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Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022

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 2023 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 128).

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 based on the statements contained in government reports and comments submitted to the Office by national and international employers' and workers' organizations. The Office has not verified the accuracy of the information received.

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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 present Review does not yet cover the Occupational Safety and Health Convention, 1981 (No. 155), or the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), which are now considered fundamental Conventions within the meaning of the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022. The reporting obligations under the follow-up to the Declaration concerning the above-mentioned Conventions will be implemented in the 2024 Annual Review.

The Office has incorporated into the present Review under the follow-up to the 1998 ILO Declaration all updated reports and information received from governments and from employers' and workers' organizations for 2023.

As at 31 January 2024, 60 Member States (**Antigua and Barbuda, Argentina, Australia, Austria, Bangladesh, Belgium, Bosnia and Herzegovina, Canada, Chile, Comoros, Costa Rica, Côte d'Ivoire, Cyprus, Czechia, Denmark, Djibouti, Estonia, Finland, France, Germany, Iceland, Ireland, Israel, Jamaica, Kyrgyzstan, Latvia, Lesotho, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Mozambique, Namibia, Netherlands, New Zealand, Niger, Norway, Panama, Peru, Poland, Portugal, Russian Federation, Saudi Arabia, Sierra Leone, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Tajikistan, Thailand, United Kingdom of Great Britain and Northern Ireland, Uzbekistan and Zimbabwe**) had ratified the Protocol, leaving 127 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 still below 40 per cent, as in 2022. It is heartening to note, however, that 31 Member States (representing 66 per cent of those reporting) indicated their intention to ratify the Protocol.

A number of States (around 50 per cent of the reporting countries) indicated or confirmed their intention to ratify one or more of the fundamental Conventions. As at 31 January 2024, **three** new ratifications of these instruments had been registered (**Australia** (the Minimum Age Convention, 1973 (No. 138)); **Brunei Darussalam** (the Forced Labour Convention, 1930 (No. 29)); and **Guinea-Bissau** (the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)). Apart from the Protocol, a further 101 ratifications covering 36 Member States are still required before the goal of universal ratification of all fundamental Conventions is attained.

Most reports from governments have provided useful 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 are still asked to fill in a detailed report form (as opposed to replying to simplified reports for the other principles).

Member States were once again requested to report online using the new e-questionnaire tool. The aim of this tool is to facilitate reporting for Member States and to enable the

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

compilation of responses received with a view to undertaking further analysis. Only a few Member States did not submit their report online. As in the 2022 period, the contributions of the social partners are also to be welcomed for the completion of the present Review.

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. Further action to campaign for the universal ratification of all fundamental Conventions is still 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), and the ILO Centenary Declaration for the Future of Work, 2019.

► I. Introduction: Context of the Annual Review 2023

1. The Annual Review process provides an opportunity for tripartite dialogue in the reporting States and can inform ILO technical assistance to be provided to those Member States interested in achieving 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. This process will be further enhanced by the resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work, adopted by the International Labour Conference at its 110th Session, 2022. According to the resolution, the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), shall be considered as fundamental Conventions within the meaning of the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022. The reporting obligations under the follow-up to the Declaration concerning the above-mentioned Conventions will be implemented in the 2024 Annual Review (see GB.347/LILS/6).
3. The Annual Review aims to provide an overview of the efforts made and the challenges and needs expressed by the Member States concerned, based on the information received in response to the questionnaire established for this purpose. The present document therefore sets out, in the most synthetic form, the information provided by governments and the social partners for 2023 – which is then reflected in full in the country baselines – and draws attention to the key facts and issues that relate to this period, in addition to giving updated information on the ratification status.
4. As at 31 January 2024, one more country had ratified the Protocol (**Mexico**), bringing the total number of ratifications to 60, and three new ratifications of the fundamental Conventions were registered (**Australia** (the Minimum Age Convention, 1973 (No. 138)); **Brunei Darussalam** (the Forced Labour Convention, 1930 (No. 29)); and **Guinea-Bissau** (the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87))).
5. It may be recalled that the Worst Forms of Child Labour Convention, 1999 (No. 182), became the first ILO Convention in history to achieve universal ratification, on 4 August 2020, and is therefore no longer subject to a reporting obligation under the Annual Review. With regard to the other fundamental Conventions, Convention No. 29 remains the most ratified, closely followed by the Abolition of Forced Labour Convention, 1957 (No. 105), Convention No. 138, the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Equal Remuneration Convention, 1951 (No. 100). Convention No. 87 and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), remain the least ratified of the fundamental Conventions. The Annual Review therefore focuses on the implementation of the principles in countries and regions where the relevant Conventions are not ratified. The commitment of the social partners is particularly important for the realization of the fundamental principles and also in relation to the issue of ratification. In this regard, it is interesting to recall that the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), which is still the most ratified Convention outside the category of fundamental Conventions, provides

an ideal framework for ensuring that the prospect of further ratifications of fundamental Conventions is based on a solid foundation of social dialogue.

6. In 2023, the Member States concerned were asked to report online for the third time using the new e-questionnaire tool and nearly all the replying countries submitted their reports in this manner. 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, 56 reports were received (out of the 131 expected), as against 58 in 2022 and 67 in 2021, representing a global reporting rate of 43 per cent, as against 44 per cent in 2022 and 50 per cent in 2021. However, while the overall reporting rate was slightly lower, it was higher for Conventions Nos 87 and 98 (55 per cent and 58 per cent, respectively), and Conventions Nos 100 and 111 (62 per cent and 58 per cent, respectively). The attention given by Member States to these lesser ratified fundamental Conventions is welcomed.
7. In August 2023, a communication requesting online reports was transmitted to the governments concerned, followed by the communication of a username and password for each government. The online reporting tool comprises 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 in 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).
8. 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 has the necessary features to facilitate 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. In addition, instructions were provided so that any workers' or employers' organization wishing to complete a blank e questionnaire could request its own login information. During the reporting period, 19 employers' organizations, as compared to 15 in 2022 and 12 in 2021, and 19 workers' organizations, as compared to 16 in 2022 and 14 in 2021, commented on the governments' reports. In ten cases, the Office received information directly from employers' and/or workers' organizations.
9. While Member States no longer seem to have any problems completing the online questionnaire, many of them asked for their credentials to be resent. In addition, in a few cases, the electronic correspondence that was based on the distribution list established in accordance with protocol indications by Member States, did not reach the official or officials responsible for reporting under the annual follow-up and had to be resent. Most countries had difficulty meeting the deadline and requested an extension. The detailed information provided in one late report could not be taken into account but will be used for the next Annual Review.

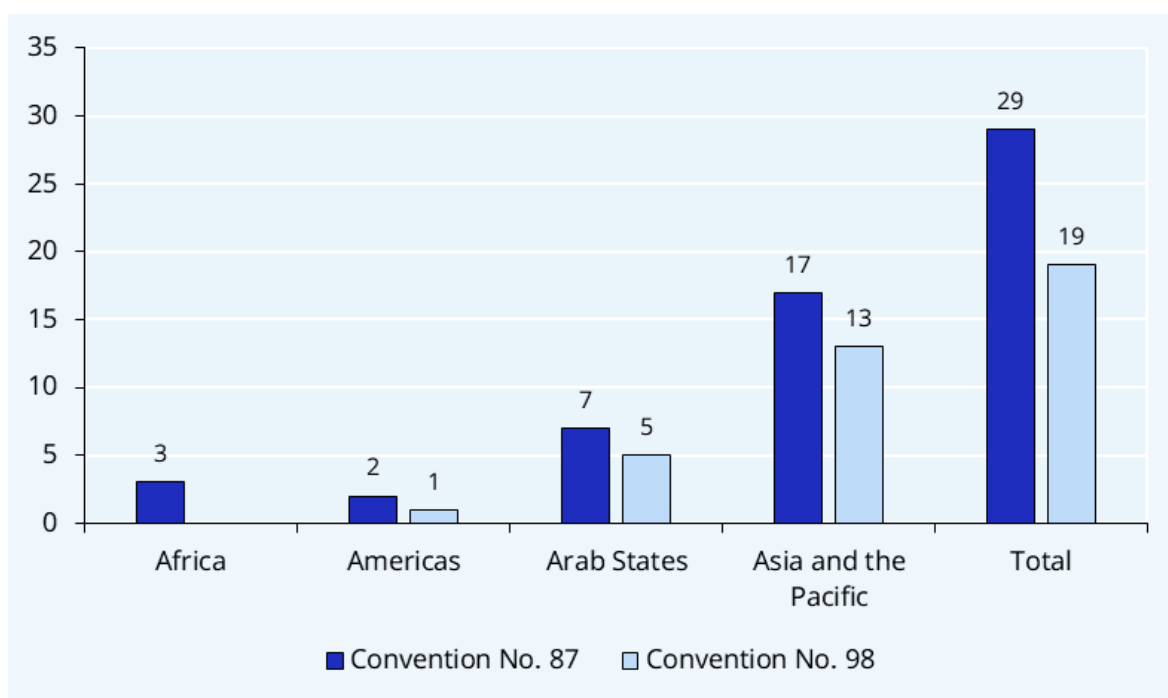
► II. Developments and trends concerning the four categories of fundamental principles and rights at work under the 2023 Review

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

1. Ratifications

10. A total of 29 Member States have yet to ratify Convention No. 87, and 19 have yet to ratify Convention No. 98 (see figure 1). There has been one new ratification of Convention No. 87 (**Guinea-Bissau**) and no new ratification of Convention No. 98 since 31 January 2023.

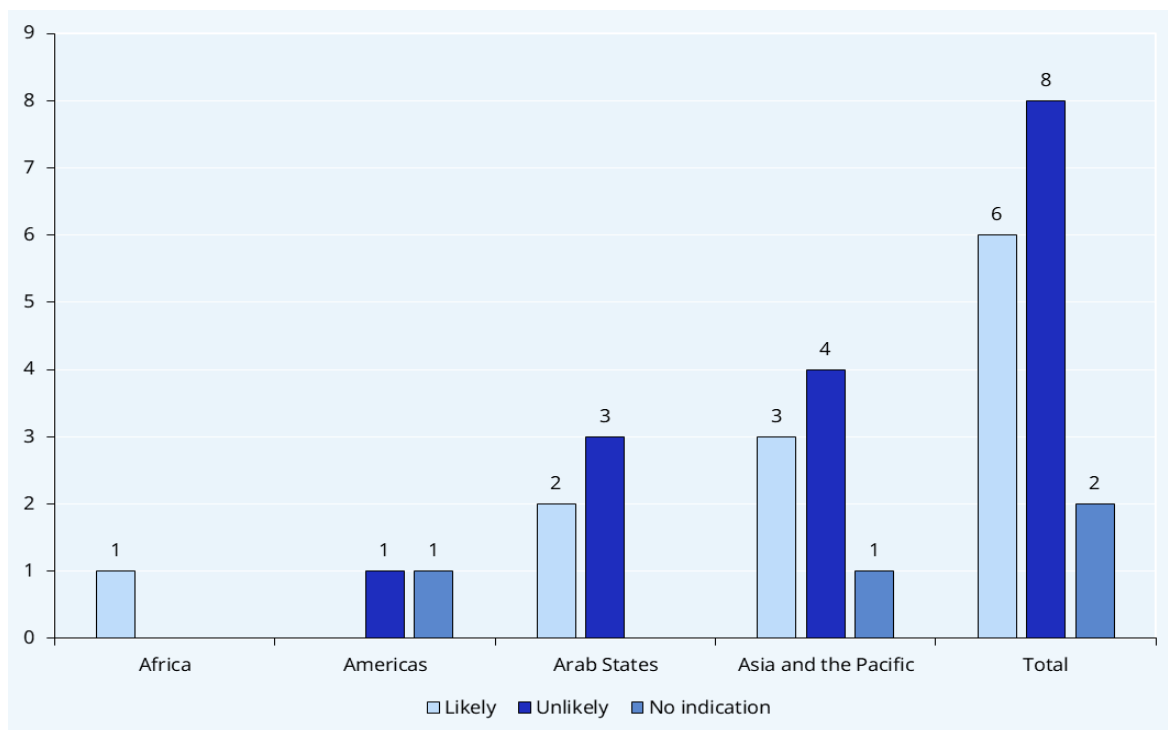
► **Figure 1. Number of Member States, by region, that have not ratified Convention No. 87 and/or Convention No. 98 (as at 31 January 2024)**



11. At the regional level, all countries in Europe have ratified both Conventions, while in Africa all countries have ratified Convention No. 98. 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 yet ratified Convention No. 98. Three African States have not ratified Convention No. 87.
12. In Africa, **Kenya, Morocco** and **South Sudan** have not yet ratified Convention No. 87.
13. In the Americas, **Brazil** has ratified Convention No. 98 but not Convention No. 87, while the **United States of America** has not ratified either of the Conventions.

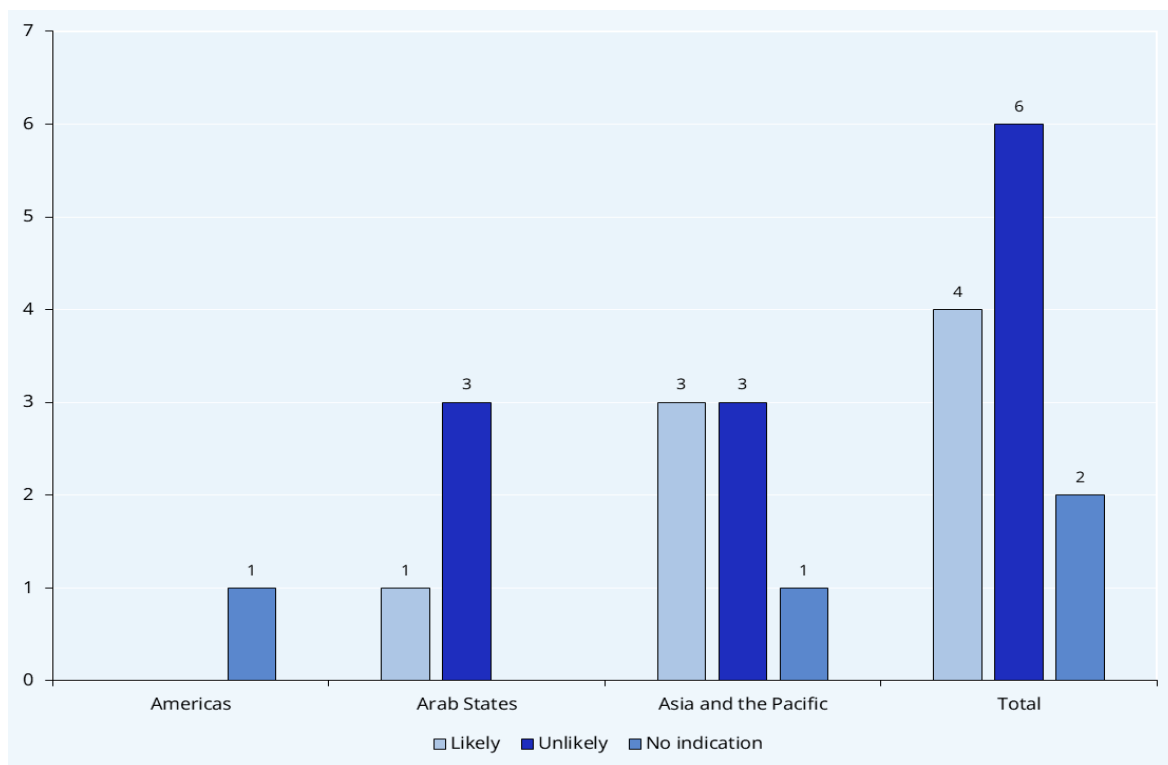
14. In the Arab States, **Bahrain, Oman, Qatar, Saudi Arabia** and the **United Arab Emirates** have ratified neither Convention No. 87 nor Convention No. 98. **Jordan** and **Lebanon** have not ratified Convention No. 87.
15. In Asia and the Pacific, **Afghanistan, Brunei Darussalam, China, Cook Islands, India, Islamic Republic of Iran, Lao People's Democratic Republic, Marshall Islands, Palau, 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.
16. The reporting rate for Convention No. 87 was 55 per cent, as compared to 50 per cent in 2022 and 43 per cent in 2021. During the reporting period, 16 Member States (**Bahrain, Brazil, Brunei Darussalam, China, Cook Islands, India, Islamic Republic of Iran, Jordan, Libya, Morocco, New Zealand, Oman, Qatar, Thailand, United Arab Emirates** and the **United States**) reported on Convention No. 87.
17. The **Islamic Republic of Iran, Jordan, Morocco, New Zealand, Oman** and **Thailand** reported that the ratification of Convention No. 87 is likely, whereas **Bahrain, Brazil, Brunei Darussalam, Cook Islands, India, Libya, Qatar** and the **United Arab Emirates** indicated that ratification is unlikely. **China** and the **United States** did not indicate their intentions concerning the ratification of the Convention (see figure 2).
18. The Government of **New Zealand** reiterated that eventual ratification of Convention No. 87 is more likely than unlikely given the commitments contained in the recently settled (but not yet ratified) Free Trade Agreement between New Zealand and the European Union to work towards ratification of unratified fundamental Conventions. However, there are still issues that will need to be worked through and resolved concerning the inconsistency, also highlighted by Business New Zealand (BusinessNZ), between New Zealand's approach to lawful and protected strike action and that taken by the supervisory bodies of the ILO. BusinessNZ recalls its concerns with the interpretation of Convention No. 87, in particular as regards certain types of strike action. For its part, the New Zealand Council of Trade Unions (NZCTU) indicated that the timeline for progress towards ratification of Convention No. 87 was unclear and recommended that the Government, in collaboration with the social partners, develop a programme of action for the ratification of all unsigned fundamental Conventions.

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



19. The reporting rate for Convention No. 98 this year was 63 per cent, as compared to 58 per cent in 2022 and 47 per cent in 2021. Twelve countries reported on the Convention (**Bahrain, Brunei Darussalam, China, Cook Islands, India, Islamic Republic of Iran, Myanmar, Oman, Qatar, Thailand, United Arab Emirates** and the **United States**).
20. **Brunei Darussalam, Islamic Republic of Iran, Oman** and **Thailand** indicated that the ratification of Convention No. 98 is likely. **Bahrain, Cook Islands, India, Myanmar, Qatar** and the **United Arab Emirates** reported that ratification is unlikely. **China** 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 areas of: policy initiatives (**India, Malaysia** and the **United States**); legislative developments (**Brazil, China, Jordan, Malaysia, Myanmar, New Zealand, Oman, Qatar, Thailand** and **United Arab Emirates**); labour inspection and monitoring (**Myanmar, New Zealand** and the **United States**); and judicial decisions (**Brazil, New Zealand** and the **United States**). In some cases, the information provided relates to the ratified Convention, for which information can already be found as part of the regular supervisory mechanism.
22. The Government of **China** recalled that the Trade Union Law, which was revised in 2021, strengthens the protection of workers, for instance in new forms of employment. Local legislation on collective bargaining has evolved, with 42 local regulations and rules promulgated in 30 provinces, autonomous regions and municipalities.
23. The Government of **Thailand** indicated that the draft Labour Relations Act and the draft Labour Relations in State Enterprise Act were still under review.
24. For its part, the International Trade Union Confederation (ITUC) once again pointed out that many national legislations contain, to different levels and degrees, limitations and challenges to the exercise of the right to freedom of association and/or the right to organize and collective bargaining, specifically in **China, India, Islamic Republic of Iran, Jordan, Kenya, Lebanon, Malaysia, Morocco, Myanmar, Nepal, South Sudan, Thailand** and the **United Arab Emirates**.

3. Promotional activities

25. Different promotional activities and initiatives have been carried out, including: (i) research (**Brunei Darussalam, China, Cook Islands and Islamic Republic of Iran**); (ii) information and data compilation and dissemination (**China, India, New Zealand and the United States**); (iii) provision of training (**Islamic Republic of Iran, Jordan, Morocco, New Zealand, Qatar, Thailand and the United States**); and (iv) awareness-raising workshops and events (**China, Cook Islands, Islamic Republic of Iran, Jordan, Malaysia, Morocco, New Zealand, Oman, Qatar, Thailand, United Arab Emirates and the United States**).
26. The Government of the **United States** indicated, inter alia, that in March 2023 the National Labor Relations Board (NLRB) launched a “Know Your Rights” card series in English and Spanish to better inform workers of their benefits and protections under the National Labor Relations Act (NLRA). The cards are designed to be used by workers at their workplace.

4. Challenges

27. The Member States that reported during the current reporting period mainly indicated the following challenges: (i) lack of public awareness (**Islamic Republic of Iran, Malaysia and Qatar**); (ii) lack of information and data (**Brunei Darussalam, Islamic Republic of Iran and Jordan**); (iii) social and economic circumstances (**Islamic Republic of Iran, Jordan, Myanmar and Thailand**); (iv) legal provisions (**Brazil, Brunei Darussalam, Islamic Republic of Iran, Thailand and United Arab Emirates**); (v) prevailing employment practices (**Oman**); (vi) lack of capacity of employers’ organizations (**Islamic Republic of Iran, Oman and Qatar**); and (vii) lack of capacity of workers’ organizations (**Brunei Darussalam, Islamic Republic of Iran and Malaysia**).
28. The Government of **India** specified that the main reason for non-ratification of ILO Conventions Nos 87 and 98 is due to certain restrictions imposed on the Government servants, which are important for the smooth functioning of the Government’s machinery in order to serve the citizens of the country. The Government also pointed out that a significant portion of the Indian workforce is employed in the informal sector, where implementation of labour rights, including the right to collective bargaining, remains a challenge. In a vast country like India, there are many trade unions, which are sometimes fragmented along political and regional lines. This can dilute the collective bargaining power of workers and make it challenging to negotiate with employers. The rise of the gig economy and the digital economy presents new challenges for the recognition of collective bargaining rights, as many workers in these sectors are classified as independent contractors, making it difficult to unionize.
29. The Government of the **United States** pointed out that challenges with respect to freedom of association and the effective recognition of collective bargaining include new technology and changes in the types of employment available. Technological innovations have made it easier for employers to monitor employees and interfere with union formation. For example, employers can use predictive models to assess likelihood of unionization at specific locations and target anti-union efforts at these locations, and can track when large groups of employees come together and monitor those meetings. The labour market is expanding in the gig economy, and gig work employers often treat their workers as independent contractors, a category of workers that is not covered by the NLRA. For its part, the United States Council for International Business (USCIB) considers that there is no evidence or data that technologies are being used in the manner described above and that lawful use of the classification “independent contractor” should not be listed as a challenge to freedom of association and effective recognition of the right to collective bargaining.

30. Among the major challenges reported, the ITUC stressed that in some countries the foundations of a framework conducive to the development of freedom of association and collective bargaining are seriously lacking or have been undermined, as in **Afghanistan** and **Myanmar**, where carrying out trade union activities has become extremely dangerous for trade unionists who remained in the country. The ITUC recalled that in other countries, such as **South Sudan**, the unstable political situation has a direct negative impact on the capacity of workers and their representatives to exercise freely their right to organize. The ITUC provided comprehensive and up-to-date information on violent anti-union situations, alarming infringements of civil liberties and arbitrary arrests of trade unionists and workers (**China, India, Islamic Republic of Iran, Myanmar and Nepal**), as well as on anti-union discrimination practices of various kinds (**Kenya, Malaysia and Thailand**).

5. Requests for technical assistance

31. 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 (**Brunei Darussalam, Islamic Republic of Iran and Myanmar**); (ii) awareness-raising, legal literacy and advocacy (**Brunei Darussalam, Cook Islands, India, Islamic Republic of Iran, Malaysia, Myanmar, Oman and Qatar**); (iii) strengthening data collection and capacity for statistical analysis (**Brazil, Islamic Republic of Iran, Jordan and Myanmar**); (iv) sharing of experiences across countries and regions (**Brazil, Brunei Darussalam, Cook Islands, Islamic Republic of Iran, Jordan, Malaysia, Myanmar and Oman**); (v) reform of labour law and other relevant legislation (**Brazil, Islamic Republic of Iran and Thailand**); (vi) capacity-building of responsible government institutions (**Brazil, Brunei Darussalam, India, Malaysia, Myanmar and Oman**); (vii) training of other officials (**Brazil, Brunei Darussalam and Islamic Republic of Iran**); (viii) strengthening the capacity of employers' organizations (**Brunei Darussalam, India, Islamic Republic of Iran, Malaysia, Oman and Qatar**); (ix) strengthening the capacity of workers' organizations (**Brunei Darussalam, Cook Islands, India, Islamic Republic of Iran, Malaysia and Qatar**); and (x) strengthening tripartite social dialogue (**Brunei Darussalam, Cook Islands, Islamic Republic of Iran, Malaysia, Oman and Thailand**).

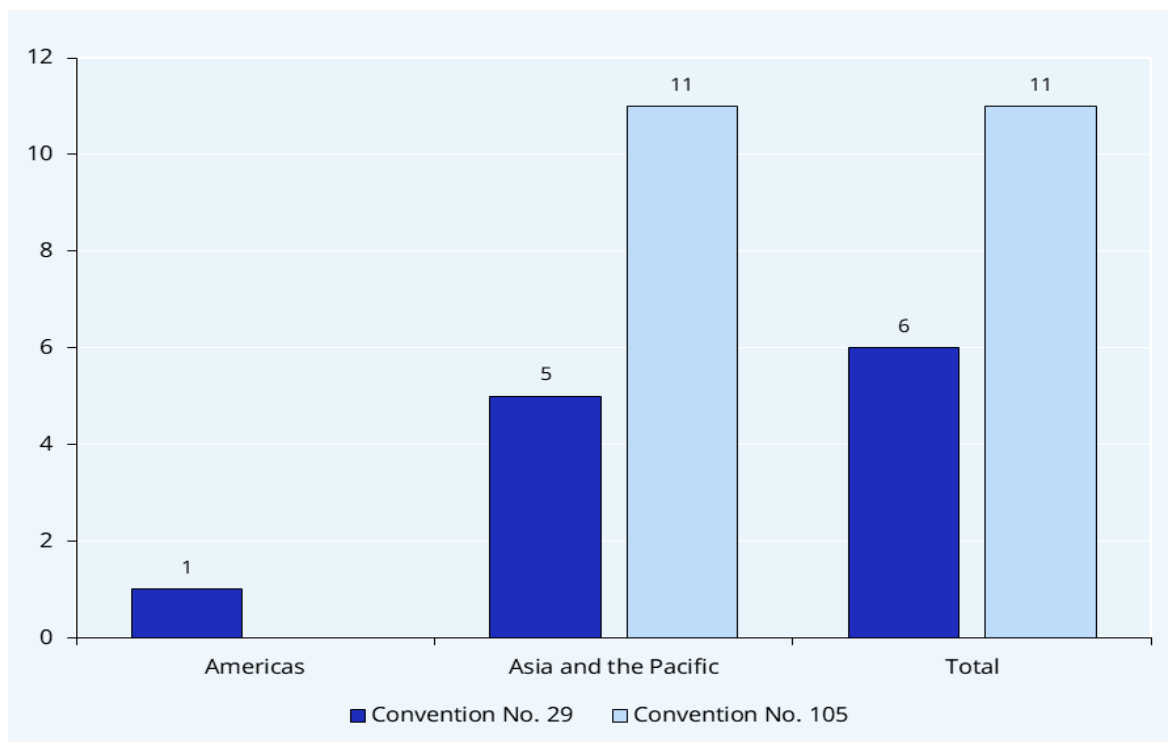
B. The elimination of all forms of forced or compulsory labour

B.I. Conventions Nos 29 and 105

1. Ratifications

32. There has been one new ratification of Convention No. 29 (**Brunei Darussalam**) and no new ratification of Convention No. 105 since 31 January 2023. All countries in Africa, the Arab States and Europe have ratified both Conventions.
33. Six countries have yet to ratify Convention No. 29, while 11 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 2024)**



34. The **United States** is the only Member State from the Americas that has not ratified Convention No. 29.
35. In the Asia and the Pacific region, **Marshall Islands, Palau, Tonga and Tuvalu** have ratified neither Convention No. 29 nor Convention No. 105. **Afghanistan** has not ratified Convention No. 29, and **Brunei Darussalam, Lao People's Democratic Republic, Myanmar, Republic of Korea and Timor-Leste** have not ratified Convention No. 105. Convention No. 105 is not in force in **Malaysia and Singapore** (see paragraph 33 above).
36. For the period under review, none of the six Member States that have not ratified Convention No. 29 sent a report within the deadline.
37. The reporting rate for Convention No. 105 was 36 per cent as compared to 44 per cent in 2022 and 55 per cent in 2021, with four Member States from the Asia and the Pacific region reporting (**Brunei Darussalam, Malaysia, Myanmar and Republic of Korea**). All four Member States indicated that the ratification of Convention No. 105 was unlikely.

2. Promotional activities

38. Two countries emphasized that they had conducted promotional activities through awareness-raising campaigns, research or capacity-building activities (**Brunei Darussalam and Malaysia**).
39. The Government of **Malaysia** mentioned: (i) the launching of the Guidelines on Preventing and Eradicating Forced Labour Practices in the Workplace, that provide guidance and exposure to all stakeholders, especially employers, employees, trade unions and other related entities regarding forced labour; (ii) pledges by companies committing themselves to joining government initiatives to eradicate trafficking in persons and forced labour; and (iii) the organization of awareness-raising seminars on combating forced labour at the state level.

3. Challenges

40. The following challenges have been reported: (i) lack of information and data (**Brunei Darussalam**); (ii) lack of public awareness and/or support and the lack of information and data (**Malaysia**); (iii) social and economic circumstances (**Myanmar** and **Republic of Korea**); and (iv) legal provisions (**Republic of Korea**). The Government of the **Republic of Korea** has again raised political and legal issues concerning the feasibility of ratifying Convention No. 105. It recalled that there are issues that require social consensus-building, given the specific circumstances surrounding the Republic of Korea, such as the division of the Korean peninsula – an argument that the Korean Confederation of Trade Unions continues to reject, as well as issues such as the review of the overall penal system.

4. Requests for technical assistance

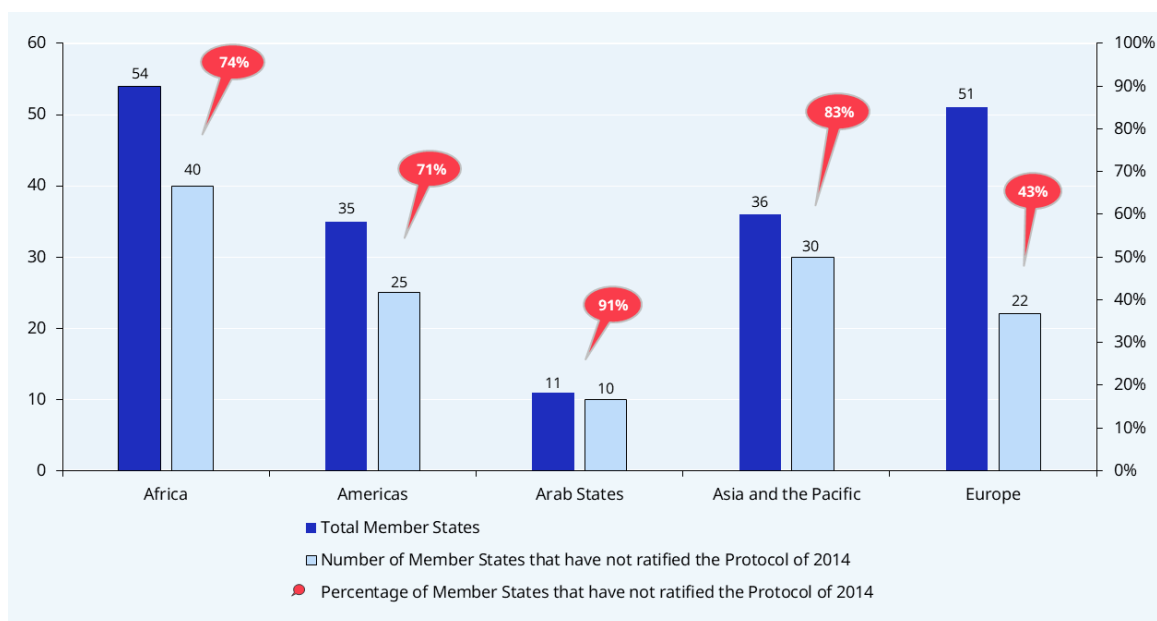
41. **Brunei Darussalam, Malaysia** and **Myanmar** emphasized the need for ILO technical assistance with regard to the capacity-building of responsible government institutions and/or other officials (for example, police, judiciary, social workers, teachers); **Malaysia** also pointed out coordination between institutions; while **Myanmar** indicated the following areas: (i) strengthening the capacity of employers' and workers' organizations; (ii) employment creation, skills training and income generation for vulnerable workers; and (iii) development of social protection systems.

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

1. Ratifications

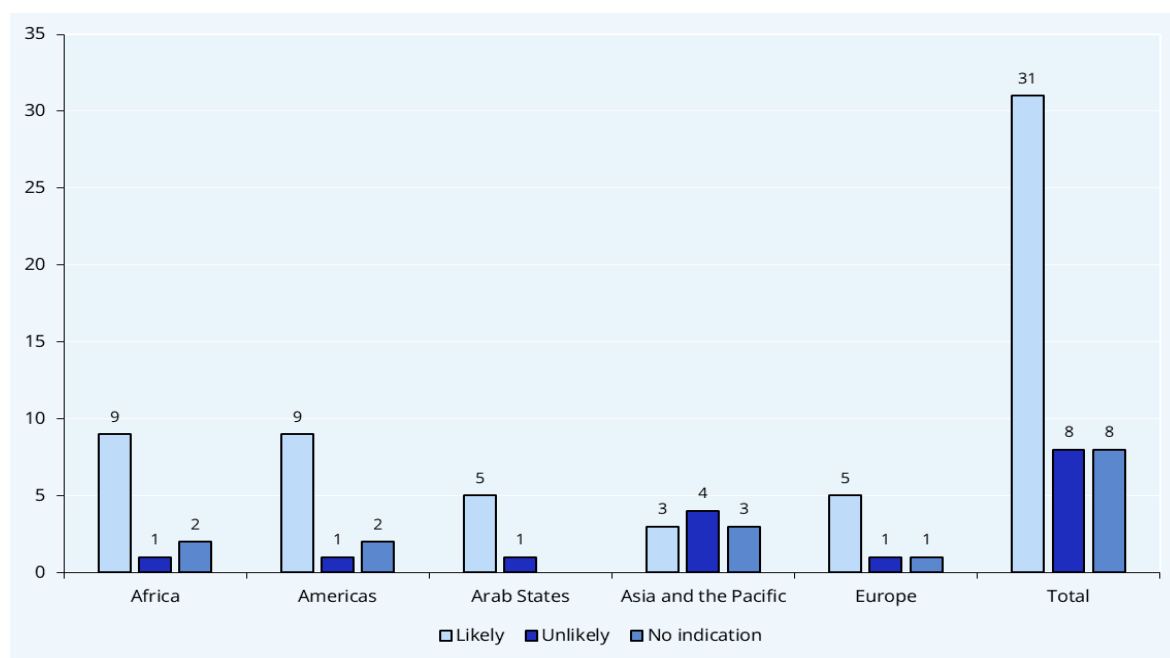
42. As of 31 January 2024, one more country ratified the Protocol (**Mexico**), bringing the total number of ratifications to 60. Accordingly, 127 Member States have yet to ratify the Protocol, out of which six still have to ratify Convention No. 29. Figure 5 provides an overview of the number and percentage of Member States that have not ratified the Protocol, by region.

► **Figure 5. Number and percentage of Member States, by region, that have not ratified the Protocol (as at 31 January 2024)**



43. A list of Member States from each region that have not ratified the Protocol is provided in Part C of the appendix.
44. During the reporting period, 47 Member States reported on the Protocol (38 per cent, a relatively stable figure since 2021). A list of these Member States is provided in Part D of the appendix. In total, 31 Member States (65 per cent of those that reported) indicated their intention to ratify the instrument (**Bahamas, Brazil, Burkina Faso, Cameroon, Croatia, Cuba, Dominican Republic, El Salvador, Gambia, Ghana, Greece, Guyana, Indonesia, Italy, Jordan, Kuwait, Mauritius, Morocco, Oman, Pakistan, Paraguay, Philippines, Qatar, Senegal, Serbia, Slovakia, Togo, Trinidad and Tobago, United Arab Emirates, United Republic of Tanzania and Uruguay**). Eight Member States indicated that it is unlikely that the Protocol will be ratified soon (**Azerbaijan, Bahrain, Brunei Darussalam, Egypt, Guatemala, Japan,² Myanmar and Republic of Korea**). The remaining eight Member States did not indicate their intentions concerning the ratification of the Protocol (**Albania, Algeria, Botswana, China, Colombia, Ecuador, India, and Islamic Republic of Iran**) (see figure 6). Of the countries that reported, 12 are from Africa, 12 from the Americas, 6 from the Arab States, 10 from Asia and the Pacific, and 7 from Europe.

► **Figure 6. Ratification intentions for the Protocol, by region**



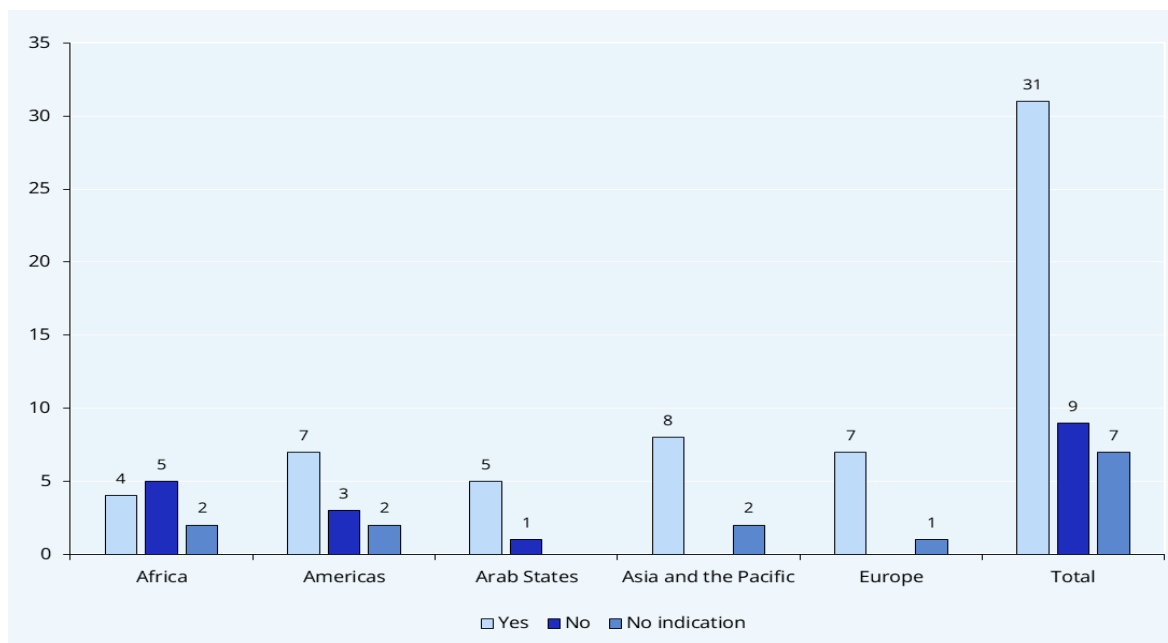
2. Relevant national policies and plans of action, legislation and judicial decisions

(i) National policies and plans of action

45. Figure 7 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.

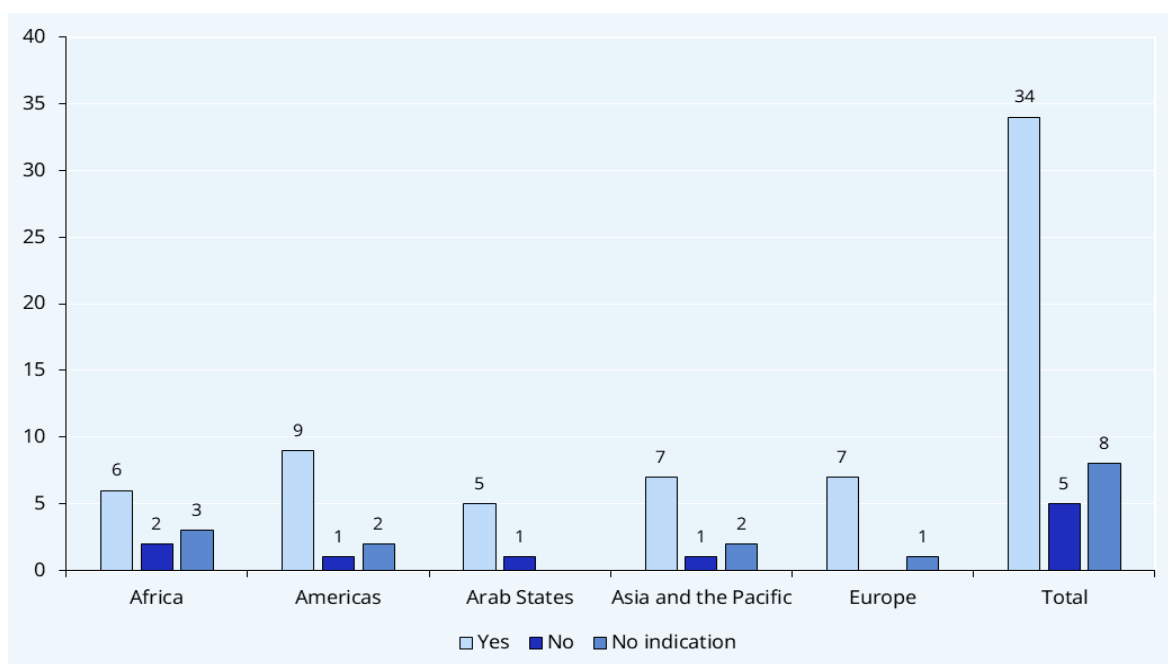
² It should be noted that in its report the Japanese Trade Union Confederation (JTUC-RENGO) urged the Government to ratify the Protocol as soon as possible through close examination of related domestic laws and regulations.

► **Figure 7. 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**



46. Sixty-six per cent of the reporting Member States, as compared to 68 per cent in 2022 and 80 per cent in 2021, indicate having a national policy or plan of action to combat all forms of forced labour. A total of 19 per cent of the countries that reported indicated that they do not have such a policy and plan of action. About 15 per cent of the responding countries did not provide any indication.
47. The responses of Member States regarding the availability of a national policy and plan of action for combating trafficking in persons are summarized in figure 8.

► **Figure 8. Number of Member States, by region, reporting the availability of a national policy and plan of action to combat trafficking in persons**



48. About 72 per cent, as in 2022 and compared to 88 per cent in 2021 of the countries that reported, stated that they have a national policy and plan of action to combat trafficking in persons. A total of 11 per cent of the countries that reported indicated that they do not have such a policy and plan of action. The remaining 17 per cent provided no indication as to the availability of a policy and plan.
49. As noted in the past, 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 taking measures to address the suppression of all forms of forced or compulsory labour, several governments therefore place special emphasis on combating trafficking in persons.
50. The Government of **Jordan** indicated that it approved its National Strategy and Action Plan for the Prevention of Trafficking in Persons 2023–2026, and that it set up a national referral mechanism and accompanying standard operating procedures.
51. In the **Republic of Korea**, the Government drew up the First Comprehensive Policy Plans for Prevention of Human Trafficking (2023–2027), which encompasses the four Ps – Prevention, Protection, Punishment and Partnerships – laying the foundation for the implementation of policies to prevent human trafficking and strengthen cooperation.
52. The Government of the **Philippines** reported that in 2023 it adopted the National Strategic Action Plan Against Trafficking in Persons 2023–2027.
53. Other governments referred to action plans that are under way (such as **Brazil, Georgia, Italy, Mauritius, Montenegro**).

(ii) Legislative provisions

54. Most of the reporting countries referred to existing provisions that criminalize practices of forced labour and/or trafficking in persons (constitutional provisions and general and/or specific legislation). A number of other governments referred to the adoption of national action plans. Others indicated that the relevant information can also be found in earlier reports or in their reports on the application of Conventions Nos 29 or 105 under article 22 of the ILO Constitution.³ These remarks also apply to the following sections.
55. The Government of **Bahamas** recalled that in 2022 it passed legislation allowing for victims to testify remotely.
56. The Government of **Croatia** mentioned additional legislation on undeclared work as a certain type of compulsory work; the new Act on Suppression of Undeclared Work entered into force on 1 January 2023.
57. The Government of **Cuba** indicated that existing legislation was under review for updating, including with respect to the prevention of all forms of compulsory labour.
58. The Government of **Guyana** indicated that it updated its Combating of Trafficking in Persons Act (Act No. 7 of 2023).

³ It should be recalled that in their article 22 reports on the application of Convention No. 29, most countries provide detailed information in reply to the comments by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) on the legislative framework to combat forced labour, as well as on prevention measures and victim protection. This information is summarized in the CEACR's comments, which are available on the NORMLEX database.

59. In **Jordan**, the Regulation on the Assistance Fund for Victims of Human Trafficking of 2023 was passed in accordance with section 14(c) of the Anti-Human Trafficking Act. The criteria for joining the Golden List of companies operating in the textile sector in qualifying industrial zones (QIZ), issued in accordance with the Instructions on the Employment and Recruitment of Non-Jordanian Workers in the QIZ, have been amended, with one of its clauses being devoted to forced labour and its indicators. A system of shelters for victims of human trafficking cases has been approved.
60. The Government of the **Republic of Korea** mentioned the entry into force of the Human Trafficking Prevention Act as of 1 January 2023. The legislation set the standard for the prevention of forced labour involving human trafficking and for the protection of its victims. In addition, the Guidelines for Labour Inspectors on Responding to Human Trafficking were drawn up in relation to the Act.

3. Information and data collection

Mechanisms for data collection

61. As in previous years, most countries 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, Burkina Faso, Cameroon, Cuba, Morocco, Pakistan, Paraguay, Republic of Korea, Senegal, Togo, United Republic of Tanzania** and **Uruguay**) indicate or reiterate that they do not currently collect and analyse data. Among these countries, four governments indicated that they plan to collect data on forced or compulsory labour (**Cuba, Paraguay, Republic of Korea** and **United Republic of Tanzania**).

4. Prevention/monitoring

62. Most of the responding Member States mentioned some prevention/monitoring in place against forced labour. The main measures indicated by the reporting governments were: (i) information, education and awareness-raising, targeting in particular people in vulnerable situations and employers; (ii) strengthening and broadening of the coverage of legislation, particularly labour law; (iii) capacity-building for the competent authorities; (iv) regulation and supervision of the labour recruitment and placement process; and (v) promotion of safe and regular migration.
63. In **Greece**, activities have focused on online training courses on Employability of Victims of Trafficking in Human Beings during 2022–2023, organized by the Public Agency for Employment (DYPA) and aimed at raising awareness of human trafficking and providing advice on how to support victims through employment. In 2023, the Centre for Security Studies (KEMEA – Ministry of Citizen Protection) organized a major “Simulation-based Exercise” with all relevant stakeholders. The competent authorities have implemented the recommendations of the Common (EU Commission – Member States – EU Agencies) Anti-Trafficking Plan to address the risks of trafficking in human beings and support potential victims among those fleeing the war in Ukraine. They also co-organized a workshop on strengthening the prevention of trafficking in human beings (11 July 2023), which focused on supporting the employment/integration of Ukrainian people seeking refuge. For its part, the Greek General Confederation of Labour (GSEE) expressed its concerns about the situation in the agricultural sector and stressed the need to improve monitoring capacities to combat human trafficking and forced labour issues.

64. The Government of **Guatemala** said that in 2023 it carried out prevention campaigns aimed at raising awareness of the risks of irregular migration, and on labour mobility and human trafficking for the purposes of labour exploitation, within the framework of the Labour Mobility Working Group.
65. The Government of **Japan** recalled that every year since 2005 the National Police Agency has produced leaflets in several languages calling for people to report cases of trafficking in persons to the police, with the aim of discovering latent victims. In 2023, about 228,000 leaflets in ten languages were prepared and distributed. Digital signage using the leaflet data is still displayed at multiple international airports in Japan.
66. The Government of **Jordan** reported that the online “Hemayeh” labour complaints digital platform is available in eight languages and has been developed to include indicators of forced labour to enable workers to file complaints (embassies and diplomatic bodies will also be able to file complaints on behalf of their nationals).
67. In **Mauritius**, the Ministry of Labour organized workers’ education sessions at the workplace for both local and migrant workers. A total of 224 sensitization/awareness sessions were conducted between January and July 2023, and a three-day course on anti-trafficking law and its implementation was held with police inspectors and sergeants in March 2023 by the United Nations Office on Drugs and Crime (UNODC).
68. The Government of **Oman** reported on efforts undertaken to ensure that all workers are treated equally. For example, guidance manuals have been distributed in 14 languages to migrant workers on their arrival in the country; the Ministry of Labour’s free helpline operates 24 hours a day, 7 days a week, and the Ministry regularly sends awareness-raising text messages to workers and employers on their mobile phones.
69. In **Qatar**, the Government recalled that the National Committee for Combating Human Trafficking (NCCHT) launched an awareness campaign on human trafficking issues during the World Cup inside the Hamad International Airport building, which continued until the end of December 2022. During the campaign, the Committee’s hotline for receiving complaints about abuses related to human trafficking cases and crimes was publicized on 700 screens.

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

70. The main measures indicated by the reporting governments concerning the protection component were: (i) legal protection of victims and provision of legal aid; closely followed by (ii) medical and psychological assistance for victims; and (iii) training of relevant actors for the identification of forced labour practices.
71. With specific regard to access to legal remedies, the following topics were frequently mentioned: (i) information and counselling for victims regarding their rights; (ii) free legal assistance; and (iii) capacity-building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and judges.
72. The Government of **Bahamas** indicated that it maintained efforts to protect victims. Authorities continued to implement a formal victim-centred protocol to guide front-line responders in identifying other sex and labour trafficking victims and referring them to services. However, concerns remain about the thoroughness of their application, especially with vulnerable populations such as undocumented migrants and stateless children.

73. In **Guatemala**, it is worth mentioning that criminal proceedings, by way of a hearing on dignified reparation, include the elaboration of a life plan, aimed at providing tools to avoid a return to a circle of exploitation due to the situation of vulnerability. The Secretariat against Sexual Violence, Exploitation and Trafficking in Persons updated the Guide for the Identification of Victims of Trafficking in Persons, with indicators on labour exploitation and forced labour. An analysis of the sentences concerning dignified reparations has been carried out with a view to systematizing the judgments handed down in 2023 and creating a standardized mechanism.
74. The Government of **Guyana** pointed out that section 12 of the new Anti-Trafficking in Persons Act (No. 7 of 2023) provides for the immunity of victims from prosecution for offences relating to migration, prostitution or any other criminal offence arising directly from trafficking.
75. The Government of **India** mentioned that a Bonded Labour Rehabilitation Fund shall be created at the district level by each State to be used to extend immediate financial assistance to released bonded labourers. The entire penalties recovered upon conviction from the perpetrators of the bonded labour may be deposited in the Fund.
76. In **Mauritius**, a Special Investigation Team was set up in August 2023 at the Central Criminal Investigation Department (CCID) to supervise and investigate cases of trafficking in persons, as well as to assist victims and other agencies in referring suspected cases to the police for investigation on an expedited basis.

6. International cooperation and initiatives

77. Most responding governments indicated that they cooperate with international and regional organizations to combat forced or compulsory labour, as illustrated by the following examples.
78. The Government of **China** indicated that its public security authorities have set up eight border liaison offices in Guangxi, Yunnan and other border areas, to effectively crack down on transnational human trafficking through international law enforcement cooperation and joint investigations.
79. The Government of **Georgia** made specific reference to the International Law Enforcement Cooperation Centre (ILECC), within the Central Criminal Police Department of the Ministry of International Affairs (MIA), which supports investigations into human trafficking criminal cases by obtaining intelligence from Interpol and Europol databases. To date, the MIA has signed international police agreements with over 30 States.
80. The Government of **Guatemala** mentioned its participation in the 2023 second plenary session of the Regional coalition against human trafficking and migrant smuggling (CORETT), at which the national approach to preventing and combating trafficking in human beings for the purposes of labour exploitation was presented.
81. In **Italy**, the Government set up special task forces to carry out inspections, made up of national labour inspectors and cultural mediators of the International Organization for Migration (IOM). According to the Government, such cooperation has greatly facilitated contacts with migrant workers. The task forces have detected several cases of labour exploitation, as well as racketeering and fraud against migrant workers applying for regularization.
82. The Government of **Paraguay** reported on the AMPLIAR project (2022–2026), funded by the United States Department of Labor (USDOL), which aims to eradicate forced labour and child labour in the livestock sector.

83. The Government of the **Philippines** put the emphasis on the Association of Southeast Asian Nations–Australia Counter Trafficking (ASEAN–ACT) programme, which is a ten-year partnership (2018–2028) funded by the Australian Government to help ASEAN Member States end human trafficking in the region, in particular by strengthening justice responses to trafficking.
84. In **Botswana**, while acknowledging that the Government cooperates with other Member States, international and regional organizations, or non-governmental organizations to achieve the effective and sustained suppression of forced labour, the Botswana Federation of Public, Private and Parastatal Sector Unions (BOFEPUSU) regrets the lack of cooperation between the workers’ organizations and the Government on such issues. In **Greece**, GSEE also mentioned that it had not been involved in a formal process of institutional tripartite social dialogue concerning forced labour or human trafficking issues.

7. Challenges

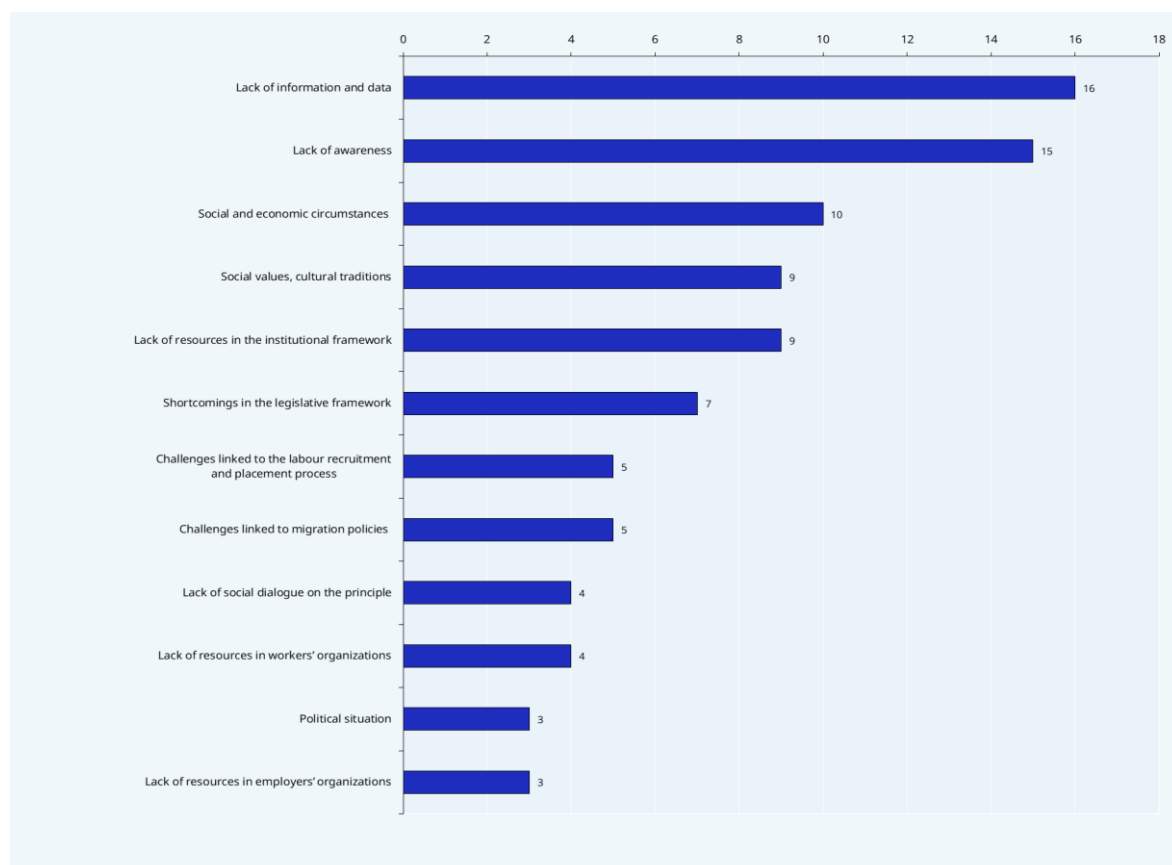
85. The various challenges reported by Member States in relation to the Protocol are summarized in table 1 and in figure 9.

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

	Africa	Americas	Arab States	Asia and the Pacific	Europe
Lack of awareness	Gambia Ghana United Republic of Tanzania Togo	Bahamas Brazil Guatemala Paraguay	Kuwait Oman United Arab Emirates	Indonesia Malaysia Philippines	Georgia Greece
Lack of information and data	Gambia Ghana Morocco United Republic of Tanzania Togo	Brazil Dominican Republic Guatemala Guyana	Jordan	Brunei Darussalam Malaysia Philippines Republic of Korea	Georgia Greece
Social values, cultural traditions	Cameroon Gambia Ghana United Republic of Tanzania Togo	Brazil Guatemala Paraguay	Kuwait		
Social and economic circumstances	Gambia Ghana Togo	Brazil El Salvador Guatemala Paraguay		Indonesia Philippines Myanmar	
Political situation		Guatemala		Philippines Myanmar	
Shortcomings in the legislative framework	Gambia Mauritius Senegal Togo	Guatemala Guyana			Georgia

	Africa	Americas	Arab States	Asia and the Pacific	Europe
Lack of resources in the institutional framework	Gambia Mauritius Senegal United Republic of Tanzania	Brazil Guatemala Guyana		Republic of Korea	Georgia
Challenges linked to the labour recruitment and placement process	Gambia	Guatemala	Jordan	Indonesia	Italy
Challenges linked to migration policies	Togo	Guatemala Guyana			Georgia Italy
Lack of social dialogue on the principle	Gambia Senegal		Qatar	Brunei Darussalam	
Lack of resources in employers' organizations	Gambia United Republic of Tanzania			Brunei Darussalam	
Lack of resources in workers' organizations	Gambia United Republic of Tanzania			Brunei Darussalam	Georgia

► **Figure 9. Number of Member States that have reported challenges in relation to the Protocol**



8. Requests for technical assistance

86. With a view to overcoming the above challenges in their fight against trafficking in persons, a number of States have expressed the need for ILO technical assistance, as summarized in table 2.

► **Table 2. Technical assistance needs, by region and country**

	Africa	Americas	Arab States	Asia and the Pacific	Europe
Assessment, in cooperation with the ILO, of the obstacles identified and their impact on the realization of the principle	Gambia				Georgia
Awareness-raising and mobilization activities	Burkina Faso Gambia Mauritius United Republic of Tanzania Togo	El Salvador Guatemala Guyana Trinidad and Tobago	Kuwait Oman Qatar	Brunei Darussalam Indonesia Malaysia Pakistan Philippines Myanmar	Georgia Italy Montenegro Serbia
Collection and analysis of data and information	Burkina Faso Cameroon Gambia Ghana Mauritius United Republic of Tanzania Togo	Dominican Republic Guatemala Guyana Trinidad and Tobago Uruguay	Jordan Kuwait Oman Qatar	Brunei Darussalam Indonesia Malaysia Pakistan Philippines Myanmar	Georgia Italy Serbia
Guidance on the development of the national policy and plan of action	Burkina Faso Cameroon Gambia Ghana Mauritius Morocco Senegal United Republic of Tanzania Togo	Brazil El Salvador Guatemala Guyana Paraguay Trinidad and Tobago Uruguay	Kuwait Oman Qatar	Brunei Darussalam Indonesia Malaysia Pakistan Philippines Myanmar	Georgia Italy Serbia
Strengthening the legal framework	Gambia Ghana Mauritius United Republic of Tanzania	El Salvador Guatemala Guyana Paraguay Trinidad and Tobago Uruguay	Kuwait Oman Qatar	Brunei Darussalam Indonesia Malaysia Pakistan Philippines Myanmar	Georgia Italy Serbia
Capacity-building for the competent authorities	Cameroon Gambia Ghana Mauritius Morocco Senegal United Republic of Tanzania	El Salvador Guatemala Guyana Paraguay Trinidad and Tobago	Kuwait Oman Qatar	Brunei Darussalam Indonesia Malaysia Pakistan Philippines Myanmar	Georgia Italy Serbia

	Africa	Americas	Arab States	Asia and the Pacific	Europe
Inter-institutional coordination	Cameroon Gambia Ghana Mauritius Senegal United Republic of Tanzania Togo	Brazil Guatemala Guyana Trinidad and Tobago	Kuwait Oman Qatar	Brunei Darussalam Indonesia Malaysia Pakistan Philippines Myanmar	Georgia Italy Serbia
Promotion of fair recruitment and placement practices	Gambia Ghana Mauritius Senegal United Republic of Tanzania	Brazil Guatemala Guyana Paraguay Trinidad and Tobago	Kuwait Oman Qatar	Brunei Darussalam Indonesia Malaysia Pakistan Philippines Myanmar	Georgia Italy Serbia
Promotion of fair migration policies	Cameroon Gambia Ghana Mauritius United Republic of Tanzania Togo	El Salvador Guyana Paraguay Trinidad and Tobago	Kuwait Oman Qatar	Brunei Darussalam Indonesia Malaysia Pakistan Philippines Myanmar	Georgia Italy Serbia
Vocational training, job-creation and income-generation programmes for at-risk populations	Cameroon Ghana Mauritius United Republic of Tanzania Togo	El Salvador Guatemala Guyana Paraguay Trinidad and Tobago	Kuwait Oman Qatar	Brunei Darussalam Indonesia Malaysia Pakistan Philippines Myanmar	Georgia Italy Serbia
Basic social security guarantees	Gambia Ghana Mauritius United Republic of Tanzania Togo	Brazil Dominican Republic El Salvador Guatemala Guyana Paraguay Trinidad and Tobago	Kuwait Oman Qatar	Brunei Darussalam Indonesia Malaysia Pakistan Philippines Myanmar	Georgia Italy Serbia
Guidance on supporting due diligence	Gambia Ghana Mauritius Senegal United Republic of Tanzania Togo	Brazil El Salvador Guatemala Guyana Paraguay Trinidad and Tobago	Kuwait Oman Qatar	Brunei Darussalam Indonesia Malaysia Pakistan Philippines Myanmar	Georgia Italy Serbia
Capacity-building for employers' and workers' organizations	Gambia Ghana Mauritius Senegal United Republic of Tanzania Togo	Guatemala Guyana Paraguay Trinidad and Tobago	Kuwait Oman Qatar	Brunei Darussalam Indonesia Malaysia Pakistan Philippines Myanmar	Georgia Italy Serbia

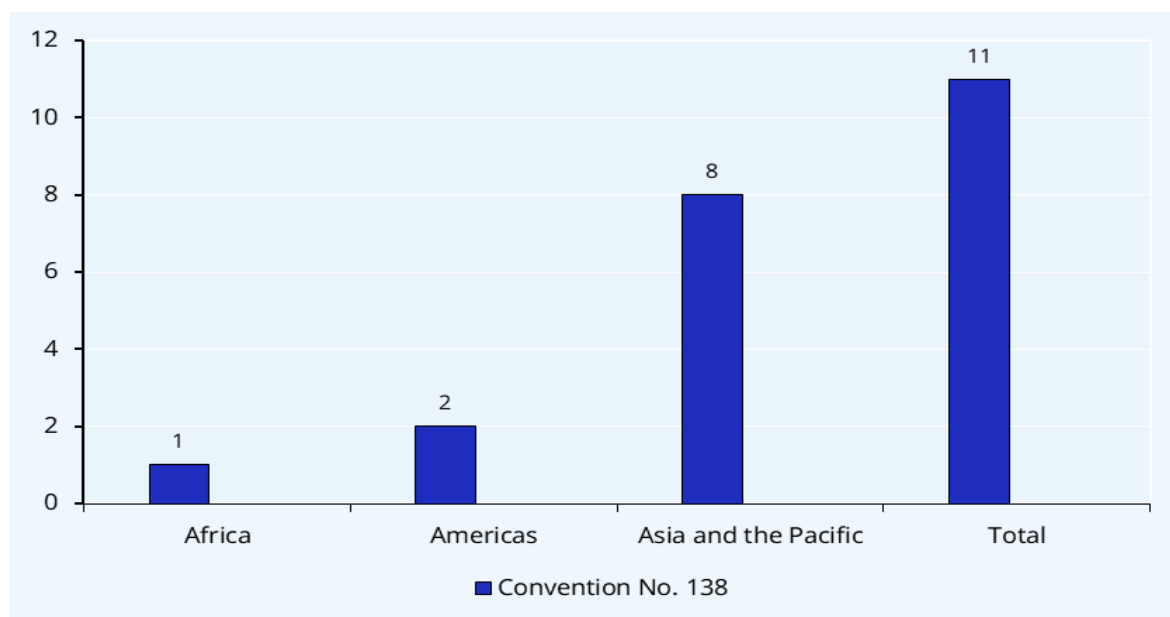
	Africa	Americas	Arab States	Asia and the Pacific	Europe
Other	Gambia Ghana Mauritius United Republic of Tanzania Togo	Brazil El Salvador Guyana Trinidad and Tobago	Kuwait Oman Qatar	Brunei Darussalam Indonesia Malaysia Pakistan Philippines Myanmar	Georgia Italy Serbia

C. The effective abolition of child labour

1. Ratifications

87. Convention No. 182 has achieved universal ratification, while there is still a total of 11 Member States that have yet to ratify Convention No. 138. **Australia** ratified Convention No. 138 in June 2023.

► **Figure 10. Number of Member States, by region, that have not ratified Convention No. 138 (as at 31 January 2024)**



88. 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.
89. In Africa, **Somalia** has not ratified Convention No. 138.
90. In the Americas, **Saint Lucia** and the **United States** have not ratified Convention No. 138.
91. In Asia and the Pacific, **Cook Islands, Islamic Republic of Iran, Marshall Islands, New Zealand, Palau, Timor-Leste, Tonga** and **Tuvalu** have not ratified Convention No. 138.
92. The reporting rate for Convention No. 138 has been 36 per cent, as compared to 33 per cent in 2022 and 43 per cent in 2021. In the period under review, four Member States (**Cook Islands, Islamic Republic of Iran, New Zealand** and the **United States**) reported on Convention No. 138. The **Islamic Republic of Iran** and **New Zealand** indicated their intention to ratify the

Convention, whereas the **Cook Islands** indicated that the ratification was unlikely. There is no indication from the **United States**.

93. The Government of **New Zealand** stated that eventual ratification was likely given commitments contained in the recently settled (but not yet ratified) Free Trade Agreement between New Zealand and the European Union to work towards ratification of unratified fundamental Conventions. However, the legislation still needs to be reviewed and amended to meet the specific requirements of the Convention. Assistance from the Office has already been provided in this perspective. The NZCTU indicated that it supported the expeditious ratification of the Convention, while BusinessNZ reiterated its concern about the prescriptive nature of Convention No. 138 regarding minimum age.

2. Promotional activities

94. The four reporting governments indicated that awareness-raising activities had been carried out in their countries.
95. In **New Zealand**, the Ministry of Business, Innovation and Employment (MBIE) continues to provide information for young employees, and for employers who hire young people or work in industries with young employees, including, among others, through: (i) Employment New Zealand website content for general information on employment rights and responsibilities for employers and workers; (ii) training resources – including the e-learning module to help employers and workers understand their rights and responsibilities in an interactive learning format; (iii) School Leavers' Toolkit; and (iv) social media information. The social partners meet regularly with the Government to discuss issues of interest, including normative aspects.
96. The Government of the **United States** emphasized the continued engagement of the Department of Labor's Wage and Hour Division (WHD) and the Occupational Safety and Health Administration (OSHA) in providing awareness-raising activities. It stated that between August 2022 and May 2023, OSHA conducted more than 6,392 outreach activities, of which 593 were aimed at young workers.

3. Policy, legal and judicial developments

97. The Government of **New Zealand** provided information concerning a New Zealand religious community convicted of child labour (*Pilgrim & Ors v Attorney-General & Ors* [2023] NZEmpC 105).
98. The Government of the **United States** stated that the WHD continued to operate the Child Labor Enhanced Penalty Program (CLEPP), which works to incorporate increased child labour civil monetary penalties into the existing penalty structure for violations of the child labour provisions of the Fair Labor Standards Act (FLSA).

4. Challenges

99. The Government of **New Zealand** reiterated that one challenge had been the lack of a single complete and comprehensive source of information on harm experienced by young persons at work. The Youth and Wellbeing Survey called What About Me? (2021) now collects health and well-being data on up to 10,000 young people aged 13 to 18 in secondary schools and alternative education units. This survey includes data on young people's experience in the workforce. The survey is to be conducted every three years, and data collected will be used to inform policies, programmes and services, and to measure progress on 18 out of the 36 indicators under New Zealand's Child and Youth Wellbeing Strategy.

- 100.** The Government of the **Islamic Republic of Iran** raised the issue of the informal sector, to which the labour inspectorate has no access, while the Government of the **United States** referred to its previous reports in this regard.

5. Requests for technical assistance

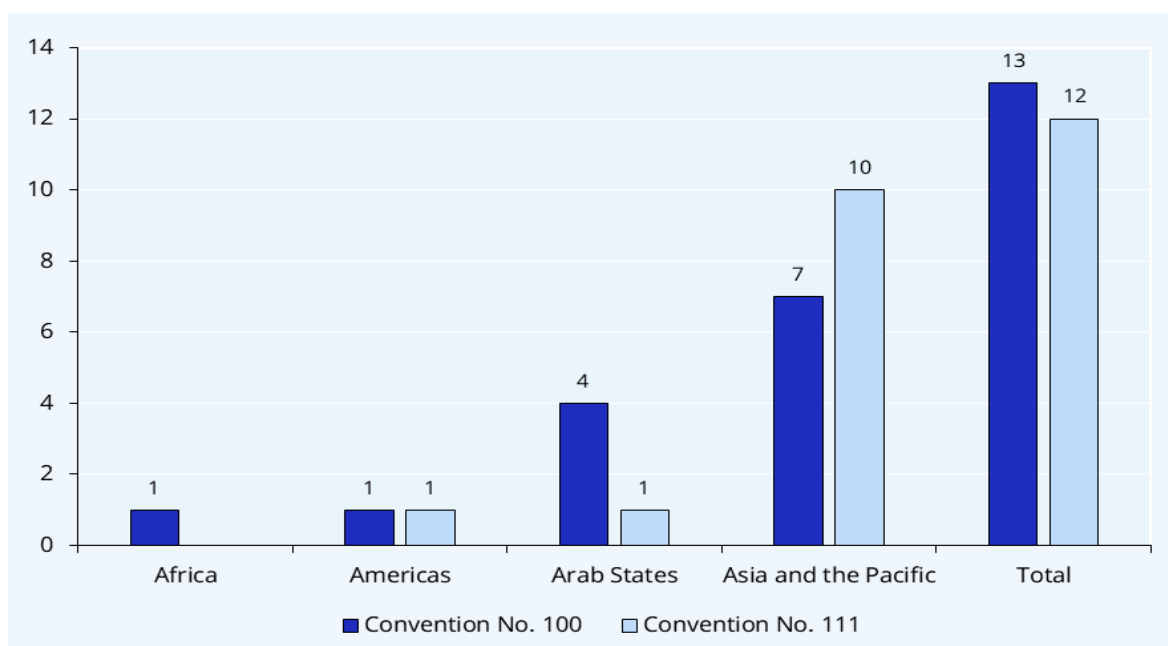
- 101.** The **Cook Islands** and the **Islamic Republic of Iran** requested technical assistance from the ILO, the latter Member State focusing on the transition from the informal to the formal economy.

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

1. Ratifications

- 102.** No new ratification of Conventions Nos 100 or 111 has been registered during the current reporting cycle. In total, there remain 16 countries that have not yet ratified either or both of the Conventions. A total of 13 countries have yet to ratify Convention No. 100 and 12 have yet to ratify Convention No. 111 (see figure 11).

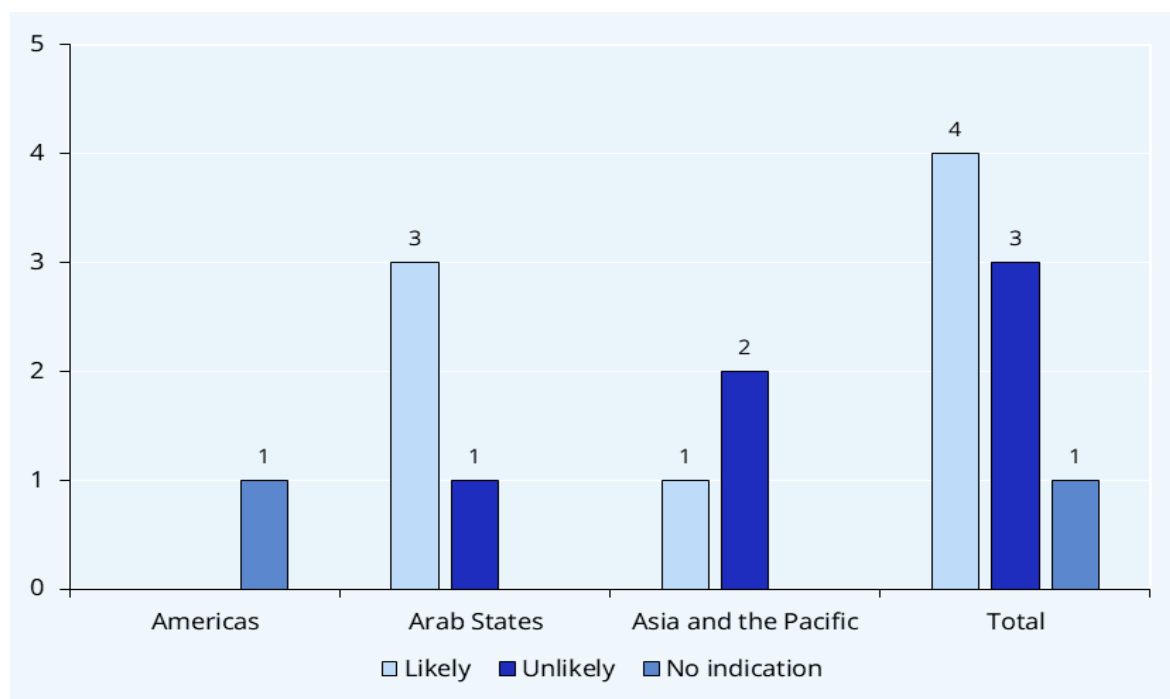
► **Figure 11. Number of Member States, by region, that have not ratified Convention No. 100 and/or Convention No. 111 (as at 31 January 2024)**



- 103.** 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.
- 104.** In Africa, **Somalia** has not ratified Convention No. 100.
- 105.** In the Americas, the **United States** has ratified neither Convention No. 100 nor Convention No. 111.
- 106.** 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.

- 107.** In Asia and the Pacific, **Brunei Darussalam, Cook Islands, Marshall Islands, Myanmar, Palau, Tonga** and **Tuvalu** have ratified neither Convention, and **Japan, Malaysia** and **Singapore** have not ratified Convention No. 111.
- 108.** The reporting rate for Convention No. 100 was higher, at a level of 62 per cent, as compared to 54 per cent in 2022 and 43 per cent in 2021. Eight countries (**Bahrain, Brunei Darussalam, Cook Islands, Kuwait, Myanmar, Oman, Qatar** and the **United States**) reported on Convention No. 100. **Kuwait** and **Qatar** indicated that the ratification of the Convention is likely, joined now by **Brunei Darussalam** and **Oman**. **Bahrain, Cook Islands** and **Myanmar** stated that the ratification of the Convention is unlikely (see figure 12). The **United States** did not provide any indication.

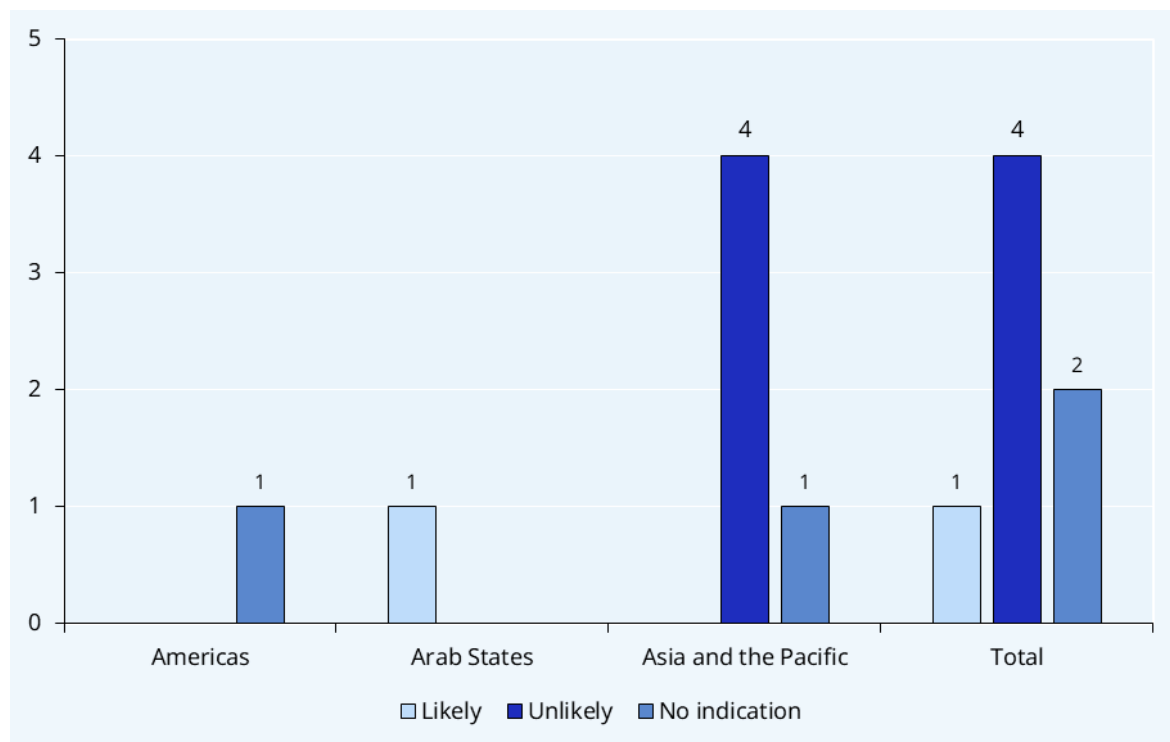
► **Figure 12. Ratification intentions for Convention No. 100, number of Member States by region**



- 109.** The reporting rate for Convention No. 111 was 58 per cent, as compared to 50 per cent in 2022 and 58 per cent in 2021. Seven Member States (**Brunei Darussalam, Cook Islands, Japan, Malaysia, Myanmar, Oman** and the **United States**) reported on Convention No. 111. **Oman** indicated that the ratification of the Convention is likely, whereas **Brunei Darussalam, Cook Islands, Malaysia** and **Myanmar** indicated that the ratification is unlikely. **Japan** and the **United States** did not indicate their intentions concerning the ratification of the Convention (see figure 13).⁴

⁴ As indicated in 2023, a number of governments provided useful information on their ratification prospects and the challenges of Convention No. 111 in the 2023 General Survey on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Workers with Family Responsibilities Convention, 1981 (No. 156), the Maternity Protection Convention, 2000 (No. 183), the Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111), the Workers with Family Responsibilities Recommendation, 1981 (No. 165), and the Maternity Protection Recommendation, 2000 (No. 191).

► **Figure 13. Ratification intentions for Convention No. 111, number of Member States by region**



- 110.** The Government of **Bahrain** once again pointed out the incompatibility of some provisions of Convention No. 100 with national legislation.
- 111.** According to the Government of **Brunei Darussalam**, the current focus is on the potential to ratify other fundamental Conventions, such as Conventions Nos 98, 155 and 187.
- 112.** The Government of the **Cook Islands** expressed concerns about its ability to meet the corresponding reporting obligations.
- 113.** The Government of **Japan** stated that it held new discussions in May 2023 with the social partners on ratifying Convention No. 111 and that further study was still needed concerning the consistency between Convention No. 111 and national laws and regulations. The Japanese Trade Union Confederation (JTUC–RENGO) pointed out that the Government did not state any specific initiatives in the May meeting and once again deeply regrets the absence of concrete actions towards the ratification of Convention No. 111.
- 114.** While indicating that the ratification of Convention No. 100 is likely, the Governments of **Kuwait** and **Qatar** mentioned that further studies are required concerning the harmonization of domestic legislation with the provisions of the Convention.
- 115.** The Government of **Malaysia** pointed out that there are still legal and regulatory barriers to the ratification of Convention No. 111.

2. Promotional activities

- 116.** Most of the reporting States did not mention specific promotional activities for the 2023 period or refer to their previous reports.
- 117.** The Government of the **United States** continued to provide detailed information on the actions carried out under the leadership of the Office of Federal Contract Compliance

Programs (OFCCP), the Equal Employment Opportunity Commission (EEOC), the Immigrant and Employee Rights Section of the Department of Justice's Civil Rights Division (DOJ IER) and the Disability Rights Section of the Civil Rights Division of the Department of Justice (DOJ DRS).

3. Policy and legal developments

- 118. The Government of **Japan** indicated that by amending the Ministerial Order on the Act on the Promotion of Women's Active Engagement in Professional Life in July 2022, companies with 301 regular workers or more are required to disclose information on wage differences between men and women.
- 119. The Government of the **United States** indicated that state and local governments continued to expand protections against employment discrimination and pay inequities during the reporting period. For example, (i) California amended its Fair Employment and Housing Act (FEHA) to protect against discrimination for reproductive health decision-making; (ii) New York City amended its Human Rights Law to prohibit discrimination, harassment and retaliation based on an individual's citizenship or immigration status; (iii) under Rhode Island's Pay Equity Act, employers must ensure pay equity, not only based on sex, but also based on race, colour, religion, sexual orientation, gender identity or expression, disability, age and national origin. Other jurisdictions expanded the scope of categories protected by their employment discrimination laws (Illinois, Pennsylvania, Georgia (City of Atlanta)).

4. Challenges

- 120. Challenges were specified by four reporting States (**Cook Islands, Malaysia, Myanmar** and **Oman**) concerning: (i) lack of public awareness and social and economic circumstances (**Malaysia**); (ii) lack of capacity of responsible government institutions; (iii) lack of capacity of employers' and workers' organizations (**Malaysia**); (iv) social values, cultural traditions, and social and economic circumstances (**Myanmar**); (v) lack of information and data (**Cook Islands** and **Oman**); and (vi) lack of social dialogue (**Cook Islands**).

5. Requests for technical assistance

- 121. With a view to overcoming challenges, eight governments requested ILO technical support, (**Bahrain, Brunei Darussalam, Cook Islands, Japan, Malaysia, Myanmar, Oman** and **Qatar**) in particular in the following areas: (i) sharing of experiences across countries/regions; (ii) strengthening data collection and capacity for statistical analysis; and (iii) capacity-building of responsible institutions and other officials.

► III. Conclusions

- 122. Although not always of equal quality, most of the reports received under the present Review provided often detailed information that demonstrates the interest and commitment of governments in many countries to respect, promote and realize the fundamental principles and rights at work through awareness-raising initiatives, new policies and laws and their improved implementation, and by taking steps, in some cases, towards ratification of the fundamental Conventions and the Protocol. Again this year, the contributions of the social partners on specific fundamental principles and rights at work are to be welcomed. The information provided will be used to update the country baseline tables concerning the relevant category of principles and rights. In some cases, interesting information has been

provided, for example concerning significant changes in legislation, but insofar as it relates to Conventions that have already been ratified, it is not reflected in this report. In other cases, there have been no significant changes since the governments' last annual reports, which means either that the governments concerned are referring to their previous reports or that they tend to repeat information that is too old to be applicable to the period under consideration.

123. The reporting rate overall for the period under review did not cross the 50 per cent threshold this year either. Of the countries that do report, some seem unable to do so on an annual basis, which makes it difficult to measure progress from one year to the next. Among the countries that have not ratified the Protocol, fewer reports than expected were received from pathfinder countries committed to be at the forefront of the fight to achieve Sustainable Development Goal target 8.7, driving progress on the ground. Those countries are encouraged to share information on the steps they are taking to eradicate forced labour and the results achieved. Some Member States still encountered technical difficulties with the online reporting tool, despite the assistance provided by the Office. As noted in the past, it appeared that on many occasions the login information had not been forwarded by the permanent missions in a timely manner to the reporting officials concerned. It should be highlighted once again that at a time when communication with Member States is almost exclusively sent electronically, it is important for all permanent missions to ensure that the Office has a fully up-to-date address file.
124. Although some challenges were reported by governments in relation to the online questionnaire, and despite the fact that a few of them may consider that the online form is not adapted to their national procedures, it can be observed that most reporting States submitted their reports via this tool. The Office continues to reflect on the most effective way to analyse the information received and produce adequate baselines, as well as to further facilitate the reporting exercise by Member States. It should also be pointed out that most Member States regularly experience difficulties in meeting the deadlines set, making it difficult for the Office to process and analyse the information provided, given the very short time available to it. A special effort is required from reporting Member States, especially as the Annual Review will now cover all ten fundamental Conventions and the Protocol, as a result of the resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work adopted at the 110th Session (2022) of the International Labour Conference. The electronic questionnaire will be adapted accordingly.
125. Considering the particular nature of the Protocol that supplements Convention No. 29 and their interrelated scopes of application, as already indicated in previous reports and in the light of the indications of some governments reporting this year, the Member States concerned are encouraged, when reporting under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work: (i) to concentrate on the specific measures to be taken under the Protocol (such as, 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) to avail themselves of the technical assistance of the Office, if necessary.
126. With regard to the production of baselines on the Protocol, it is worth mentioning again the importance of the [Forced Labour Observatory](#) (FLO), launched in December 2022, which was developed in response to the request made by constituents to develop "a global data warehouse on forced labour and trafficking". The website provides comprehensive country

profiles on forced labour, which include national laws and policies as well as measures relating to enforcement, prevention, protection, access to justice and remedies, and development cooperation. The FLO platform uses a wide range of reliable and, whenever possible, primary sources, including information received from Member States and the social partners in the context of the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. This entails a selection of country responses under the follow-up to the Declaration being publicly available through the FLO.

- 127.** In response to the interest expressed in the ratification of one or more of the fundamental instruments, and of the Protocol in particular, the Office should further intensify its technical assistance. In this regard, Member States are further encouraged to make their requests as specific as possible, so that the Office can provide, or continue to provide, an adequate and targeted response.

► Draft decision

128. The Governing Body:

- (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 2023 period;**
- (b) invited the Office to continue its support to Member States to ensure timely reporting on all unratified fundamental Conventions and the Protocol of 2014 to the Forced Labour Convention, 1930, and to ensure priority follow-up to requests for technical assistance to address obstacles to ratification and realization of the fundamental principles and rights at work;**
- (c) reiterated its support for the mobilization of resources with a view 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 the Protocol of 2014 to the Forced Labour Convention, 1930.**

► Appendix

List of reporting States under the Annual Review as at 31 January 2024

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

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.	Bahamas	1.	Bahrain	1.	Afghanistan	1.	Albania
2.	Angola	2.	Barbados	2.	Iraq	2.	Brunei Darussalam	2.	Armenia
3.	Benin	3.	Belize	3.	Jordan	3.	Cambodia	3.	Azerbaijan
4.	Botswana	4.	Bolivia (Plurinational State of)	4.	Kuwait	4.	China	4.	Belarus
5.	Burkina Faso	5.	Brazil	5.	Lebanon	5.	Cook Islands	5.	Bulgaria
6.	Burundi	6.	Colombia	6.	Oman	6.	Fiji	6.	Croatia
7.	Cabo Verde	7.	Cuba	7.	Qatar	7.	India	7.	Georgia
8.	Cameroon	8.	Dominica	8.	Syrian Arab Republic	8.	Indonesia	8.	Greece
9.	Central African Republic	9.	Dominican Republic	9.	United Arab Emirates	9.	Iran (Islamic Republic of)	9.	Hungary
10.	Chad	10.	Ecuador	10.	Yemen	10.	Japan	10.	Italy
11.	Congo	11.	El Salvador			11.	Kiribati	11.	Kazakhstan
12.	Democratic Republic of the Congo	12.	Grenada			12.	Lao People's Democratic Republic	12.	Moldova (Republic of)
13.	Egypt	13.	Guatemala			13.	Maldives	13.	Montenegro
14.	Equatorial Guinea	14.	Guyana			14.	Marshall Islands	14.	North Macedonia
15.	Eritrea	15.	Haiti			15.	Mongolia	15.	Romania
16.	Eswatini	16.	Honduras			16.	Myanmar	16.	San Marino
17.	Ethiopia	17.	Nicaragua			17.	Nepal	17.	Serbia
18.	Gabon	18.	Paraguay			18.	Pakistan	18.	Slovakia
19.	Gambia	19.	Saint Kitts and Nevis			19.	Palau	19.	Slovenia
20.	Ghana	20.	Saint Lucia			20.	Papua New Guinea	20.	Türkiye
21.	Guinea	21.	Saint Vincent and the Grenadines			21.	Philippines	21.	Turkmenistan
22.	Guinea-Bissau	22.	Trinidad and Tobago			22.	Republic of Korea	22.	Ukraine
23.	Kenya	23.	United States			23.	Samoa		
24.	Liberia	24.	Uruguay			24.	Singapore		

Africa	Americas	Arab States	Asia and the Pacific	Europe
25. Libya	25. Venezuela (Bolivarian Republic of)		25. Solomon Islands	
26. Mauritius			26. Timor-Leste	
27. Morocco			27. Tonga	
28. Nigeria			28. Tuvalu	
29. Rwanda			29. Vanuatu	
30. Sao Tome and Principe			30. Viet Nam	
31. Senegal				
32. Seychelles				
33. Somalia				
34. South Africa				
35. South Sudan				
36. Togo				
37. Tunisia				
38. Uganda				
39. United Republic of Tanzania				
40. 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 2023 Review period

Protocol of 2014 to the Forced Labour Convention, 1930					
1. Albania	11. China	21. Greece	31. Mauritius	41. Serbia	
2. Algeria	12. Colombia	22. Guatemala	32. Morocco	42. Slovakia	
3. Azerbaijan	13. Croatia	23. Guyana	33. Myanmar	43. United Republic of Tanzania	
4. Bahamas	14. Cuba	24. India	34. Oman	44. Togo	
5. Bahrain	15. Dominican Republic	25. Indonesia	35. Pakistan	45. Trinidad and Tobago	
6. Botswana	16. Ecuador	26. Iran (Islamic Republic of)	36. Paraguay	46. United Arab Emirates	
7. Brazil	17. Egypt	27. Italy	37. Philippines	47. Uruguay	
8. Brunei Darussalam	18. El Salvador	28. Japan	38. Qatar		
9. Burkina Faso	19. Gambia	29. Jordan	39. Republic of Korea		
10. Cameroon	20. Ghana	30. Kuwait	40. Senegal		

Fundamental Conventions						
C.87	C.98	C.29	C.105	C.138	C.100	C.111
1. Bahrain	1. Bahrain		1. Brunei Darussalam	1. Cook Islands	1. Bahrain	1. Brunei Darussalam
2. Brazil	2. Brunei Darussalam		2. Malaysia	2. Iran (Islamic Republic of)	2. Brunei Darussalam	2. Cook Islands
3. Brunei Darussalam	3. China		3. Myanmar	3. New Zealand	3. Cook Islands	3. Japan
4. China	4. Cook Islands		4. Republic of Korea	4. United States	4. Kuwait	4. Malaysia
5. Cook Islands	5. India				5. Myanmar	5. Myanmar
6. India	6. Iran (Islamic Republic of)				6. Oman	6. Oman
7. Iran (Islamic Republic of)	7. Myanmar				7. Qatar	7. United States
8. Jordan	8. Oman				8. United States	
9. Libya	9. Qatar					
10. Morocco	10. Thailand					
11. New Zealand	11. United Arab Emirates					
12. Oman	12. United States					
13. Qatar						
14. Thailand						
15. United Arab Emirates						
16. United States						