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

Purpose of the document

The Governing Body is invited to take note of the information submitted under the Annual Review for the period from January to December 2019 and to provide guidance on key issues and priorities to help Member States respect, promote and realize fundamental principles and rights at work (see the draft decision in paragraph 143).

Note: The consideration of this item was deferred from the 338th Session (March 2020) of the Governing Body. This document is a revised version of [GB.338/INS/6](#), updated with information received until 31 January 2021.

Relevant strategic objective: Fundamental principles and rights at work.

Main relevant outcome: Outcome 2: International labour standards and authoritative and effective supervision.

Policy implications: Subject to the guidance of the Governing Body.

Legal implications: None.

Financial implications: None.

Follow-up action required: Subject to the guidance and decisions of the Governing Body.

Author unit: International Labour Standards Department (NORMES).

Related documents: None.

NB.: The information in this report is a summary of the statements contained in government reports, country baselines and comments submitted to the Office by national and international employers' and workers' organizations for the Annual Review 2019. The Office has not verified the accuracy of the information received and reproduced.

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► Executive summary

This document provides an overview of developments and trends concerning the fundamental principles and rights at work in countries that have not yet ratified the relevant fundamental Conventions and the Protocol of 2014 to the Forced Labour Convention, 1930 (the Protocol).¹

The Office has incorporated into this Annual Review under the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work all updated reports and information received from governments and from employers' and workers' organizations during the period from January to December 2019, a reporting period that takes into account the timelines for the preparation of Governing Body documents. Member States' reports which were not taken into account in the 2018 Annual Review due to late submission and for which no more recent information was provided have also been taken into account in the present Annual Review.

As the 338th Session of the Governing Body, originally scheduled for 12–26 March 2020, did not take place due to the restrictions to meetings and travel as a result of the coronavirus pandemic, it was possible to take into account three additional reports received after the deadline for the 2019 Annual Review (**India, Slovenia and the United States of America**). The statistics have also been updated as of 31 January 2021. With the ratification by **Tonga** of the Worst Forms of Child Labour Convention, 1999 (No. 182) on 4 August 2020, Convention No. 182 has become the first ILO Convention in history to achieve universal ratification.

As at 31 January 2021, 49 Member States (**Argentina, Austria, Belgium, Bosnia and Herzegovina, Canada, Chile, Costa Rica, Côte d'Ivoire, Cyprus, Czechia, Denmark, Djibouti, Estonia, Finland, France, Germany, Iceland, Ireland, Israel, Jamaica, Kyrgyzstan, Latvia, Lesotho, Lithuania, Madagascar, Malawi, Mali, Malta, Mauritania, Mozambique, Namibia, Netherlands, New Zealand, Niger, Norway, Panama, Poland, Portugal, Russian Federation, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Tajikistan, Thailand, United Kingdom of Great Britain and Northern Ireland, Uzbekistan and Zimbabwe**) had ratified the Protocol, leaving 138 Member States with a continuing obligation to report under the framework of the Annual Review. The reporting rate for the Protocol alone under this review is 30 per cent. It is heartening to note that 25 Member States (representing 58 per cent of those reporting) indicated their intention to ratify the Protocol.

Some States provided reports under the Protocol but did not update their information in relation to the other fundamental Conventions.

Many States indicated or confirmed their intention to ratify one or more of the fundamental Conventions. As at 15 January 2020, six new ratifications of these instruments were registered (**Viet Nam** (the Right to Organise and Collective Bargaining Convention, 1949 (No. 98)), **Vanuatu** (the Minimum Age Convention, 1973 (No. 138)), and **Eritrea**, the **Marshall Islands, Palau and Tuvalu** (Convention No. 182). As at 31 January 2021, in addition to the ratification by **Tonga** of Convention No. 182, two new ratifications were registered (**Myanmar** (Convention No. 138) and **Viet Nam** (the Abolition of Forced

¹ A list of reporting States and the corresponding unratified fundamental Conventions is provided in the appendix.

Labour Convention, 1957 (No. 105)). Apart from the Protocol, a further 114 ratifications covering 41 Member States are still required before the goal of universal ratification of all fundamental Conventions is attained.

Most reports from governments have provided substantial information regarding their intentions, the challenges faced and the actions taken in realizing fundamental principles and rights at work. This is particularly the case in relation to the Protocol, for which governments were asked to fill in a detailed report form (as opposed to replying to simplified reports for the other principles). This information on challenges, initiatives and efforts undertaken through promotional activities, labour law reform, tripartite dialogue and international cooperation, together with technical assistance requests, enriches the dialogue at the national and international levels on how to better achieve progress in promoting and realizing the principles and rights set out in the ILO Declaration on Fundamental Principles and Rights at Work.

For a third year, Member States were given the option of reporting online using an e questionnaire tool. The aim of the tool is to facilitate reporting for Member States and to enable the compilation of responses received with a view to further analysis. Of a total of 45 countries that submitted a report (as compared to 69 in 2018), 80 per cent of them opted to submit their report online (as compared to 77 per cent in 2018 and 61 per cent in 2017).

Although a number of steps have been taken to meet the outstanding requests for technical assistance of reporting States under the Annual Review, further action to campaign for the universal ratification of all fundamental Conventions is required in the light of the resolution concerning the second recurrent discussion on fundamental principles and rights at work adopted by the International Labour Conference at its 106th Session (2017). In addition, the efforts of the “50 for Freedom” campaign to end modern slavery, launched by the International Labour Organization (ILO) in collaboration with the International Organisation of Employers and the International Trade Union Confederation, calling for the ratification of the Protocol, together with the ratification campaign for the ILO Centenary, have shown significant results.

► I. Introduction: Context of the Annual Review 2019

1. The Annual Review process provides an opportunity for tripartite dialogue in the reporting States and can guide ILO technical assistance to those Member States to achieve fuller realization of the fundamental principles and rights at work. This process is of heightened importance since the adoption of the Protocol of 2014 to the Forced Labour Convention, 1930, (the Protocol) as it provides a key opportunity for governments and their social partners to determine appropriate steps for achieving the effective and sustained suppression of forced or compulsory labour, including trafficking in persons.
2. Between 15 January 2019 and 31 January 2021, 22 more countries ratified the Protocol (**Austria, Belgium, Canada, Chile, Costa Rica, Côte d'Ivoire, Germany, Ireland, Kyrgyzstan, Lesotho, Lithuania, Madagascar, Malawi, Malta, New Zealand, Portugal, Russian Federation, Sri Lanka, Suriname, Tajikistan, Uzbekistan and Zimbabwe**), bringing the total number of ratifications to 49, and nine new ratifications of the fundamental Conventions were registered (**Myanmar** (Convention No. 138), **Viet Nam** (Conventions Nos 98 and 105), **Vanuatu** (Convention No. 138), **Eritrea**, the **Marshall Islands, Palau, Tonga and Tuvalu** (Convention No. 182)).
3. With the ratification by **Tonga** of the Worst Forms of Child Labour Convention, 1999 (No. 182) on 4 August 2020, Convention No. 182 has become the first ILO Convention in history to achieve universal ratification. With regard to the other fundamental Conventions, the Forced Labour Convention, 1930 (No. 29) remains the most ratified, closely followed by Convention No. 105, the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Equal Remuneration Convention, 1951 (No. 100) and the Minimum Age Convention, 1973 (No. 138). The Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), remain the least ratified of the fundamental Conventions.
4. In 2019, for a third year, Member States were given the option of reporting online using an e-questionnaire tool. The report forms in pdf format were shared at the same time for those who preferred to continue to use a hard copy version. The aim of the online reporting system is to facilitate reporting for Member States and to enable the compilation of responses received with a view to undertaking further analysis. This year, 80 per cent of Member States opted to submit their report online (as compared to 77 per cent in 2018 and 61 per cent in 2017). However, the number of reports received has decreased: 45 reports for 2019, as compared to 69 in 2018. In addition, a few Member States began to fill in the e-questionnaire, but did not submit the completed report.
5. In August 2019, a communication requesting reports and announcing the possibility of reporting online was transmitted to the governments concerned, followed by the communication of a username and password for each government. The online reporting tool comprised the questions contained in the detailed report form on subjects covered by the Protocol (the second half of the report form on the elimination of all forms of forced or compulsory labour) and the simplified reports that had been used in previous years for those countries for which baselines had already been established (covering freedom of association and collective bargaining, child labour, equality and non-discrimination, and forced labour).

6. As in previous years, the online questionnaire requested information on the consultations undertaken with the most representative employers' and workers' organizations and enabled the insertion (or attachment) of responses and comments from the organizations. The online reporting tool also had the necessary features for the circulation of the draft report to the social partners – respondents were able to export the completed questionnaire (prior to submission) in pdf format or Excel for circulation. A communication containing login information was also transmitted to the Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC). In addition, instructions were provided so that any workers' or employers' organization wishing to complete a blank e-questionnaire could request their own login information. During the reporting period, ten employers' organizations and 11 workers' organizations commented on the Governments' reports. In five cases (**Bulgaria, Greece, Japan, New Zealand and Portugal**), the Office received information directly from employers' and/or workers' organizations.
7. The online reporting system continues to present a number of challenges and opportunities. Certain governments provided positive feedback, indicating that: they appreciated being able to report directly online; the system was easy to use; and their specific reporting obligations were set out more clearly than before. Some governments transmitted their reports both online and in hard copy. A few indicated that they did not intend to use the online tool, with no explanation. One of the difficulties encountered was that the communication to each government was sent on the basis of the distribution list used for electronic communications by the Official Meetings, Documentation and Relations Department (RELMEETINGS). For most countries, this was the general email address for the respective missions in Geneva, in accordance with protocol indications by Member States. However, in a number of cases, the login information was not transmitted to the official or officials responsible for reporting under the annual follow-up, and had to be re-forwarded. A number of requests were made for a different email address to be used for any future online reporting, and for the missions to be copied. Many Governments reported technical difficulties with respect to logging in and navigating the online reporting system and were provided with the necessary assistance.

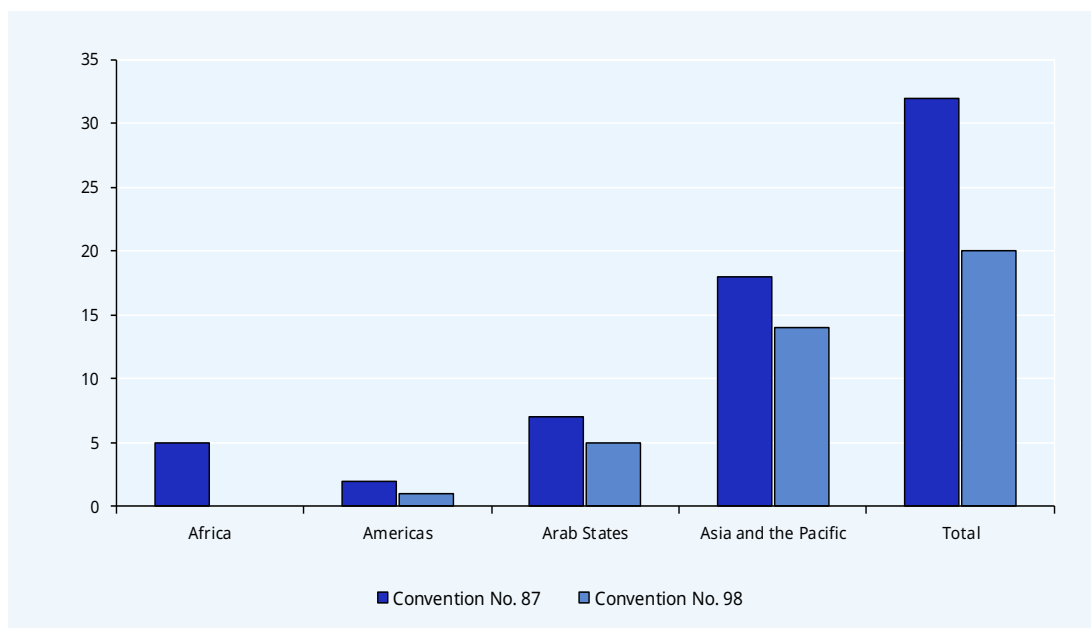
► II. Developments and trends concerning the four categories of fundamental principles and rights at work under the Annual Review 2019

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

1. Ratifications

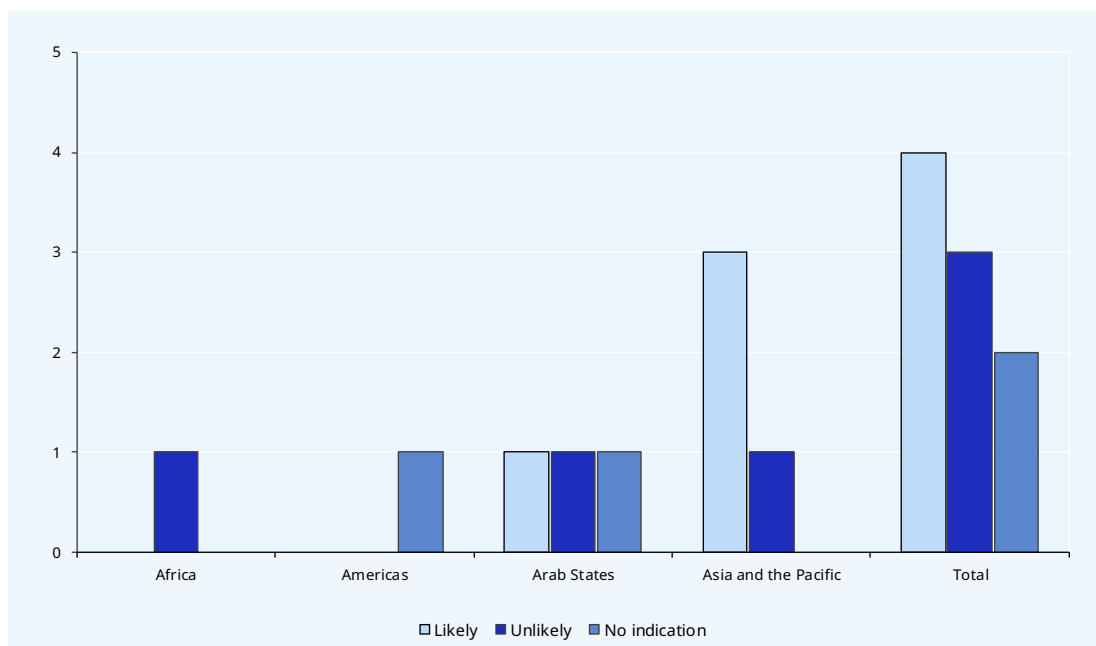
8. While Conventions Nos 87 and 98 remain the least ratified of the fundamental Conventions, all countries in Europe have ratified both of these Conventions.
9. A total of 32 Member States have yet to ratify Convention No. 87, and 20 have yet to ratify Convention No. 98 (see figure 1). **Viet Nam** ratified Convention No. 98 in July 2019.

► **Figure 1. Number of Member States, by region, that have not ratified Convention No. 87 and/or Convention No. 98 (as at 31 January 2021)**



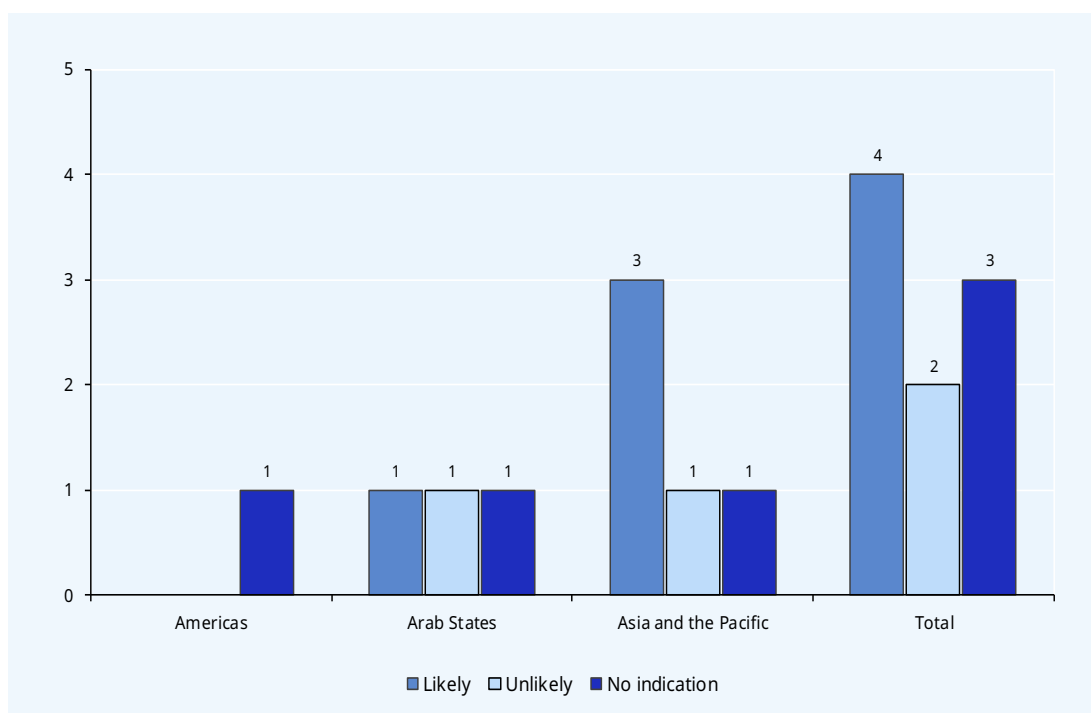
10. At the regional level, Asia and the Pacific has the largest number of reporting States that have ratified neither Convention No. 87 nor Convention No. 98, followed by the Arab States. In the Americas, there are two Member States that have not yet ratified Convention No. 87 and one that has not ratified Convention No. 98. Five African States have not ratified Convention No. 87.
11. In Africa, **Guinea-Bissau, Kenya, Morocco, South Sudan** and **Sudan** have not yet ratified Convention No. 87.
12. In the Americas, **Brazil** has ratified Convention No. 98 but not Convention No. 87, while the **United States** has not ratified either of the Conventions.
13. In the Arab States, **Bahrain, Oman, Qatar, Saudi Arabia** and the **United Arab Emirates** have ratified neither Convention No. 87 nor Convention No. 98. **Jordan** and **Lebanon** have not ratified Convention No. 87.
14. In Asia and the Pacific, **Afghanistan, Brunei Darussalam, China, the Cook Islands, India, the Islamic Republic of Iran, the Lao People's Democratic Republic, the Marshall Islands, Palau, the Republic of Korea, Thailand, Tonga** and **Tuvalu** have ratified neither Convention No. 87 nor Convention No. 98. **Malaysia, Nepal, New Zealand, Singapore** and **Viet Nam** have not yet ratified Convention No. 87, while **Myanmar** has not ratified Convention No. 98.
15. The reporting rate for Convention No. 87 was 31 per cent, as compared to 47 per cent in 2018. During the reporting period, ten Member States (**Bahrain, China, the Islamic Republic of Iran, Morocco, New Zealand, Oman, Qatar, the Republic of Korea, Thailand** and the **United States**) reported on Convention No. 87.
16. The **Islamic Republic of Iran, Oman, the Republic of Korea** and **Thailand** reported that the ratification of Convention No. 87 is likely, whereas **Bahrain, China, Morocco** and **New Zealand**, indicated that ratification is unlikely. **Qatar** and the **United States** did not indicate their intentions concerning the ratification of the Convention (see figure 2).

► **Figure 2. Ratification intentions for Convention No. 87, number of Member States by region**



17. The Government of **India** reiterated its position in relation to Conventions Nos 87 and 98 that the practice has been to ratify an ILO Convention only when the national laws and practices have achieved full compliance with the provisions of the Convention.
18. The **New Zealand** Government maintains its previously stated position on Convention No. 87 based on the inconsistency between New Zealand's legislation (which provides for lawful strike action on collective bargaining and health and safety grounds only) and the supervisory bodies of the ILO, according to which sympathy strikes and strikes on social and economic policy matters should be lawful and protected from penalty. Business New Zealand reiterates that it does not support the ratification of the Convention for the same reasons and is opposed to the ILO supervisory bodies' reading-in of a general right to strike to the Convention. The New Zealand Council of Trade Unions (NZCTU), however, considers that the Government seems to have adopted a fixed position of opposition to ratification of Convention No. 87 even though the existing employment relations framework does not constitute a barrier to its ratification and would be an important step in safeguarding existing rights to freedom of association.
19. The reporting rate for Convention No. 98 was 45 per cent, as compared to 48 per cent in 2018. Nine countries reported on the Convention (**Bahrain, China, the Islamic Republic of Iran, Myanmar, Oman, Qatar, the Republic of Korea, Thailand** and **the United States**).
20. The **Islamic Republic of Iran, Oman, the Republic of Korea** and **Thailand** indicated that the ratification of Convention No. 98 is likely. **Bahrain** and **China** reported that ratification is unlikely. **Myanmar, Qatar** and the **United States** did not indicate their intentions concerning the ratification of the Convention (see figure 3).

► **Figure 3. Ratification intentions for Convention No. 98, number of Member States by region**



2. Changes in legislation

21. Various changes were reported by different governments in the area of: policy initiatives (**China** and the **Islamic Republic of Iran**); legislative developments (**China**, the **Islamic Republic of Iran**, **New Zealand**, **Thailand** and the **United States**); labour inspection and monitoring (the **Islamic Republic of Iran** and **New Zealand**); and judicial decisions (the **Republic of Korea** and the **United States**).
22. In **China**, in March 2018, the All-China Federation of Trade Unions (ACFTU) had proposed the enactment of a law on collective consultation. In July 2019, the action plan (2019–21) on the reinforcement of collective consultation in order to stabilise employment, promote development and build harmony was jointly issued by the Ministry of Human Resources and Social Security, the ACFTU, the China Enterprise Confederation (CEC), and the All-China Federation of Industry and Commerce.

3. Promotional activities

23. Different promotional activities and initiatives have been carried out including: undertaking research (the **Republic of Korea**); information and data compilation and dissemination (**New Zealand** and the **United States**); provision of training (**China**, **Thailand** and the **United States**); and awareness-raising workshops and events (**China**, **Oman**, the **Republic of Korea**, and **Thailand**).
24. According to the Government of **China**, tripartite action was taken to promote collective consultation at the grassroots level. Joint activities have been carried out with the ILO since September 2018 and a seminar with the ILO was held in May 2019. The ACFTU took measures to promote the participation of professionals specialized in the field of collective consultation.
25. In its report for the period ending 2018, the Government of the **United States** indicated that in June 2018, the Federal Labor Relations Authority (FLRA) conducted a Basic

Statutory Training, providing an introduction to union and management rights and responsibilities under the Federal Service Labor-Management Relations Statute. It covered subjects such as the organization of the FLRA, the filing of an unfair labour practice charge, interference and discrimination based on protected activity and unions' duty of fair representation. Furthermore, graduate student teaching assistants have experienced a recent increase in labour organizing and, after years of organizing efforts in the fast food industry, the first formally recognized union was formed in the country in April 2018. Workers in the ride-sharing services and those engaged in the platform/gig economy received particular attention. The National Labor Relations Board (NLRB) also remains active in investigating and resolving unfair labour practice charges (out of 18,552 unfair labour practice charges filed in fiscal year 2019, 36 per cent were found to have merit).

4. Challenges

26. The Member States that reported during the current reporting period indicated the following challenges: (i) lack of government capacity (**Bahrain**); (ii) lack of trade union capacity (**New Zealand**); (iii) lack of public awareness (**Bahrain**, the **Islamic Republic of Iran** and **New Zealand**); (iv) lack of information and data (the **Islamic Republic of Iran**); (v) social and economic circumstances (the **Republic of Korea**); and (vi) prevailing employment practices (**New Zealand**). The Government of the **United States** added that questions relating to the growing number of workers in the "gig economy", right-to-work legislation, joint employment, the advent of new technologies, workplace automation and employee and independent contractor status are among the currently debated issues and lawmakers continue to consider how to change labour and employment laws to accommodate the growing on-demand workforce.

5. Requests for technical assistance

27. Requests for technical assistance were made in respect of: (i) assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the principle (the **Islamic Republic of Iran** and **Myanmar**); (ii) awareness-raising, legal literacy and advocacy (**Oman**); (iii) sharing of experiences across countries and regions (**Thailand**); (iv) reform of labour law and other relevant legislation (the **Islamic Republic of Iran**); (v) capacity-building of responsible government institutions (the **Islamic Republic of Iran** and **Oman**); (vi) strengthening the capacity of employers' organizations (the **Islamic Republic of Iran** and **Oman**); (vii) strengthening the capacity of workers' organizations (the **Islamic Republic of Iran**); and (viii) strengthening tripartite social dialogue (the **Islamic Republic of Iran** and **Oman**).

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

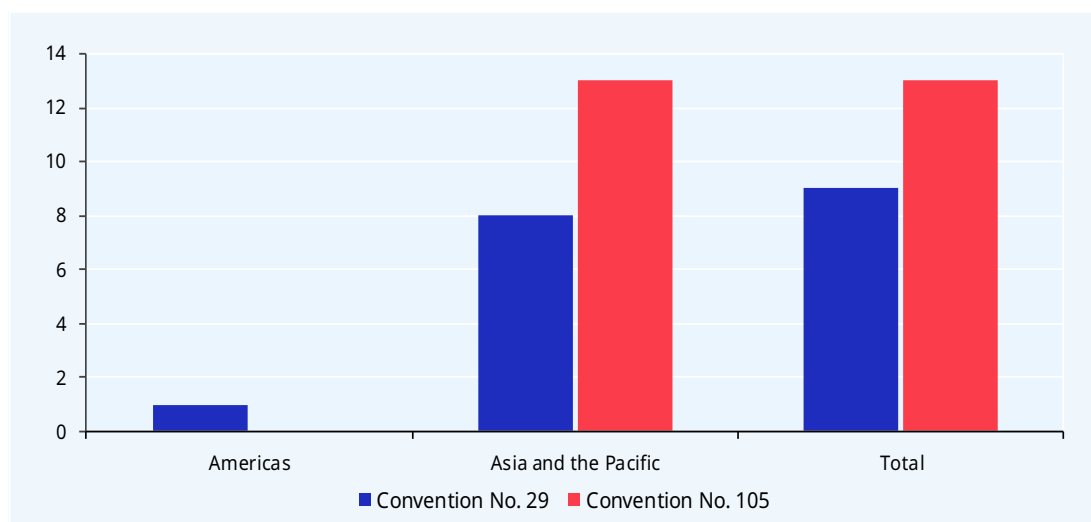
B.I. Conventions Nos 29 and 105

1. Ratifications

28. While no new ratification of Convention No. 29 was registered during the reporting period, it should be noted that **Viet Nam** ratified Convention No. 105 on 14 July 2020. All countries in Africa, the Arab States and Europe have ratified both Conventions.

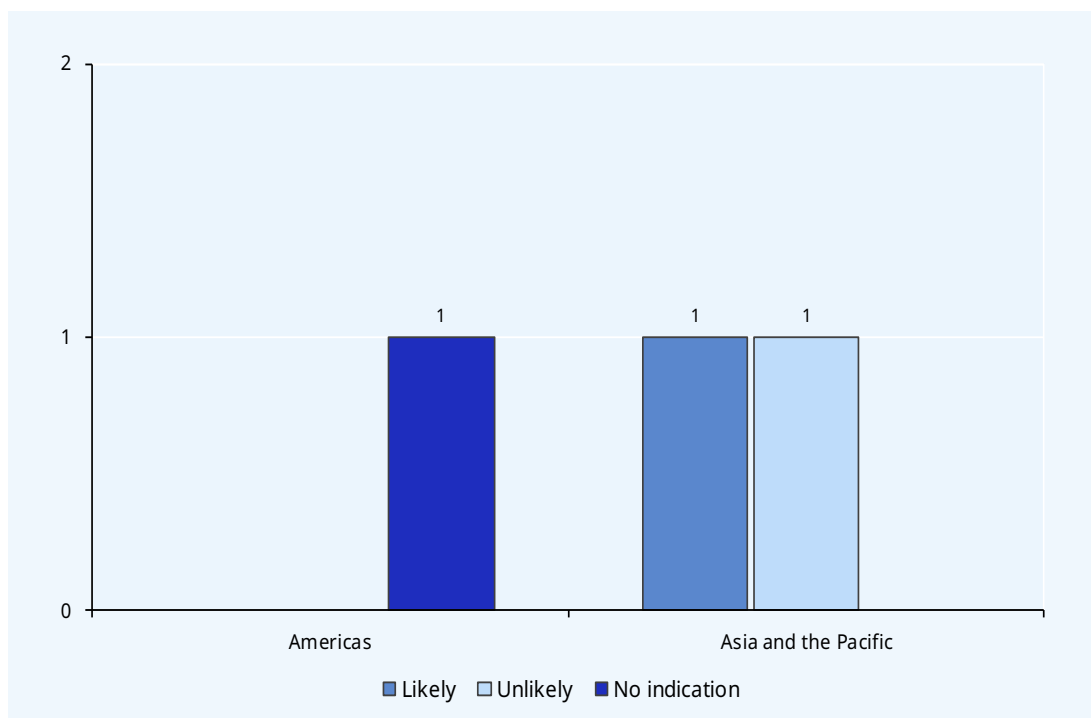
29. Nine countries have yet to ratify Convention No. 29, while 13 have yet to ratify Convention No. 105 (including **Malaysia** and **Singapore**, which have denounced the Convention). At the regional level, Asia and the Pacific has the largest number of reporting States that have ratified neither of the Conventions (see figure 4).

► **Figure 4. Number of Member States, by region, that have not ratified Convention No. 29 and/or Convention No. 105 (as at 31 January 2021)**



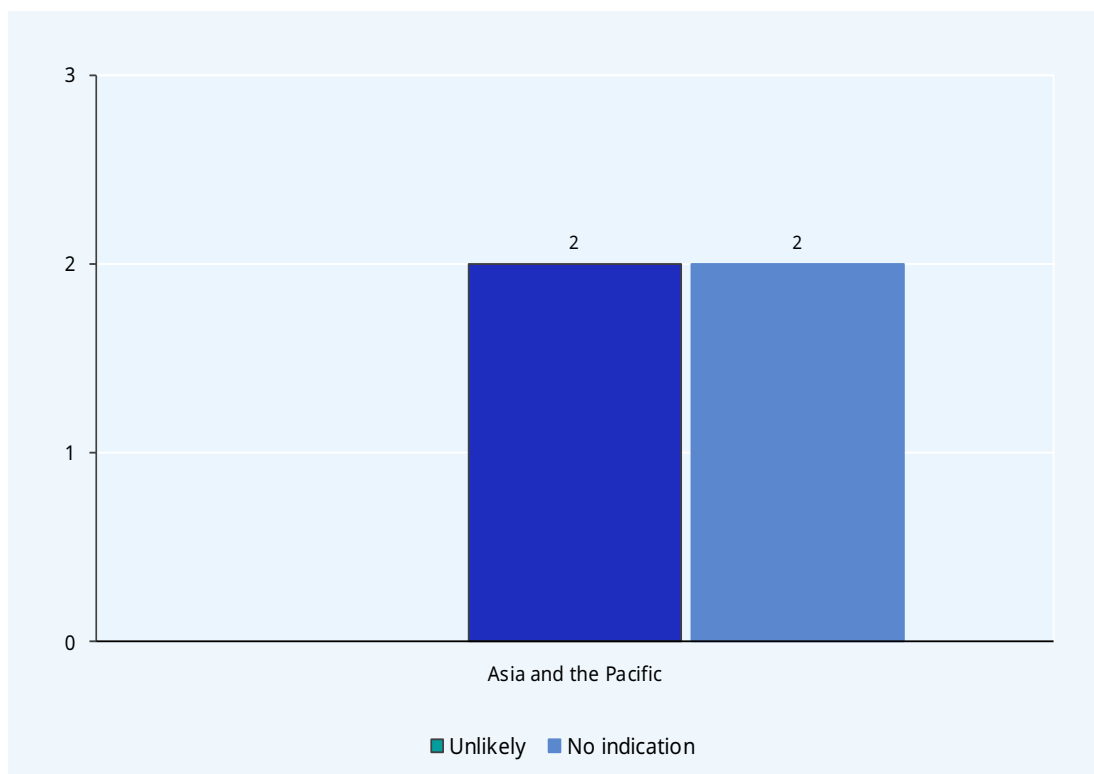
30. The **United States** is the only Member State from the Americas that has not ratified Convention No. 29.
31. In the Asia and the Pacific region, **Brunei Darussalam, China, the Marshall Islands, Palau, the Republic of Korea, Tonga and Tuvalu** have ratified neither Convention No. 29 nor Convention No. 105. **Afghanistan** has not ratified Convention No. 29, and **Japan, the Lao People's Democratic Republic, Myanmar and Timor-Leste** have not ratified Convention No. 105. Convention No. 105 is not in force in **Malaysia and Singapore** (see paragraph 29 above).
32. In the period under review, the reporting rate for Convention No. 29 was 33 per cent, as in 2018, with three Member States reporting. One Member State (the **Republic of Korea**) indicated its intention to ratify Convention No. 29, while another Member State (**China**) stated that the ratification was unlikely. The **United States** indicated that the Tripartite Advisory Panel on International Labour Standards continues to review the legal feasibility of ratification of selected ILO Conventions, including Convention No. 29 (see figure 5).

► **Figure 5. Ratification intentions for Convention No. 29, number of Member States by region**



33. The reporting rate for Convention No. 105 was 29 per cent as compared to 36 per cent in 2018, with four Member States from the Asia and the Pacific region reporting. Two Member States (**China** and the **Republic of Korea**) indicated that the ratification of the instrument is unlikely. The two remaining countries (**Japan** and **Myanmar**) did not indicate their intentions concerning the ratification of the Convention (see figure 6). The Japanese Trade Union Confederation pointed out once again the total lack of progress towards the ratification of Convention No. 105 by Japan.

► **Figure 6. Ratification intentions for Convention No. 105, number of Member States by region**



2. Promotional activities

34. Several countries emphasized that they had conducted promotional activities through awareness-raising campaigns, capacity-building activities and training (**China, Japan, the Republic of Korea and the United States**), research (the **Republic of Korea and the United States**) and data compilation (the **United States**). The Government of **China** mentioned joint actions of the Ministry of Education, the Ministry of Justice, Lawyers' Associations and the ACFTU on awareness campaigns and free legal service to migrant workers, reaching more than 1,110,000 persons. The Government of the **United States** informed that the National Institute of Justice continues to fund research on human trafficking intended to provide information, data, analysis and recommendations for policymakers and practitioners and that the Department of Homeland Security Science and Technology Directorate also supports human trafficking research through a number of research projects, as well as training of relevant department employees.

3. Challenges

35. The Government of the **Republic of Korea** emphasized that unfavourable socio-economic conditions constituted an obstacle to the realization of the principle and right. According to the Government of **China**, particular difficulties concern the platform economy and other forms of flexible employment, which are becoming more and more prevalent.

4. Requests for technical assistance

36. Various governments emphasized the need for ILO technical assistance in the following areas: (i) sharing of experiences across countries (**Japan**); ² (ii) strengthening the capacity of employers' and workers' organizations (**China**); and (iii) assessment in collaboration with the ILO of the difficulties identified and their implication for realizing the principle (**China**).

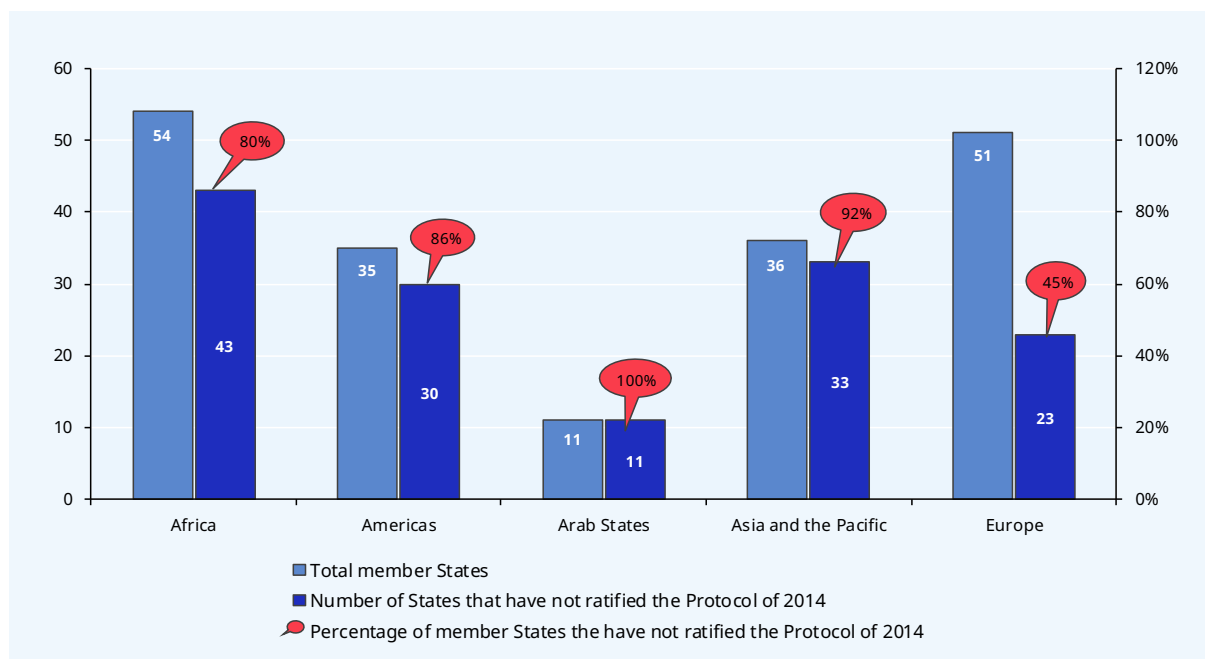
B.II. The Protocol of 2014 to the Forced Labour Convention, 1930

1. Ratifications

37. In the reporting period, 16 Member States (**Austria, Belgium, Canada, Côte d'Ivoire, Germany, Ireland, Lesotho, Madagascar, Malawi, Malta, New Zealand, Russian Federation, Sri Lanka, Suriname, Uzbekistan** and **Zimbabwe**) ratified the Protocol. In 2020, five more Member States ratified the Protocol (**Costa Rica, Kyrgyzstan, Lithuania, Portugal** and **Tajikistan**), and another ratification (**Chile**) was registered in January 2021. Therefore, as at 31 January 2021, 49 countries, representing 26 per cent of ILO Member States, had ratified the Protocol, which means that only one more ratification is required before meeting the initial target set by the 50 for Freedom campaign, which urges governments to take action on forced labour. A total of 57 per cent of the countries which ratified the Protocol are European countries, 23 per cent are from Africa, 14 per cent are from the Americas, and 6 per cent are from Asia and the Pacific. No country from the Arab States region has yet ratified the Protocol. Figure 7 provides an overview of the number and percentage of Member States that have not ratified the Protocol, by region. Accordingly, 138 Member States have yet to ratify the Protocol, out of which nine still have to ratify Convention No. 29.

² In 2018, the Office provided technical assistance to Japan and to the Republic of Korea concerning the legislative framework and scope of Conventions Nos 29 and 105, respectively.

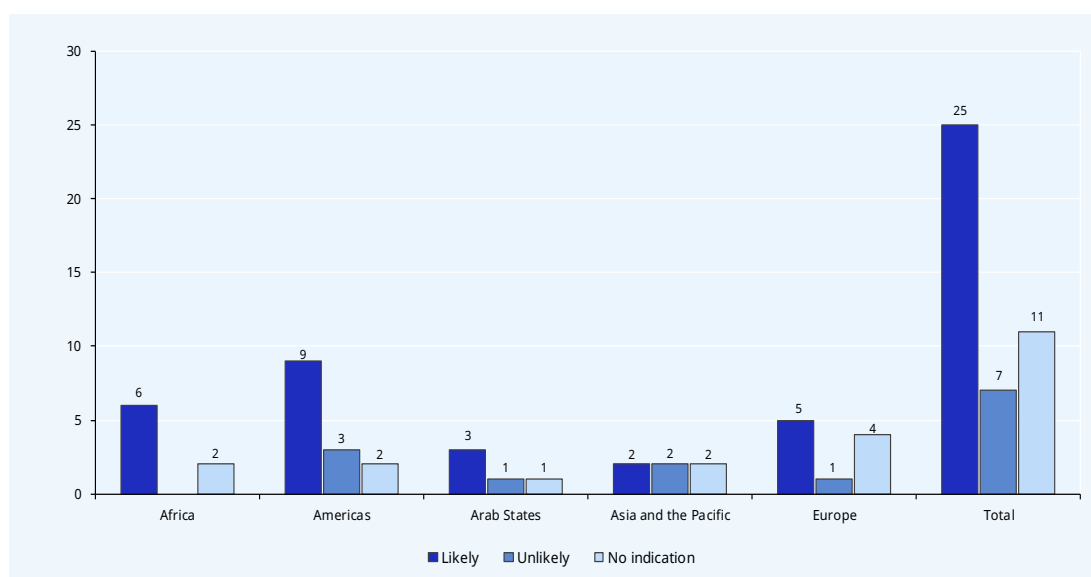
► **Figure 7. Number and percentage of Member States, by region, that have not ratified the Protocol of 2014 (as at 31 January 2021)**



38. A list of Member States from each region that have not ratified the Protocol is provided in Part C of the appendix.

39. During the reporting period, 43 Member States reported on the Protocol (30 per cent as compared to 43 per cent in 2018, and 36 per cent in 2017). A list of these Member States is provided in Part D of the appendix. In total, 25 Member States (58 per cent of those that reported) indicated their intention to ratify the instrument. Seven Member States indicated that it is unlikely that the Protocol will be ratified soon. The remaining 11 Member States did not indicate their intentions concerning the ratification of the Protocol (see figure 8). Of the countries that reported, 14 are from the Americas, ten are from Europe, eight are from Africa, six are from Asia and the Pacific, and five are from the Arab States.

► **Figure 8. Ratification intentions for the Protocol of 2014, by region**



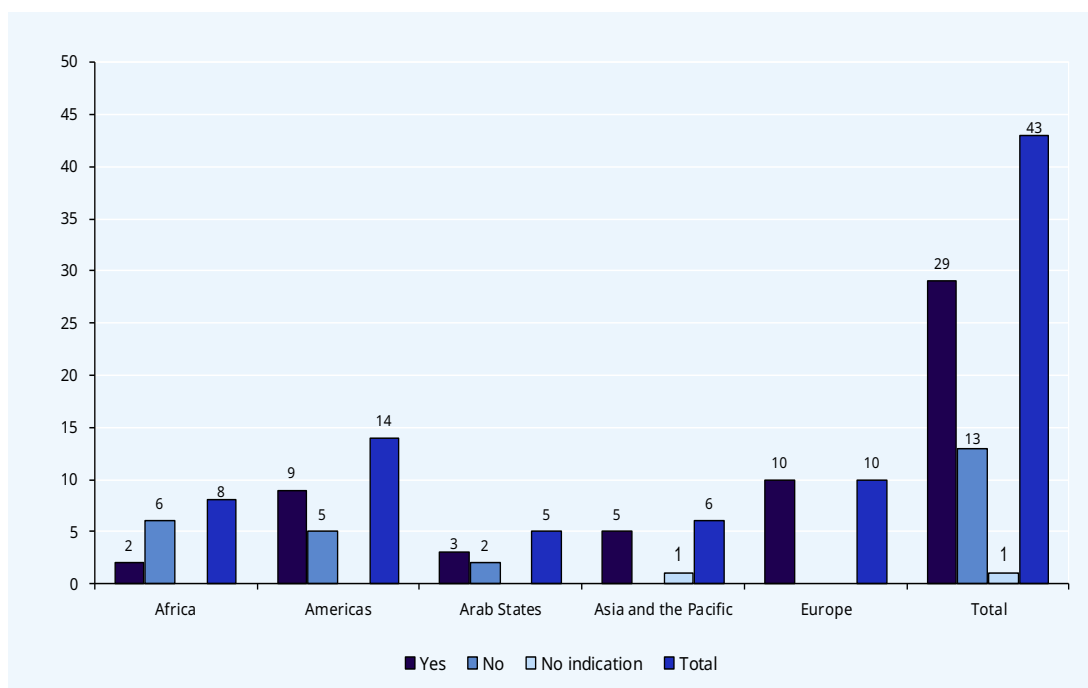
40. The Government of **Australia** stated that changes in legislation were required in order to bring state laws into conformity with the Protocol.
41. The Government of **Bulgaria** referred to its previous statements indicating that amendments to the national legislation would be considered to align it with the provisions of the Protocol.
42. The Government of **Burkina Faso** indicated that the process was ongoing as the Consultative Commission on International Labour Standards had given a favourable opinion for the ratification of the Protocol
43. The Government of **Croatia** reiterated that it would consider the ratification of the Protocol; however, it will first give priority to the ratification of other Conventions, in particular the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).
44. In **Ecuador**, the Ministry of Labour has completed the first draft of the feasibility report on the ratification of the Protocol in September 2019. A consultation process is under way and for the time being, no obstacles to the process of ratification of the instrument have been reported.
45. The Government of **Greece** reported that during the January 2018 meeting of the Supreme Labour Council's Division for the Promotion of the Application of International Labour Standards (which has tripartite composition), consensus was reached for the ratification of the Protocol.
46. The Government of the **Islamic Republic of Iran** indicated that it would first review a feasibility study before considering the ratification of the Protocol.
47. According to the Government of **Italy**, there are no particular obstacles to the ratification of the Protocol. The process of ratification has been delayed by the change of government in 2019 and in-depth investigations are still required concerning some economic aspects that would result from the ratification
48. The Government of **Japan** emphasized once again that further research is still needed to determine the consistency between the provisions of the Protocol and national laws and regulations.
49. The Government of **Kuwait** referred to its previous statements indicating that there are no impediments to the ratification process of the Protocol and that the issue of ratification will be one of the Government's priorities.
50. In **Peru**, Legislative resolution No. 2808/2017-PE ratifying the Protocol is pending in Congress for debate and ratification.
51. The Government of **Uruguay** reiterated that the ratification process of the Protocol was still under way.

2. Relevant national policies and plans of action, legislation and judicial decisions

(i) National policies and plans of action

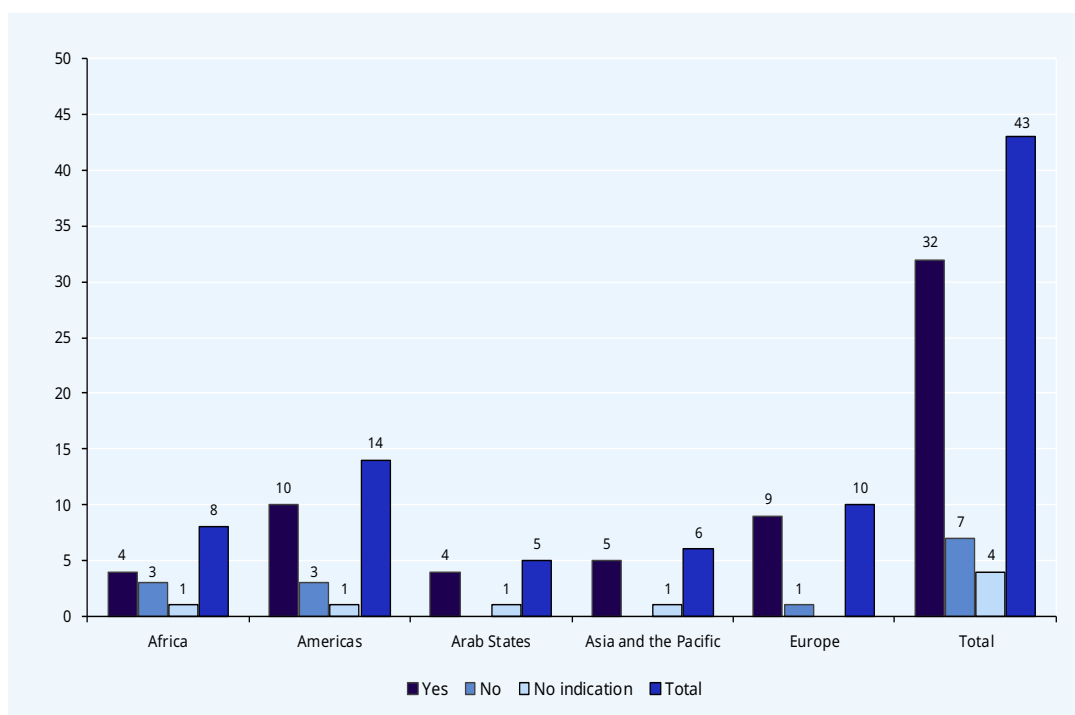
52. Figure 9 provides an overview by region of the availability of a national policy and plan of action for the suppression of all forms of forced labour in each of the Member States that reported during the period under review.

► **Figure 9. Number of Member States, by region, reporting the availability of a national policy and plan of action for the suppression of all forms of forced labour**



- 53.** The majority of the Member States that reported (about 70 per cent, as compared to 67 per cent in 2018) have a national policy or plan of action to combat all forms of forced labour. A total of 30 per cent of the countries that reported indicated that they do not have such a policy and plan of action.
- 54.** The responses of Member States with regard to the availability of a national policy and plan of action for combating trafficking in persons are summarized in figure 10.

► **Figure 10. Number of Member States, by region, reporting the availability of a national policy and plan of action to combat trafficking in persons**



55. About 74 per cent, as compared to 72 per cent in 2018, of the countries that reported stated that they have a national policy and plan of action to combat trafficking in persons. A total of 16 per cent of the countries reported that they do not have such a national policy and plan. The remaining 10 per cent provided no indication as to the availability of a policy and plan.
56. Some governments reported that they do not have national policies to implement the principle of effective and sustained suppression of all forms of forced or compulsory labour through prevention, victim protection and access to remedies, but that they have adopted national policies and plans of action that specifically target trafficking in persons (**Bahrain, Guyana, Mauritius, Qatar, Senegal** and the **Bolivarian Republic of Venezuela**). **Botswana, Burkina Faso, Costa Rica** and **Togo** indicated that they do not have national policies and action plans either for implementing the principle of effective and sustained suppression of all forms of forced or compulsory labour, or for combating trafficking in persons.
57. A number of governments reported that they have national policies and plans of action that are not only aimed at realizing the principle of effective and sustained suppression of all forms of forced or compulsory labour, but also set out measures and specific actions for combating trafficking in persons (**Australia, Bulgaria, Chile, China, Croatia, Ecuador, Egypt, Georgia, Greece, Guatemala, Honduras, the Islamic Republic of Iran, Italy, Japan, Kuwait, Luxembourg, Mexico, Morocco, Oman, Peru, Portugal, the Republic of Korea, Slovakia, Turkey, the United States** and **Uruguay**).
58. In some cases, governments that indicated that they have a national policy to combat all forms of forced labour were actually referring to policies aimed at combating the phenomenon of trafficking in persons. According to the information provided, when addressing the suppression of all forms of forced or compulsory labour, several governments therefore place special emphasis on combating trafficking in persons.

59. **Belarus** indicated that, while its National Action Plan which takes the form of state programmes initially focused on the criminal prosecution of traffickers, the emphasis has subsequently been put on preventing trafficking in persons, the operation of telephone helplines, public service advertising, and victim protection and rehabilitation, actively drawing on the capacity of the International Organization for Migration (IOM) and civil society associations.
60. The Government of **Greece** informed that the implementation and operation of the National Referral Mechanism (NRM) was officially initiated on 1 January 2019. It is expected to contribute to the identification of more potential victims and to enhance the provision of assistance and protection services to them. Since labour inspectors have an increased possibility to detect human trafficking victims when performing their tasks, their participation in this mechanism is particularly important and the National Action Plan (2019–2023) provides for specialized training addressed to the Labour Inspectorate on the first-level detection of human trafficking victims. Furthermore, the Office of the National Rapporteur on Trafficking in Human Beings plays a leading role in taking initiatives and actions to raise public awareness with the aim of reducing demand for products and services coming from trafficking in human beings and their exploitation. It also promotes synergies with a view to implementing standardized due diligence procedures for the protection of supply chains in the public sector from trafficking in human beings and exploitation phenomena.
61. **Portugal** indicated that with regard to trafficking in persons for purposes of forced or compulsory labour, in 2018, the Working Conditions Authority (ACT) conducted inspections at its own initiative and in cooperation with the criminal police bodies and the local police (the National Republican Guard (GNR) and the Public Safety Police (PSP)) for the specific purpose of identifying situations in economic sectors which, owing to the nature of the work or the characteristics of the workplace, lend themselves to such activities. In the agricultural sector, where the worst forms of labour exploitation have been identified, 65 inspections were carried out in order to verify the working conditions of 241 workers (117 women and 124 men). With respect to geography, most of these inspections were conducted in the Alentejo Litoral, Baixo Alentejo and Grande Porto regions. Through its telephone and face-to-face services, the ACT also provided information on trafficking in persons for purposes of forced or compulsory labour on 18 occasions. Furthermore, through ACT cooperation with municipalities and their local communities 353 workers attended nine information and awareness-raising meetings in order to raise awareness of current working conditions in Portugal (workers' rights and obligations with regard to work and occupational safety and health) with a focus on the prevention of forced or compulsory labour, including in the context of trafficking in persons. The General Confederation of the Portuguese Workers (CGTP) and the General Union of Workers (UGT), however, raise concern about the lack of financial and human resources to effectively combat the phenomenon of trafficking and forms of labour exploitation.
62. The Government of **Slovenia** emphasized that the 2019–20 action plan for combating trafficking in human beings pays particular attention to activities aimed at implementing the recommendations that were adopted at its behest by the monitoring mechanism under the Council of Europe Convention on Action against Trafficking in Human Beings, with particular attention on prevention; detection, investigation and prosecution of criminal offences related to human trafficking; assistance and protection; and international cooperation and partnerships.

63. The Government of **Turkey** indicated that the Department of Fighting Against Migrant Smuggling and Trafficking in Persons was established under the General Commandership of Gendarmerie, as both the crimes of migrant smuggling and trafficking have become a global security threat and Turkey became the target of mass migration due to the Syrian crisis. The Department of Fighting Against Migrant Smuggling and Trafficking in Persons, which became operational on 27 July 2016, continues its activities under the Department of Public Order. The Government further informs that the General Commandership of Gendarmerie's work on combating trafficking in human beings includes, among others, an eight-month project, launched in October 2018 in cooperation with the IOM, on increasing efficiency of anti-trafficking activities of the Gendarmerie. It focuses on a number of activities, such as providing a series of trainings for the concerned officials.
64. The Governments of **Guyana, Togo** and the **Bolivarian Republic of Venezuela** expressed the need for ILO technical assistance in developing a national policy and/or plan of action aimed at suppressing all forms of forced labour.

(ii) Legislative provisions

65. The majority of countries referred to existing provisions that criminalize practices of forced labour and/or trafficking in persons (constitutional provisions and general and/or specific legislation).
66. In **Georgia**, the Georgian Anti-Trafficking Policy is entirely focused on the so-called "4 Ps" (prevention, protection, prosecution and partnership) and the Government is committed to the adoption of efficient measures in order to enhance these.
67. The Government of **Greece** reported that the new Penal Code (7/2019) stipulates that intended exploitation, which is required for trafficking to constitute a criminal offence, applies in the case of slavery and practices similar to it, as well as bondage and criminal acts. Sections 323A and 351 of the Penal Code, concerning the crimes of trafficking in human beings and labour trafficking, are consolidated into one provision, making it clear that the common contested good of these acts is freedom. At the same time, the content of the crime has been broadened, so that the unlawful property benefit from the criminal activity of the victim is also considered as a form of exploitation.
68. In the **Islamic Republic of Iran**, a new bill "Fight against human trafficking and body organs and punishment of facilitators of illegal border crossing" is under review by the technical committee in Parliament.
69. The Government of the **Republic of Korea** reiterated that the concept of human trafficking was incorporated into the law of the Republic of Korea as a result of the inclusion of a comprehensive definition of the crime of human trafficking in the 2013 Criminal Act.
70. **Portugal** mentioned various changes in the legislative framework including: Council of Ministers resolution No. 141/2019 of 20 August 2019, adopting the National Plan for Implementation of the Comprehensive Migration Pact; Council of Ministers resolution No. 33/2019 of 15 February 2019, adopting the Third National Plan of Action on Implementation of United Nations Security Council resolution 1325 (2000) on women and peace and security (2019–2022) with specific reference to harmful traditional practices and trafficking in persons; and Order No. 46/2019 of 7 February 2019, adopting the third amendment to Order No. 135/2012 of 8 May 2012, adopting the statutes of the Social Security Institute on cooperation in implementation, monitoring and evaluation of the programme of support for social inclusion and development in order to address

specific issues, including drug addiction, immigration, ethnic minorities, domestic violence, trafficking in persons and homeless persons.

- 71. In **Uruguay**, Act No. 19.643 on trafficking in persons (legislation to prevent and combat trafficking) was adopted on 20 July 2018. It seeks to prevent, prosecute and punish the trafficking and exploitation of persons, as well as to provide assistance, protection and compensation for victims.
- 72. The **United States** informed that it had enacted comprehensive federal legislation reauthorizing the Trafficking Victims Protection Act of 2000, as amended, and adding to or amending several related federal statutes, which together are designed to enhance efforts to combat human trafficking domestically and internationally. The new provisions increased services provided to victims, strengthened the Government's response to prevent and address forced labour in government grants and contracts and authorized funding for assistance programmes addressing human trafficking.
- 73. Many other governments referred to their national action plans.

(iii) Judicial decisions

- 74. The Government of the **United States** mentioned four examples of prosecutions involving forced labour.

3. Information and data collection

Mechanisms for data collection

- 75. The governments of a number of countries (**Belarus, Bulgaria, Colombia, Croatia, Cuba, Ecuador, Egypt, Georgia, Greece, Guatemala, Guyana, Honduras, Italy, Japan, Kuwait, Luxembourg, Mauritius, Mexico, Morocco, Oman, Portugal, Qatar, Senegal, Slovakia, Turkey** and the **United States**) reported that they collect and analyse statistical data and other information on the nature and extent of forced or compulsory labour. A few other reporting States (**Bahrain, Botswana, Burkina Faso, Chile, Costa Rica, Dominican Republic, the Islamic Republic of Iran, Peru, the Republic of Korea** and **Togo**) indicated that they do not currently collect and analyse data.
- 76. In **Bulgaria**, the Executive Agency General Labour Inspectorate collects information on cases of labour exploitation. The National Commission for Combating Trafficking in Human Beings collects information about the victims of forced labour resulting from trafficking in human beings. However, there is no national register of victims of all forms of forced labour.
- 77. The Government of **Croatia** indicated that there is a regular update on calls received by the SOS line and that a single database of cases of trafficking in human beings and prosecution of perpetrators is being established, in coordination between the Ministry of the Interior, the Ministry of Justice and the State Attorney's Office.
- 78. In **Georgia**, the Public International Law Department of the Ministry of Justice of Georgia of the Interagency Council on Combating Trafficking in Persons collects the human trafficking related statistics, including forced labour and labour exploitation from different responsible agencies into a single integrated database.
- 79. The Government of **Greece** indicated that upon identification of a presumed victim by a state or non-governmental actor, data is collected through a referral form sent to the NRM for the protection of trafficking against human beings and victims, including the victim's demographic data, information about the acts of trafficking and the exploitation

(time, duration, circumstances, means of recruitment and control, perpetrators and their relationship with the victim) and the victim's participation in penal procedures. Statistical data is also collected by the Ministry of Citizen Protection and the Labour Inspectorate.

- 80. The Government of **Japan** has assessed and analysed the occurrence of trafficking in persons through the trafficking in persons database, police activities and other measures. In addition, the relevant government agencies prepared and published the annual report in which they assessed and analysed the cases of trafficking in persons.
- 81. The Government of **Slovenia** highlighted that specific action is being taken, in the context of the 2019–20 action plan for combating trafficking in human beings, in order to establish a coherent statistical system on the different forms of human trafficking in the country.
- 82. In the **United States**, the Department of Justice Office for Victims of Crime continues to collect data from its grantees through the Trafficking Information Management System database. The Research and Data Committee of the Senior Policy Operating Group facilitates information sharing about human trafficking research and data projects and drives inter-agency discussions on how to address challenges related to gathering, harmonizing, and sharing human trafficking data. The Human Smuggling and Trafficking Center further enhances collaborative information-sharing capabilities, leverages inter-agency anti-trafficking subject-matter expertise, and gathers and disseminates relevant intelligence to facilitate detection, investigation and prosecution of this crime.

4. Prevention/monitoring, enforcement and sanctions mechanisms

- 83. The information hereunder shows that the majority of actions undertaken by Member States to combat forced labour practices actually take place in the context of the fight against trafficking in persons. In some cases, replies are of a general nature and do not easily allow for a distinction to be made between prevention and protection mechanisms.
- 84. In **Bulgaria**, the Combating Trafficking in Human Beings Act focuses on the prevention and protection of victims, particularly women and children. The law sets out the institutional framework and ensures interaction between governmental and non-governmental institutions in designing the national policy. A National Commission for Combating Trafficking in Human Beings was established under the Act and it monitors compliance with the law, develops the policy for counteracting human trafficking and establishes local commissions. The Union for Private Economic Enterprise indicated that the Government's report was an accurate reflection of the measures taken.
- 85. The Government of **Greece** indicated that the 2018 operational action plan on undeclared work mainly focused on strengthening the trust of both employers and workers in the Labour Inspectorate, which provides counselling services during inspection visits to both workers and employers. The Labour Inspectorate also actively participates in training seminars to improve the response of labour inspectors to effective prosecution of trafficking perpetrators and to protection of workers from terms and conditions of work that degrade human life and dignity.
- 86. The Government of **Peru** mentioned the adoption of Law No. 30924 of 29 March 2019 amending article 168-B of the Penal Code and incorporating the penalty of a fine into the crime of forced Labour.

87. **Qatar** reiterated that, in June 2017, the National Committee to Combat Human Trafficking adopted the National Plan to Combat Human Trafficking (2017–22) to serve as guidelines for the Committee and the relevant parties so as to prevent, monitor and combat all forms of human trafficking. Further specific measures are taken, such as awareness-raising on Law No. 15 of 2017 regarding domestic workers. The Government also refers to Law No. 13 of 2018 suppressing exit permits for workers by the labour legislation and a draft law expanding the scope of Law No. 13. It reports that measures have been taken to ensure fair and safe recruitment of workers through the establishment of visa centres in labour-sending countries, including India, Nepal, Pakistan, the Philippines and Sri Lanka.
88. The Government of **Turkey** indicated that in cooperation with the social partners and non-governmental organizations, awareness-raising activities targeting vulnerable groups were carried out, including with a focus on migrants and refugees.
89. The Government of the **United States** informed about a number of measures and activities aimed at preventing all forms of forced or compulsory labour, including information and awareness-raising targeting people in vulnerable situations and employers, promotion of social compliance tools to help businesses understand and combat labour exploitation, new projects to combat forced labour funded by the Department of Labor and promotion of the empowerment of women and girls politically, socially and economically.

5. Victim identification, release, protection, recovery and rehabilitation, and access to remedies

90. The various measures indicated by the majority of reporting governments include: (i) workshops, training and information campaigns; (ii) legal protection of victims and provision of legal aid; (iii) medical and psychological assistance for victims; (iv) appropriate accommodation; and, to a lesser extent, (v) protection of privacy and identity, and measures for specific groups (children, women, migrants). Many of the government refer to the information previously reported.
91. **Qatar** indicated that the Government had completed the national victim referral system and continued using it to coordinate the efforts of government authorities and non-governmental organizations regarding the identification and referral of victims. The referral system includes the provision of shelter, healthcare and legal assistance to human trafficking victims.
92. The Government of **Turkey** referred to a number of measures taken, including education and awareness-raising activities, providing shelter homes or safe houses, as well as health services and psychosocial help, access to social services, legal assistance and advisory services, vocational training and access to the labour market, interpretation services and enabling the person to meet with representatives of his or her embassy or consulate. In addition to the Victims Support Programmes, the Government also implements the Voluntary and Safe Return Programme, if requested by the victim, so as to ensure that the victim is returned to his or her country or a safe third country.
93. The **United States** indicated that in 2018, the Federal Bureau of Investigation (FBI) led and participated in multiple training courses, domestically and internationally, that educated federal agents, task force members, foreign law enforcement partners and others on identifying indicators of human trafficking and the need for a methodical, victim-centred approach in conducting human trafficking investigations. The Government further reported that, over a one-year period (July 2017 to June 2018), the

Department of Justice Office for Victims of Crime human trafficking grantees reported assisting 8,913 clients, delivering a broad range of services to meet the individualized needs of victims, such as ongoing case management, legal services, housing assistance, employment assistance, personal items, transportation, emotional and moral support, mental health treatment, protection and safety planning and medical services. The FBI Victim Assistance Program includes 153 full-time victim specialists who assess the needs of potential human trafficking victims in FBI investigations and provide referrals, resources and a range of other services, including crisis intervention, emergency food, clothing and shelter, referrals to medical, dental or social services, substance abuse programmes, educational and job skills training programmes and legal assistance and immigration relief.

6. International cooperation and initiatives and progress made in advancing this principle and right

94. The majority of governments indicated that they cooperate with international and regional organizations to combat forced or compulsory labour.
95. **Australia** is playing a lead role in Alliance 8.7, the global partnership for eradicating forced labour, modern slavery, human trafficking and child labour around the world, as Chairperson of the Global Coordinating Group.
96. On 23 July 2019, **Bulgaria** and **North Macedonia** signed a Protocol for Cooperation in the Field of Combating Trafficking in Human Beings. The Protocol provides for cooperation in support and protection of victims, exchange of experience, and common information and awareness campaigns.
97. The Government of **Ecuador** mentioned the signature of a Memorandum with Colombia on the Prevention of Trafficking in Persons, the purpose of which is to prevent and address the situation of trafficking in persons in the border area.
98. In addition to referring to the work of the Interagency Council on Combating Trafficking in Persons, the Government of **Georgia** also indicated having concluded international agreements/memoranda of understanding on cooperation in the field of combating crime and police cooperation with 32 countries.
99. **Greece** participates in networks and actions of international and regional organizations (Council of Europe, the Organization for Security and Co-operation in Europe (OSCE), as well as through bilateral or multilateral cooperation under the auspices of the International Criminal Police Organization (INTERPOL), the European Border and Coast Guard Agency (Frontex), the Southeast European Law Enforcement Center (SELEC), the European Union Agency for Law Enforcement Cooperation (Europol) and the European Union Agency for Criminal Justice Cooperation (Eurojust), with the objective of strengthening cooperation, coordination and mutual contribution for cases under investigation. In addition, bilateral meetings take place with neighbouring countries to exchange information and develop coordinated targeted actions. The General Confederation of Greek Workers (GSEE) acknowledged the country's participation in the Network of National Coordinators and its objective to play a key role in the international campaign against trafficking.
100. The Governments of **Guatemala** and **Honduras** mentioned being part of the Regional Coalition against Trafficking in Persons and the Smuggling of Migrants, which also includes Belize, Costa Rica, the Dominican Republic, El Salvador, Mexico, Nicaragua and Panama. The purpose of the Coalition is to contribute to the definition, adoption and promotion of minimum standards, policies and regional processes to combat and

prevent trafficking in persons and to improve assistance for victims. Some of the efforts made in 2017 focused on the development of tools and regional coordination for the repatriation of victims of trafficking in persons.

- 101. Kuwait** indicated that it had signed a project to support the capacities of the General Authority for Manpower (2015–17) with three international organizations: the United Nations Development Programme (UNDP), the IOM and the ILO. The project included training courses on international labour standards, anti-forced labour and anti-human trafficking mechanisms, for representatives of governments, employers and workers, regarding the first national Agenda of Decent Work in the State of Kuwait, over a period of three years.
- 102. Qatar** reiterated that it cooperates with the ILO, especially through the technical cooperation project, and with the United Nations Office on Drugs and Crime. It also cooperates with trade unions (the ITUC, the International Federation of Building and Wood Workers, the International Domestic Workers' Federation and the IOE) and engages with many labour-sending countries.
- 103. Slovakia** reiterated that it follows the anti-forced labour policy within the EU and its Member States. Slovakia also cooperates with selected countries in the field of prevention of forced marriages.
- 104. In the United States**, the Department of Labor has funded several technical assistance projects implemented by the ILO and other non-governmental organizations to address forced labour internationally, including trafficking-related issues. For instance, it funded a US\$1 million cost increase to the ILO project "From Protocol to Practice: A Bridge to Global Action on Forced Labor" (Bridge Project), to add Niger as a priority country to this project. The Department of Labor also funded the implementation of a new, US\$2 million, four-year project to combat forced labour and labour trafficking in the cocoa supply chain and other sectors in Ghana. Government departments also supported the work of a number of international organizations and multilateral fora in the area of human trafficking and engaged in bilateral cooperation with several States. The Office of Overseas Prosecutorial Development Assistance and Training (OPDAT) of the Department of Justice provides expert assistance to support the development of justice systems to effectively combat transnational crime, including human trafficking, by building strong relationships with criminal justice counterparts, including Mexico.

7. Challenges

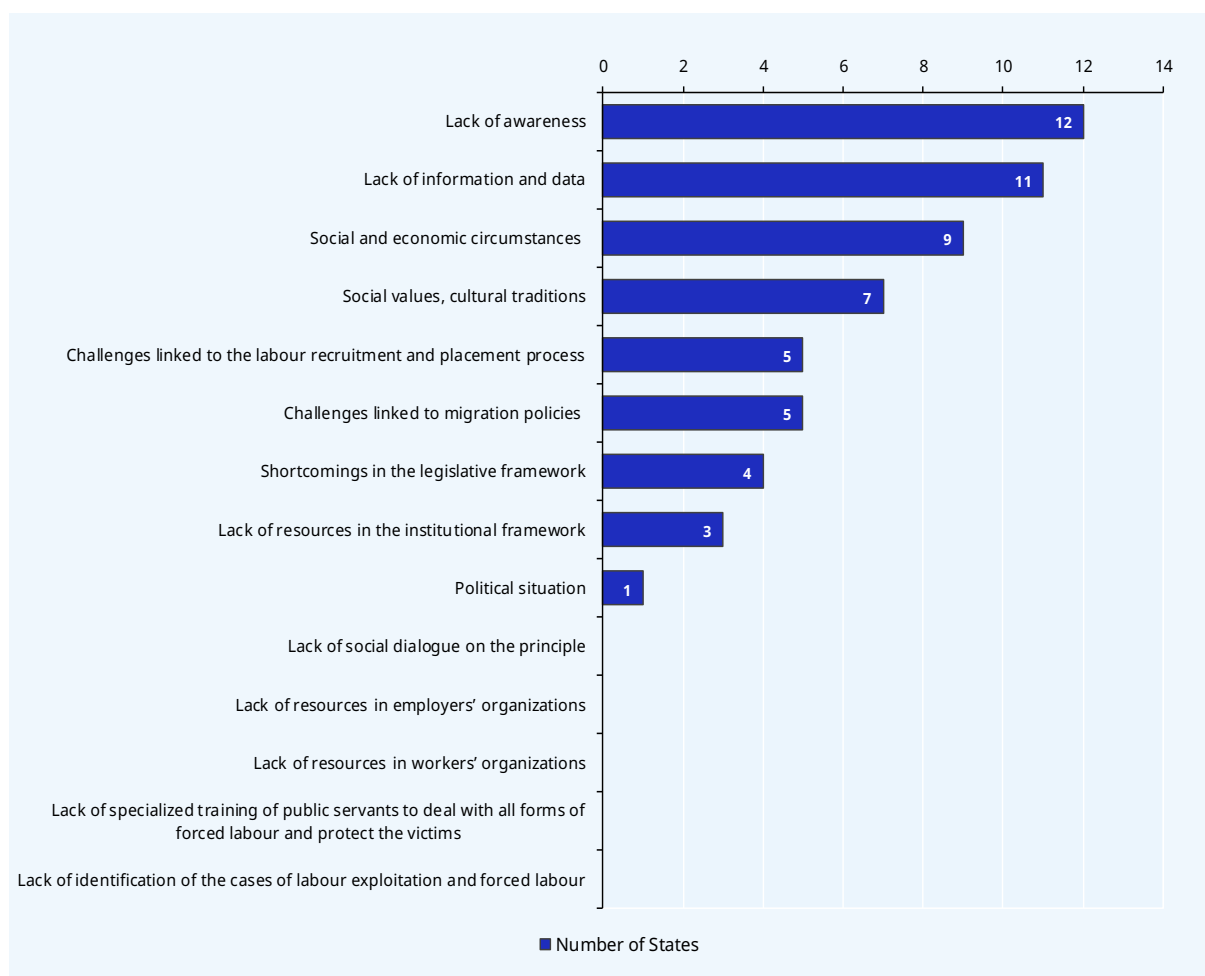
- 105.** The challenges reported by Member States in relation to the Protocol are summarized in table 1 and in figures 11 and 12.
- 106.** The Government of **Greece** indicated that the general shortcomings in the implementation of the legal framework, due to existing financial and human restraints, continue to apply. An escalation of the intensity in refugee-migration flows is intrinsically related to a spread in human trafficking networks worldwide. Efforts are made to address these limitations by involving all relevant actors at national, international and EU level, so as to increase domestic resources and ensure funding through the EU and private foundations. The GSEE considered all options proposed by the questionnaire as obstacles encountered and the Hellenic Confederation of Enterprises pointed to shortcomings in the legislative framework, as well as to challenges linked to migration policy.
- 107.** The Government of the **United States** referred to the Department of State 2019 Trafficking in Persons Report, which discusses challenges around the globe in preventing

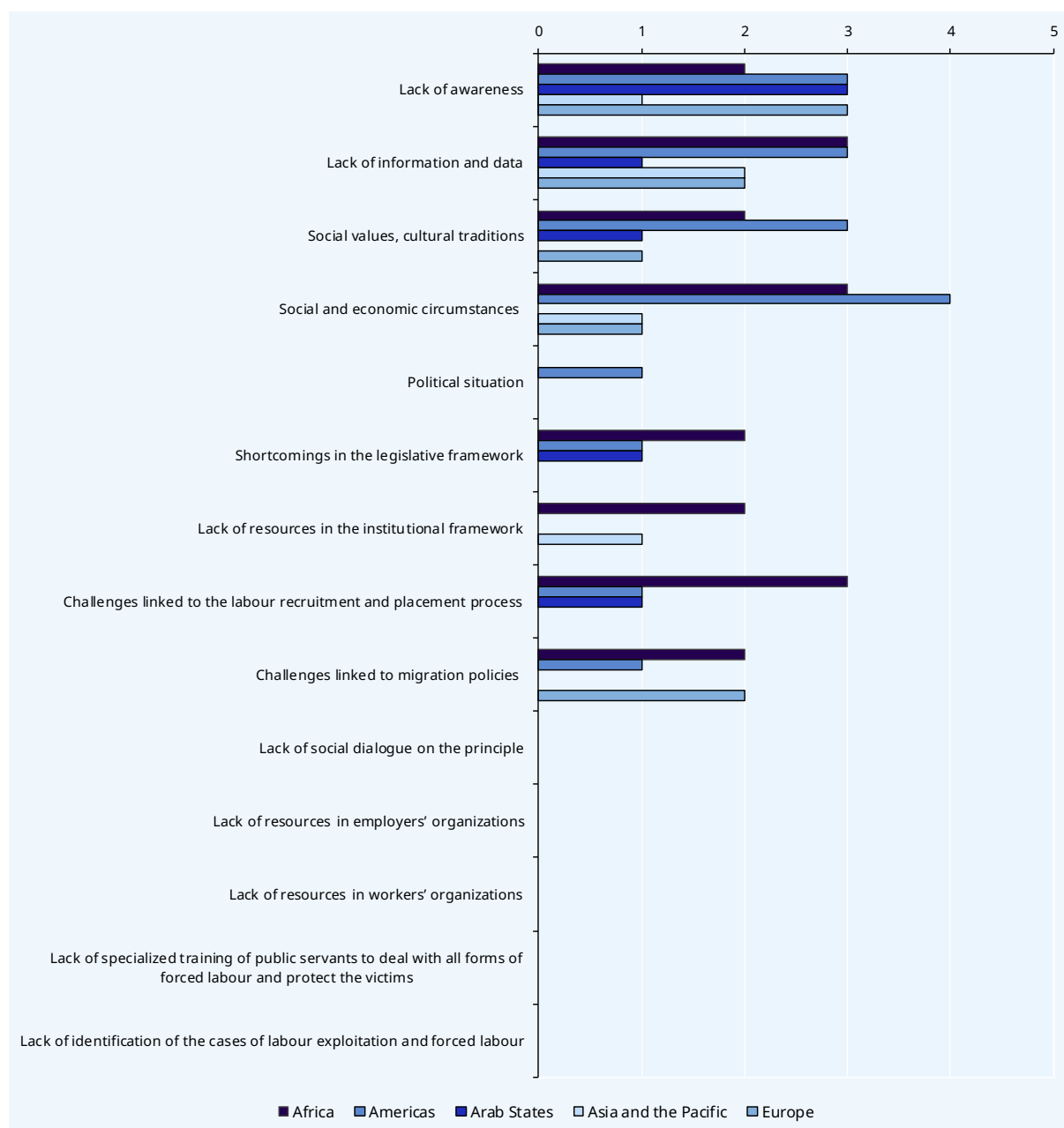
and addressing trafficking in persons, including for forced labour. The report makes specific recommendations to address the challenges in preventing trafficking for forced labour in the country.

► **Table 1. Challenges reported in relation to the Protocol of 2014, by region and country**

	Africa	Americas	Arab States	Asia and the Pacific	Europe
Lack of awareness	Botswana, Togo	Ecuador, Guyana, Mexico	Kuwait, Oman, Qatar		Croatia, Georgia, Turkey
Lack of information and data	Morocco, Senegal, Togo	Chile, Costa Rica, Mexico	Qatar	Republic of Korea	Bulgaria, Turkey
Social values, cultural traditions	Senegal, Togo	Guyana, Honduras, Mexico	Kuwait		Georgia
Social and economic circumstances	Burkina Faso, Senegal, Togo	Ecuador, Guyana, Honduras, Mexico			Georgia
Political situation		Honduras			
Shortcomings in the legislative framework	Senegal, Togo	Mexico	Bahrain		
Lack of resources in the institutional framework	Senegal, Togo			Republic of Korea	
Challenges linked to the labour recruitment and placement process	Mauritius, Senegal, Togo	Ecuador	Qatar		
Challenges linked to migration policies	Senegal, Togo	Ecuador			Greece, Turkey
Lack of social dialogue on the principle					
Lack of resources in employers' organizations					
Lack of resources in workers' organizations					
Lack of specialized training of public servants to deal with all forms of forced labour and protect the victims					
Lack of identification of the cases of labour exploitation and forced labour					

► **Figure 11. Number of Member States that have reported challenges in relation to the Protocol of 2014**



► **Figure 12. Number of Member States that have reported challenges in relation to the Protocol of 2014, by region**

8. Requests for technical assistance

108. With a view to overcoming the above challenges in their fight against trafficking in persons, the vast majority of reporting Member States have expressed the need for ILO technical assistance. However, it is unfortunate that, unlike in previous years, they did not specify their particular needs.

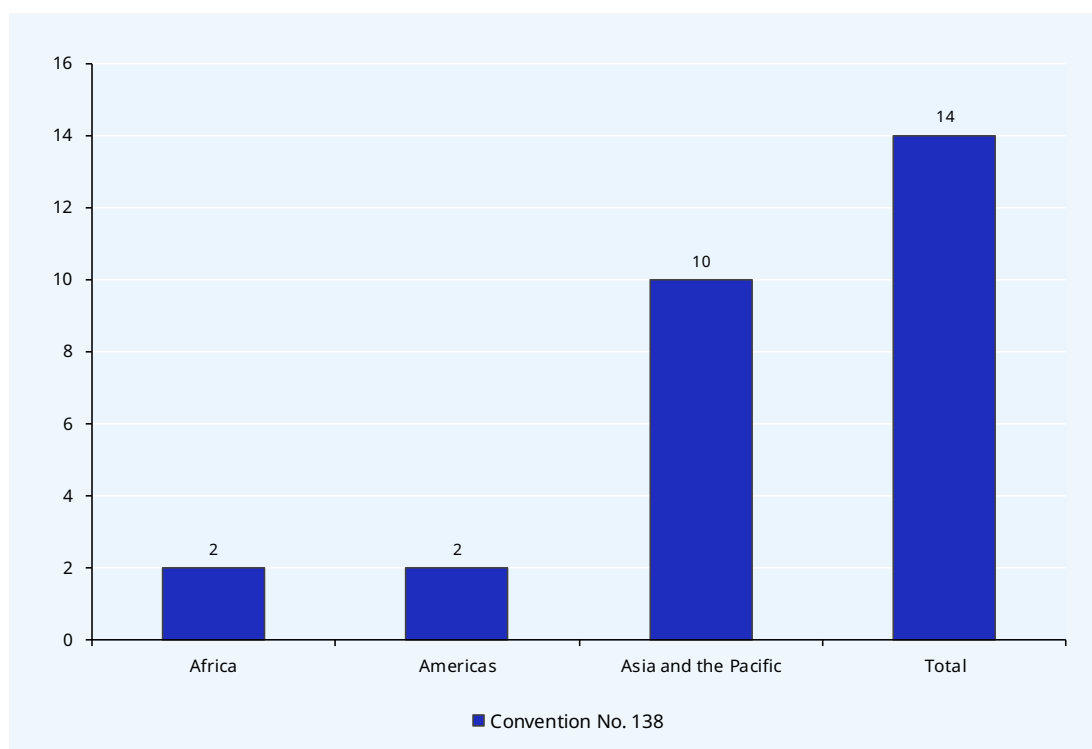
C. The effective abolition of child labour

1. Ratifications

109. In June 2019, **Vanuatu** ratified Convention No. 138. The **Marshall Islands** and **Palau** ratified Convention No. 182 in March 2019, and **Eritrea** and **Tuvalu** in June 2019. In

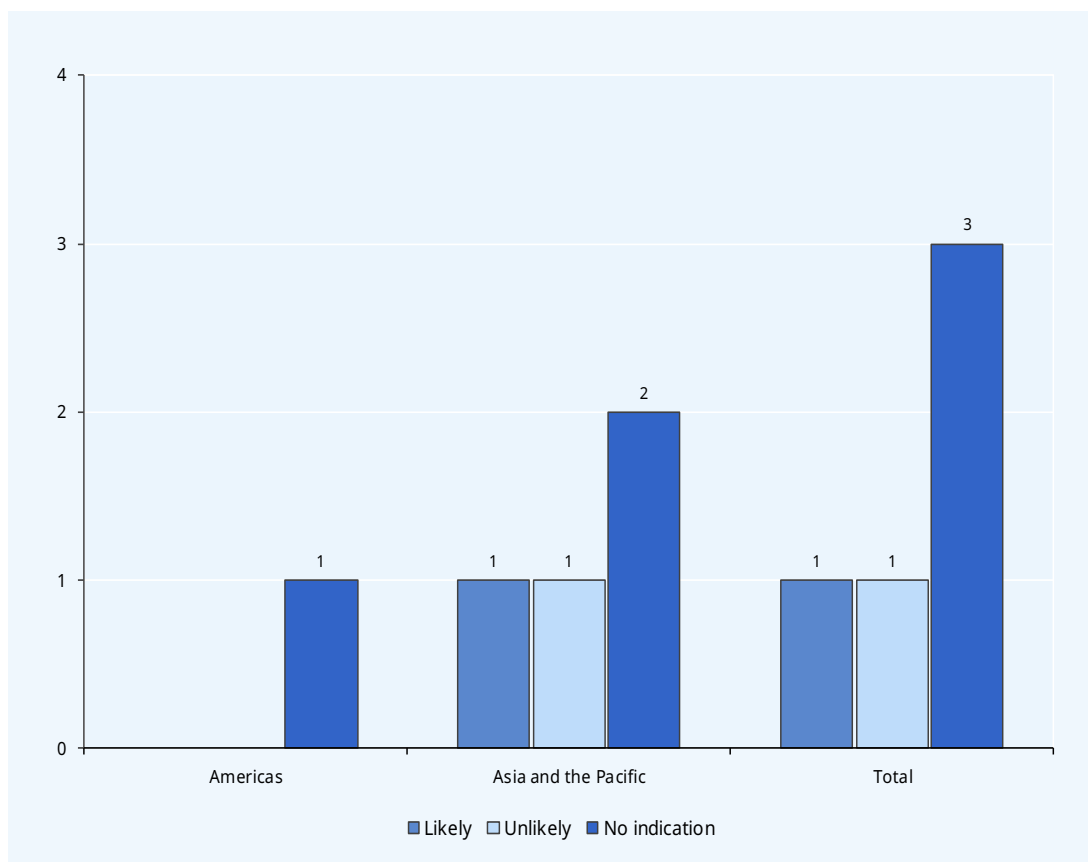
addition, **Myanmar** ratified Convention No. 138 in June 2020, and **Tonga** ratified Convention No. 182 in August 2020. With this latest ratification, Convention No. 182 has achieved universal ratification, while there is now a total of 14 Member States that have yet to ratify Convention No. 138.

► **Figure 13. Number of Member States, by region, that have not ratified Convention No. 138 (as at 31 January 2021)**



- 110.** At the regional level, all countries in Europe and the Arab States have ratified both Conventions. Asia and the Pacific has the largest number of States that have not ratified Convention No. 138.
- 111.** In Africa, **Liberia** and **Somalia** have not ratified Convention No. 138.
- 112.** In the Americas, **Saint Lucia** and the **United States** have not ratified Convention No. 138.
- 113.** In Asia and the Pacific, **Australia**, **Bangladesh**, the **Cook Islands**, the **Islamic Republic of Iran**, the **Marshall Islands**, **Myanmar**, **New Zealand**, **Palau**, **Timor-Leste**, **Tonga** and **Tuvalu** have not ratified Convention No. 138.
- 114.** The reporting rate for Convention No. 138 has been 34 per cent, as compared to 44 per cent in 2018. In the period under review, five Member States (**Australia**, the **Islamic Republic of Iran**, **Myanmar**, **New Zealand** and the **United States**) reported on Convention No. 138. The **Islamic Republic of Iran** indicated its intention to ratify the Convention, whereas **New Zealand** indicated that ratification would be unlikely. **Australia**, **Myanmar** and the **United States** did not indicate their intention concerning the ratification of the Convention (see figure 14).

► **Figure 14. Ratification intentions for Convention No. 138, number of Member States by region**



115. In 2018, the Government of **Australia** was formally considering ratifying Convention No. 138 and is undertaking a comprehensive legal assessment of Australia's compliance with the Convention. Technical assistance on the legislative framework and practice as well as on the scope of the Convention has been provided by the Office. No further changes were reported for 2019.

2. Promotional activities

116. The Governments of **Australia**, the **Islamic Republic of Iran**, **New Zealand** and the **United States** indicated that awareness-raising activities had been carried out in their countries, including research activities (the **Islamic Republic of Iran**). In the **United States**, federal agencies continue to provide guidance and training to employers, workers, children of working age and various interested groups, including labour organizations and employer associations, concerning the federal laws relating to the employment of children and workplace practices to ensure the health and safety of children. The Wage and Hour Division (WHD) and the Occupational Safety and Health Administration (OSHA) of the Department of Labor conduct numerous outreach activities, including with respect to young worker rights and workplace health and safety (more than 3,700 outreach events and presentations by the WHD and 5,000 by the OSHA in fiscal year 2019). The Alliance programme has continued to promote the safety of young workers – as of June 2019, the OSHA had signed 30 Alliances containing a youth-focused component, while 26 Alliances (8 national and 18 regional) are specifically dedicated to young worker safety and health.

3. Policy and legal developments

117. The reporting countries did not mention any change since the 2018 annual review.

4. New initiatives and progress made in advancing this principle and right

118. No changes have been reported in most of the reporting States since the 2018 annual review.

119. The Government of the **United States** indicated that the WHD conducted several state-wide or regional initiatives focused on particular industries in which child labour violations tend to be found (such as construction, groceries and restaurants), as well as investigations of particular employers where it suspected child labour-related violations. In 2019, the WHD teamed up with the OSHA and worker safety organizations on a social media campaign to educate young workers about safety rights in the workplace, on how to speak up about dangerous work conditions and on how to protect themselves on the job. Additional efforts focused on vulnerable child workers in low-wage and high-risk sectors, including agriculture.

5. Challenges

120. Two countries that reported during the period under review have indicated challenges, as set out below.

121. As noted in previous reports, the Government of **New Zealand** indicated that it can be a challenge to ensure relevant groups receive information on rights and obligations in respect of young workers. The Government produces a range of resources online and in print. The youth regulatory framework review will include consultation with children, as well as with employers, unions and other stakeholders. A further challenge is that there is no single complete and comprehensive source of information on harm experienced by young persons at work. The New Zealand Government commonly uses three different sources of data to provide a more complete picture: accident compensation claims; WorkSafe notifications; and the Youth2000 survey series (the next Youth survey will take place in 2020).

122. The **United States** emphasized that there is a continuing need to educate children, parents and employers about the dangers of child labour and the relevant protective provisions.

6. Requests for technical assistance

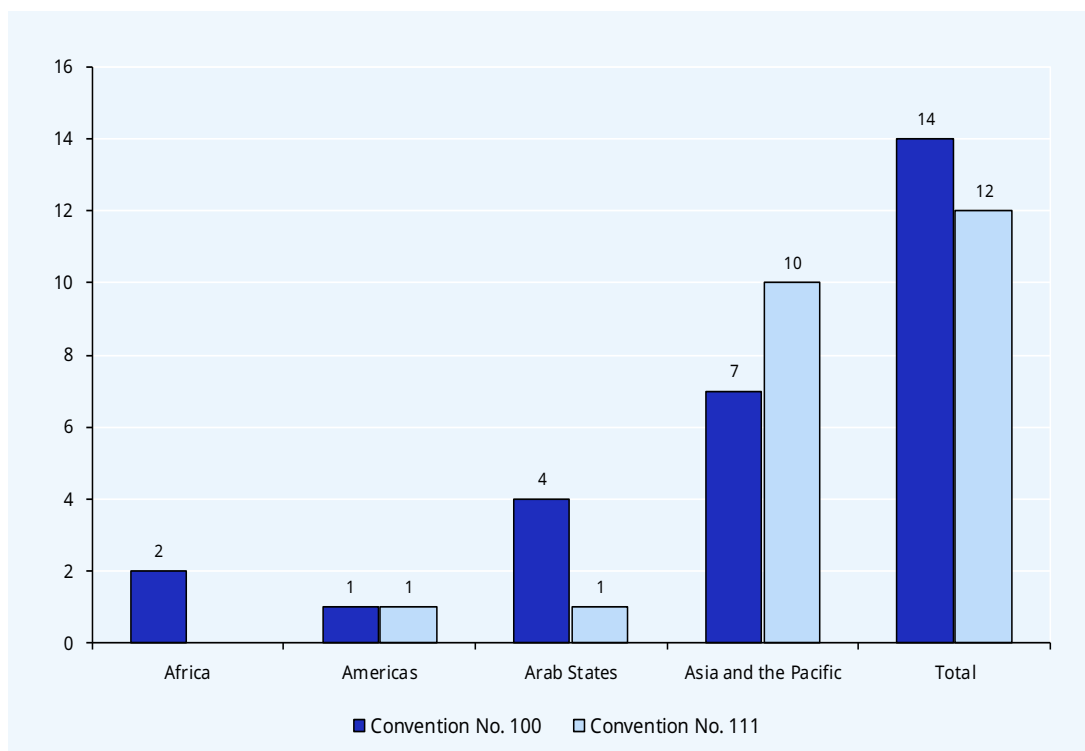
123. With a view to overcoming the challenges, the **Islamic Republic of Iran** requested ILO technical support in various areas including: legal reform and policy advice; strengthening data collection systems and research; and inter-institutional coordination.

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

1. Ratifications

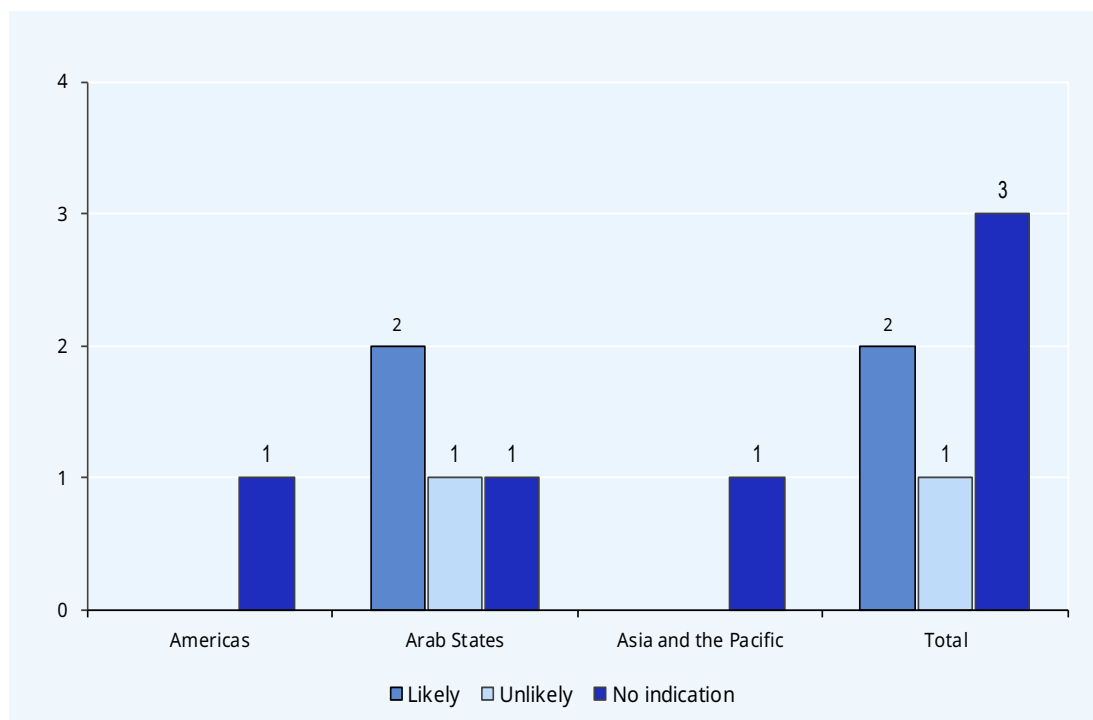
124. No new ratifications of Convention No. 100 and Convention No. 111 have been registered during the current reporting cycle. In total, there remain 17 countries that have not yet ratified either or both of the Conventions. A total of 14 countries have yet to ratify Convention No. 100 and 12 others have yet to ratify Convention No. 111 (see figure 15).

► **Figure 15. Number of Member States, by region, that have not ratified Convention No. 100 and/or Convention No. 111 (as at 31 January 2021)**



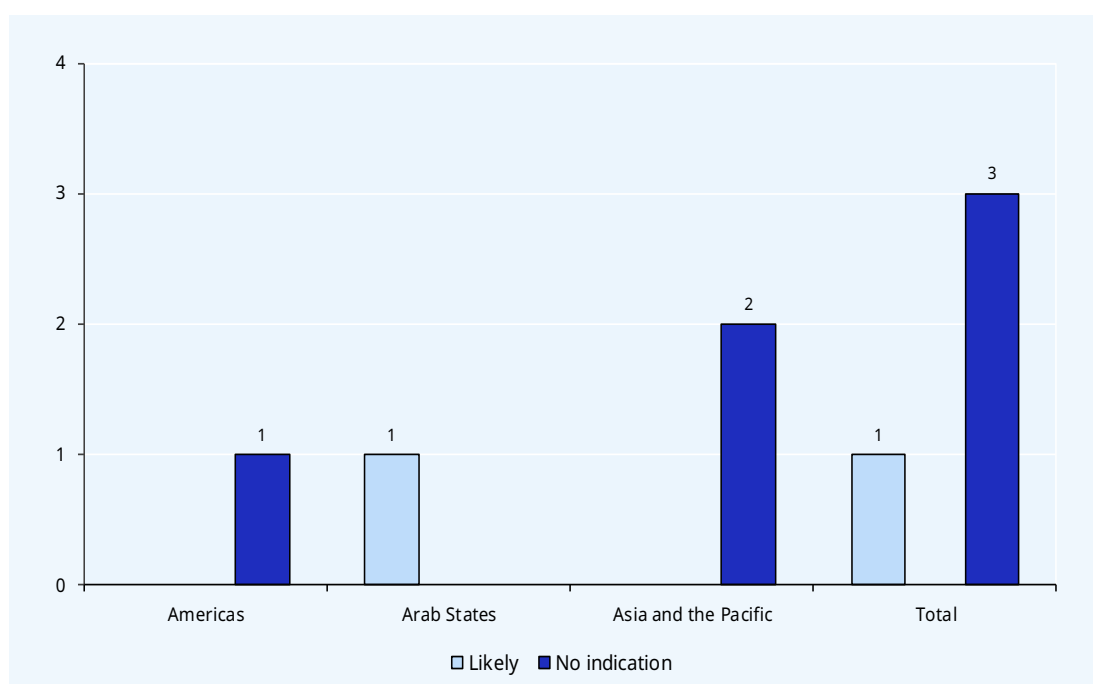
- 125.** At the regional level, all countries in Europe have ratified both Conventions. Asia and the Pacific has the largest number of reporting States that have not ratified either or both of the Conventions, followed by the Arab States, the African region and the Americas.
- 126.** In Africa, **Liberia** and **Somalia** have not ratified Convention No. 100.
- 127.** In the Americas, the **United States** has ratified neither Convention No. 100 nor Convention No. 111.
- 128.** In the Arab States region, **Oman** has ratified neither Convention No. 100 nor Convention No. 111, and **Bahrain, Kuwait** and **Qatar** have not ratified Convention No. 100.
- 129.** In Asia and the Pacific, **Brunei Darussalam**, the **Cook Islands**, the **Marshall Islands, Myanmar, Palau, Tonga** and **Tuvalu** have ratified neither Convention, and **Japan, Malaysia** and **Singapore** have not ratified Convention No. 111.
- 130.** The reporting rate for Convention No. 100 was 43 per cent as compared to 36 per cent in 2018. Six countries (**Bahrain, Kuwait, Oman, Qatar, Myanmar** and the **United States**) reported on Convention No. 100. **Kuwait** and **Oman** indicated that the ratification of the Convention is likely, whereas **Bahrain** stated that the ratification of the Convention is unlikely. **Qatar, Myanmar** and the **United States** did not express their intentions concerning the ratification of the Convention (see figure 16).

► **Figure 16. Ratification intentions for Convention No. 100, number of Member States by region**



131. The reporting rate for Convention No. 111 was 34 per cent, as compared to 42 per cent in 2018. Four Member States (**Japan, Oman, Myanmar** and the **United States**) reported on Convention No. 111. **Oman** indicated its intention to ratify the Convention, while **Japan, Myanmar** and the **United States** did not indicate their intentions concerning the ratification of the Convention (see figure 17).

► **Figure 17. Ratification intentions for Convention No. 111, number of Member States by region**



- 132.** The Government of **Japan** indicated that it held further discussions on ratifying ILO Convention No. 111 at tripartite consultation meeting on 15 May 2019. In addition, the Government exchanged views with the social partners requesting ratification of Convention No. 111. Further study is needed, however, concerning the consistency between Convention No. 111 and national laws and regulations.
- 133.** The Government of **Kuwait** reiterated that Convention No. 100 needs further consideration and follow-up is required as to its compliance with national legislation.

2. Promotional activities

- 134.** The Government of the **United States** stated that, in 2018, the United States Equal Employment Opportunity Commission (EEOC) reached more than 398,650 workers, employers and their representatives and advocates through the agency's sponsorship and participation in more than 3,926 no-cost educational, training, and outreach events. In 2019, the EEOC educational, training and outreach efforts reached a total of 295,600 persons in 3,800 events. In particular, the EEOC Training Institute trained over 43,000 individuals at more than 2,600 sessions and the EEOC conducted more than 178 Respectful Workplace trainings that reached over 7,120 employees and supervisors in the private, public and federal sectors. In July and August 2019, the EEOC hosted the 22nd annual Examining Conflicts in Employment Laws training conference, which included topics on alternative dispute resolution, barrier analysis, diversity, harassment, hiring tips, medical marijuana, reasonable accommodation, settlement strategies and sex discrimination. In August 2019, the Department of Labor awarded nearly US\$1.5 million in grant funding to organizations in several States to help recruit, train and retain more women in pre-apprenticeship and apprenticeship programmes, helping women pursue careers in manufacturing, infrastructure, cybersecurity, healthcare and other industries.

3. Policy and legal developments

- 135.** The Government of the **United States** indicated that states have been active in passing laws to address wage discrimination on the basis of protected classes, including on the basis of sex. New laws or amendments to existing laws have gone into effect in 11 different states. Some states enacted legislation targeting wage discrimination, particularly against women, by prohibiting employers from asking applicants about salary history. One state made discrimination in wages on the basis of any protected class (including marital status, civil union status, sexual orientation, sex, gender identity and disability) an unlawful employment practice. The federal Government and a number of states have also passed laws relating to sexual harassment and in February 2018, the Department of Justice launched the Sexual Harassment in the Workplace Initiative to combat workplace sexual harassment in the public sector.

4. Challenges

- 136.** Challenges specified by one reporting State (**Oman**) include lack of information and lack of social dialogue. The Government of the **United States** indicated that to the extent that challenges persist in practice, they are addressed by means of a variety of activities and initiatives.

5. Requests for technical assistance

- 137.** With a view to overcoming challenges, two governments requested ILO technical support with respect to data collection and capacity for statistical collection and analysis (**Oman**) and experience sharing (**Japan**).

► III. Conclusions

- 138.** Many reports received under the Annual Review were quite rich in terms of content, indicating the interest and commitment of governments in many countries to promote and realize the fundamental principles and rights at work and to move, in some cases, towards ratification of the fundamental Conventions and the Protocol.
- 139.** However, the reporting rate for the period under review has decreased to 31 per cent – irrespective of whether Member States chose to use the online reporting tool or not. In a number of cases, Member States encountered technical difficulties despite the assistance provided by the Office and it appears that the login information had not always been transmitted by the respective permanent missions to the official or officials responsible for reporting under the follow-up and had to be sent again. In this regard, at a time when communication with Member States is mainly done electronically, it is important for all permanent missions to ensure that the Office has a fully up-to-date address file.
- 140.** Considering the particular nature of the Protocol that supplements Convention No. 29 and their interrelated scopes of application, a comprehensive overview of the principle of the elimination of all forms of forced or compulsory labour could also be based on the information provided by Member States under the reporting obligations for the Convention when ratified (including in relation to the legislative framework and the adoption and implementation of policies and plans of action). Therefore, as suggested in 2018, there may be an opportunity for the Member States concerned, when reporting under the follow-up to the 1998 Declaration to: (i) concentrate on the specific measures to be taken under the Protocol (such as, for example, the protection of victims and their access to remedies irrespective of their presence or legal status in the national territory; protection from abusive practices during the recruitment and placement processes; the strengthening of labour inspection; and non-prosecution of victims for their involvement in unlawful activities which they have been compelled to commit); and (ii) avail themselves of the technical assistance of the Office, if necessary.
- 141.** Although some challenges were reported by governments in relation to the online questionnaire, it can be observed that the vast majority of reporting States submitted their reports via the present tool. The Office is currently in the process of finalizing the development of a new and more user-friendly online questionnaire, so as to increase the reporting rate and facilitate the elaboration and receipt of standardized country reports. This questionnaire will be available for the next Annual Review exercise covering 2020 and 2021, in which Member States will be asked to provide their report online through the questionnaire by 30 September 2021. In addition, a specific application is being considered, which could substantially enhance the efficiency and performance of the reporting exercise by both the Member States and the Office. Member States could utilize the new system in an effort to track trends over years, while further consideration could be placed on the most efficient way to analyse the information received and produce adequate baselines.
- 142.** In response to the interest expressed in the ratification of one or more of the fundamental instruments and the Protocol in particular, the Office should further intensify its technical assistance. In this regard, it is essential that Member States requesting technical assistance specify the areas of concern in order for the Office to be able to provide an adequate and targeted response with a view to overcoming challenges, strengthening tripartite capacities and promoting social dialogue. These

efforts will contribute to a better realization of the fundamental principles and rights at work, including effectively supporting Member States in their struggle against the global scourge of forced labour including trafficking in persons at national, regional, international and multilateral levels.

► Draft decision

143. The Governing Body, by correspondence:

- (a) took note of the information presented in the Annual Review under the follow up to the ILO Declaration on Fundamental Principles and Rights at Work for the period from January to December 2019;**
- (b) invited the Office to intensify its support to Member States to ensure timely reporting on all unratified fundamental Conventions and Protocol, and to provide technical assistance to address obstacles to ratification; and**
- (c) reiterated its support for the mobilization of resources with regard to further assisting Member States in their efforts to respect, promote and realize fundamental principles and rights at work, including through universal ratification of all fundamental Conventions and Protocol.**

► **Appendix****List of reporting States under the Annual Review
as at 31 January 2021****A. List of Member States that have not ratified all eight fundamental
Conventions and the Conventions not yet ratified by each of them**

Countries	Freedom of association/ collective bargaining	Forced labour	Child labour	Discrimination in employment and occupation
1. Afghanistan	C.87 and 98	C.29		
2. Australia			C.138	
3. Bahrain	C.87 and 98			C.100
4. Bangladesh			C.138	
5. Brazil	C.87			
6. Brunei Darussalam	C.87 and 98	C.29 and 105		C.100 and 111
7. China	C.87 and 98	C.29 and 105		
8. Cook Islands	C.87 and 98		C.138	C.100 and 111
9. Guinea-Bissau	C.87			
10. India	C.87 and 98			
11. Iran, Islamic Republic of	C.87 and 98		C.138	
12. Japan		C.105		C.111
13. Jordan	C.87			
14. Kenya	C.87			
15. Kuwait				C.100
16. Lao People's Democratic Republic	C.87 and 98	C.105		
17. Lebanon	C.87			
18. Liberia			C.138	C.100
19. Malaysia	C.87	C.105		C.111
20. Marshall Islands	C.87 and 98	C.29 and 105	C.138	C.100 and 111
21. Morocco	C.87			
22. Myanmar	C.98	C.105		C.100 and 111
23. Nepal	C.87			
24. New Zealand	C.87		C.138	
25. Oman	C.87 and 98			C.100 and 111
26. Palau	C.87 and 98	C.29 and 105	C.138	C.100 and 111
27. Qatar	C.87 and 98			C.100
28. Republic of Korea	C.87 and 98	C.29 and 105		
29. Saint Lucia			C.138	
30. Saudi Arabia	C.87 and 98			
31. Singapore	C.87	C.105		C.111
32. Somalia			C.138	C.100
33. South Sudan	C.87			
34. Sudan	C.87			
35. Thailand	C.87 and 98			
36. Timor-Leste		C.105	C.138	
37. Tonga	C.87 and 98	C.29 and 105	C.138	C.100 and 111
38. Tuvalu	C.87 and 98	C.29 and 105	C.138	C.100 and 111
39. United Arab Emirates	C.87 and 98			
40. United States	C.87 and 98	C.29	C.138	C.100 and 111
41. Viet Nam	C.87			

B. List of Member States that have not ratified the Protocol of 2014 to the Forced Labour Convention, 1930

1. Afghanistan	44. Ethiopia	87. Nigeria	130. Ukraine
2. Albania	45. Fiji	88. North Macedonia	131. United Arab Emirates
3. Algeria	46. Gabon	89. Oman	132. United States
4. Angola	47. Gambia	90. Pakistan	133. Uruguay
5. Antigua and Barbuda	48. Georgia	91. Palau	134. Vanuatu
6. Armenia	49. Ghana	92. Papua New Guinea	135. Venezuela, Bolivarian Republic of
7. Australia	50. Greece	93. Paraguay	136. Viet Nam
8. Azerbaijan	51. Grenada	94. Peru	137. Yemen
9. Bahamas	52. Guatemala	95. Philippines	138. Zambia
10. Bahrain	53. Guinea	96. Qatar	
11. Bangladesh	54. Guinea-Bissau	97. Republic of Korea	
12. Barbados	55. Guyana	98. Romania	
13. Belarus	56. Haiti	99. Rwanda	
14. Belize	57. Honduras	100. Saint Kitts and Nevis	
15. Benin	58. Hungary	101. Saint Lucia	
16. Bolivia, Plurinational State of	59. India	102. Saint Vincent and the Grenadines	
17. Botswana	60. Indonesia	103. Samoa	
18. Brazil	61. Iran, Islamic Republic of	104. San Marino	
19. Brunei Darussalam	62. Iraq	105. Sao Tome and Principe	
20. Bulgaria	63. Italy	106. Saudi Arabia	
21. Burkina Faso	64. Japan	107. Senegal	
22. Burundi	65. Jordan	108. Serbia	
23. Cabo Verde	66. Kazakhstan	109. Seychelles	
24. Cambodia	67. Kenya	110. Sierra Leone	
25. Cameroon	68. Kiribati	111. Singapore	
26. Central African Republic	69. Kuwait	112. Slovakia	
27. Chad	70. Lao People's Democratic Rep.	113. Slovenia	
28. China	71. Lebanon	114. Solomon Islands	
29. Colombia	72. Liberia	115. Somalia	
30. Comoros	73. Libya	116. South Africa	
31. Congo	74. Luxemburg	117. South Sudan	
32. Cook Islands	75. Malaysia	118. Sudan	
33. Croatia	76. Maldives	119. Syrian Arab Republic	
34. Cuba	77. Marshall Islands	120. Tanzania, United Republic of	
35. Democratic Rep. of the Congo	78. Mauritius	121. Timor-Leste	
36. Dominica	79. Mexico	122. Togo	
37. Dominican Republic	80. Moldova, Republic of	123. Tonga	
38. Ecuador	81. Mongolia	124. Trinidad and Tobago	
39. Egypt	82. Montenegro	125. Tunisia	
40. El Salvador	83. Morocco	126. Turkey	
41. Equatorial Guinea	84. Myanmar	127. Turkmenistan	
42. Eritrea	85. Nepal	128. Tuvalu	
43. Eswatini	86. Nicaragua	129. Uganda	

C. List of Member States that have not ratified the Protocol of 2014 to the Forced Labour Convention, 1930, by region

Africa	Americas	Arab States	Asia and the Pacific	Europe
1. Algeria	1. Antigua and Barbuda	1. Bahrain	1. Afghanistan	1. Albania
2. Angola	2. Bahamas	2. Iraq	2. Australia	2. Armenia
3. Benin	3. Barbados	3. Jordan	3. Bangladesh	3. Azerbaijan
4. Botswana	4. Belize	4. Kuwait	4. Brunei Darussalam	4. Belarus
5. Burkina Faso	5. Bolivia, Plurinational State of	5. Lebanon	5. Cambodia	5. Bulgaria
6. Burundi	6. Brazil	6. Oman	6. China	6. Croatia
7. Cabo Verde	7. Colombia	7. Qatar	7. Cook Islands	7. Georgia
8. Cameroon	8. Cuba	8. Saudi Arabia	7. Fiji	7. Greece
9. Central African Republic	9. Dominica	9. Syrian Arab Republic	9. India	9. Hungary
10. Chad	10. Dominican Republic	10. United Arab Emirates	10. Indonesia	10. Italy
11. Comoros	11. Ecuador	11. Yemen	11. Iran, Islamic Republic of	11. Kazakhstan
12. Congo	12. El Salvador		12. Japan	12. Luxembourg
13. Democratic Rep. of the Congo	13. Grenada		13. Kiribati	13. Moldova, Republic of
14. Egypt	14. Guatemala		14. Lao People's Democratic Rep	14. Montenegro
15. Equatorial Guinea	15. Guyana		15. Malaysia	15. North Macedonia
16. Eritrea	16. Haiti		16. Maldives	16. Romania
17. Eswatini	17. Honduras		17. Marshall Islands	17. San Marino
18. Ethiopia	18. Mexico		18. Mongolia	18. Serbia
19. Gabon	19. Nicaragua		19. Myanmar	19. Slovakia
20. Gambia	20. Paraguay		20. Nepal	20. Slovenia
21. Ghana	21. Peru		21. Pakistan	21. Turkey
22. Guinea	22. Saint Kitts and Nevis		22. Palau	22. Turkmenistan
23. Guinea-Bissau	23. Saint Lucia		23. Papua New Guinea	23. Ukraine
24. Kenya	24. Saint Vincent and the Grenadines		24. Philippines	
25. Liberia	25. Trinidad and Tobago		25. Republic of Korea	
26. Libya	26. United States		26. Samoa	
27. Mauritius	27. Uruguay		27. Singapore	
28. Morocco	28. Venezuela, Bolivarian Republic of		28. Solomon Islands	
29. Nigeria			29. Timor-Leste	
30. Rwanda			30. Tonga	
31. Sao Tome and Principe			31. Tuvalu	
32. Senegal			32. Vanuatu	

Africa	Americas	Arab States	Asia and the Pacific	Europe
33. Seychelles			33. Viet Nam	
34. Sierra Leone				
35. Somalia				
36. South Africa				
37. South Sudan				
38. Sudan				
39. Tanzania, United Rep. of				
40. Togo				
41. Tunisia				
42. Uganda				
43. Zambia				

D. List of Member States that have reported on the Protocol of 2014 to the Forced Labour Convention, 1930, and on the fundamental Conventions during the 2019 Annual Review period

Protocol of 2014 to the Forced Labour Convention, 1930						
1. Australia	11. Costa Rica	21. Honduras	31. Myanmar	41. United States		
2. Bahrain	12. Croatia	22. Iran, Islamic Republic of	32. Oman	42. Uruguay		
3. Belarus	13. Cuba	23. Iraq	33. Peru	43. Venezuela, Bolivarian Republic of		
4. Botswana	14. Dominican Republic	24. Italy	34. Portugal			
5. Bulgaria	15. Ecuador	25. Japan	35. Qatar			
6. Burkina Faso	16. Egypt	26. Kuwait	36. Republic of Korea			
7. Cameroon	17. Georgia	27. Luxembourg	37. Senegal			
8. Chile	18. Greece	28. Mauritius	38. Slovakia			
9. China	19. Guatemala	29. Mexico	39. Togo			
10. Colombia	20. Guyana	30. Morocco	40. Turkey			
Fundamental Conventions						
C.87	C.98	C.29	C.105	C.138	C.100	C.111
1. Bahrain	1. Bahrain	1. China	1. China	1. Australia	1. Bahrain	1. Japan
2. China	2. China	2. Republic of Korea	2. Japan	2. Iran, Islamic Republic of	2. Kuwait	2. Myanmar
3. Iran, Islamic Republic of	3. Iran, Islamic Republic of	3. United States	3. Myanmar	3. Myanmar	3. Myanmar	3. Oman
4. Morocco	4. Myanmar		4. Republic of Korea	4. New Zealand	4. Oman	4. United States
5. New Zealand	5. Oman			5. United States	5. Qatar	
6. Oman	6. Qatar				6. United States	
7. Qatar	7. Republic of Korea					
8. Republic of Korea	8. Thailand					
9. Thailand	9. United States					
10. United States						