focused on the land care industry and performed education and outreach, achieving wide dissemination of its education materials through the media and contacts with youth-oriented non-profit organizations. Through its ongoing Youth Rules! public awareness campaign, the Department also directed its efforts to youth working in the construction industry in response to an increase in youth working in this industry during the summer. It launched a new electronic seminar, "Youth Working in Construction" on CD-ROM and available on the Youth Rules! web site ([www.youthrules.dol.gov](http://www.youthrules.dol.gov)), which focuses on the Secretary's hazardous orders. In addition, there are two region-wide initiatives to educate employers and others regarding the rules for this industry. There are also several local initiatives relating to the roofing industry involving both outreach and enforcement activities.

**(c) Challenges mentioned**

- 324. Obstacles to ratification of Conventions Nos. 138 and 182.** The Government of **India** reiterates its statement under the 2006 Annual Review that ratification of the Conventions would be considered after enactment of national laws in conformity with the requirements of these Conventions. According to the Employers' Federation of India (EFI), these instruments should be ratified by India at a later stage. According to the Hind Mazdoor Sabha (HMS) and the Indian National Trade Union Congress (INTUC), ratification of Conventions Nos. 138 and 182 is supported by all trade unions of India. A tripartite committee on ratification of these Conventions met in May 2006 in New Delhi, and trade unions hope that ratification of these instruments will take place soon, together with all the remaining unratified ILO fundamental Conventions.
- 325.** The Government of **Australia** states that, for technical reasons, ratification of Convention No. 138 is not possible, as advised on previous occasions.
- 326. Legal and contextual challenges.** The Government of **Guinea-Bissau** notes that the law lacks clear definitions on the worst forms of child labour, and that technical assistance is required.
- 327.** The Government of **Bahrain** reports that social protection for poor families needs to be reinforced, in line with the observation by the General Federation of Bahrain Trade Unions (GFBTU) that poor families were in need of better protection. The Bahrain Chamber of Commerce and Industry (BCCI) reports that, although limited in extent, child labour cases still occurred in Bahrain.
- 328.** In **Bangladesh**, the Bangladesh Federation of Employers (BEF) observes that child labour is prevalent in the informal economy.
- 329.** In **Estonia**, the Estonian Confederation of Trade Unions (CETU) states that trade unions have some information about the conclusion of employment agreements with minors (during summer holidays) in non-written form; or employers paying less than was agreed. However, there is no information about proceedings on such violations in the labour dispute settlement bodies. There is a real need to promote cooperation between the social partners and the labour inspectorate. The Government supports the idea of promoting cooperation between employers' and workers' organizations and the labour inspection services.
- 330.** In **Gabon**, according to the Gabonese Employers' Confederation (CPG), there are fewer and fewer children on the streets, but this does not mean that child labour is disappearing. The Government agrees with the comments by the General Workers' Confederation/Forces Libres (CGT/FL) that child labour takes place principally in the informal economy and affects foreign children in particular.
- 331.** In **Ghana**, the Government cites widespread ignorance on child labour issues. The Ghana Employers' Association (GEA) reports that child labour is prevalent in the informal economy. According to the Ghana Trade Union Congress (GTUC), poverty is an obstacle to eliminating child labour in the country, and this scourge exists in urban and rural areas.
- 332.** According to the Government of **Guinea-Bissau**, there is a lack of capacity of labour inspectors to enforce the principle and right.
- 333.** According to the Government of **India**, poverty, unemployment and illiteracy remain the main obstacles to realizing the principle and right. According to the Employers' Federation of India (EFI), child labour exists in the agricultural sector and the informal

- economy. It is almost non-existent in the formal sector. The Hind Mazdoor Sabha (HMS) and the Indian National Trade Union Congress (INTUC) report that poverty is the major obstacle to the abolition of child labour in India. A Poverty Reduction Strategy Programme (PRSP) is being conducted in the country.
- 334.** The Government of the **Islamic Republic of Iran** states that poverty still exists in the country, but the Government is fighting against it through various poverty alleviation programmes including the Justice Shares Scheme and the protection and granting of special advantages to women heads of household (positive discrimination for access to employment).
- 335.** The Government of **Kiribati** is now working with the Kiribati Chamber of Commerce (KCC), the Kiribati Trade Union Congress (KTUC) and NGOs to fight against the *Korekorea* (those who “go” with Korean fishermen) scourge, first of all by establishing a legal framework including sanctions. Some child labour cases are noted in the informal economy (child street vendors, etc.) and KCC is strongly opposed to this phenomenon. It requests the Government to take immediate action on this issue, including legal sanctions. The KTUC suggests that the ILO assist Kiribati in fighting the phenomenon of *Korekorea*.
- 336.** In **Liberia**, according to the Liberia Agriculture Company (LAC), the effective abolition of child labour is not possible in the foreseeable future because of poverty. Moreover, there are no monitoring or enforcement mechanisms to realize the principle and right in Liberia. According to the Confederation of National Trade Unions of Liberia (CONATUL): (i) political instability contributed to the inability of the Government to improve the realization of the principle and right in the country; (ii) no dissuasive legal procedures exist against violations of national laws; and (iii) there is a lack of education on the principle and right among the social partners. According to the United Seamen, Ports and General Workers’ Union of Liberia and the Liberia Federation of Labour Unions (USPOGUL–LFLU), no efforts are being made by the Government to collect information or data on the principle and right.
- 337.** In **Mexico**, the Government reports that, through the special efforts for protection of children and adolescents in especially difficult circumstances, the decreasing tendency in child labour has been maintained, shown by the 33 per cent reduction between 2000 and 2005. The Confederation of Industrial Chambers (CONCAMIN) and the Employers’ Confederation of the Mexican Republic (COPARMEX) wish more cooperation with the ILO to promote the fight against child labour, and the Workers’ Confederation of Mexico (CTM) considers that the ILO could give more support to the Child Institute of Education (Instituto Infantil de Educación) by seminars on labour.
- 338.** In **New Zealand**, child poverty was mentioned by the New Zealand Council of Trade Unions (NZCTU). Since the 2004 and 2005 reports, there have been both improvements and worsening situations in New Zealand in family poverty from low income and low wages, or through unemployment or ill-health and reliance on government benefits. The recent release by the Ministry of Social Development of the *New Zealand living standards 2004: An overview* shows that 8 per cent of the population are categorized as living in “severe hardship”, an increase from 5 per cent in the 2000 reporting period. The proportion of children in these conditions has risen from 18 per cent to 26 per cent since 2000.<sup>10</sup>
- 339.** Government agencies are confident that the Government’s Working for Families Budget package is having a positive impact on those low-income working families who are

<sup>10</sup> See <http://www.msd.govt.nz/work-areas/social-research/living-standards/index.html> for report.

receiving the additional financial assistance. Other cost alleviation measures such as subsidized medical assistance are also proving helpful. Non-governmental community agencies report however that two sectors of their clients are worse off: beneficiaries living with children, and beneficiaries who are non-custodial parents. The latter group suffers a reduction in income from deduction of child support payments, and may additionally be paying voluntary contributions directly to their children or former partner. Benefit rates have been reduced from 1 April 2006 as part of government reform of the benefit system. While those already on a benefit did not get a reduction, new applicants for a benefit are paid at a lower level. With increases in costs, there is a commensurate increase in effective poverty. Child poverty is a motivating factor in children and young people choosing to work, even for very low wages. Many social commentators support an increase in the minimum wage as one step towards addressing poverty. Other commentators focus on measures to help adults move off a benefit and into work. In general, the New Zealand Council of Trade Unions (NZCTU) supports training and skill development initiatives that will enable adult workers to take up well-paid, meaningful work.

- 340.** Community agencies working directly with those on benefits recommend increases in the amount of financial assistance given, with more attention given to actual costs, and a quicker response where circumstances change. The New Zealand Council of Trade Unions (NZCTU) considers the benefit system as a temporary safety net for most recipients, and supports measures to ensure that children are not subjected to severe hardship or poverty during the time they are dependent on government assistance.
- 341.** According to Business New Zealand, most young people work to build up their own financial resources or in order to acquire non-essential items that parents may not feel obliged to provide. If there are young persons who work from household necessity, this is not a situation which a minimum employment age can cure.
- 342.** The Government of **Somalia** refers to the current difficult circumstances prevailing in the country which obstruct the realization of the principle and right.
- 343.** The Government of **Timor-Leste** reports that the military crisis has delayed many activities, including the finalization of the draft Labour Code.
- 344. Requests for technical cooperation.** With a view to meeting these challenges and facilitating the realization of the principle, **Afghanistan, Bahrain, Gabon, Ghana, Guinea-Bissau, Haiti, Islamic Republic of Iran, Kiribati, Liberia, Saudi Arabia, Sierra Leone** and **Timor-Leste** have requested ILO technical cooperation.<sup>11</sup>

**(d) Reports indicating no change**

- 345.** The Governments of **Myanmar** and **Somalia** (due to national crisis) report no change in relation to their previous reports.

<sup>11</sup> For further information concerning technical cooperation, refer to Part II.D of this report.

#### 4. Elimination of discrimination in employment and occupation

##### (a) Reporting

- 346.** Eighteen out of 19 States have reported on the principle of the elimination of discrimination in employment and occupation (a 95 per cent reporting rate), which is a decrease of 5 per cent compared to the 2006 Annual Review figures on this principle and right (cf. table 1, page 6 of this document).
- 347. Solomon Islands** failed to comply with the reporting obligations under the 2007 Annual Review.
- 348.** At the national level, 14 employers' organizations and 14 workers' organizations from 11 States formulated observations on their governments' reports.
- 349.** At the international level, one general observation was received from the International Organisation of Employers (IOE)<sup>12</sup> with general references to the realization of the principle and right, and the International Confederation of Free Trade Unions (ICFTU) sent a late observation for the 2006 Annual Review concerning the realization of the principle and right in **Malaysia**.
- 350.** The table below indicates the national and international employers' and workers' organizations which sent observations and the countries involved.

##### 2007 Annual Review: Observations by employers' and workers' organizations under the principle of the elimination of discrimination in employment and occupation

Country	Observations by national employers' organizations	Observations by national workers' organizations	Observations by the ICFTU
Bahrain	Bahrain Chamber of Commerce and Industry (BCCI)	The General Federation of Bahrain Trade Unions (GFBTU)	–
Japan	–	Japanese Trade Union Confederation (JTUC-RENGO)	–
Kiribati	Kiribati Chamber of Commerce (KCC)	Kiribati Trade Union Congress (KTUC) (and its ten affiliates)	–
Kuwait	Kuwait Chamber of Commerce and Industry (KCCI)	The General Confederation of Trade Unions of Kuwait (GCTUK)	–
Liberia	Firestone Liberia (FL); Liberian Agriculture Company (LAC); Cemenco Liberia Cement Corporation (CLCC); Rubber Planters Association of Liberia (RPAL); Monrovia Breweries (MB)	United Seamen, Ports and General Workers' Union of Liberia and the Liberia Federation of Labour Unions (USPOGUL-LFLU) (and its 14 affiliates); Confederation of National Trade Unions of Liberia (CONATUL) (and its 19 affiliates); Federation of Road Transport Unions of Liberia (FRTUL) (and its 15 affiliates); General Agriculture and Allied Unions (GAAWUL); Federation of Agricultural Workers' Unions of Liberia (FAWUL); Press Union of Liberia (PUL)	–
Malaysia	Malaysian Employers' Federation (MEF)	–	X (under the 2006 Annual Review)

<sup>12</sup> cf. pp. 68–72 of this document.

Country	Observations by national employers' organizations	Observations by national workers' organizations	Observations by the ICFTU
Namibia	Namibia Employers Federation (NEF)	National Union of Namibian Workers (NUNW) –	
Oman	Omani Chamber of Commerce and Industry (OCCI)	Main Omani Workers Committee (MOWC) –	
Qatar	Chamber of Commerce and Industry of Qatar (QCCI)	The Qatar Petroleum Workers' Committee (QPWC) –	
Singapore	Singapore National Employers' Federation (SNEF)	National Trade Union Congress (NTUC) –	
Thailand	Employers' Confederation of Thailand (ECOT)	National Congress of Thai Labour (NCTL) –	

\* 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 2007 Annual Review.

## (b) Reports mentioning efforts

- 351. Ratification and ratification intentions.** The Government of **Bahrain**, the Bahrain Chamber of Commerce and Industry (BCCI) and the General Federation of Bahrain Trade Unions (GFBTU) consider that a tripartite committee should be set up to study and make recommendations on further ratification of ILO fundamental Conventions, including the Equal Remuneration Convention, 1951 (No. 100). The BCCI and the GFBTU support the ratification of this Convention by the Government.
- 352.** The Government of **Kiribati** communicated a letter of intent to ratify the Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) during the celebration of 50 years of ILO presence in the Pacific region (Suva, Fiji, December 2005). The Kiribati Chamber of Commerce (KCC) and the Kiribati Trade Union Congress (KTUC) support the Government's intention to ratify the remaining ILO fundamental Conventions, and hope that this will take place in the near future.
- 353.** The Government of **Liberia** reiterates its intention to ratify Convention No. 100. All the workers' organizations and the employers request the Government to take immediate action to ratify this Convention. The Tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006, also recommends ratification of this Convention.
- 354.** The Government of **Oman** indicates that ratification of Conventions Nos. 100 and 111 is under consideration.
- 355.** In **Namibia**, the National Union of Namibian Workers (NUNW) supports the ratification of Convention No. 100, and the Namibian Employers' Federation (NEF) indicates that the Tripartite Namibian Labour Advisory Council has recommended ratification of Convention No. 100.
- 356.** The Employers' Confederation of Thailand (ECOT) supports ratification of Convention No. 111 by the Government of **Thailand**.
- 357.** The table below records the ratifications and ratification intentions by governments for the year 2006 concerning the Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

## 2007 Annual Review: Status of ratifications and ratification intentions for Conventions Nos. 100 and 111

Convention	Ratification in 2006	Ratification intention expressed in 2007
Convention No. 100	Vanuatu	Bahrain, Kiribati, Liberia, Oman, Qatar
Convention No. 111	Vanuatu	Kiribati, Oman

Source: ILO: Country reports and baselines under the Declaration's 2007 Annual Review.

- 358. Recognition of the principle and right in the Constitution.** Most reporting States recognize the principle and right in their national Constitutions (**Bahrain, Japan, Kiribati, Liberia, Namibia, Oman, Samoa, Singapore** and **Thailand**).
- 359.** For example, in **Bahrain**, the 2002 Constitution guarantees equality and equal opportunity.
- 360.** In **Japan**, this principle and right is recognized under the 1947 Constitution (article 14, paragraph 1) which provides as follows: “All of the people are equal under the law and in political, economic or social relations. There shall be no discrimination on the basis of race, creed, sex, social status or family origin.”
- 361.** In **Kiribati**, the 1979 Constitution (article 15.2) provides that: “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.”
- 362.** In **Liberia**, the 1991 Constitution (articles 8, 11 and 18) provides for equal opportunity and treatment. The Tripartite Resolution on the Humanization of Liberia Labour Force, which was adopted in October 2006, recommended that article 18 of the Liberia Constitution, 1991, which refers to “equal pay for equal work” be amended to read “equal pay for work of equal value”.
- 363.** In **Namibia**, the 1990 Constitution (article 10) deals with equality and freedom from discrimination. It prohibits discrimination on various grounds including social economic status, sex, race, colour, ethnic origin, religion, creed, etc. Article 23 of the same text refers to apartheid and affirmative action.
- 364.** In **Oman**, article 17 of the Basic Law provides that: “All citizens are equal before the law, and they are equal in public rights and duties. There shall be no discrimination between them on the grounds of gender, origin, colour, language, religion, sect, domicile or social status.”
- 365.** In **Samoa**, the Constitution (article 15) prohibits discrimination on the grounds of descent, sex, language, religion, political or other opinion, social origin, place of birth, and family status.
- 366.** In **Singapore**, the 1965 amended Constitution (article 12.1) provides that “all persons are equal before the law and entitled to the equal protection of the law”.
- 367.** In **Thailand**, the 1997 Constitution (article 30) provides that all persons are equal before the law and shall enjoy equal protection under the law, irrespective of their sex. Furthermore, article 80 of the same text provides that the State shall protect and develop children and youth, promote gender equality, and sustain families and communities.
- 368.** However, **Kuwait, Qatar** and **Timor-Leste** make no mention as to whether this principle and right is recognized in their respective constitutions.

- 369. Recognition of this principle and right in policy, legislation, regulations and/or judicial decisions.** The Governments of **Japan, Liberia, Namibia** and **Oman** report that this principle and right is recognized in their legislation, regulations and/or judicial decisions.
- 370.** The Government of **Japan** reiterates that the Ministry of Health, Labour and Welfare, implements educational activities throughout the year to promote effective employment management in accordance with the Equal Employment Opportunity Law.
- 371.** In **Samoa**, the policy on discrimination, which is embodied in the Constitution, states that “no law and no executive or administrative action of the State shall either expressly or in its practical application, subject any person or persons to discrimination”.
- 372. Introducing legislative amendments.** Several reporting countries state that they are committed to integrating the principle and right in their national legislation (**Japan, Qatar, Suriname** and **Thailand**).
- 373.** In **Japan**, the Equal Employment Opportunity Law was revised so as to promote further equal opportunity and treatment between men and women in employment.
- 374.** In the **Lao People’s Democratic Republic**, the Government reports that the provisions of the Labour Code, 1994, prohibiting night work for women, are being revised.
- 375.** The new Labour Code of **Qatar** (2004) provides that women workers shall be granted equal remuneration to that of a male worker for work of equal value.
- 376.** In **Singapore**, the Government reports that the proposed changes to the labour laws, which created special institutions to promote equality, are reviewed on a regular basis taking into account inputs from both employers’ and workers’ organizations.
- 377.** In **Suriname**, the Government is currently considering a complete revision of its laws to integrate the principle and right.
- 378.** In **Thailand**, the Ministry of Social Development and Human Security has drafted a Bill on Promoting Equal Opportunity to eliminate discrimination against women. This draft Bill aims to protect not only women, but also all target groups specified in the Constitutional Law of Thailand (BE2540, 1997), who suffer from inequality of opportunity on working, education, training and access to public facilities or services. Moreover, it defines the word “discrimination” and sets up a procedure of legal complaint and remedy fund. As a result, active discrimination against women and those target groups will be eliminated and they will have an equal opportunity to obtain development and live with human dignity. At the moment, the draft Bill is undergoing the legislative procedure. The Ministry has also drafted the Women Development Plan in accordance with the Tenth National Economic and Social Development Plan (2007–11) to create social equality and eliminate all unequal treatment, including employment, for women. Consequently, women and men will be treated equally. For instance, women will be able to have access to available benefits and developments to the same extent as men and with the same human dignity. This draft plan is also undergoing the legislative procedure.
- 379. Enforcement and sanction mechanisms.** The Governments of **Bahrain** and **Qatar** mention that such mechanisms exist to realize the principle and right.
- 380.** The Government of **Japan** reiterates that the Equal Employment Opportunity Department of the Prefectural Labour Bureau visits offices in a systematic manner and reviews the employment management system of each enterprise in order to ensure the enforcement of

- the Equal Employment Opportunity Law. Administrative guidance is implemented in case of violation of this law. Moreover, discriminatory measures in contravention of the constitutional provisions in laws and/or regulations are prohibited and do not exist.
- 381.** In **Liberia**, the Tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006, recommended the establishment of a Commission on Discrimination at the Workplace.
- 382.** The Government of the **United States** reports the Equal Employment Opportunity Commission (EEOC) filed 417 lawsuits in fiscal year 2005, and obtained US\$107.7 million in monetary benefits for workers. These statistics may be found on the EEOC's web site at [www.eeoc.gov/stats/enforcement.html](http://www.eeoc.gov/stats/enforcement.html).
- 383. Special attention to particular situations.** In **Liberia**, the Confederation of National Trade Unions of Liberia (CONATUL) and Liberia Federation of Labour Unions (LFLU) state that workers in the informal economy are given particular attention.
- 384. Promotional activities.** The Governments of **Bahrain, Kuwait, Oman and Qatar** indicate that they held promotional activities in cooperation with the ILO. They mention their participation in the ILO/Gulf Cooperation Council (GCC) Fourth Regional Workshop on the ILO Declaration and International Labour Standards in GCC countries organized in Kuwait City in April 2006. Employers' and workers' organizations of these countries also participated in this workshop. Furthermore, the Bahrain Chamber of Commerce and Industry (BCCI) and the General Federation of Bahrain Trade Unions (GFBTU) and their Government agreed that equal representation between men and women should be promoted in training activities.
- 385.** The Government of **Kiribati** published a booklet on ILO fundamental Conventions, in cooperation with the Office, and participated in the activities regarding the promotion of the ILO Declaration during the celebration of 50 years of ILO presence in the Pacific region (Suva, Fiji, December 2005).
- 386.** In **Kuwait**, a committee to strengthen national efforts in promoting the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up has been established. A seminar on future visions towards implementing the new Labour Code in compliance with ILO Conventions was held in January 2004. Furthermore, the Government plans to organize tripartite consultations on the distribution of social allowances to married persons.
- 387.** In **Liberia**, a case study was carried out and a workshop was held on the humanization of Liberia labour force in September and October 2006 in cooperation with workers' organizations, employers and the ILO. The workshop adopted a tripartite resolution on this issue, including recommendations on discrimination at the workplace. Moreover, the United Seamen, Ports and General Workers' Union of Liberia and the Liberia Federation of Labour Unions (USPOGUL-LFLU) indicates that it had provided special assistance to labour unions to print promotional materials and encourage awareness-raising programmes on the principle and right. The Confederation of National Trade Unions of Liberia (CONATUL), the General Agriculture and Allied Unions (GAAWUL) and the Cemenco Liberia Cement Corporation (CLCC) referred to their participation in training and consultation activities on the principle and right.
- 388.** In **Malaysia**, the Malaysian Employers' Federation (MEF) notes that in practice there is no discrimination in remuneration based on gender or other criteria. The employers pay equal remuneration for work of equal value to all employees. Some private sector employers implement payment based on individual and/or the company's performance.

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Objective performance criteria are established by employers to determine workers' performance.

- 389.** In **Namibia**, the Namibian Employers' Federation (NEF) also supports the overall aims of the ILO's decent work programme, and all Conventions and Recommendations related to this programme.
- 390.** The Government of **Qatar** emphasizes that in the framework of the joint activities concluded between the ILO and the GCC, an activity should be dedicated to explaining the text of Convention No. 100, and in particular what is meant by work of equal value and the practical mechanisms to follow up this matter in regulations and in practice.
- 391.** The Government of **Timor-Leste** indicates that workshops and conferences were organized for employers' and workers' representatives on the principle and right.
- 392.** According to the Employers' Confederation of Thailand (ECOT), some training courses have been developed on this principle and right in **Thailand**.
- 393. Special institutions to promote equality.** The Employment Equity Commission of **Namibia** conducts promotional activities with relevant employers' organizations on a fairly regular basis in order to improve compliance with the submission of affirmative action reports as required by the Affirmative Action Act.
- 394.** In **Singapore**, in January 2006, the Tripartite Committee on Employability of Older Workers released its interim report and a range of recommendations to enhance the employability of older workers. One of the recommendations was to set up the Tripartite Alliance for Fair Employment Practices (TAFEP) to shift mindsets among employers, workers and the general public towards fair and responsible employment practices for all workers. The TAFEP was formed in May 2006 and is co-chaired by the Singapore National Employers' Federation (SNEF) and the Singapore National Trade Union Congress (SNTUC), with participation from the Government. On the proposed changes to the labour laws, the Government conducts reviews of law regularly and will take into account inputs from both workers and employers.
- 395. Data collection and dissemination.** The Governments of **Malaysia, Oman** and **United States** report that they collect data with regard to this principle and right.
- 396. Special initiatives.** In **Japan**, June is dedicated to this principle and right, and had been declared as the "One month campaign on equal employment opportunity between men and women".
- 397.** In **Kuwait**, a tripartite committee to promote and realize the ILO Declaration was set up in 2004. It organized several activities.
- 398.** In **Liberia**, a tripartite identification of realities and challenges faced in realizing the principle and right in the country has been carried out through a case study and a workshop on the humanization of Liberia labour force, in cooperation with the ILO. This exercise concluded on a Tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006 that includes a request for technical cooperation to better realize the principle and right in the country.

**(c) Challenges mentioned**

- 399. Obstacles to ratification of Convention No. 100.** The Government of **Kuwait** states that Convention No. 100 has not been ratified on the grounds of diverging points of view. However, ratification of this Convention is still under consideration.
- 400.** In **Namibia**, the Namibian Employers' Federation (NEF) indicates that the Tripartite Namibian Labour Advisory Council recommended ratification of Convention No. 100, but the Cabinet decided that the Government was not totally ready to take that action.
- 401.** According to the Government of **Qatar**, the "ambiguity" of the text of Convention No. 100 is deemed to be an obstacle to the ratification of the Convention. In spite of that, the Government intends to meet the conditions that would allow for its ratification.
- 402. Contextual and legal challenges.** The table below shows the general challenges mentioned by reporting governments and employers' and workers' organizations.

**2007 Annual Review: Contextual and legal challenges in the realization of the elimination of discrimination in employment and occupation in reporting States**

Type of difficulty	Governments	Employers' organizations	Workers' organizations
Legal provisions	Japan	–	–
Social values, cultural traditions	Kuwait	–	–
Political situation	Timor-Leste	–	–
Lack of social dialogue on this principle	–	Chamber of Commerce and Industry of Qatar (QCCI)	The Qatar Petroleum Workers' Committee (QPWC)
Lack of information and data collection	–	Employers' Confederation of Thailand (ECOT)	–
Lack of public awareness and support	Oman	–	–
Lack of education programme	–	Kuwait Chamber of Commerce and Industry (KCCI); Omani Chamber of Commerce and Industry (OCCI)	General Confederation of Trade Unions of Kuwait (KGCTU); Main Omani Workers Committee (MOWC)
Discrimination against women	Bahrain	Bahrain Chamber of Commerce and Industry (BCCI)	The General Federation of Bahrain Trade Unions (GFBTU)

Source: ILO: Country reports and baselines under the Declaration's 2007 Annual Review.

- 403.** In **Japan**, according to the Japanese Trade Union Confederation (JTUC–RENGO), the Equal Employment Opportunity Law which was revised in 2006 is insufficient in terms of prohibition of indirect discrimination. The amendment of the Law for achieving gender equality and equal treatment between full-time and part-time workers has not been realized so far. It is of the opinion that the Government should therefore revise the labour legislation in order to achieve gender equality and equal treatment between full-time and part-time workers.
- 404.** In response to these comments, the Government states that in order to promote equal opportunity between men and women, the Ministry of Health, Labour and Welfare submitted to the Diet at its 164th session, a revised Bill on the Equal Employment Opportunity Law and related laws, which included provisions such as prohibition of discrimination against both men and women, and prohibition of indirect discrimination.

The Bill was approved in June 2006. With regard to the structure of the provision prohibiting indirect discrimination, the Bill stipulates that the ministerial ordinance of the Ministry of Health, Labour and Welfare should specify three kinds of cases, and that these would be considered illegal when there are no legitimate reasons. It was decided to adopt this structure on the grounds that the Labour Policy Council, consisting of intellectuals, representatives of employers and workers (all workers' members are representatives of JTUC-RENGO or its affiliated groups), concluded that it would be appropriate to adopt a legal framework in which these three cases' activities would be considered indirect discrimination, and that the scope of prohibition could be revised to include other cases if needed, taking the trend of judgements of the court into consideration. Therefore, the JTUC-RENGO's observation that the amendment was insufficient misses the point, because the amendment covers sufficient matters, and it was based on the tripartite consensus. Additionally, in July 2006, the Ministry of Health, Labour and Welfare started a discussion on a policy concerning part-time work in the Equal Employment Subcommittee of the Labour Policy Council, consisting of intellectuals, representatives of employers and workers, and it is scheduled to compile a final conclusion at the end of 2006. The Ministry of Health, Labour and Welfare intends to take appropriate action based on the conclusion.

- 405.** In **Kiribati**, the Kiribati Chamber of Commerce (KCC) observes that efforts should be made to integrate people infected with the HIV/AIDS virus into the workplace. Moreover, the Kiribati Trade Union Congress (KTUC) notes that discrimination against women in employment and decision-making processes (*Te Mwaneaba*) still persists for cultural reasons and that the ILO should assist the country in solving this problem.
- 406.** In **Kuwait**, the Kuwait Chamber of Commerce and Industry (KCCI) and Kuwait General Confederation of Trade Unions (KGCTU) are of the opinion that the major obstacle to the realization of this principle and right is the lack of education and understanding of the ILO's role and the Declaration's principles and rights.
- 407.** In **Liberia**, various challenges in realizing the principle and right in the country have been identified through a case study and a workshop on the humanization of Liberia labour force, in cooperation with the ILO. Moreover, the Confederation of National Trade Unions of Liberia (CONATUL) notes that there is discrimination between casual and permanent workers in plantations and industrial sites. The General Agriculture and Allied Unions of Liberia (GAAWUL) mentions that there is a lack of data collection on the realization of the principle and right in the country.
- 408.** The International Confederation of Free Trade Unions (ICFTU) observes that the Parliament of **Malaysia** approved a constitutional amendment outlawing sexual discrimination in 2001. However, a ruling by the federal court, rejecting a Malaysian Airlines stewardess' application against a discriminatory retirement age, has raised doubts about this newly imposed constitutional safeguard. Moreover, there is no legislative reference to equal remuneration for work of equal value in either the Constitution, the Employment Act or the Wages Council Act. As concerns statistics, the information provided by the Government shows that only six women, in comparison with 297 men, receive monthly earnings above MYR5,001 (about US\$1,380 as of December 2006) in the State Administrative Service. Furthermore, the Women's Aid Organisation (WAO) states that "although women make up more than 50 per cent of the workforce in Malaysia, only a small percentage of these women are in decision-making positions. Within the public service itself, only 15 per cent of decision-making posts are filled by women. Such disparity is reflected similarly in other employment sectors of the country. This is despite the fact that there are more women enrolled for higher education than men". The National Union of Bank Employees (NUBE) estimates that 65 per cent of the members are women but only one out of eight women is a principal banking official. Finally, particular

- attention should be given to the exploitative situation of migrant workers. They should be given the right to organize, and all sorts of abuses should be dealt with urgently, including non-payment of salary, extremely long working hours, no rest days, retention of passports, and physical, psychological and sexual abuse.
- 409.** In **Oman**, the Omani Chamber of Commerce and Industry (OCCI) and the Main Omani Workers Committee (MOWC) mention their lack of capacity on the ILO Declaration and its follow-up.
- 410.** In **Qatar**, the Government, the Chamber of Commerce and Industry of Qatar (QCCI) and the Qatar Petroleum Workers' Committee (QPWC) note the lack of social dialogue on this principle and right. The QCCI further mentions that tripartite discussions should be organized with a view to understanding better how to respect, promote and realize the ILO Declaration in the country. Moreover, the Government states that some employers, in particular those in small enterprises, need to have clarifications regarding allowances and premiums falling under the concept of salary.
- 411.** In **Singapore**, the Government indicates that there are no legislative provisions or established bodies to ensure equality in employment and occupation. Moreover, the Singapore National Employers' Federation (SNEF) states that the existing employment laws are adequate in protecting the rights and well-being of workers. However, employers' organizations would be receptive to considering changes if they knew that the proposed ones would not undermine their businesses.
- 412.** In **Somalia**, the Government reports no changes because of the current national crisis.
- 413.** In **Timor-Leste**, the Government mentions that the military crisis has affected the country in the last few months.
- 414.** In **Thailand**, the Employers' Confederation of Thailand (ECOT) observes that there is a lack of data on the realization of this principle and right in the country. Moreover, the National Congress of Thai Labour (NCTL) mentions that sex discrimination still exists as far as retirement age and promotion are concerned. Furthermore, sexual harassment is still present in the public and private sectors.
- 415. Request for technical cooperation.** With a view to meeting these challenges, **Bahrain, Japan, Kiribati, Kuwait, Liberia, Malaysia, Oman, Singapore, Thailand** and **Timor-Leste** have requested ILO technical cooperation to assist them in realizing the principle and right.<sup>13</sup>
- 416.** For example, in **Japan**, ILO's technical cooperation is needed so as to facilitate the realization of this principle and right in the assessment of the national situation in order to adopt an action plan to combat discrimination.
- 417.** In **Kiribati**, the Government states that the ILO should continue its assistance in revising labour laws. Furthermore, the Government supports the requests made by the Kiribati Chamber of Commerce (KCC) and Kiribati Trade Union Congress (KTUC). According to the KCC, ILO assistance on labour law revision should continue and further assistance is needed in capacity building. Moreover, the KTUC calls for ILO action to assist the country in solving the problem of discrimination against women in employment and decision-making processes for cultural reasons (*Te Mwaneaba*).

<sup>13</sup> For further information concerning technical cooperation, refer to Part II.D of this report.

**418.** In **Liberia**, following a case study and a workshop on the humanization of Liberia labour force, carried out in September and October 2006 in cooperation with the ILO, a tripartite resolution on this issue was adopted, including recommendations for technical cooperation on the principle and right.

**(d) Reports indicating no change**

**419.** The Governments of **Malaysia, Myanmar** and **Somalia** (due to national crisis) report no change in relation to their previous reports.

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

**1. General involvement**

**420.** The statistics of information received from reporting States under the 2007 Annual Review show a 165 per cent general rate of observations by employers' and workers' organizations, as compared to the percentage of government reports. Even though the rate of observations received from employers' organizations has significantly increased under this review, workers' organizations' rate of observations is higher.

**Table 2. Observations by national and international employers' and workers' organizations, 2000–07\* (percentage of government reports)**

Principle and right	2000 (first round)		2001 (second round)		2002 (third round)		2003 (fourth round)		2004 (fifth round)		2005 (sixth round)		2006 (seventh round)		2007 (eighth round)	
	% of comments on reports due	% of comments received	% of comments on reports due	% of comments received	% of comments on reports due	% of comments received	% of comments on reports due	% of comments received	% of comments on reports due	% of comments received	% of comments on reports due	% of comments received	% of comments on reports due	% of comments received	% of comments on reports due	% of comments received
Freedom of association/collective bargaining	46	69	60	85	34	48	88	106*	22	30	33	38	168*	177*	100	106*
Forced labour	2	5	39	74	4	7	25	41	14	20	8	10	136*	136*	59	67
Child labour	3	6	25	36	15	28	13	23	13	23	46	53	158*	171*	180*	206*
Discrimination	7	13	32	43	8	13	29	43	18	23	39	47	180*	180*	231*	281*
<b>Average % total</b>	<b>14</b>	<b>24</b>	<b>37</b>	<b>55</b>	<b>17</b>	<b>30</b>	<b>33</b>	<b>51</b>	<b>16</b>	<b>25</b>	<b>32</b>	<b>37</b>	<b>161</b>	<b>166</b>	<b>143*</b>	<b>165*</b>

\* The response rate exceeds 100 per cent given that in some cases (notably Gabon, Kiribati, Liberia, Sierra Leone and Solomon Islands). comments were sent by several employers' and workers' organizations.

## 2. Employers' organizations

**421. The International Organisation of Employers (IOE).** As it did previously, the IOE sent a statement outlining its position and activities with regard to the Declaration and its follow-up, which is reproduced here in extenso.

The International Organisation of Employers ("IOE") continues to support the process of the Annual Follow-up concerning Non-Ratified Fundamental Conventions ("the Annual Review") under the Declaration on Fundamental Principles and Rights at Work (the "Declaration").

### I. The IOE's efforts to support the Declaration

The IOE takes this opportunity to reaffirm 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. We have been involved in promoting and supporting the Declaration and the following are some examples of the ways in which our commitment was translated into action.

#### 1. *The IOE and the Organisation of American States (OAS) in the Summit of the Americas*

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 Inter-American Conference of Ministers of Labour (IACML).

In 2005, the XIV IACML adopted a Ministerial Declaration and a Plan of Action for the next biennium. The Declaration of Mexico recognizes that "the promotion and strengthening of democracy requires the full and effective exercise of workers' rights and application of core labour standards, as recognized in the Declaration on Fundamental Principles and Rights at Work" (paragraph 3). In paragraph 4, it reaffirms the commitment to respect, promote and realize the principles of the ILO Declaration, as the basis for sustainable economic growth with social justice. For example, paragraphs 24, 25 and 26 recognize the fundamental importance of the principle of equality and non-discrimination in employment and encourages the coordination of policies that combat all forms of discrimination and seek for equality of opportunities at work. The effective abolition of child labour is specifically addressed on paragraph 27, reconfirming the commitment to protect children and adolescents from economic exploitation.

The Plan of Action of Mexico is based on the Declaration of Mexico and one of its strategic objectives is to "promote the respect and provide for the effective application of the core international labour standards contained in the Declaration on the Fundamental Principles and Rights at Work of the International Labour Organization and its Follow-up of 1998."

During the XIV IACML, workers (COSATE) and employers (CEATAL) once again issued a joint Declaration, addressed to their governments, highlighting the importance of involving the social partners in the process of addressing social and labour challenges deriving from the Summit Process. It reaffirms the importance of promoting the ILO Declaration of Fundamental Principles and Rights at Work (1998) and its Follow-up, as the framework of the social dimension of regional integration.

#### 2. *IOE position paper on the Declaration on Fundamental Principles and Rights at Work*

The ILO Declaration on Fundamental Principles and Rights at Work has taken on a new importance for enterprises in recent years and has become a reference in the context of different debates, specifically on Corporate Social Responsibility (CSR) and international framework agreements. The IOE, aware of this importance, released the IOE Position Paper on the ILO Declaration on Fundamental Principles and Rights at Work at the beginning of this year [2006].

The document provides general background information about the Declaration and its Follow-up, addresses the views of employers on the important aspect of the Declaration and addresses how employers' organizations can play a role in ensuring that the profile and credibility of the Declaration remain high.

### 3. *The Global Report and ILC discussions*

The Global Report and its ILC discussions continue to be viewed by the IOE as effective promotional tools for the Declaration. These discussions represent an excellent opportunity for employers' organizations to become actively engaged in the Declaration since the issues that are addressed in the Report directly affect many of them.

The IOE, as the employers' group secretariat at the ILC, coordinated the participation of employer delegates in this year's debate [2006], worked closely with the employers' spokesperson and the speakers in order to present the views, positions and concerns of employers.

### 4. *Corporate Social Responsibility (CSR)*

The prominence and importance of CSR continue to increase, 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 how to apply and support the Declaration in this context.

At its annual European members' meeting, an update was provided to participants about recent trends on the different options available for engagement. Documents were provided by the IOE Secretariat, which are available on the IOE website.

The IOE coordinates the participation of its members in the International Standardization Organization (ISO) Working Group on Social Responsibility. We have been advised that the fourth Working Group meeting will be held in Sydney, Australia next year [2007]. Information about this meeting has been sent to all IOE members and the IOE will be also represented at the meeting.

### 5. *The Global Compact*

The Global Compact's labour principles are drawn from the ILO Declaration. The IOE continues to be actively involved in the promotion of the Global Compact. In addition, we continue to be involved in country launches and regional initiatives.

Last summer [2005], the United Nations Global Compact Board convened its inaugural meeting in New York. The IOE was present at the Board through its Secretary-General.

The IOE has been asked to be part of the SME international expert team to draft a "UN Global Compact Operational Guide for SMEs" to assist in understanding the 10 principles and their relation to their daily operations. The team will meet later in the year [2006] to begin its work.

## **II. IOE initiatives in relation to the Four Fundamental Principles**

In addition to our involvement in the promotion of the Declaration, we actively promote and support each of the four fundamental principles. Below you will find some of our promotional efforts through the year [2006].

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

Our main means of engagement in relation to freedom of association remains the Committee on Freedom of Association ("CFA"). The IOE continues to work closely with the employer members of the CFA to ensure that the work of the Committee remains relevant to employers.

The IOE was actively involved in the ILO publication on the CFA for employers, which was released last year. The publication is intended to provide employers with useful information about how the CFA can serve their interests. As part of the follow-up activities, in which the IOE has been actively involved, a sub-regional workshop took place in Panama at the beginning of 2006. On the same lines, in collaboration with the ILO International Training Centre (Turin), the ILO Standards department and the IOE, the Federation of Employers of Ukraine hosted a workshop with a special focus on freedom of association.

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

The IOE actively coordinates the participation of employers in activities concerning the elimination of all forms of forced or compulsory labour. The final meeting within the ILO/AGIS project "Combating the forced labour outcomes of human trafficking" was held in

Lisbon last June [2006]. The IOE coordinated the participation of an employer representative who has participated in different activities on the subject.

– *The effective abolition of child labour*

This year's [2006] Global Report addressed the abolition of child labour: "The end of child labour: Within reach". In the debate, the employers' group highlighted its satisfaction with the worldwide decline of child labour, especially in the region of South America and the Caribbean. The employers' group, however, expressed its serious concerns about the fact that the positive lessons learned in regions that had experienced a decline were not reflected in the Report as good practices and helpful examples to other regions and countries.

Recognizing that there are currently no practical guides specifically drafted for employers to address child labour within their workplaces or their supply chain, the IOE and ACT/EMP, are working on a kit for employers. Work on this kit is gathering pace and it is expected to be available in the coming months.

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

The IOE is actively involved both directly and indirectly in addressing various forms of discrimination. The following are key examples of our involvement:

Understanding the challenges faced by migrant workers, the IOE played an active role in the drafting of the ILO Multilateral Framework on Labour Migration.

The IOE has prepared a guidance note on Labour Migration as a reference for its members. The IOE also actively participated in the UN Preparatory Meeting for the High Level Dialogue on International Labour Migration held in Turin.

The XVII annual meeting of Iberoamerican Presidents of Business Organizations will take place in November [2006] in Uruguay. One of the main topics of discussion will be the migration trend. In preparation to this debate, the IOE prepared a questionnaire on the subject and sent it out to all its member federations of Latin America, Spain and Portugal. The results of this questionnaire will be used as the basis for the employers' position. The main objective of the meeting is to reflect on and adopt a common statement to be submitted to the Heads of State Summit meeting that will also take place in Uruguay.

The IOE continues to be actively involved in addressing the issue of HIV/AIDS, which is a critical issue with potentially grave consequences for the world of work. It is important to tackle it in regions that are currently severely affected, but HIV/AIDS must also be addressed in regions where it has not yet reached dramatic proportions but has the potential to do so. In that spirit, the IOE was invited to the Sixteenth International AIDS Conference in Toronto to share the initiatives on HIV/AIDS in a number of panels.

Youth Employment continues to be a key feature of the work of the IOE. The IOE note on Youth Employment released last year [2005] remains a useful document on the subject. The IOE has participated in numerous meetings aimed at increasing job opportunities for young people. The subject of youth employment will be another important topic of debate during the XVII Meeting of Iberoamerican Presidents of Business Organizations, co-hosted by the IOE.

The IOE recognizes the importance of promoting women entrepreneurship in both developed and developing countries. In its publication "Approaches and Policies to Foster Entrepreneurship: A guide for Employers' Organizations", the IOE specifically addresses women's business groups, stating the barriers that limit the potential of women entrepreneurs to develop and expand their business and how the employers' organizations can provide better organization, increased representation, as well as support services.

During the second Business Membership Organization (BMO) Conference, hosted by Business Unity South Africa, the IOE participated actively in the debates. The Conference identified seven priority areas and women entrepreneurship was one of them.

During the UN Economic and Social Council (ECOSOC), the IOE was represented in different panels, one of them being "Innovative Strategy for Developing Women Entrepreneurship and Gender Equality in Nepal". This intervention has been posted on the IOE website for easy access and promotion within our member federations.

The IOE participated in a conference entitled “Combating Discrimination and Promoting Equality for Decent Work” organized by the ILO, the Global Compact Office and the London Development Agency. The IOE’s discrimination expert presented the employers’ views on the role of the social partners in addressing discrimination.

### **III. Areas of concern**

Our support for the Declaration, its Follow-up and the four fundamental principles remain clear through our activities. However, as we have done in previous years, we take this opportunity to highlight particular concerns to employers in relation to the Declaration and its Follow-up.

#### *1. National Baselines Analysis*

We support the baseline approach since it represents a creative and innovative way to use the information gathered through the Annual Review. However, it is important that this analysis not be allowed to turn into a ranking tool between countries. The baselines should be continued as a useful tool to track the advancement of the efforts of member States over time – not against externally imposed standards – but against their own progress. Consistent with the spirit and intent of the Declaration, each member State must be allowed to give effect to the four fundamental principles in a manner that is nationally appropriate.

It remains to be seen what impact these analyses have. The IOE would like to take this opportunity to commend the Office for its openness to new ways of working.

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

The assessment under the Annual Review should focus on the steps taken by member States to give effect to the fundamental principles. This assessment should not involve a discussion of law and practice. The employers repeatedly raise the fact that the Declaration and its Follow-up is a political track, not a legal track like the ILO’s regular supervisory machinery. The political obligations required to promote, achieve and realize the principles under the Declaration must remain distinct from the specific legal obligations undertaken through the ratification of a Convention.

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

The Declaration can only be effectively promoted within strong constituents. Attention must be paid to using the Declaration follow-up to build the capacity of employers’ organizations to help improve the voice of business and strengthen the spirit of tripartism and social dialogue.

Resources should be set 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.

#### *4. Employers and Freedom of Association*

Much progress in the promotion of this principle remains to be made, which relates to employers. Some employers’ organizations still do not fully enjoy freedom of association. Though we are grateful to the Office for its support in ensuring that employers are aware of the ILO supervisory mechanisms, we look forward to continued efforts to ensure that the ILO remains a place to protect the rights of both workers’ and employers’ organizations.

In particular, we would highlight once again the fact that in a number of transition economies, the fees paid by enterprises to employers’ organizations are frequently not tax exempted as are the fees paid by workers to trade unions. This undermines the development of employers’ organizations and their ability to effectively represent their members. This issue has been repeatedly raised in many forums.

#### *5. Looking ahead*

With every passing year since the adoption of the ILO Declaration in 1998, we continue to learn more about what aspects of its follow-ups are useful and effective in achieving their aims and which aspects demonstrate room for improvement.

The upcoming 10th anniversary of the ILO Declaration in 2008 may present a useful opportunity to address the follow-ups with a view to finding ways to strengthen them. Using what has been learned over the past 10 years may help us to refine the follow-ups to ensure

that they remain relevant. For its part, the employers' group would greatly welcome an opportunity to engage in such a discussion.

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 this opportunity to provide feedback and remain available to answer any questions arising from this document.

- 422. 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.
- 423.** A total of 57 national employers' organizations provided observations under the four principles and rights. These observations are set out as follows: 18 under the principle of freedom of association and the effective recognition of the right to collective bargaining; five under the principle of the elimination of all forms of forced or compulsory labour; 20 under the principle of the effective elimination of child labour; and 14 under the principle of the elimination of discrimination in employment and occupation.<sup>14</sup>

### 3. Workers' organizations

- 424. International Confederation of Free Trade Unions.**<sup>15</sup> For the 2007 Annual Review, the International Confederation of Free Trade Unions (ICFTU) sent a total of 23 observations concerning the realization of the principle of freedom of association and the effective recognition of the right to collective bargaining (**Bahrain, Brazil, Canada, China, India, Islamic Republic of Iran, Iraq, Jordan, Kenya, Republic of Korea, Lao People's Democratic Republic, Lebanon, Malaysia, Mexico, Morocco, Nepal, Oman, Qatar, Saudi Arabia, Singapore, Thailand, United States and Viet Nam**). It also sent two late observations for the 2006 Annual Review concerning the principle of the elimination of all forms of forced or compulsory labour and the principle of the elimination of discrimination in employment and occupation in **Malaysia**.
- 425. 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.
- 426.** A total of 103 national workers' organizations have provided separate comments under the four principles and rights: 40 observations were received concerning the principle of freedom of association and the right to collective bargaining; seven were received under the principle of forced or compulsory labour; 42 were received under the principle of the effective abolition of child labour; and 14 under the principle of the elimination of discrimination in employment and occupation.<sup>16</sup>

<sup>14</sup> For further information, cf. Part II.1–4 of this report.

<sup>15</sup> The ICFTU's observations were received by the Office in August 2006, before its unification with the World Confederation of Labour (WCL) and eight other national trade union organizations to form the International Trade Union Confederation (ITUC) in November 2006.

<sup>16</sup> For further information, cf. Part II.1–4 of this report.

#### 4. Involvement in reporting and other activities

427. Countries of the Gulf Cooperation Council (**Bahrain, Kuwait, Oman, Qatar, Saudi Arabia** and **United Arab Emirates**) have participated in a tripartite regional workshop covering all four fundamental principles and rights.
428. In several countries where a tripartite forum exists, meetings are organized through workshops and seminars to discuss issues pertaining to the principles and rights (**Afghanistan, Bangladesh, Canada, Cuba, Ghana, India, Kenya, Kiribati, Republic of Korea, Liberia, Mexico, Morocco, Sierra Leone, Sudan, Timor-Leste** and **Viet Nam**).
429. It is also clear from the reports that when governments consider labour law reform, a tripartite consultation is carried out (e.g. **Afghanistan, Australia, Ghana, Japan, Kenya, Kiribati, Republic of Korea, Lao People's Democratic Republic, Lebanon, Liberia, New Zealand, Sierra Leone, Sudan** and **Viet Nam**).

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

430. **Cooperation with non-governmental organizations (NGOs).** This activity has been reported by the following governments:
- The Government of **Canada** continues to work with NGOs in the field of exploitation and abuse at work.
  - The Government of **Kiribati** continues to collaborate with the National Council of Women's Federations and major church groups in the fight against discrimination.
  - The Governments of **Liberia** and **Sierra Leone** cooperate with various NGOs, such as Caritas International, Médecins Sans Frontières, Children Affected by War, World Vision, Save the Children International, International Red Cross, GOAL, International Rescue Committee, CARE, etc.
431. In the area of child labour, many governments work with NGOs in the framework of IPEC programmes (cf. table 3 on technical assistance provided by ILO-IPEC).
432. **Bilateral cooperation.** The Governments of **Australia** (Australia Aid – AusAID) and **New Zealand** (the New Zealand Overseas Development Assistance – NZODA) continue to provide several types of bilateral cooperation to **Samoa** and **Vanuatu** with a view to promoting the elimination of child labour. The Government of **Canada**, through the Canadian International Development Agency, is continuing to support global cooperation in combating the trafficking of persons (funding of specific projects and initiatives). The governments of the **Lao People's Democratic Republic** and **Thailand** signed a Memorandum of Understanding (MOU) against the trafficking of children and women in 2006. The Government of **Liberia** cooperates with the **United States** Department of Labor (USDOL).
433. **Regional cooperation.** The Government of **Canada** continues to support various countries in **Central America, Latin America** and the **Caribbean** through the ILO's International Programme for the Elimination of Child Labour (IPEC). Many **Gulf States** refer to regional cooperation with the Arab Labour Organization concerning awareness-

building activities on freedom of association. The Government of **Liberia** and **Sierra Leone** cooperate with the **European Union** on child labour issues.

- 434.** Concerning the abolition of child labour, various **South Pacific** countries continue to benefit from the support of the Government of **Australia** through its Pacific Children's Programme. The Government of **New Zealand** also continues to provide assistance to some countries of **East Asia**. The Governments of **Canada**, **Mexico** and the **United States** are currently implementing the Security and Prosperity Partnership of North America to combat human trafficking, adopted in March 2005.
- 435. International cooperation.** Most governments cooperate directly or indirectly with the ILO under 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**, **Bahrain**, **China**, **Republic of Korea**, **Lao People's Democratic Republic**, **Kuwait**, **Lebanon**, **Liberia**, **Oman**, **Qatar**, **Saudi Arabia**, **Sierra Leone**, **Sudan**, **Timor-Leste**, **United Arab Emirates**, **Vanuatu** 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 (**Australia**, **Canada**, **Haiti**, **Kiribati**, **Liberia** and **Sierra Leone**) 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), etc. in the promotion and realization of the Declaration principles and rights. Multilateral donors also cooperate with the ILO, the UN and other agencies to promote fundamental principles and rights at work. For example, the Government of **Canada** participates in international initiatives to combat trafficking and the sexual exploitation of children, and provides funding to ILO-IPEC, UNICEF and other agencies combating child labour and exploitation.

## D. Technical cooperation

### 1. General considerations

- 436.** 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>17</sup>
- 437.** The International Labour Conference discussed in June 2006 the second Global Report on the elimination of the effective abolition of child labour, *The end of child labour: Within reach*.<sup>18</sup> This report assessed in the implementation of the first action plan adopted by the Governing Body in November 2002 on this principle. At its November 2006 session, the Governing Body adopted a new action plan on the abolition of child labour. The next Global Report is on the elimination of discrimination in employment and occupation, to be discussed by the International Labour Conference in June 2007.

<sup>17</sup> ILO: *Provisional Record No. 7, Record of Proceedings*, Vol. I, ILC, 95th Session, Geneva, 2006. See also [www.ilo.org/public](http://www.ilo.org/public).

<sup>18</sup> ILO: *The end of child labour: Within reach*, Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, (Report I(B), International Labour Conference, 95th Session, Geneva, 2006. See also [www.ilo.org/declaration](http://www.ilo.org/declaration).

## 2. International assistance

- 438.** Operational activities relating to all four principles of the Declaration continued apace, emphasizing appropriate legislative reform, information and data collection and dissemination and capacity building for governments, employers' and workers' organizations.
- 439.** A new PAMODEC II (*Programme d'appui pour la mise en oeuvre de la Déclaration – Phase II*) programme was launched in November 2006 for a three-year period, and will focus on freedom of association and the effective recognition of the right to collective bargaining and the elimination of discrimination in employment and occupation. It covers 17 countries: **Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Republic of Congo, Côte d'Ivoire, Equatorial Guinea, Gabon, Guinea, Guinea-Bissau, Madagascar, Mali, Mauritania, Niger, Senegal and Togo.**
- 440.** In the area of eliminating forced labour, the Office continued to undertake and publish research to shed light on hidden forms of forced labour including for example a study of forced labour affecting irregular migrants and trafficking victims in the **Russian Federation**. In the context of technical cooperation projects, research has shed new light on the circumstances and perceptions of migration in **Ghana and Nigeria**, and enhanced knowledge of the nature and incidence of trafficking in **Indonesia** – studies which have directly informed project implementation strategies. The Special Action Programme to combat Forced Labour (SAP-FL) operational projects continued in selected countries in **West Africa, South Asia, Central Asia and South-East Asia**, as well as in **China**, addressing forced labour and trafficking issues through advocacy and awareness-raising, community-level activities for prevention and rehabilitation coupled with upstream policy advice and institutional capacity building. While some projects came to a close in the course of the year, a number were able to continue with new or extended donor support. In **Latin America**, important progress was made in addressing forced labour of indigenous peoples. With the support of Declaration/SAP-FL and the ILO Subregional Office, National Commissions on Forced Labour established in **Bolivia and Peru** continued to work on national plans of action, efforts which were reinforced through an injection of new donor funding. An inter-ministerial, tripartite-plus national commission on forced labour and discrimination was established in **Niger**. In **Brazil**, an important achievement of the ongoing project against "slave labour" was the creation of a national pact to eradicate forced labour, to which 73 private sector companies had signed up as of June 2006. A capacity-building project to combat the forced labour outcomes of trafficking came to a close in selected **European** source and destination countries, with a final workshop that brought together stakeholders from all participating countries to discuss experiences and lessons learned.
- 441.** 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 various states, such as the Andhra Pradesh state-based project and 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.

**442.** In 2006, the follow-up action plan on the elimination of discrimination at work has focused on the following issues: (a) generating knowledge on the costs and benefits of promoting pay equity, and on trends in the gender pay gap and underlying causes; (b) networking and cooperating with Global Union Federations; and (c) providing technical assistance at the country level. In **Portugal**, the ILO has been providing technical assistance to the General Confederation of Portuguese Workers (CGTP-IN), the Portuguese Trade Union Federation of Food, Beverages, Hotel and Tourism (FESAHT), the Association of Restaurants and Allied Trades of Portugal (ARESP), the Committee for Equal Opportunities in Employment (CITE) and the General Directorate for Labour Inspection for the development of a job evaluation method free from gender biases for the restaurant and beverage sectors. This assistance seeks, in particular, to address the undervaluation of particular female-dominated professions, in line with the principle of equal pay for work of equal value, and update the sector's occupational classification systems. Country fact sheets covering **Africa**, **Europe** and **Latin America** were prepared to provide an overview of: (i) the trends in the gender pay gap during the past 15 years by sector and occupation, and the associated causes and processes; (ii) relevant national institutional and regulatory frameworks; and (iii) related comments of the ILO Committee of Experts on the Application of Conventions and Recommendations of the past 15 years. Similar work has also recently begun in **East Asia**. A paper assessing the costs and benefits of pay equity was produced, with a guide on how to carry out a job evaluation free from gender biases. In the framework of the ILO's assistance to Stability Pact countries in assessing the employment situation of the countries concerned and suggesting recommendations in the form of Country Reports on Employment Policy (CREPS), a project financed by the Government of **Belgium** has continued to call attention to, and offer possible remedies for, the problem of gender inequalities in the labour markets of these countries. Gender and employment seminars brought together in the **Republic of Moldova** and **Serbia** the social partners, officials of the national employment agencies and representatives of national equality institutions to discuss the findings and recommendations of the CREPS. Gender equality in employment sessions have also been systematically included in all high-level meetings associated with the Bucharest process. As for racial and ethnic discrimination, the ethnic audit of World Bank and International Monetary Fund (IMF)-driven Poverty Reduction Strategy Programmes (PRSPs) in 14 countries conducted in 2005 attracted extra-budgetary funding in 2006 from the Government of **Sweden** for follow-up activities in **Bolivia**, **Paraguay** and **Peru**. This funding is meant to address forced labour and labour market discrimination issues that affect indigenous peoples. There is a clear value added in addressing discrimination and forced labour issues together, especially when groups such as indigenous and tribal peoples are concerned.

**(a) *Technical cooperation needs or requests***

**443.** There are still an important number of outstanding requests for technical cooperation to promote and realize the Declaration principles and rights. Table 3 indicates which governments have expressed those needs. Many countries that sent updated reports did not update their technical cooperation needs or requests.

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

Table 3. 2007 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, Guinea-Bissau, Qatar (Government, QCCI and QPWC)	Afghanistan, China, Qatar (Government, QCCI and QPWC), Viet Nam	Afghanistan, Guinea-Bissau	Japan, Kuwait (Government, KCCI and KGCTU), Timor-Leste
Awareness raising, legal literacy and advocacy	Guinea-Bissau, India, Kenya (Government, FKE and COTU-Kenya), Oman, Sudan, Thailand (ECOT), Timor-Leste, United Arab Emirates (Government, UAEFCCI and UAECCPA)	China, Madagascar, Timor-Leste	Bahrain (BCCI), Ghana, Islamic Republic of Iran, Liberia (Tripartite Resolution), Mexico (CONCAMIN and COPARMEX), Saudi Arabia (Government, SCCI and AWC), Sierra Leone (joint tripartite request)	Bahrain (GBFTU), Liberia (Tripartite Resolution), Qatar (Government, QCCI and QPWC), Thailand
Capacity building of labour inspection or administration	Afghanistan, Iraq, Lao People's Democratic Republic, Nepal, Oman, Qatar	Afghanistan, Nepal, Timor-Leste	Afghanistan, Gabon, Ghana, Haiti, Islamic Republic of Iran, Kiribati, Liberia (Tripartite Resolution) Sierra Leone, (joint tripartite request), Timor-Leste	Liberia (Tripartite Resolution)
Information/data collection and dissemination	Lebanon, Guinea-Bissau	–	Islamic Republic of Iran, Liberia (Tripartite Resolution), Sierra Leone (joint tripartite request)	Liberia (Tripartite Resolution)
Legal reform	Afghanistan, China, Islamic Republic of Iran, Lao People's Democratic Republic, Nepal, Thailand	China, Japan (JTUC–RENGO), Republic of Korea	Islamic Republic of Iran, Kiribati (Government, KCC and KTUC), Liberia (Tripartite Resolution)	Kiribati (Government and KCC), Liberia (Tripartite Resolution)
Development of policies regarding equal remuneration	–	–	–	Kiribati (KTUC), Liberia (Tripartite Resolution)
Strengthening tripartite social dialogue	Guinea-Bissau	–	Liberia (Tripartite Resolution), Sierra Leone (joint tripartite request)	Liberia (Tripartite Resolution)
Strengthening capacity of employers' and workers' organizations	Afghanistan, (Government, CCA and AAFTU), Bahrain (GFBTU), Guinea-Bissau, India (AITUC), Iraq (IFI and IFTU), Jordan (GFJTU), Kenya (Government, FKE and COTU-Kenya), Kuwait (KCCI and GFTUK), Lao	Afghanistan (Government, CCA and AAFTU), Madagascar (CTM), Nepal	Afghanistan (Government, CCA and AAFTU), Bangladesh (BEF), Gabon (CPG and CGT/FL), Ghana (GEA and GTUC), India (HMS and INTUC), Islamic Republic of Iran (ICEA and ICILC), Kiribati (Government, KCC and KTUC), Liberia (Tripartite Resolution), Sierra Leone (joint tripartite request)	Bahrain (BCCI), Kuwait (KCCI), Liberia (Tripartite Resolution), Namibia (NEF and NUNW), Oman (Government, OCCI and MOWC)

Type of technical cooperation	Freedom of association/ collective bargaining	Forced or compulsory labour	Effective abolition of child labour	Elimination of discrimination
	People's Democratic Republic (CNCIL and FSL), Lebanon (GCW), Nepal, Oman (OCCI and MOWC), Qatar (QCCI and QPWC), Saudi Arabia (AWC, STWC), Sudan (SBEF and SWTUF)			
Training of other officials (e.g. police, judiciary, social workers, teachers)	China, Oman (Government, OCCI and MOWC)	Afghanistan	-	Timor-Leste

Source: ILO: Country reports and baselines under the Declaration's 2007 Annual Review.

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

- 445.** 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.
- 446.** In particular, case studies and workshops have been organized in **Liberia** and **Sierra Leone** in cooperation with the ILO. Moreover, an ILO/Gulf Cooperation Council (GCC) regional workshop was organized in Kuwait City in April 2006.
- 447.** Various types of ILO-IPEC technical assistance have been provided, among others, to the following countries that were under the 2007 Annual Review: **Bangladesh, Gabon, Ghana, Haiti, India** and **Uzbekistan**.

## E. Effect given to past recommendations

### 1. Case studies and workshops, reporting and promotional dialogue on the fundamental principles and rights at work

- 448. Case studies and workshops on the fundamental principles and rights at work.** These activities were carried out in **Liberia** and **Sierra Leone** in September and October 2006, in cooperation with the tripartite partners and NGOs, and with the technical and material support of the Office.
- 449.** In **Liberia**, a country assessment was carried out on the humanization of Liberia labour force, with a focus on child labour and discrimination. Based on the legal framework and realities, this case study assessed the level of implementation of the fundamental principles and rights at work (FPRW) in the country, in cooperation with the Government, employers and workers' organizations. Its findings and recommendations were discussed during a national workshop that gathered the tripartite partners and NGOs. The workshop adopted a Tripartite Resolution on the Humanization of Liberia Labour Force, which includes concrete recommendations on how to achieve this goal (promotional activities,

capacity building, social dialogue, labour law reform and implementation, ratification, etc.). The resolution has been presented to the UN family in Liberia as a priority area for assistance by this organization, bilateral donors and NGOs. The United Nations Development Assistance Framework (UNDAF) and the ILO–IPEC have expressed their interest in including this resolution in their development activities in Liberia.

- 450.** In the same vein, a country assessment on the respect, promotion and realization of the fundamental principles and rights at work in **Sierra Leone** (with a focus on child labour) was presented for discussion and recommendations by a national tripartite workshop in which civil society also participated. The ILO–IPEC has expressed interest in following up the workshop’s recommendations on child labour.
- 451.** A number of countries have volunteered for this kind of national exercise (case study and workshop on the fundamental principles and rights at work), and the Office will review the extent to which this can be done, in consultation with field offices and Decent Work Country Programmes (DWCPs).
- 452. Reporting.** As in past years, the Office has continued to assist several countries to report on a tripartite basis during the International Labour Conference of June 2006. It also assisted **Liberia** and **Sierra Leone** to fulfil their reporting obligations during national workshops on fundamental principles and rights at work organized in October 2006.
- 453. Promotional dialogue with the Gulf Cooperation Council States.** A Fourth Regional Workshop on the ILO Declaration and International Labour Standards was jointly organized by the Ministry of Social Affairs and Labour of **Kuwait**, the Gulf Cooperation Council (GCC) and the ILO in April 2006 in Kuwait City. This workshop addressed issues concerning ILO and decent work, ILO fundamental Conventions, the Declaration’s follow-up and child labour in **Gulf States**. Working groups were organized on these issues, including governments’ reports and observations by employers’ and workers’ organizations under the Declaration’s Annual Review. On this occasion, a fruitful dialogue was engaged among Gulf States and between the Office and these States on the Declaration’s follow-up at national and regional levels. A follow-up is expected to support the realization of the ILO Declaration in the Gulf States, in cooperation with the Office. In particular, a fifth regional workshop to assess progress made in this respect is expected to be organized in 2007 in Muscat, **Oman**.
- 454.** In the same vein, the Government of **Turkmenistan**, which has not fulfilled its obligations under the Declaration’s annual follow-up, has accepted to restart dialogue with the Office on the occasion of a visit of an ILO specialist on international labour standards scheduled in 2007.
- 455.** Many reporting States in **Africa, Latin America, Asia** and **Europe** have requested ILO assistance for the preparation of case studies and national discussions on the realization of the fundamental principles and rights at work.
- 456.** In the coming months, the Office is planning to continue its dialogue with reporting States, in particular through: (i) awareness raising and advocacy on the Declaration’s principles and rights; (ii) the promotion of case studies and national tripartite dialogue on the Declaration’s follow-up; and (iii) ratification of ILO fundamental Conventions.

## 2. Outreach and research

- 457.** The awareness-raising project of the Declaration, in its last operation of 2006, continued to develop and enhance strong partnerships with national and international media through

training on understanding and reporting more accurately on Declaration issues as well as interacting with media's senior management on programme development. These activities have contributed to positioning the ILO as an authoritative, credible and important source of information for the media on the world of work. This has been achieved through high-level discussions, in the form of editorial roundtables (**Botswana, Indonesia, Namibia, United Republic of Tanzania and Uganda**) and through practical skill development for working journalists, through "Rights at work" media training sessions (**Botswana, Indonesia, Lesotho, Namibia, Swaziland, United Republic of Tanzania and Uganda**).

- 458.** With the international media, a broad partnership has been developed with the BBC World Service Trust resulting in numerous radio and television programmes, as well as specialized web sites focused on the issues of forced labour, freedom of association and discrimination. The project has developed programmes and live broadcast events with the BBC's Spanish, Brazilian and Arabic language services. The project also continues to contribute video news releases (VNR) to CNN (eight VNRs in 2006), for broadcast.
- 459.** Outreach activities have been enhanced by increasing the functionality of the Declaration web site ensuring daily content update resulting in steady increases in traffic to the site. Over the past 12 months the web site has increased traffic by 96 per cent and over the past 24 months by over 210 per cent. Currently, the Declaration web site is receiving one million hits per month. Interactive elements, such as slide shows, polls questions, interactive modules, enhanced linkages and content have all directly resulted in exceptional growth in web interest.
- 460.** A central element of the project's activities has been the development of interactive radio programmes. The project has continued to support radio programmes in **Uganda** (five stations broadcasting in five different languages weekly) and **Indonesia** (one station in Indonesian broadcasting weekly). The project has also started to develop radio programmes in several southern African countries (**Botswana, Lesotho, Namibia and Swaziland**) in support of another Declaration project: Improving Labour Systems in South Africa (ILSSA).
- 461.** A key promotional component of the Applied Research Programme (ARP) is the release of the Global Reports. The 2006 report on Child Labour was launched internationally on 4 May 2006. In order to maximize the ILO's outreach, special simultaneous launches were organized by 25 ILO field offices with child labour experts to address the media. ILO experts gave numerous interviews with strong outreach to large international media organizations.
- 462.** The ARP supported the promotion of Uganda's passage of revised labour legislation, consistent with the Declaration and supported by another Declaration project: Strengthening Labour Administration and Relations in East Africa (SLAREA). The ARP has assisted the Government's efforts to promote the legislation by developing a set of communications activities to focus the legislation and the issues and concerns of the Declaration, and it held awareness-raising seminars in 16 districts of the country.
- 463.** The Special Action Programme to Combat Forced Labour (SAP-FL) has worked closely with the ARP in designing, producing and distributing materials to key audiences. In 2006, the ARP has assisted in the development of five publications in three languages for SAP-FL, ranging from a manual for police on human trafficking to surveys and studies.
- 464.** A special photo exhibit was organized for display in the UN headquarters building in New York, in collaboration with the UN Department of Public Information (DPI) to highlight the theme of the 2006 Global Report on child labour. The photo exhibit included 45 large scale photographs with over 30 graphic panels showing the linkages between child labour,

fundamental rights at work and the Decent Work Agenda. The exhibit, on display from 6 April to 30 June 2006, also coincided with the UN Economic and Social Council (ECOSOC) meeting that had decent work as its major theme. It will be shown elsewhere in the UN thereafter. It is estimated that the exhibit will be seen by over 300,000 people, with an additional 500,000 by the end of 2007.

- 465.** The project under which these activities were carried out has been funded by generous grants from the United States Government, supplemented to a degree from other resources. It must be noted that funding for this project has now expired, and that in the future, communications and advocacy programmes will have to be funded from within Declaration's regular budget, or by allocations under individual projects.

**Box 4**

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

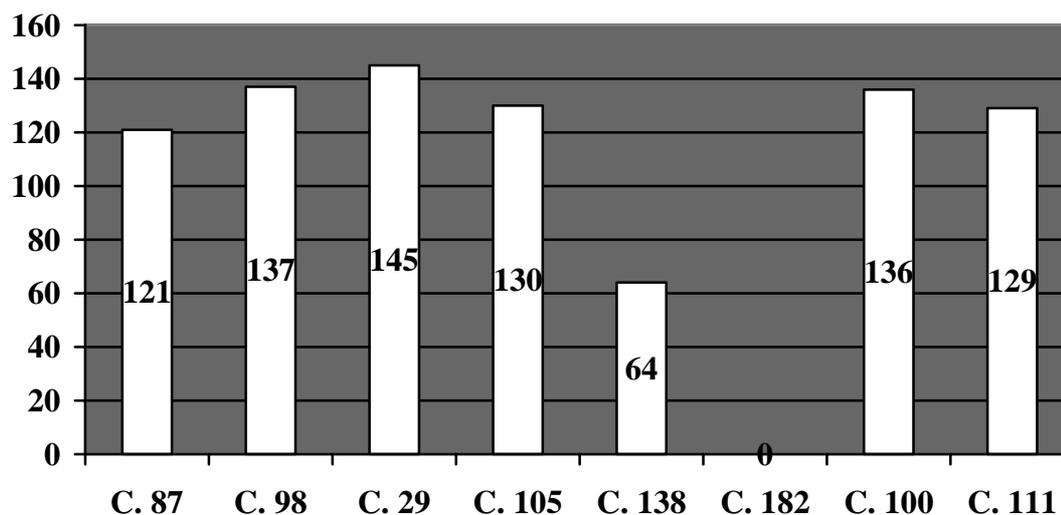
The following Declaration working papers were issued in the course of 2006:

- No. 47** *Collective bargaining and gender equality in Latin America: A comparative analysis*, by Laís Abramo and Marta Rangel, May 2006
- No. 48** *Legal aspects of trafficking for forced labour purposes in Europe*, by Rohit Malpani, April 2006
- No. 49** *Analyse comparative de la mise en œuvre du droit à l'égalité de rémunération: modèles et impacts*, by Marie-Thérèse Chicha, September 2006
- No. 50** *Impact des principes et normes de l'OIT sur les performances des entreprises au Bénin*, by Albert Honlonkou, October 2006
- No. 51** *Impact des normes fondamentales du travail sur la productivité des entreprises sénégalaises*, by Alfred Inis Ndiaye and Abdoulaye Fall, October 2006
- No. 52** *Impact des principes et normes de l'Organisation Internationale du Travail (OIT) sur la performance des entreprises au Burkina Faso*, by Lassané Ouedraogo, October 2006
- No. 53** *Globalization and the illicit market for human trafficking: An empirical analysis of supply and demand*, by Gergana Danailova-Trainor and Patrick Belser, December 2006

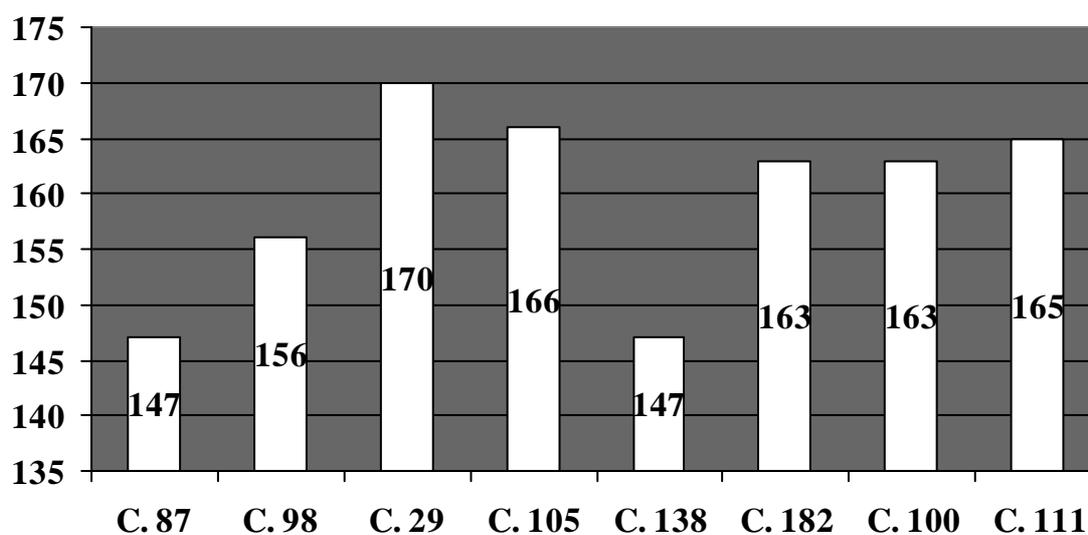
Source: ILO Declaration Programme.

## Appendix I

**Number of ratifications of the 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)**

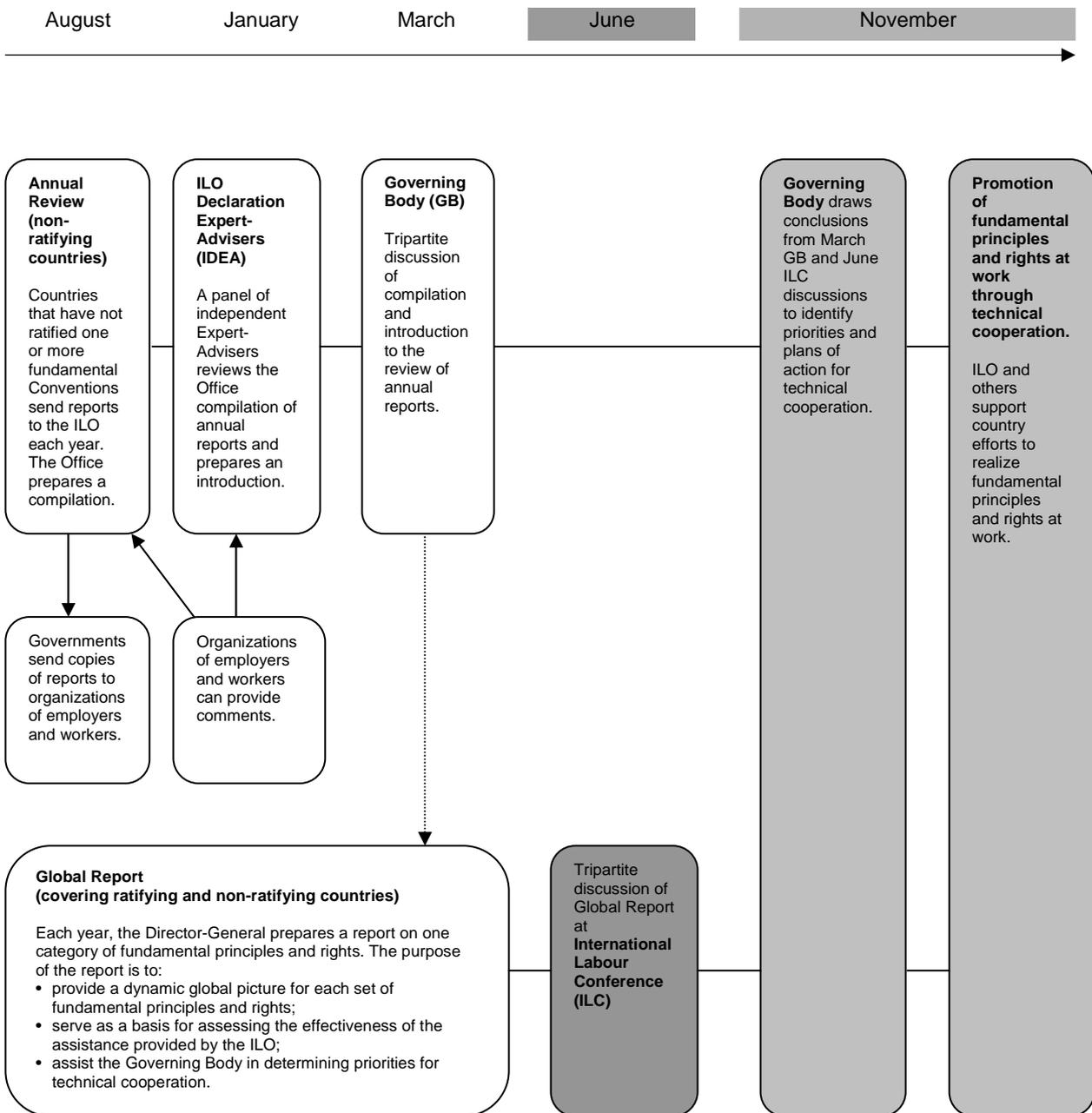


**Number of ratifications of the ILO fundamental Conventions (by Convention) after the adoption of the 1998 ILO Declaration on Fundamental Principles and Rights at Work (as of 31 December 2006)**



## Appendix II

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



## Appendix III

### ILO Declaration Expert-Advisers

#### **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 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 Chairperson 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 the 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 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 Organisation 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.

## Appendix IV

### Table of contents of the compilation of country baselines by the International Labour Office, Geneva, March 2007

**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 ILO.*

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

Afghanistan  
Bahrain  
Brazil  
Canada  
China  
Guinea-Bissau  
India  
Iran, Islamic Republic of  
Iraq  
Jordan  
Kenya  
Korea, Republic of  
Kuwait  
Lao People's Democratic Republic  
Lebanon  
Malaysia  
Mexico  
Morocco  
Myanmar  
Nepal  
New Zealand  
Oman  
Qatar

<sup>1</sup> See [www.ilo.org/declaration](http://www.ilo.org/declaration). The texts of these country baselines are edited and compiled in their original versions in English, French or Spanish; original versions in other languages have been translated into English. 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.

Samoa  
Saudi Arabia  
Singapore  
Solomon Islands  
Somalia  
Sudan  
Thailand  
Timor-Leste  
United Arab Emirates  
United States  
Uzbekistan  
Viet Nam

This draft baseline is waiting for government approval

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

Afghanistan  
Canada  
China  
Japan  
Korea, Republic of  
Lao People's Democratic Republic  
Madagascar  
Malaysia  
Myanmar  
Nepal  
Qatar  
Samoa  
Singapore  
Solomon Islands  
Timor-Leste  
United States  
Viet Nam

This draft baseline is waiting for government approval

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

Afghanistan  
Australia  
Bahrain  
Bangladesh

---

Canada	
Cape Verde	
Cuba	
Czech Republic	
Eritrea	
Estonia	
Gabon	
Ghana	
Guinea-Bissau	
Haiti	
India	
Iran, Islamic Republic of	
Kiribati	
Liberia	
Mexico	
Myanmar	
New Zealand	
Saint Lucia	This draft baseline is waiting for government approval
Samoa	
Saudi Arabia	
Sierra Leone	
Solomon Islands	This draft baseline is waiting for government approval
Somalia	
Suriname	
Timor-Leste	
Turkmenistan	This draft baseline is waiting for government approval
United States	
Uzbekistan	
Vanuatu	

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

Bahrain  
 Japan  
 Kiribati  
 Kuwait  
 Lao People's Democratic Republic  
 Liberia

Malaysia

Myanmar

Namibia

Oman

Qatar

Samoa

Singapore

Solomon Islands

This draft baseline is waiting for government approval

Somalia

Suriname

Thailand

Timor-Leste

United States

General observation submitted to the Office by the International Organisation of Employers (IOE)

Source: ILO Declaration.