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**FOR DEBATE AND GUIDANCE**

## THIRD ITEM ON THE AGENDA

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

1. The annex to the ILO Declaration on Fundamental Principles and Rights at Work provides for reports to be requested annually from member States under article 19, paragraph 5(e), of the ILO Constitution. The Office is responsible for preparing a compilation of the reports. Paragraph II.B.3 of the annex states: “With a view to presenting an introduction to the reports so compiled, drawing attention to any aspects which might call for a more in-depth discussion, the Office may call upon a group of experts appointed for this purpose by the Governing Body.” At its 274th Session (March 1999), the Governing Body decided to set up such a group of Expert-Advisers, whom it most recently reappointed at its 300th Session (November 2007) for a one-year term.
2. Under the Declaration’s 2008 Annual Review, the information sent by governments and by employers’ and workers’ organizations was compiled by the Office in the form of country baseline tables under each principle and right, in accordance with established practice. Following consultations during the November 2002 session of the Governing Body, the “compilation” – which now consists of country baselines – is no longer issued in paper form, but can be consulted on the public web site of the Declaration Programme.<sup>1</sup> The list of country baseline tables can be found in Appendix 4 to this Expert-Advisers’ Introduction.

<sup>1</sup> See [www.ilo.org/declaration](http://www.ilo.org/declaration), and then click under Quick Links (Annual Review and database). It should be noted that the text of reports will only be published separately in future when they are the first reports received from a government under the Declaration, a situation applicable entirely to new member States. All reports received under the 2008 Annual Review have been integrated into the country baselines.

3. The compilation of baselines was submitted to the Expert–Advisers, who met from 14 to 18 January 2008. This attached Introduction <sup>2</sup> prepared by the Expert–Advisers makes, in particular, observations and recommendations concerning the achievements of the Annual Review and the way forward, a decade after the adoption by the International Labour Conference of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up in June 1998.
4. The Governing Body may wish to take note of the attached Introduction by the Expert–Advisers and express its views, especially as regards the observations and recommendations.

Geneva, 3 March 2008.

*Submitted for debate and guidance.*

<sup>2</sup> See [http://www.ilo.org/global/What\\_we\\_do/Officialmeetings/gb](http://www.ilo.org/global/What_we_do/Officialmeetings/gb), then click on Governing Body and on GB.301/3.

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

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

**Geneva, March 2008**

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*Nota bene: The information in sections 1, 2, 3 and 4 of Part II.A is a summary of statements contained in government reports, country baselines and comments submitted to the Office by national and international employers' and workers' organizations for the 2008 annual review. In Part I of this Introduction, the Expert-Advisers have provided comments in relation to the material examined under each category of principles and rights at work. Neither the Expert-Advisers nor the Office have verified the accuracy of the information received and reproduced in the compilation.*

## Abbreviations

ACT/EMP	–	(ILO) Bureau for Employers' Activities
ACTRAV	–	(ILO) Bureau for Workers' Activities
ALO	–	Arab Labour Organization
DWCPs	–	(ILO) Decent Work Country Programmes
EPZs	–	export processing zones
FPRW	–	fundamental principles and rights at work
GCC	–	Gulf Cooperation Council
IACML	–	Inter-American Conference of Ministers of Labour
INTERPOL	–	International Criminal Police Organization
ICFTU	–	International Confederation of Free Trade Unions
ILC	–	International Labour Conference
ILO	–	International Labour Organization/International Labour Office
IOE	–	International Organisation of Employers
IPEC	–	(ILO) International Programme on the Elimination of Child Labour
ITUC	–	International Trade Union Confederation
NGOs	–	non-governmental organizations
OAS	–	Organization of American States
OECD	–	Organisation for Economic Co-operation and Development
PAMODEC	–	(ILO) <i>Programme d'appui à la mise en oeuvre de la Déclaration</i> (Programme to support the implementation of the Declaration)
SAP-FL	–	(ILO) Special Action Programme to Combat Forced Labour
UN	–	United Nations
UNDP	–	United Nations Development Programme
UNESCO	–	United Nations Educational, Scientific and Cultural Organization
UNICEF	–	United Nations Children's Fund
UNODC	–	United Nations Office on Drugs and Crime
WCL	–	World Confederation of Labour

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## **Part I. Observations and recommendations by the Expert–Advisers**

### **A. Achievements of the ILO Declaration’s Annual Review: Observations and recommendations by the Expert–Advisers**

#### **1. Introduction**

1. June 2008 will mark the tenth anniversary of the adoption of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998, by the International Labour Conference (ILC). The follow-up itself says that “the Conference shall, in due course, review the operation of this follow-up in light of the experience acquired to assess whether it has adequately fulfilled the overall purpose” of the Declaration. The Conference will in June 2008 discuss for the second time the subject of strengthening of ILO capacity. In this context, proposals have been made for a future follow-up, which would also affect the way in which the Organization deals with fundamental principles and rights at work (FPRW).
2. We recall that the 1998 Declaration was designed to promote progress towards the realization of the FPRW in all member States, irrespective of ratification of the fundamental international labour Conventions. We also stress that the credibility of the 1998 Declaration lies in an effective follow-up.
3. This is the ninth time that the Expert–Advisers have met in Geneva to provide the Introduction to the Annual Review regarding the situation on non-ratified fundamental Conventions. On this occasion, we would like to comment on the process as we have experienced it. These comments are made on the assumption that the debate at the 2008 Conference will in practice also introduce a review of the follow-up of the Declaration, of which the Annual Reviews are an integral part.
4. The ILO mandate is based on rights at work, and the core international labour standards play a fundamental role in achieving these rights. It is timely to consider the achievements of the Annual Review as a key part of the Declaration’s follow-up and what needs to be done in the future for promoting this rights-based approach in the labour field.

#### **2. Achievements of the Annual Review, in the light of current and future ILO developments**

5. The Annual Review process has contributed significantly to the ratification of the ILO fundamental Conventions. The over-all number of ratifications is now 1,293<sup>1</sup> out of a potential of 1,448. Thus the rate of ratification of the eight fundamental Conventions is almost 90 per cent. This achievement under the Annual Review has occurred in parallel

<sup>1</sup> As of 18 Jan. 2008.

with the ILO campaign for the ratification of the fundamental Conventions, which was started already after the World Summit for Social Development in Copenhagen in 1995.<sup>2</sup>

6. This decade of cooperation between the constituents of the ILO and the Office has developed a system of information that has grown into an important knowledge tool, now known as the “baselines”. This information in tabular form is based on government reports and observations by employers’ and workers’ organizations. It does not contain conclusions or recommendations in the same way as the regular supervisory system. But when combined with the information available through the supervisory system on ratified Conventions, there is now knowledge covering all ILO member States. Thus, the ILO is now capable of providing a universal overview of the situation regarding FPRW in all member States. This was one of the specific aims and innovations of the Declaration.
7. The governments’ participation in the annual reporting system has increased from 56 per cent at the beginning of the Annual Review in 2000 to 99 per cent under the 2008 cycle<sup>3</sup> where only one country (Turkmenistan) did not report on one principle and right. Since the 2005 Annual Review, there are no more cases of governments that have never reported under the annual follow-up to the Declaration.
8. The rate of observations by employers’ and workers’ organizations on governments’ reports received has increased from 24 per cent to 145 per cent<sup>4</sup> between the first Annual Review (2000) and the 2008 Annual Review. This exceptionally high rate of participation by the governments and employers’ and workers’ organizations has allowed a better assessment of realities, and a promotional and fruitful dialogue towards realizing the Declaration principles and rights in reporting States.
9. On this question of assessing and monitoring the reports by governments on the implementation of the Declaration principles and rights, we cannot stress sufficiently the importance of the involvement of and observations by employers’ and workers’ organizations. It has taken time for these organizations to start participating in this process. Following our concerns voiced in 2003 and 2004 that such observations are essential to our understanding of reality there was a steep increase in responses in 2005, as table 2<sup>5</sup> and Appendix 5<sup>6</sup> of this document illustrate. This improvement in response rate by these organizations was brought about by a combination of methods, including strong support by the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC) at the international and national levels.
10. Hearing from employers’ and workers’ organizations is sometimes the only way to allow a fresh view of the situation, especially when we may have doubts about certain assertions by governments. Having such independent views expressed freely and without interference

<sup>2</sup> For further information on ratification developments before and after the adoption of the 1998 ILO Declaration, refer to Appendices 1 and 2, pp. 103 and 104, of this document; see also [www.ilo.org/ilolex](http://www.ilo.org/ilolex)

<sup>3</sup> cf. Appendices 3 and 4, pp. 105 and 106, on number of reporting States and government reporting rates under the Declaration’s Annual Reviews (2000–08).

<sup>4</sup> The rate of observations is higher than 100 per cent since, in some countries, comments on the government’s reports have been presented by several employers’ and workers’ organizations; cf. also para. 562 of this document.

<sup>5</sup> cf. para. 562 of this document.

<sup>6</sup> cf. Appendix 5, p. 107, of this document.

is essential, and a plurality of views is necessary to obtaining a larger and truer picture. Therefore, it is essential that the ILO continue to obtain such engagement by the employers' and workers' organizations in expanding and enriching the information base on the effect given to the Declaration.

11. Most importantly, this overview is based upon a considered review of each country's particular situation, capacity and requirements for progress on the respect, promotion and realization of the Declaration's principles and rights. As mentioned above, it is noteworthy that the inputs from the employers' and workers' organizations to this review have increased in numbers and quality throughout the process.
12. The Annual Review has made it possible to highlight and follow up country situations that require greater attention. Some countries have made important efforts during this process, for instance the **Gulf States, China** and new member States, in particular in the **South Pacific**. However, more needs to be done.
13. In some of the countries that remain within the purview of the Annual Review, the prospects for ratifying Conventions No. 87 and/or No. 98 seem to provide a particular challenge. Although the evolution since the adoption of the Declaration has been beneficial for all categories of FPRW, there are obvious limits to the capacity of the constituents and the Office. In most countries, the ILO is already engaging in different ways through the Decent Work Agenda. With the baseline information now available, new initiatives can be taken in the area of fundamental principles and rights.
14. A recurrent concern has been that the information gleaned through the Annual Review, although significant, is not sufficient to assess real progress. Changes in national law and practice are essential to a rights-based approach to national and international development. However, more information of a socio-economic nature is required, and in particular how principles and rights are provided greater scope in practice through other pillars of ILO work, namely employment, social protection and social dialogue. This would seem to coincide with the aims of the process of "Strengthening the ILO and its constituents" (currently termed "SILC" for short), which the Conference will engage in again in June 2008.

### 3. Using the country baseline information

15. In the light of these considerations, we have the following recommendations regarding the Annual Review:
  - The achievements of the Annual Review process need to be used fully. The best way forward should be considered in view of the growing number of Decent Work Country Programmes (DWCPs), SILC and the search for greater coherence within the larger multilateral framework;
  - The country baseline information needs to be updated on a regular basis, so that this tool is available to the ILO and to all concerned who can help bring about change for the better. The baseline information may be sought in a simplified manner and continue to be presented to the Governing Body on an annual basis, thus conforming to the intentions of the Declaration's follow-up.
  - This information tool should be used more generally in introducing a rights perspective into the programming and implementation of larger ILO country programmes. The information gleaned through the Annual Review could then be

exploited fully, including the requests for technical cooperation made by member States;

- The baseline information should continue to be used in the preparation of the Global Reports under the Declaration's follow-up as well as for the possible cyclical reviews under SILC. The details of this would depend on the decisions of the Conference in June 2008 and beyond.

#### **4. Expanding the base for obtaining information and influencing change**

- 16.** We are concerned that the information gathered in the Annual Review is the work of a limited number of ministry of labour officials in each country, one or two ILO programmes and a few ILO officials, both at headquarters and in the field. Related to this is the need for national ownership of and commitment to the issues raised through the Annual Review, and a comparable ownership and commitment by the whole Office. ILO field offices, along with their national counterparts, should have a larger responsibility for updating the information provided under the Annual Review. Since these offices are responsible for the design and implementation of national DWCPs, the potential of mainstreaming principles and rights into these programmes can thus be maximized. At the same time, the baselines could thereby be used to develop broader country information.
- 17.** Such a strategy would strengthen the integrated approach to improving the capacity of the ILO, based on the recognition that the four strategic objectives of standards and FPRW, employment, social protection, social dialogue are indivisible, interdependent and mutually supportive. In addition, placing DWCPs firmly on a rights basis improves the possibilities of engaging other partners in the multilateral cooperation framework to promote human and labour rights within national development programmes or initiatives. This could further motivate the countries that remain subject to the Annual Review to move forward on giving effect to the FPRW, including possible ratification. The time seems particularly right for this, due not only to the "SILC" process and UN reform discussions, but also the fact the ILO is reviewing its field structure.
- 18.** Within this broader perspective, the information available to the ILO through the baselines as well as its normal supervisory system on the application of ratified Conventions should be compatible with one another as regards the eight fundamental Conventions. This would further develop an effective and coherent tool for all member States, to be used by the ILO as well as its other partners in the multilateral framework. It is necessary that all information on standards and FPRW should be compatible in presentation and available in a user-friendly computerized database.

#### **5. Technical cooperation**

- 19.** The role of technical cooperation in the Declaration's follow-up has been essential. Since its start in 2000, this technical cooperation has for the first time allowed the ILO to engage with countries on the basis of promoting rights. All four principles and rights have been covered, and we commend all cooperating countries, donor and recipients, for their efforts in this area.

20. It is essential that this cooperation continue and expand. However, there are a few issues that should be taken into consideration:

- nothing replaces the political will of the countries concerned, and this is illustrated by their own efforts, regardless of external funds for technical cooperation;
- political will for progressing on principles and rights at work should be supported by the international community, through technical cooperation;
- this technical cooperation should be carried out closely with all relevant ILO programmes and between headquarters and field structures, within DWCPs. This will help to mainstream the FPRW;
- the practical results and achievements of technical cooperation should be evaluated, analysed and then broadly publicized. This will help to recognize those that have accomplishments to show, as lessons to those that need to move further in terms of political will, and to spread the message to the public in donor countries who may not know about the development achievements in recipient countries. Excellent examples in this respect are the awareness-raising campaign and the public opinion survey mentioned below under “Outreach and research”.<sup>7</sup> This is especially important in terms of multi-bilateral funding, which depends on voluntary public contributions.

\* \* \*

21. The Declaration Expert–Advisers look forward to learning how an energized approach to principles and rights within ILO and national programmes develops. We remain available to assist as might be required in due course, in a way commensurate with our profile, in helping the ILO and its constituents to move in this direction.

## 6. Appreciation

22. We would like to express again our appreciation to the Office in general and the programme on promoting the Declaration in particular, for both the high quality and the volume of information provided to us during our meeting (14–18 January 2008). We wish to thank the members of the ILO staff involved in the careful and increasing difficult task of securing, compiling and analysing information required by us for the responsible conduct of our work.

<sup>7</sup> cf. paras 601–610 of this document

## 7. Information on reporting and ratifications

Table 1. List of the 53 reporting States under the Declaration's Annual Review, 2008

Countries	Freedom of association/ collective bargaining	Forced labour	Child labour	Discrimination in employment and occupation
1. Afghanistan	C.87 and 98	C.29	C.138 and 182	
2. Australia			C.138	
3. Bahrain	C.87 and 98		C.138	C. 100
4. Bangladesh			C.138	
5. Brazil	C.87			
6. Brunei Darussalam	C.87 and 98	C.29 and 105	C.138 and 182	C.100 and 111
7. Canada	C.98	C.29	C.138	
8. Cape Verde			C.138	
9. China	C.87 and 98	C.29 and 105		
10. Cuba			C. 182	
11. Eritrea			C. 182	
12. Gabon			C.138	
13. Ghana			C.138	
14. Guinea-Bissau	C.87		C.138 and 182	
15. Haiti			C.138	
16. India	C.87 and 98		C.138 and 182	
17. Iran, Islamic Rep. of	C.87 and 98		C.138	
18. Iraq	C.87			
19. Japan		C. 105		C. 111
20. Jordan	C.87			
21. Kenya	C.87			
22. Kiribati			C.138 and 182	C.100 and 111
23. Korea, Rep. Of	C.87 and 98	C.29 and 105		
24. Kuwait				C. 100
25. Lao People's. Dem. Rep.	C.87 and 98	C. 105		C.100 and 111
26. Lebanon	C.87			
27. Liberia			C.138	C. 100
28. Malaysia	C.98	C. 105		C. 111
29. Mexico	C.98			
30. Morocco	C.87			
31. Myanmar	C.98	C. 105	C.138 and 182	C.100 and 111
32. Namibia				C. 100
33. Nepal	C.87			
34. New Zealand	C.87		C.138	
35. Oman	C.87 and 98			C. 100
36. Qatar	C.87 and 98			C.100 and 111
37. Saint Lucia			C.138	

<b>Countries</b>	<b>Freedom of association/ collective bargaining</b>	<b>Forced labour</b>	<b>Child labour</b>	<b>Discrimination in employment and occupation</b>
38. Samoa	C.87 and 98	C.29 and 105	C.138 and 182	C.100 and 111
39. Saudi Arabia	C.87 and 98		C.138	
40. Sierra Leone			C.138 and 182	
41. Singapore	C.87	C. 105		C. 111
42. Solomon Islands	C.87 and 98	C. 105	C.138 and 182	C.100 and 111
43. Somalia	C.87 and 98		C.138 and 182	C. 100
44. Sudan	C.87			
45. Suriname			C.138	C.100 and 111
46. Thailand	C.87 and 98			C. 111
47. Timor–Leste	C.87 and 98	C.29 and 105	C.138 and 182	C.100 and 111
48. Turkmenistan			C.138 and 182	
49. United Arab Emirates	C.87 and 98			
50. United States	C.87 and 98	C.29	C.138	C.100 and 111
51. Uzbekistan	C.87		C.138 and 182	
52. Vanuatu			C.138	
53. Viet Nam	C.87 and 98	C. 105		

Source: ILO: Country reports and baselines under the Declaration's Annual Review, 2008.

**Table 2. Reports due and received by category of fundamental principles and rights, 2000–08**

Principle and right	Number due and per cent received																		Difference in per cent received							
	2000		2001		2002		2003		2004		2005		2006		2007		2008		2000	2001	2002	2003	2004	2005	2006	2007
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	2001	2002	2003	2004	2005	2006	2007	2008
Freedom of association/ collective bargaining	52	67	47	70	42	83	38	71	37	73	39	87	38	97	35	97	35	100	+3	+13	-12	+2	+14	+10	+3	+6
Forced labour	41	51	36	53	28	61	27	52	23	65	23	83	19	100	17	94	15	100	+2	+8	-9	+13	+18	+17	+2	+12
Child labour	92	51	72	68	102	56	72	56	56	54	50	86	41	93	33	94	32	97	+17	-12	0	-2	+32	+7	+17	+12
Discrimination	43	56	38	74	31	68	26	58	22	68	23	83	21	100	19	95	20	100	+18	-6	-10	+10	+15	+17	+18	+11
<b>Total</b>	<b>228</b>	<b>56</b>	<b>193</b>	<b>67</b>	<b>203</b>	<b>63</b>	<b>163</b>	<b>59</b>	<b>138</b>	<b>63</b>	<b>135</b>	<b>85</b>	<b>119</b>	<b>97</b>	<b>104</b>	<b>93</b>	<b>102</b>	<b>99</b>	<b>+11</b>	<b>-4</b>	<b>-4</b>	<b>+4</b>	<b>+22</b>	<b>+12</b>	<b>+11</b>	<b>+11</b>

Source: ILO: Country reports and baselines under the Declaration's Annual Review, 2008.

**Box 1****Governments that fulfilled their reporting obligations under the Declaration's follow-up for the 2008 Annual Review by category of principle and right**

Freedom of association and the effective recognition of the right to collective bargaining (35 countries): **Afghanistan, Bahrain, Brazil, Brunei Darussalam, Canada, China, Guinea-Bissau, India, Islamic Republic of Iran, Iraq, Jordan, Kenya, Republic of Korea, Lao People's Democratic Republic, Lebanon, Malaysia, Mexico, Morocco, Myanmar, Nepal, New Zealand, Oman, Qatar, Samoa, Saudi Arabia, Singapore, Solomon Islands, Somalia, Sudan, Thailand, Timor-Leste, United Arab Emirates, United States, Uzbekistan and Viet Nam.**

Elimination of all forms of forced or compulsory labour (15 countries): **Afghanistan, Brunei Darussalam, Canada, China, Japan, Republic of Korea, Lao People's Democratic Republic, Malaysia, Myanmar, Samoa, Singapore, Solomon Islands, Timor-Leste, United States and Viet Nam.**

Effective abolition of child labour (31 countries): **Afghanistan, Australia, Bahrain, Bangladesh, Brunei Darussalam, Canada, Cape Verde, Cuba, Eritrea, Gabon, Ghana, Guinea-Bissau, Haiti, India, Islamic Republic of Iran, Kiribati, Liberia, Mexico, Myanmar, New Zealand, Saint Lucia, Samoa, Saudi Arabia, Sierra Leone, Solomon Islands, Somalia, Suriname, Timor-Leste, United States, Uzbekistan and Vanuatu.**

Elimination of discrimination in respect of employment and occupation (20 countries) **Bahrain, Brunei Darussalam, Japan, Kiribati, Kuwait, Lao People's Democratic Republic, Liberia, Malaysia, Myanmar, Namibia, Oman, Qatar, Samoa, Singapore, Solomon Islands, Somalia, Suriname, Thailand, Timor-Leste and the United States.**

Source: ILO: Country reports and baselines under the Declaration's Annual Review, 2008.

**Box 2****Governments that failed in their reporting obligations under the Declaration's follow-up for the 2008 Annual Review by category of principle and right**

*Governments that did not report during the current round  
(one country only under one principle and right)*

**Turkmenistan**, under the principle of the effective abolition of child labour.

Source: ILO: Country reports and baselines under the Declaration's Annual Review, 2008.

**Box 3**  
**Ratification of ILO fundamental Conventions in 2007**

Convention No. 29:	<b>Montenegro and Viet Nam</b> (bringing the total ratifications to <b>172</b> by 31 December 2007).
Convention No. 87:	<b>Montenegro</b> (bringing the total ratifications to <b>148</b> by 31 December 2007).
Convention No. 98:	<b>Kuwait and Montenegro</b> (bringing the total ratifications to <b>158</b> by 31 December 2007).
Convention No. 100:	<b>Montenegro</b> (bringing the total ratifications to <b>164</b> by 31 December 2007).
Convention No. 105:	<b>Madagascar, Montenegro Nepal and Qatar</b> (bringing the total ratifications to <b>170</b> by 31 December 2007).
Convention No. 111:	<b>Montenegro</b> (bringing the total ratifications to <b>166</b> by 31 December 2007).
Convention No. 138:	<b>Czech Republic, Estonia and Montenegro</b> (bringing the total ratifications to <b>150</b> by 31 December 2007).
Convention No. 182:	<b>Haiti and Montenegro</b> (bringing the total ratifications to <b>165</b> by 31 December 2007).

Source: ILO: International Labour Standards Department.

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

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

- 23.** The Expert–Advisers note that most governments have interacted closely with the ILO to realize progressively the principle of freedom of association and the effective recognition of the right to collective bargaining. Their active participation has reached this year a 100 per cent reporting rate. We note with particular interest that **Brunei Darussalam**, a new ILO member State, has provided a report. We are encouraged to note that some countries facing structural difficulties, such as **Guinea-Bissau, Solomon Islands, Somalia** and **Uzbekistan** have been able to report with ILO assistance. We also note the high rate of involvement of employers' and workers' organizations that has allowed a better assessment of reporting States. In this regard, we encourage governments to provide detailed and accurate information concerning the principle and right, so as to allow for a good basis for appreciating national situations.
- 24.** We regret that in 2007 only one ratification of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (**Montenegro**), and two ratifications of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (**Kuwait** and **Montenegro**), were registered. In this respect, we express again our concern that freedom of association and the right to collective bargaining, that is a pre-requisite for the exercise of the other principles and rights contained in the Declaration and an essential step towards decent work, has gathered the lowest number of ratifications – especially as regards Convention No. 87 (148 ratifications out of 181 ILO member States). We therefore urge all the governments concerned to engage in or complete the ratification process of Conventions Nos 87 and/or 98, in cooperation with the ILO.
- 25.** We are concerned that two governments (**Brazil** and **Singapore**) have reported that they do not intend to ratify Convention No. 87. In **Brazil**, after an initial stage where the Government was seeking to amend its Constitution with a view to allowing greater freedom of association, since 2006, the Government indicates that it is not possible to

ratify this Convention as it runs contrary to the provisions of the Constitution. Moreover, the Single Central Organization of Workers (CUT) supports maintaining the single trade union system and therefore does not favour ratification of Convention No. 87. In this regard, we are concerned that insufficient efforts have been made by the Government in order to meet the commitment of removing legal obstacles. We therefore urge it to proceed in this matter.

26. In **Singapore**, the Government indicates that ratification would require it to make major amendments to the laws, which would undermine the harmonious industrial relations and strong tripartite relationship that the country has developed. We recall that under the 1998 ILO Declaration, every member State even if it has not ratified the fundamental conventions, has an obligation rising from the very fact of membership in the Organization, to respect, promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those conventions. Freedom of association is the essence of the ILO and it is clear that its absence deprives employers and workers of their right to participate in and benefit from the national economy and to contribute to respect for human right and democracy. Therefore, we urge the Governments of **Brazil** and **Singapore** to work jointly with the Office in giving effect to this principle and right.
27. We are also concerned that some governments have indicated the current impossibility to ratify Conventions Nos 87 and/or 98 without further justification (**India, New Zealand, Saudi Arabia** and the **United States**).
28. Concerning ratifications, we note that **China** and **Malaysia** have not yet expressed their intentions concerning ratification of Conventions Nos 87 and/or 98.
29. A few countries such as the **Republic of Korea, Lao People's Democratic Republic** and the **United Arab Emirates** have expressed for the past few years their intention to ratify Conventions Nos 87 and/or 98 without materializing it. We therefore encourage them to take the appropriate steps to do so.
30. Many countries still indicate that their national legislation is not in compliance with international labour standards and it is one of the main obstacle to the ratification of Conventions Nos 87 and/or 98. We therefore encourage the Governments of the **Islamic Republic of Iran, Iraq, Jordan, Kenya, Lebanon, Sudan** and **Viet Nam** to complete their review process and the Governments of **Afghanistan, Brazil, Canada, Guinea-Bissau, India, Oman, Qatar, Samoa, Solomon Islands, Somalia** and **Timor-Leste** to initiate the necessary labour law reforms. In particular, we also encourage the Government of **Guinea-Bissau** to adopt a national legislation on the principle and right in cooperation with the Office and, in particular, the Programme to support the implementation of the Declaration (ILO-PAMODEC).
31. As regards the **Gulf States**, we welcome the legal reforms undertaken by several countries such as **Bahrain** and **Oman**. We note nevertheless that the workers' right to freedom of association and collective bargaining needs to be respected, especially as regards migrant workers.
32. Most reporting States recognize expressly the principle and right within their national Constitution or policy, legislation and/or regulations. In this regard, we welcome the inclusion of the principle and right within the Interim Constitution of **Nepal** and the Constitution of **Thailand**. We also welcome efforts made by **China** (adoption of a Labour Law Contract with provisions on collective bargaining), **Lao People's Democratic Republic** (new Labour Code) **Oman** (new regulations on collective bargaining and the right to strike) in implementing the principle and right. Concerning **China**, we call upon

the Government to provide further information on its new legislation and its implications. Moreover, we note the decision adopted by the Supreme Court of **Canada**, which includes the right to collective bargaining under the Canadian Charter.

33. We acknowledge the high number of promotional activities (training, financial assistance, bipartite or tripartite discussions or regional workshops) and special initiatives carried out by certain governments and/or employers' and workers' organizations (**Afghanistan, Canada, Guinea-Bissau, Gulf States, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Mexico, Solomon Islands, Somalia, Sudan, Thailand and Viet Nam**). The Office should maintain its efforts to support these activities.
34. We draw attention to the practice in some countries where only one official trade union is allowed (**Bahrain, China, Lao People's Democratic Republic and Oman**). In the same vein, we note that some unions are subject to government's interference or influence (**China, Iraq, Lao People's Democratic Republic, Lebanon, Singapore and Sudan**). In this regard, we recall that the right to official recognition is an essential aspect of the right to organize as it allows employers' and workers' organizations to be in a position to play their roles efficiently. Furthermore, any government intervention in employers' and workers' organizations' internal affairs (right to establish and join organizations of their own choosing, without distinction whatsoever and without previous authorization, right to draw up internal constitutions and rules, right to elect their representatives in full freedom, etc.) constitutes interference in the functioning of these organizations, which is a denial of the principle and right.
35. We confirm that independent employers' and workers' organizations can only develop where fundamental human rights are respected. All appropriate measures should be therefore undertaken to guarantee that their rights can be exercised in normal conditions in a climate free from violence, pressure, fear and threats of any kind. With a view to giving fuller effect to this principle and right, employers' and workers' organizations everywhere should be independent and able to exercise their rights in full freedom.
36. Restrictions on the right to organize of certain categories of workers, such as migrant workers (as in **Islamic Republic of Iran, Jordan, Lebanon, Malaysia, Republic of Korea, Qatar, Singapore, Thailand and Timor-Leste**), domestic workers (as in **Bahrain, Jordan, Lebanon, Nepal, Qatar and the United Arab Emirates**), workers in export processing zones (EPZs) (as in **Brazil, Jordan, Kenya, Morocco, Islamic Republic of Iran and the United Arab Emirates**) workers in the public service (as in **Bahrain, Brazil, India, Islamic Republic of Iran, Jordan, Kenya, Republic of Korea, Lebanon, Malaysia, Mexico, Morocco, Thailand, United Arab Emirates and the United States**), agricultural workers (as in **Jordan, Qatar, Thailand, United Arab Emirates and the United States**) or workers in the informal economy (as in **Afghanistan, Bahrain, India, Islamic Republic of Iran, Malaysia, Qatar and the United Arab Emirates**) are not compatible with the realization of this principle and right.
37. Globalization has entailed a significant increase in the development of migrations. According to recent ILO estimates, there are roughly 96 million migrant workers, immigrants and members of their families in the world. International migration has contributed to growth and prosperity in both host and source countries and migrants provide a valuable source of highly skilled, semi-skilled and unskilled labour to many industrialized countries. Adherence to the FPRW discourages exploitative conditions that make utilization of foreign workers in irregular situation attractive and that render such employment uncompetitive for national workers. Therefore, we urge all countries to establish, modernize, and improve their policies, laws and practices so as to ensure the full enjoyment of this principle and right to migrant workers, on the basis of the ILO Conventions relating to migrant workers and the United Nations International Convention

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on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990.

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

38. The Expert-Advisers note the increase in the government reporting rate that has culminated this year to a 100 per cent under this principle and right. We also welcome the important participation by employers' and workers' organizations in the debate. Their contribution provides essential information that allows a better picture of the realization of the principle and right in reporting States. However, most government reports contained very limited information regarding data on forced labour in their country. It is very difficult to combat the ever-growing trend and practices of forced labour without detailed and accurate information from governments and employers' and workers' organizations. We therefore hope that future government reports and employers' and workers' observations will provide a complete picture of the realities regarding this principle and right.
39. Concerning ratifications, we welcome the fact that **Montenegro** and **Viet Nam** have ratified the Forced Labour Convention, 1930 (No. 29), and that **Madagascar, Montenegro, Nepal** and **Qatar** have ratified the Abolition of Forced Labour Convention, 1957 (No. 105). Furthermore, several countries have expressed their intention to ratify these Conventions or to complete the ratification process (**Afghanistan, Brunei Darussalam, Republic of Korea, Lao People's Democratic Republic, Samoa, Solomon Islands, Timor-Leste** and **Viet Nam**). We encourage them to accelerate this process so as to make an important step forward towards universal ratification.
40. We are, however, concerned that the governments of **Malaysia** and **Singapore**, which earlier denounced Convention No. 105, have not yet opened a dialogue with the Office and their employers' and workers' organizations with a view to reconsidering their decision. Equally, we are concerned that the **United States** is not actively considering ratification of Convention No. 29. We urge these countries to take action in this regard. We also note that the governments of **China** and **Myanmar** have not yet expressed their intention concerning ratification of Conventions Nos 29 and/or 105.
41. Most States recognize expressly the principle and right within their Constitution, national policy, legislation or regulations. In this regard, we welcome the adoption of new laws relating to forced or compulsory labour in **China** and **Lao People's Democratic Republic**. We encourage the governments of **Afghanistan, Republic of Korea, Samoa, Solomon Islands** and **Timor-Leste** to initiate or finalize their national labour review processes. In reforming and strengthening their legal framework in compliance with international labour standards, these countries will allow a better implementation of the principle and right.
42. We understand that in **China** the provisions of the Labour Contract Law and the Criminal Law also cover the State as an employer. We remind all governments that it is of their primary responsibility to ensure that forced labour does not exist in their countries for any reason.
43. Concerning the interpretation and application of exemptions by Convention No. 105 regarding some forms of forced labour, we request the Government of **Viet Nam** to seek ILO assistance for compliance.
44. The Japanese Trade Union Confederation (JTUC-RENGO) reports that tripartite consultations held in April 2007 led to the conclusion that some national labour laws do

not comply with the provisions of Convention No. 105. However, given that the Government of **Japan** has sent a no change report for the 2008 Annual Review, we request it to provide updated information concerning the JTUC-RENGO's observations.

45. As has been mentioned in the 2005 Global Report on forced labour,<sup>8</sup> the elimination of all forms of forced or compulsory labour represents a challenge for virtually every country in the world. Beside the traditional forms of forced or compulsory labour, several modern forms of forced labour are emerging; in particular through the exploitation of children and migrants, bonded labour practice in new workplaces and increases in trafficking around the world. Special care is required to ensure that migration does not lead to forced labour or trafficking.
46. Many governments and employers' and workers' organizations indicate that they are not sufficiently accustomed with what exactly is forced labour and the derogations permitted by the Conventions. This lack of understanding often lies in insufficient capacity building. Specific programmes should therefore be concentrated in strengthening public awareness-raising and advocacy on the principle and right in local languages and for selected target groups.
47. In this respect, some reporting States have developed programmes and mechanisms to combat forced labour in their countries, whether it takes the form of classic slavery or bonded labour, trafficking, forced child labour, serfdom, or others. In this respect, **Canada** and the **United States** have taken certain positive measures, and we encourage them to engage in the ratification process of Convention No. 29.
48. Indeed, the struggle against forced labour and other forms of human trafficking requires a national and cross border cooperation and synergy to combat effectively the trade of human trafficking as well as an integrated, concerted and sustainable approach that fully involves employers' and workers' organizations and other components of the society.
49. We note that a number of governments, employers' or workers' organizations are willing to meet these challenges and have requested technical cooperation, with a view to realizing country assessments and workshops with the support of the ILO (**Afghanistan, Brunei Darussalam, Republic of Korea, Lao People's Democratic Republic, Samoa, Solomon Islands, Timor-Leste and Viet Nam**).
50. In the same vein, we are convinced that ILO's close cooperation with the IOE and the ITUC, in particular through its regular budget and the Special Action Programme to Combat Forced Labour (ILO-SAP-FL), will gain new momentum within the global alliance against forced labour, the emerging Global Trade Union Alliance Against Forced Labour and Trafficking, DWCPs and the Millennium Development Goal of cutting by half extreme poverty and hunger by the year 2015. Such action will help achieve the effective elimination of forced labour in different parts of the world.

### 3. The effective abolition of child labour

51. The Expert-Advisers note that the governments' reporting rate under this principle and right remains high (97 per cent), **Turkmenistan** being the only one that failed to report. We recognize that the Office's focused efforts and assistance helped some countries to comply with their reporting obligation (**Brunei Darussalam, Cape Verde, Guinea-**

<sup>8</sup> cf. ILO: *A global alliance against forced labour*, Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, Report I(B), ILC, 93rd Session, Geneva, 2005; see also [www.ilo.org/declaration](http://www.ilo.org/declaration)

**Bissau, Saint Lucia, Sierra Leone and Uzbekistan**). We are also glad to note the high number of observations from employers' and workers' organizations, again confirming their commitment to the elimination of child labour, which is indispensable to the successful abolition of child labour.

52. We note a lack of practical information in several reports, which complicates our task of assessing the extent to which the principle and right is realized in the countries concerned. We encourage countries to provide more detailed information on both existing data on child labour and legislative and policy measures that support the reduction of child labour, including in the fields of education and poverty reduction. We draw the attention of governments to the possibility of requesting technical assistance from the Office to facilitate fuller and more comprehensive reporting.
53. The pace of ratification of the ILO Conventions on child labour has slowed down slightly in 2007, with three new ratifications for the Minimum Age Convention, 1973 (No. 138) (**Czech Republic, Estonia and Montenegro**), and two for the Worst Forms of Child Labour Convention, 1999 (No. 182) (**Haiti and Montenegro**). Nevertheless, we are encouraged by the significant number of countries that have reported their intention to ratify the Conventions, or reported that the ratification process is already under way. We hope that they will complete this process shortly.
54. The universal ratification of the child labour Conventions is not a distant dream but an achievable goal, in view of the number of States having expressed their intention to ratify Convention Nos 138 and/or 182 (**Bahrain, Bangladesh, Brunei Darussalam, Cape Verde, Cuba, Gabon, Ghana, Guinea-Bissau, Haiti, Islamic Republic of Iran, Kiribati, Liberia, Myanmar, Saint Lucia, Samoa, Saudi Arabia, Sierra Leone, Solomon Islands, Somalia, Suriname, Timor-Leste, Uzbekistan and Vanuatu**).
55. In this regard, we are concerned that few governments (**Australia, India, New Zealand and the United States**) have indicated their current lack of effort to ratify Convention Nos 138 and/or 182. We recall that, in last year's Introduction, we noted remarks from some constituents (the Governments of **Australia** and **New Zealand** and Business New Zealand (BNZ)) concerning the potentially negative effect of ratifying Convention No. 138 for young persons to enter the labour market. We pointed out that these concerns can be adequately addressed through the various possibilities inherent in the principle, for instance light work, or vocational training and apprenticeship. It is crucial to discuss this in tripartite consultation in each country, and we note that both of the social partners in New Zealand are commenting on this issue: while BNZ opposes the ratification of Convention No. 138, the New Zealand Confederation of Trade Unions (NZCTU) recommends ILO assistance to seek possible legislative action to allow light work from 13 years of age and set the general minimum age at 16 years, in line with Convention No. 138. We hope there will be continued efforts by the Office and, in particular, the International Programme on the Elimination of Child Labour (IPEC) on this issue.
56. We call upon the Government of **Mexico** – the only government in the Annual Review that has not yet stated its position on this matter – to express its intention concerning ratification of Convention No. 138. We urge other governments to specify as much as possible the prospects and obstacles, if any, concerning ratification of Conventions Nos 138 and/or 182. Such details will help the Office to provide more targeted assistance, responding to the particular national situation in the countries concerned. This would also give the Office a basis to seek potential sources or donors for technical cooperation linked directly to this principle and right.
57. We welcome the information from the IOE about the tool kit for employers to address child labour, developed together with the ILO and released in 2007. It is of crucial

importance that the social partners understand the principle of the effective abolition of child labour and make use of this practical tool, as well as the existing one for trade unions on child labour. We also note requests for assistance from a number of constituents on such areas as advocacy and capacity building. It is indeed a priority for the ILO to support national responses to child labour, as pointed out in the conclusions of the 2006 Global Report on Child Labour<sup>9</sup> and its Global Action Plan. We cannot overemphasize the importance of national ownership of action against child labour, and the key role played by the tripartite constituents.

- 58.** The problem of child labour in the informal economy is a major challenge. The solution may be found in the mainstreaming of the child labour issue, by integrating it in a wider set of ILO priorities, e.g. DWCPs. The abolition of child labour is ensuring children their right to be protected from economic exploitation. Nevertheless, we should note that this principle and right cannot be realized on its own, without addressing wider economic and social issues facing society, such as education, decent work for all women and men including youth from the minimum working age.
- 59.** With the growth of human trafficking and the increase of international migration, children are particularly at risk. Furthermore, with the existence of child bonded labour in the agricultural sector and manufacturing industries in several countries, the recruitment of child soldiers and children's involvement in drug trafficking, prostitution, pornography, we cannot overemphasize the urgent need for governments to implement, in consultation with employers' and workers' organizations, strategies that address both the fight against forced labour, child labour and the worst forms of child labour.
- 60.** Comprehensive action is needed to address child labour at its root causes. Child labour prevents education opportunities for children. At the same time, we must point out that it will not be possible to meet the Millennium Development Goal of universal education by 2015, unless parallel progress is made in the effective abolition of child labour. We hope that the cooperation between the ILO, the World Bank, the United Nations Children's Fund (UNICEF) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) in the framework of Education for All particularly through the Global Task Force on Child Labour and Education will be continued and further strengthened. In this regard we wish to underscore that there is a close link between the promotion of education and the struggle against child labour. As one of the means to combat this scourge, we recommend that school hours be increased and that the supply and quality of schooling be improved.
- 61.** The promotion of Education for All and Decent Work and the achievement of the Millennium Development Goal of cutting by half extreme poverty and hunger by the year 2015 will make it possible to fight efficiently the scourge of child labour. In this global strategy, we cannot overemphasize the importance of development programmes geared at alleviating poverty through employment and income generation, but also the need to deal with the urgent and immediate elimination of the worst forms of child labour as a matter of emergency and priority. The role of ILO-IPEC is instrumental in this regard, and we call upon the donor community to provide additional material support for the realization of the objectives and initiatives of this Programme.

<sup>9</sup> cf. ILO: *The end of child labour: Within reach*, Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, Report I(B), ILC, 95th Session, Geneva, 2006; see also [www.ilo.org/declaration](http://www.ilo.org/declaration)

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

62. The Expert-Advisers note an increase in the governments' reporting rate to a 100 per cent, including a first report by **Brunei Darussalam** and a new report by the **Solomon Islands** in cooperation with the ILO. However, there is a slight decrease in the participation rate by employers' and workers' organizations. We encourage them to maintain a high rate of involvement, as discrimination and equality at the workplace is a daily and subtle phenomenon that lies essentially in practice and needs their voices and actions to be identified and combated efficiently.
63. The information provided in the reports and observations is often too limited, and does not cover the wide range of discrimination issues. This limited information provided prevents an accurate picture of the situation regarding reporting countries. Therefore, given the subtle and complex nature of discrimination and its negative effects on work, society and development, we call upon governments and employers' and workers' organizations to make further efforts in gathering and supplying more information and data on the principle and right.
64. Concerning ratifications, we note that **Montenegro** has recently ratified both the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). We also note the intentions expressed by most governments to ratify or consider ratification of Convention Nos 100 and/or 111 (**Bahrain, Brunei Darussalam, Japan, Kiribati, Kuwait, Lao People's Democratic Republic, Liberia, Myanmar, Namibia, Oman, Qatar, Samoa, Solomon Islands, Somalia, Suriname, Thailand** and **Timor-Leste**). We encourage them to accelerate this process so as to make an important step forward towards universal ratification.
65. Given that many of these countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos 100 and 111, labour law review, ratification process, etc.), we request the Office to strengthen its assistance in this regard, and we encourage the Government of **Namibia** to seek ILO technical advice concerning ratification of Convention No. 100. The **United States** is the only country that reports that it not actively considering ratification of Convention No. 100, and **Malaysia** and **Singapore** have not yet expressed their intentions concerning ratification of Convention No. 111.
66. Discrimination is continuing to take new forms. The 2007 Global Report <sup>10</sup> has rightly identified the newly recognized forms of discrimination at work as being, amongst others, discrimination based on age, disability and people living with HIV/AIDS, as well as other emerging forms. All this is being added to the already long list of long-recognized forms of discrimination such as race, sex, religion, political opinion, national extraction, social origin, etc.
67. Many reporting governments and employers' and workers' organizations have requested ILO's support to challenge the scourge of discrimination at the workplace through country assessments and workshops on the realization of the principle and right. ILO action to promote equality and combat all forms of discrimination at work should be strengthened in this regard, in particular through the ILO's DWCPs, PAMODEC and with other ILO programmes and offices.

<sup>10</sup> cf. ILO: *Equality at work – Tackling the changes*, Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, Report I(B), ILC, 96th Session, Geneva, 2007; see also [www.ilo.org/declaration](http://www.ilo.org/declaration)

- 68.** We welcome cooperation between employers' and workers' organizations in this area. In this regard, we appreciate the interesting contribution of the ILO's Declaration Programme in terms of research and publications on gender pay and racial/ethnic equality and its gender dimension. We also appreciate the close cooperation between this programme and the ITUC on the development of a strategy for trade unions to fight against racism and xenophobia, especially through awareness raising programmes and the development of a complete training kit to be used by trade unions at their respective workplaces. We would welcome such collaboration with the employers' organizations.
- 69.** This type of concrete action should be encouraged and expanded, and we call for more donor support in this regard to help combat discrimination at work everywhere and on a daily basis. Eliminating all forms of discrimination at work is an essential step towards the foundation of a fair, peaceful, sustainable and prosperous society.

## Part II Information provided under the Annual Review

### A. Efforts made in respecting, promoting and realizing fundamental principles and rights at work

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

##### (a) Reporting

70. All the 35 States concerned have reported on the principle of freedom of association and the effective recognition of the right to collective bargaining (a 100 per cent reporting rate), which increased by 3 per cent compared to the 2007 Annual Review figures on this principle and right.<sup>1</sup>

71. At the national level, 22 employers' organizations and 31 workers' organizations from 28 States formulated observations on their Government's updated country baseline or first report.

72. At the international level, one general observation was received from the IOE<sup>2</sup> with general references to the realization of the principle and right, while 28 observations were received from the ITUC under the 2008 Annual Review and two late observations under the 2007 Annual Review concerning the realization of the principle and right in **Bahrain** to **Japan** and **Qatar**.

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

#### 2008 Annual Review: Observations by national employers' organizations and national and international workers' organizations under the principle of freedom of association and the effective recognition of the right to collective bargaining \*

Countries	Observations by national employers' organizations	Observations by national workers' organizations	Observations by ITUC
<b>Afghanistan</b>	–	All-Afghanistan Federation of Trade Unions (AAFTU)	–
<b>Bahrain</b>	Bahrain Chamber of Commerce and Industry (BCCI)	General Federation of Bahrain Trade Unions (GFBTU)	X
<b>Brazil</b>	National Confederation of Trade (CNC)	Single Central Organization of Workers (CUT)	X
<b>Brunei Darussalam</b>	The National Chamber of Commerce and Industry (NCCI) and its three affiliates	The Brunei Oilfield of Workers' Union (BOWU)	X
<b>Canada</b>	–	–	X

<sup>1</sup> cf. box 1, p. 9, of this document.

<sup>2</sup> cf. para. 562 of this document.

Countries	Observations by national employers' organizations	Observations by national workers' organizations	Observations by ITUC
China	China Enterprise Confederation (CEC)	The All-China Federation of Trade Unions (ACFTU)	X
Guinea-Bissau	<i>Chambre de l'Agriculture, du Commerce, et de l'Industrie (CACI), Chambre du Commerce, de l'Industrie et de l'Agriculture (CCIA)</i>	<i>Union nationale des travailleurs de Guinée (UNTG); Confédération générale des syndicats indépendants de Guinée-Bissau (CGSI/GB)</i>	X
India	Council of Indian Employers (CIE) and its 81 affiliates	All India Trade Union Congress (AITUC), the <i>Bharatiya Mazdoor Sangh (BMS)</i>	X
Islamic Republic of Iran	Iran Confederation of Employers' Associations (ICEA)	Iran Confederation of Islamic Labour Conference (ICILC)	X
Iraq	–	–	X
Jordan	–	General Federation of Jordanian Trade Unions (GFJTU)	X
Kenya	Federation of Kenya Employers (FKE)	Central Organization of Trade Unions (COTU–KENYA)	X
Republic of Korea	–	–	X
Lao People's Democratic Republic	The Lao National Chamber of Commerce and Industry (LNCCI) and its 23 affiliates	The Lao Federation of Trade Union (LFTU)	X
Lebanon	–	–	X
Malaysia	–	Malaysian Trades Union Congress (MTUC)	X
Morocco	<i>Fédération des chambres marocaines de commerce, d'industrie et de services (FCMCIS)</i>	<i>Union Générale des Travailleurs du Maroc (UGTM)</i>	X
Myanmar	Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI)	–	X
Nepal	Council of the Federation of Nepalese Chamber of Commerce and Industry (FNCCI) and its 90 affiliates	Democratic Confederation of Nepalese Trade Unions (DECONT) and its 25 affiliates, National Democratic Confederation of Nepalese Trade Unions (NDCONT), All-Nepal Federation of Trade Union (ANFTU) and General Federation of Nepalese Trade Unions (GEFONT)	X
New Zealand	Business New Zealand (BNZ)	–	
Oman	–	General Federation of Oman Trade Unions (GFOTU)	X
Qatar	–	Qatar Petroleum Workers' Committee (QPWC)	X
Saudi Arabia	Council of Saudi Chambers of Commerce and Industry (SCCI)	Saudi Telecom Workers' Committee (STWC)	X
Singapore	Singapore National Employers Federation (SNEF)	–	X
Solomon Islands	Solomon Islands Chamber of Commerce and Industry (SICCI)	Solomon Islands Council of Trade Unions (SICTU), Solomon Islands National Union of Workers (SINUW)	
Sudan	Sudan Businessmen and Employers' Federation (SBEF)	Sudan Workers' Trade Union Federation (SWTUF)	X
Thailand	Employers' Confederation of Thai Trade and Industry (ECONTHAI) and its 22 affiliates	National Congress of Thai Labour (NCTL)	X
Timor-Leste	–	–	X

Countries	Observations by national employers' organizations	Observations by national workers' organizations	Observations by ITUC
United Arab Emirates	United Arab Emirates Federation of Chambers and Industry (UAEFCCI)	United Arab Emirates Coordinating Committee of Professional Associations (UAECCPA)	X
United States	–	American Federation of Labour and Congress of Industrial Organizations (AFL–CIO)	X
Uzbekistan	Chamber of Commerce and Industry of Uzbekistan (CCIU)	Federation of Trade Unions of Uzbekistan (FTUU)	–
Vanuatu	–	National Workers' Union (VNWU)	–
Viet Nam	Viet Nam Chamber of Commerce and Industry (VCCI)	Viet Nam General Confederation of Labour (VGCL)	X

\* The IOE has provided a general comment under this principle and right, reproduced in para. 562 of this document.

Source: ILO: Country reports and baselines under the Declaration's Annual Review, 2008.

## (b) Reports mentioning efforts

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

75. The table below displays ratifications in 2006–07 and the countries that expressed, in their updated baseline, their intention to ratify Conventions Nos 87 and/or 98.

### 2008 Annual Review: Status of ratification intentions for Conventions Nos 87 and 98

Conventions	Ratifications in 2006–07	Ratification intentions in 2008
Convention No. 87	<b>Montenegro</b> (3/06/2006)	<b>Afghanistan, Bahrain, Guinea-Bissau, Iraq, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Nepal, Oman, Samoa, Somalia, Sudan, Thailand, Timor-Leste, United Arab Emirates</b>
Convention No. 98	<b>Kuwait</b> (9/08/2007), <b>Montenegro</b> (3/06/2006)	<b>Afghanistan, Bahrain, Lao People's Democratic Republic, Oman, Samoa, Somalia, Thailand, Timor-Leste, United Arab Emirates</b>

Source: ILO: Country reports and baselines under the Declaration's Annual Review, 2008.

76. **Montenegro** has ratified 68 ILO Conventions by succession to the Ex-State Union of Serbia and Montenegro in June 2006. All eight fundamental Conventions are among these instruments. It did not therefore report for any of the FPRW.

77. Concerning ratification intentions, the Government of **Afghanistan** indicates that ratification of Conventions Nos 87 and 98 is currently under evaluation by the Council of Ministers, and will be subsequently submitted to Parliament after approval by this Council. In **Iraq**, the Government reports that the ratification of Convention No. 87 is already before Parliament for endorsement.

78. The Government of **Nepal** indicates that it is now in the final stage of ratifying Convention No. 87, which will be presented to the Cabinet for endorsement.
79. The Government of **Bahrain** notes that a tripartite committee will be established very shortly, which will engage in the ratification of the remaining ILO fundamental Conventions.
80. In **Guinea-Bissau**, the ratification of Convention No. 87 was approved by Ordinance (Law No. 10/91 of 3 October 1991) but was not subsequently promulgated by the President. Therefore, the process will have to be initiated over again.
81. The Government of the **Lao People's Democratic Republic** confirms its intention to ratify both Conventions Nos 87 and 98, and the Lao National Chamber of Commerce and Industry (LNCCI) and the Lao Federation of Trade Union (LFTU) suggest that a tripartite consultation be held to accelerate the process of ratification.
82. Various countries are contemplating ratification of Conventions Nos 87 and/or 98, but as a preliminary step, they wish to ensure that policy, laws and/or practice fully comply with the provisions of these Conventions (**Brazil, Canada, Guinea-Bissau, India, Jordan, Kenya, Lebanon, Oman, Samoa, Somalia, Sudan, Thailand and Timor-Leste**). However, only the governments of **Jordan, Kenya, Lebanon and Sudan** state that they have initiated a labour law review process.
83. In **Lebanon**, the Government indicates that it is currently preparing draft amendments to the staff regulations and to the Labour Code, which will include the promotion of the right to freedom of association in the public and private sectors. The ratification of Convention No. 87 relies therefore directly on the developments of those draft laws.
84. The Government of **Brunei Darussalam** states that it is considering the possibility to ratify Conventions Nos 87 and 98 in consultation with the employers' and workers' organizations.
85. Following the Federation of Trade Unions of Uzbekistan (FTUU)'s and the Chamber of Commerce and Industry of Uzbekistan (CCIU)'s supports to the ratification of Convention No. 87, the Government of **Uzbekistan** has stated that it would consider ratification of this instrument.
86. Country baselines indicate that almost all employers' and workers' organizations support their Government in the ratification process for Conventions Nos 87 and/or 98.
87. **Recognition of this principle and right in the Constitution.** As indicated earlier, most countries recognize the principle and right in their national Constitutions (**Afghanistan, Bahrain, Brazil, Canada, China, Guinea-Bissau, India, Islamic Republic of Iran, Iraq, Jordan, Republic of Korea, Lao People's Democratic Republic, Lebanon, Malaysia, Morocco, Nepal, Qatar, Samoa, Solomon Islands, Thailand, Timor-Leste, United Arab Emirates, United States and Viet Nam**). However, in **Brunei Darussalam**, the right to freedom of association and the right to collective bargaining is not recognized in the national Constitution.
88. For example, in **Kenya**, the Central Organization of Trade Unions (COTU-KENYA) observes that the draft of the Constitutional Bill was rejected by referendum. However, it considers that article 80 of the current Constitution still respects the provisions of Convention No. 87.

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89. The Government of **Nepal** states that the right to freedom of association and collective bargaining has been enshrined as a fundamental right within the new Interim Constitution of January 2007.
90. The Government of **Thailand** states that a new Constitution was promulgated on 24 August 2007, which provides freedom for association for all persons including Government and state officials.
91. In **Uzbekistan**, the Federation of Trade Unions of Uzbekistan (FTUU) indicates that the right of citizens to join trade unions, political parties and other public voluntary organizations is enshrined in article 34 of the Constitution.
92. **Recognition of this principle and right in policy, legislation, regulations and/or judicial decisions.** According to the ITUC, a new law enshrining the principle of collective bargaining should be adopted for the first time in **Bahrain**.
93. The Government of **Brunei Darussalam** indicates that freedom of association is recognized in the Trade Union Act CAP 128 that makes also reference to the right to collective bargaining.
94. In **Canada**, a decision of June 2007 by the Supreme Court has considered that the workers' right to associate in order to achieve workplace goals through a process of collective bargaining is protected under article 2(d) of the Canadian Charter of Rights and Freedoms. The Government reports that since this overturns the Court's prior jurisprudence, this decision could have significant implication for industrial relations in the country.
95. The Government of **China** notes that the Labour Contract Law was adopted by the National People's Congress on 29th June 2007 and will enter into force as of 1 January 2008, with specific provisions on collective contracts (Chapter 5.1, sections 51–56).
96. The Government of the **Lao People's Democratic Republic** indicates that it has adopted a new Labour Code with specific provisions on freedom of association for employers' and workers' organizations.
97. The Government of **New Zealand** refers to the following judicial decisions concerning the principle and right: (i) *Christchurch City Council v. Southern Local Government Officers Union Inc.*; and (ii) *Greenlea Premier Meats Limited v. New Zealand Meat & Related Trade Union Inc.* (16 June 2006, Employment Court).
98. In **Oman**, the Government states that new regulations were issued on collective bargaining, peaceful strike and closure.
99. The Government of **Somalia** states that the principle and right is recognized in the Labour Code.
100. **Exercise of this principle and right.** According to the Government of **Brunei Darussalam**, government authorization or approval is required to establish an employers' or a workers' organizations. The exercise of freedom of association and of the right to collective bargaining is recognized at enterprise, sector/industry and national levels for all categories of employers and workers, except for army, police and prison services. However, a social welfare association that can also defend professional interests has been formed by prison staff. Affiliation to international employers' or workers' organizations is subject to government approval in accordance with section 109 of the Labour Act CAP 93. According to the Brunei Oilfield Workers' Union (BOWU), the right to collective

bargaining is exercised through the free negotiation of collective agreements between the BOWU and Brunei Shell Petroleum. In this respect, a collective agreement is concluded every three years (with possibility of extension) and registered as such in the Labour Department.

101. In **Guinea-Bissau**, the Government notes that no government authorization is required to establish an employers' or a workers' organization.
102. In **China**, the All-China Federation of Trade Unions (ACFTU) observes that national laws and regulations protect the principle and right, and workers have the full right to organize.
103. Following the peace agreement in **Sudan**, the Sudan Workers' Trade Union Federation (SWTUF) indicates that an agreement was signed in May 2007 with the Government of Southern Sudan in order to strengthen existing unions and establish new ones.
104. In **Uzbekistan**, the Federation of Trade Unions of Uzbekistan (FTUU) indicates that freedom of association applies to workers in all sectors of the economy (with the exception of the armed forces and internal security forces).
105. **Introducing legislative changes.** According to the Government of the **Republic of Korea**, the National Assembly revised the Trade Union and Labour Relations Adjustment Act, 1997 (TULRAA) in December 2006, on the basis of the tripartite agreement of September 2006. The main features of the revision bills are as follows: (i) the notification requirement for third-party assistance was repealed as of 1 July 2007; (ii) compulsory arbitration for essential public services is to be abolished as of 1 January 2008. Instead, a minimum service system will be introduced and the use of a replacement workforce during strikes will be allowed.
106. In the **Lao People's Democratic Republic**, a new Labour Code was adopted in 2006, with specific provisions on freedom of association for employers and workers.
107. In **Oman**, a Royal Decree was issued in July 2006 together with a Ministerial Decision on the formation, functioning and registration system of unions and labour associations. Moreover, a Ministerial Decision No. 24/2007 was issued relating to the establishment of trade unions and the General Federation of Oman Trade Unions (GFOTU).
108. In **Sudan**, the Public Service Act, 1995, governing the right of workers and employers to bargain collectively, has been revised in May 2007 by the Parliament following tripartite consultations.
109. Few governments indicate labour law review is still ongoing (**Islamic Republic of Iran** and **Iraq**) while others state that they are currently in the final stage of introducing legislative changes (**Jordan, Kenya, Lebanon** and **Viet Nam**).
110. The Government of **Jordan** reports that a joint committee, composed of the social partners, has been studying for more than two years, the possibility of amending the Labour Code, especially as regards collective labour relations and the right to organize for both workers and employers. Amendment proposals have been referred to the Council of Ministers for approval. This process illustrates government efforts to bring national labour laws closer to the requirements of Convention No. 87 and pave the way for the ratification of this instrument.
111. In **Kenya**, the COTU-KENYA observes that the Labour Relations Bill, which includes the Trade Disputes Act and the Trade Unions Act, is currently being debated before the Parliament.

112. The Government of **Lebanon** reports that the draft amendment to the Labour Code has been referred to the Council of Ministers to follow its legal process. The Ministry of Labour has subsequently retrieved the draft in order to reconsider it and to incorporate some modifications so that its provisions are compatible with international labour standards. Moreover, the Civil Service Council is currently preparing a new staff regulations draft, which will be submitted very shortly to the Prime Minister to follow its legal process.
113. In **Thailand**, the National Congress of Thai Labour (NCTL) states that it has participated in the draft new Labour Relations Law that will guarantee workers' rights in both private and public sectors. The Government will submit this draft law to the National Assembly.
114. The Government of **Viet Nam** reports that a revised law on association will be promulgated soon by the next legislature.
115. **Enforcement, monitoring and sanction mechanisms.** The examination of governments' reports shows that the large majority of countries provide for enforcement and/or sanction mechanisms to ensure the application of national laws.
116. Tripartite committees comprised of government, employers' and workers' representatives have been established in various countries to enhance active partnership and strengthen the coherence, quality and efficiency of national policies and laws. In **Jordan**, the General Federation of Jordanian Trade Unions (GFJTU) observes that a new tripartite committee was created in June 2007.
117. In **Guinea-Bissau**, the Government indicates that a tripartite body for social dialogue was recently established.
118. The Government of **Bahrain** indicates that a tripartite committee that would engage in the ratification of the remaining ILO fundamental Conventions, will be formed shortly.
119. The Government of **Mexico** states that it has set up labour committees within the Ministry of Labour and Social Welfare with employers' and workers' representatives with a view to revising the framework agreements currently in force and strengthening labour relations in the sugar and rubber industries. These committees will consider various issues relating, in particular to working conditions and modernization at enterprise level.
120. In **Morocco**, the Government reports that the existing national tripartite institutions have been strengthened, namely the "*Conseil supérieur de la mutualité*" and the "*Conseil supérieur de la négociation collective*".
121. In **Somalia**, the Government emphasizes that an independent new Civil Service Commission (CSC) has been established, and will deal with working conditions of civil servants.
122. In instances where the principle and right is not respected, the matter is commonly referred to administrative/labour courts or labour inspection that shall take appropriate sanctions ranging from fines to imprisonment. Civil and administrative sanctions may also apply. (**Afghanistan, Brazil, Brunei Darussalam, Canada, Guinea-Bissau, India, Islamic Republic of Iran, Iraq, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Malaysia, Mexico, Morocco, Myanmar, Nepal, New Zealand, Oman, Qatar, Somalia, Sudan, Thailand, Timor-Leste, United Arab Emirates, United States and Uzbekistan**).
123. Special institutional machineries have also been created in various countries. In cases where the principle and right is not respected in the public sector, discussions or

negotiations are held within special institutions as provided for in **Canada, India, Republic of Korea, Lebanon, Mexico, Malaysia, Myanmar** and **Somalia**.

- 124.** For example, in **Canada**, each jurisdiction has established an independent quasi-judicial labour relations board, including workers' and employers' representatives, to administer its collective bargaining laws. Labour boards in each jurisdiction can also issue orders that provide a wide range of remedies and may be filed with the appropriate Court and become enforceable.
- 125.** The Government of **Myanmar** indicates that from January to July 2007, several cases have reached agreement through negotiation and conciliation.
- 126. Special attention to particular situations.** Certain countries have given a special attention to particular situations with a view to realizing of the principle and right. In particular, this may concern: (i) women (**Afghanistan, Guinea-Bissau, Lao People's Democratic Republic, Lebanon** and **Oman**); (ii) specific categories of persons, such as children, migrant workers, disabled workers and/or persons from particular industries/sectors (**Brazil, Islamic Republic of Iran** and the **Republic of Korea**); or (iii) religious minorities (**Islamic Republic of Iran** and **Kenya**).
- 127.** According to the Government of **Lebanon**, a National Management Committee was created in May 2007 to deal with the situation of women migrant domestic workers. Its task is to prepare and implement projects aimed at protecting these workers in coordination with the relevant international organizations and the civil society committees. The following projects have been elaborated: (i) a handbook on rights and obligations; (ii) a consolidated labour contract; and (iii) a special law on women migrant domestic workers.
- 128.** In **Oman**, the General Federation of Oman Trade Unions (GFOTU) observes that it has been promoting women's participation in trade unions and the establishment of a trade union for women workers in cooperation with NGOs.
- 129. Promotional activities.** Different types of activities have been carried out by governments and/or employers' and workers' organizations to promote the principle and right. At the regional level, the ILO–GCC Fifth Regional Workshop on the ILO Declaration and international labour standards in GCC countries was organized in Oman in May 2007, with a tripartite participation of **Bahrain, Kuwait, Oman, Qatar, Saudi Arabia** and the **United Arab Emirates**.
- 130.** Moreover, in **Oman**, the General Federation of Oman Trade Unions (GFOTU) states that it has participated in several tripartite activities organized by the Arab Labour Organization (ALO).
- 131.** The Government of **Qatar** reports that the Labour Department has participated in February 2007 in a conference concerning trade union freedoms and rights in the Arab world jointly, held in Tunis by the ALO and the ILO.
- 132.** At the national level, case studies and/or national tripartite workshops have been carried out in collaboration with the ILO, with a view to assessing realities and making recommendations and plan of action on the realization of the principle and right (**Afghanistan, Guinea-Bissau** and **Kenya** in 2007).
- 133.** In **Brunei Darussalam**, the Government reports that officials of the Labour Department of the Ministry of Home Affairs and of the Attorney General's Office as well as representatives of employers' and workers' organizations were sensitized on the FPRW and ILO fundamental Conventions during ILO's assistance in reporting issues carried out

in November 2007. The National Chamber of Commerce and Industry (NCCI) indicates that it promotes the relationship between these principles and rights, decent work and sustainable enterprises through discussions among its members and with the Government. The Brunei Oilfield Workers' Union (BOWU) states that it organizes monthly meetings to increase knowledge on ILO and FPRW among its members.

134. In **India**, the Council of Employers of India (CEI) observes that it has been organizing regional tripartite consultations on the Declaration's follow-up since 2003.
135. In **Jordan**, the General Federation of Jordanian Trade Unions (GFJTU) observes that continuous campaigns through the media were carried out under the social dialogue project to explain the provisions of Convention No. 87.
136. In the **Lao People's Democratic Republic**, the Lao National Chamber of Commerce and Industry (LNCCI) observes that regular bipartite meetings are organized with workers, and consultations are also held in cases of dispute. Moreover, several tripartite workshops on labour law review have been organized by the LNCCI in collaboration with the ILO.
137. In **Mexico**, the Government states that several joint committees have been set up to consider issues that are of common interest to the federal Government and employers' and workers' organizations.
138. In **Nepal**, the Federation of Nepalese Chamber of Commerce and Industry (FNCCI) refers to bipartite awareness-raising activities organized at the regional level.
139. In **New Zealand**, Business New Zealand (BNZ) reiterates that its regional structures continue to be involved in the provision of employment relations education, advice and information to their members through seminars, advice line services, collective and individual bargaining assistance, etc.
140. With a view to strengthening the capacity of the tripartite partners, specific training courses and seminars have been carried out at the national and international levels. For example, in **Kenya**, two industrial court judges participated in the international labour standards course for judges, lawyers and legal educators in September 2007 under the sponsorship of the ILO and its Turin Centre. In the same vein, three government officials from **Samoa**, **Somalia** and **Timor-Leste** were also trained on International Labour Standards and the Declaration's follow-up in May and June 2007 in Turin and Geneva by the ILO and its Turin Centre.
141. According to the Government of **Canada**, the Federal Mediation and Conciliation Service (FMCS) plays an important role in the promotion of the principle and right. In September 2007, this service held its biennial conference where government and employers' and workers' representatives from across the country discussed best practices in industrial relations and collective bargaining and ways to improve labour-management relations. Furthermore, the Preventive Mediation Program (PMP) of the FMCS provides training and assistance in the building of cooperative industrial relations across the country and in joint labour-management committee effectiveness, interest-based bargaining, grievance mediation, relationship building, and the facilitation of collective bargaining. During the year 2007, there were also 23 projects active under the Labour-Management Partnerships Program (LMPP), which provided funding to support and promote the development of cooperative labour-management relations in the country.
142. In **China**, the China Enterprise Confederation (CEC) states that it will organize training activities on collective bargaining for employers shortly.

143. In **Jordan**, the Government reports that it undertakes many training activities for employers' and workers' organizations in order to familiarize them with the provisions of Convention No. 87.
144. In **Kenya**, the Federation of Kenya Employers (FKE) indicates that it has organized training programmes under its Management Consulting Group (MCG).
145. In **Lebanon**, the Government states that the National Institute for Administration of the Ministry of Labour is preparing a training course for the staff of the Labour Inspection, Prevention and Safety Unit on all the ratified international labour Conventions. Other training courses will also be provided to the government commissioners in the Labour Arbitration Councils, through the Justice Institute of the Ministry of Justice.
146. In **Nepal**, workers' organizations (National Democratic Confederation of Nepalese Trade Unions – NDCONT, All-Nepal Federation of Trade Union – ANFTU and Democratic Confederation of Nepalese Trade Union (DECONT)) state that several meetings have been organized by the Ministry of Labour in cooperation with the ILO on freedom of association and the Declaration on Fundamental Principles and Rights at Work.
147. In **Myanmar**, the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI) states that it organizes and promotes training seminars for workers.
148. The Government of **Oman** reports that several training programmes for workers were organized in cooperation with the ILO, including a tripartite workshop on dispute settlement. According to the General Federation of Oman Trade Unions (GFOTU), a project on the creation of trade unions was launched and the constitution of the GFOTU was finalized in cooperation with the ILO.
149. The Government of the **Solomon Islands** states that it provides financial assistance for the national celebration of the Labour Day. These activities include awareness raising programmes and radio broadcasting on the FPRW.
150. In **Thailand**, the Employers' Confederation of Thai Trade and Industry (ECONTHAI) states that it has organized training activities and bipartite discussions on the principle and right. According to the National Congress of Thai Labour (NCTL), sectoral activities were carried out in order to train trade unions. Seminars on collective bargaining are also organized on a regular basis in collaboration with the social security services.
151. In **Viet Nam**, the Viet Nam General Confederation of Labour (VGCL) indicates that training activities on collective bargaining for workers are organized with a view to improving labour relations and the content of collective agreements.
152. In **Sudan**, several workshops were organized in cooperation with the ILO to strengthen partnership and social dialogue in 2006 and 2007. In addition, a tripartite workshop was carried out in Khartoum in July 2007 in cooperation with the ALO. In particular, the Sudan Businessmen and Employers' Federation (SBEF) states that tripartite training courses on freedom of association and safety and health were organized in Khartoum in cooperation with the ALO, as well as three workshops on the partial reintegration of the informal economy into the formal economy.
153. **Data collection and dissemination.** Only a few governments or employers' or workers' organizations have sent updated data concerning the principle and right (**Brunei Darussalam, China, Lebanon, Mexico, Myanmar and New Zealand**).

154. In **Brunei Darussalam**, according to the Brunei Oilfield Workers Union (BOWU): 232 out of 831 workers among the technical assistant supervisors of Brunei Shell Petroleum are unionized with the BOWU. The National Chamber of Commerce and Industry (NCCI) states that it gathers about 1,500 employers and is composed by the three following major affiliates: the Malay Chamber of Commerce and Industry (MCCI), the Chinese Chamber of Commerce (CCC) and the International Chamber of Commerce (ICC).
155. The Government of **China** states that the number of collective contracts at the end of 2006 had reached 521,100 covering a total of 9.06 million workers. Furthermore, the All-China Federation of trade unions (ACFTU) indicates that the national trade union membership increased by 19.64 million in 2006, leading to a total number of nearly 170 millions members reaching a membership rate of 73.6 per cent.
156. The Government of **Lebanon** indicates that there are 172 employers' organizations and 396 trade unions located in Beirut – Mount Lebanon (129 employers' organizations and 216 trade unions), the North (19 employers' organizations and 61 trade unions), the South (13 employers' organizations and 71 trade unions); and Beqaa (11 employers' organizations and 48 trade unions). Moreover, 60 trade union federations exist in the country.
157. Concerning **Malaysia**, the ITUC indicates that only 8.5 per cent of the total workforce is unionized.
158. In **Mexico**, the Government reports that although 9,212 calls to strike were recorded in the period from 1 May 2006 to 1 June 2007, only 45 of these actually resulted in a strike, which represents a strike outbreak rate of 0.5 per cent. With respect to collective bargaining, during the same period there were 2,736 pay reviews and 1,437 contractual reviews benefiting 54,223 workers. Concerning collective disputes, 2,136 were settled by conciliation; 3,359 were settled as a result of a withdrawal; and 3,646 were settled for other reasons, representing a conciliation rate of 60 per cent.
159. According to the Government of **Myanmar**, from January to July 2007, several cases have reached agreement through negotiation and conciliation, by which many workers received a total compensation amounting to Kyat 69,376819 (about US\$50,500 as of October 2007).
160. The Government of **New Zealand** indicates that the Department of Labour will publish soon information on collective bargaining outcomes and union membership online.
161. **Tripartite discussions.** Most countries report that they usually hold tripartite meetings including on labour law review (**Afghanistan, Bahrain, Brazil, Brunei Darussalam, Canada, Guinea-Bissau, Islamic Republic of Iran, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Nepal, New Zealand, Oman, Qatar, Singapore, Sudan, Thailand, Uzbekistan and Viet Nam**).
162. For example, in **Canada**, the Federal Mediation and Conciliation Service (FMCS) held in September 2007 its biennial conference where government and employers' and workers' representatives from across the country discussed about best practices in industrial relations and collective bargaining and ways to improve labour-management relations.
163. In the framework of the extension of ILO-PAMODEC II in **Guinea-Bissau**, a tripartite follow-up unit was established with a view to strengthening social dialogue in the country.
164. In **Kenya**, the Government indicates that tripartite discussions are held within the Labour Advisory Board.

- 165.** In **Nepal**, several tripartite discussions have been conducted to promote the principle and right.
- 166.** In **Singapore**, according to the Singapore National Employers' Federation (SNEF), the close collaboration among tripartite partners has facilitated the promotion and implementation of national programmes such as: (i) enhancing productivity and competitiveness of the economy; (ii) facilitating the employability of older workers; and (iii) improving the work-life harmony of workers.
- 167.** In **Uzbekistan**, the Federation of Trade Unions of Uzbekistan (FTUU) indicates that it has been undertaking joint measures in cooperation with the Ministry of Labour and Social Protection of the Population to act jointly with a view to regulating the labour market processes. It further adds that, in recent years, the FTUU has made more than 300 proposals in the process of the drafting of 60 Bills and the majority of these proposals were adopted. Moreover, the trade unions are currently involved in the drafting of laws to strengthen the mechanism for enforcing citizens' rights and social guarantees. These laws include: (i) the Law on State Social Insurance against Occupational Injuries and Diseases; (ii) the Law on Medical Insurance; (iii) the Law on the Social Protection of the Population; and (iv) a new version of the Law on Trade Unions.
- 168. Special initiatives/progress.** In the efforts and progress made to realize the principle and right, some governments, employers' or workers' organizations indicate the following new initiatives undertaken in 2007.
- 169.** In **Bahrain**, the ITUC observes that a Decree on employment in the private sector prohibiting dismissal for trade union activities was adopted in October 2006. Employers are also obliged to reinstate the dismissed workers and to provide compensation if it is proved that workers were discriminated because of their union activities.
- 170.** In **China**, the Government reports that it has improved the collective bargaining and collective contract system by: (i) further strengthening the coverage of collective contracts and promoting the area-wide and industry-wide collective negotiation; (ii) emphasizing specific collective contracts dealing with wages, working hours, etc.; and (iii) developing training activities and advertisements. Moreover, the ITUC observes that the draft Labour Contract Law is significant for the following reasons: (i) the draft law has been subject to an unprecedented level of public debate and consultation – according to reports the draft received some 200,000 online comments; (ii) it addresses some of the crucial loopholes of the current labour law and provides specific penalties and remedies for failing to observe labour laws and regulations; (iii) it seeks to clarify the nature of a labour relationship between workers and employers – including those many instances where workers have no formal contract; (iv) it includes penalties for companies, which fail to provide proper written contracts and penalties for breaking contract terms; (v) it attempts to legislate on the fast growing use of contract labour; and (vi) it appears to bolster the role of trade unions in discussions on redundancies and other major changes.
- 171.** In **Guinea-Bissau**, a new employers' organization was created under the name of "Chambre de l'agriculture, du commerce et de l'industrie" (CACI). Moreover, a tripartite follow-up unit has been set up under the ILO-PAMODEC II Programme that has also carried out a national case study and organized a national tripartite workshop on the FPRW.
- 172.** In **Iraq**, the Government reports that a large number of trade unions were formed in 2007 and trade union elections are being facilitated.

173. Concerning **Lebanon**, the ITUC observes that the Ministry of Labour issued a Decree establishing a high-level national steering committee to amend the labour law with a view to reinforcing the rights of domestic workers. This committee will also draw up a standard contract for such workers and prepare a two-year action programme.
174. In response to the ITUC's observations, the Government of **Lebanon** indicates that the decision to establish a national committee to deal with the situation of women migrant domestic workers in the country was issued by the Prime Minister. This committee holds meetings on a continuing basis and is preparing a standard contract for these women workers and a handbook on their rights and obligations.
175. In **Kenya**, the Central Organization of Trade Unions (COTU-KENYA) observes that trade unions were established in the teaching, transport and security sectors.
176. In **Jordan**, the General Federation of Jordanian Trade Unions (GFJTU) states that migrant workers are now enjoying the right to organize.
177. The Government of **Myanmar** indicates that trade unions were created, especially in the Yangon Division, which is under the supervision of the Committee of the Industrial Zones. Accordingly, workers' organizations in eleven sectors have been formed in the industrial zones of Yangon Division and more workers' organizations will be formed in the other states and divisions. Subsequently, these initial workers' organizations will eventually form a single federation.
178. In **Oman**, the Government states that a ministerial decision was issued concerning the establishment of trade unions.
179. According to the Government of **Qatar**, a labour relations service has been established in the Labour Department of the Ministry of Civil Service Affairs and Housing. This service should contribute to strengthening dialogue and cooperation between employers and workers.
180. In **Somalia**, the Government reports that the Somalia Employers' Association (SEA) was established in January 2007. Small workers' unions were also set up, but the umbrella national union is yet to be established. The formation of further employers' and workers' organizations is envisaged.
181. In **Sudan**, the Sudan Workers' Trade Union Federation (SWTUF) notes that a series of workshops were held to organize workers in the informal economy. As a result of this activity, many unions were established, namely in the taxi, bakery and handicraft sectors.
182. In the **United Arab Emirates**, the Government, the United Arab Emirates Federation of Chambers of Commerce and Industry (UAEFCCI) and the United Arab Emirates Coordinating Committee of Professional Associations (UAECCPA) indicate that women membership represented 22 per cent of the newly elected Federal National Council.
183. In **Uzbekistan**, according to the Federation of Trade Unions of Uzbekistan (FTUU), fourteen regional agreements are currently in effect in the provinces and in the city of Tashkent. In the different economic sectors, there are 77 national sectoral agreements and 605 regional sectoral agreements. Collective agreements have been adopted in more than 178,000 enterprises, covering some 5,350,000 workers.

**(c) Challenges mentioned**

- 184. Obstacles to ratification of Conventions Nos 87 and 98.** In many countries, ratification of Conventions Nos 87 and/or 98 is still a challenge, mainly because of the non-compliance of national laws with the provisions of these instruments. This is the case for **Afghanistan, Brazil, Canada, China, Guinea-Bissau, India, Islamic Republic of Iran, Iraq, Oman, Singapore, Somalia, and Timor-Leste.**
- 185.** The Government of **Guinea-Bissau** indicates that no legislation or policy is covering the issues of freedom of association and collective bargaining.
- 186.** In the **Islamic Republic of Iran**, the Iran Confederation of Islamic Labour Conference (ICILC) observes that several meetings were held with the Government to amend Chapter VI of the Labour Code concerning the establishment of labour councils and the right to strike. These amendments are yet to comply with the provisions of Conventions Nos 87 and 98.
- 187.** The Government of **Somalia** once again requests ILO technical assistance with a view to strengthen its technical capacities to carry out the ratification of fundamental Conventions (including Conventions Nos 87 and 98) in consultation with the social partners.
- 188.** The Government of **Timor-Leste** indicates that a better understanding of international labour standards and the ILO Declaration as well as a labour law review are necessary before the process of ratification of Conventions Nos 87 and 98 can be initiated. It requests ILO technical cooperation in this regard.
- 189.** Few governments and/or employers' and workers' organizations indicate the current impossibility for their countries to ratify Conventions Nos 87 and/or 98 (**New Zealand, Saudi Arabia and Singapore**).
- 190.** According to the Government of **New Zealand**, it is not possible, for the time being, to ratify Convention No. 87. Moreover, Business New Zealand (BNZ) reiterates that it does not support ratification of this instrument, given its broad interpretation by the Committee on Freedom of Association that includes the right to strike on social, economic and sympathy grounds. BNZ considers that such strikes benefit neither employers nor workers, and could only undermine the current Government (October 2007) attempts to transform the New Zealand economy.
- 191.** In **Saudi Arabia**, the Government indicates that it has no intention at this time to ratify Conventions Nos 87 and 98.
- 192.** The Government of **Singapore** reports that contrary to the country's current national regulations that require formal registration of trade unions, with prescribed rules on union administration and activities, Convention No. 87 requires a de-regulated approach in the management of trade unions. Under this Convention, trade unions are generally unrestricted in their roles and activities, which is not in line with the national existing laws based on the development of responsible trade unions and enlightened employers. Hence, ratification would require the Government to make major amendments to the laws that have been functioning well and benefited the economy, employers and workers over the past decades. Amending these laws would undermine the harmonious industrial relations and strong tripartite relationship that the country has developed.
- 193. Contextual and legal challenges.** The table below lists the contextual factors and legal obstacles referred to in governments' reports and employers' and workers' organizations' observations.

**2008 Annual Review: Contextual and legal challenges in the realization of freedom of association and the effective recognition of the right to collective bargaining in reporting States)**

Type of difficulty	Governments	Employers' organizations	Workers' organizations	International Trade Union Confederation (ITUC)
Lack of public awareness and/or support	<b>Brunei Darussalam, Kenya, Oman, Samoa, Somalia, Timor-Leste</b>	<b>Guinea-Bissau:</b> <i>Chambre de l'Agriculture, du Commerce et de l'Industrie (CACI), Chambre de Commerce, de l'Industrie et de l'Agriculture (CCIA)</i> <b>Kenya:</b> the Federation of Kenya Employers (FKE)	<b>Guinea-Bissau:</b> <i>Confédération générale des syndicats indépendants de Guinée-Bissau (CGSI/GB), Union nationale des travailleurs de Guinée (UNTG)</i> <b>Kenya:</b> Central Organization of Trade Unions (COTU-KENYA)	–
Lack of information and data	<b>Brunei Darussalam</b>	–	–	–
Social values, cultural traditions	–	–	<b>Oman:</b> The General Federation of Oman Trade Unions (GFOTU)	–
Social and economic circumstances	<b>Oman, Somalia</b>	<b>India:</b> Council of Indian Employers (CIE) <b>Iraq:</b> Iraq Federation of Industries (IFI) <b>Myanmar:</b> Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI)	<b>Afghanistan:</b> All-Afghanistan Federation of Trade Unions (AAFTU) <b>Iraq:</b> Iraq Federation of Trade Unions (IFTU) <b>India:</b> All India Trade Union Congress (AITUC)	<b>India</b>
Political situation	<b>Lebanon, Iraq, Somalia</b>	<b>Iraq:</b> Iraq Federation of Industries (IFI)	<b>Afghanistan:</b> All-Afghanistan Federation of Trade Unions (AAFTU) <b>Iraq:</b> Iraq Federation of Trade Unions (IFTU)	<b>Iraq</b>
Legal provisions	<b>Brunei Darussalam, Guinea-Bissau, Lebanon, Somalia, Timor-Leste</b>	<b>China:</b> China Enterprise Confederation (CEC) <b>Lao People's Democratic Republic:</b> Lao National Chamber of Commerce and Industry (LNCCI)	<b>Bahrain:</b> General Federation of Bahrain Trade Unions (GFBTU) <b>Guinea-Bissau:</b> <i>Condédération générale des syndicats indépendants de Guinée-Bissau (CGSI/GB), Union nationale des travailleurs de Guinée (UNTG)</i> ; <b>Islamic Republic of Iran:</b> Iran Confederation of Islamic Labour Conference (ICILC) <b>Jordan:</b> General Federation of Jordanian Trade Unions (GFJTU)	<b>Bahrain, Brazil, Canada, China, Islamic Republic of Iran, Iraq, Jordan, Republic of Korea, Lao People's Democratic Republic, Saudi Arabia, Singapore, Timor-Leste, United Arab Emirates, United States</b>
Prevailing employment practices	<b>Guinea-Bissau</b>	<b>India:</b> Council of Indian Employers (CIE) <b>Lao People's Democratic Republic:</b> Lao National Chamber of Commerce and Industry (LNCCI)	<b>Guinea-Bissau:</b> <i>Condédération générale des syndicats indépendants de Guinée-Bissau (CGSI/GB), Union nationale des travailleurs de Guinée (UNTG)</i> <b>India:</b> All India Trade Union Congress (AITUC) <b>Jordan:</b> General Federation of Jordanian Trade Unions (GFJTU)	<b>China, Islamic Republic of Iran, Iraq, Jordan, Kenya, Republic of Korea, Lao People's Democratic Republic, Lebanon, Malaysia, Morocco, Timor-Leste, Viet Nam</b>

Type of difficulty	Governments	Employers' organizations	Workers' organizations	International Trade Union Confederation (ITUC)
Lack of capacity of responsible Government institutions	<b>Brunei Darussalam, Kenya, Jordan, Mexico</b>	<b>Guinea-Bissau:</b> <i>Chambre de l'Agriculture, du Commerce, et de l'Industrie</i> (CACI), <i>Chambre du Commerce, de l'Industrie et de l'Agriculture</i> (CCIA) <b>Kenya:</b> Federation of Kenya Employers (FKE)	<b>Afghanistan:</b> All-Afghanistan Federation of Trade Unions (AAFTU) <b>Guinea-Bissau :</b> <i>Condédération générale des syndicats indépendants de Guinée-Bissau</i> (CGSI/GB), <i>Union nationale des travailleurs de Guinée</i> (UNTG) <b>Kenya:</b> Central Organization of Trade Unions (COTU–KENYA) <b>Nepal:</b> National Democratic Confederation of Nepalese Trade Unions (NDCONT), All-Nepal Federation of Trade Union (ANFTU) and Democratic Confederation of Nepalese Trade Union (DECONT)	–
Lack of capacity of employers' organizations	<b>Brunei Darussalam, Kenya, Jordan, Oman, Samoa, Somalia, Timor-Leste</b>	<b>Brunei Darussalam:</b> National Chamber of Commerce and Industry (NCCI) <b>Guinea-Bissau:</b> <i>Chambre de l'Agriculture, du Commerce, et de l'Industrie</i> (CACI), <i>Chambre du Commerce, de l'Industrie et de l'Agriculture</i> (CCIA) <b>Kenya:</b> Federation of Kenya Employers (FKE) <b>Lao People's Democratic Republic:</b> Lao National Chamber of Commerce and Industry (LNCCI) <b>Nepal:</b> Federation of Nepalese Chamber of Commerce and Industry (FNCCI)	<b>Afghanistan:</b> All-Afghanistan Federation of Trade Unions (AAFTU) <b>Brunei Darussalam:</b> Brunei Oilfield Workers' Union (BOWU)	–
Lack of capacity of workers' organizations	<b>Brunei Darussalam, Kenya, Jordan, Oman, Samoa, Somalia, Timor-Leste</b>	<b>Kenya:</b> Federation of Kenya Employers (FKE) <b>Sudan:</b> Sudan Businessmen and Employers' Federation (SBEF)	<b>Afghanistan:</b> All-Afghanistan Federation of Trade Unions (AAFTU) <b>Brunei Darussalam:</b> Brunei Oilfield Workers' Union (BOWU) <b>Guinea-Bissau:</b> <i>Condédération générale des syndicats indépendants de Guinée-Bissau</i> (CGSI/GB), <i>Union nationale des travailleurs de Guinée</i> (UNTG) <b>Kenya:</b> Central Organization of Trade Unions (COTU–KENYA) <b>Lao People's Democratic Republic:</b> Lao Federation of Trade Union (LFTU) <b>Oman:</b> The General Federation of Oman Trade Unions (GFOTU)	–

Type of difficulty	Governments	Employers' organizations	Workers' organizations	International Trade Union Confederation (ITUC)
Lack of social dialogue on this principle	<b>Afghanistan, Brunei Darussalam, Jordan</b>	<b>Guinea-Bissau :</b> <i>Chambre de l'Agriculture, du Commerce, et de l'Industrie (CACI), Chambre du Commerce, de l'Industrie et de l'Agriculture (CCIA)</i>	<b>Sudan:</b> the Sudan Workers' Trade Union Federation (SWTUF)  <b>Bahrain:</b> General Federation of Bahrain Trade Unions (GFBTU) <b>Oman:</b> The General Federation of Oman Trade Unions (GFOTU)	<b>Bahrain</b>

Source: ILO: Country reports and baselines under the Declaration's Annual Review, 2008.

- 194. Restrictions to freedom of association.** The full exercise of the principle and right can be weakened through the imposition of several restrictions. For example, some countries have excluded workers of the public sector from the entire exercise of the principle and right (**Bahrain, India, Islamic Republic of Iran, Jordan, Republic of Korea, Qatar, Thailand** and the **United Arab Emirates**) while others exclude certain categories of workers only (**Kenya, Lebanon, Malaysia, Morocco, Nepal, Thailand** and the **United States**). Other categories of workers are also subjected to these restrictions in various countries such as: (i) migrant workers (**Bahrain, Islamic Republic of Iran, Lebanon, Qatar, Singapore** and the **United Arab Emirates**); (ii) domestic workers (**Bahrain, Jordan, Lebanon, Nepal, Qatar, United Arab Emirates** and the **United States**); (iii) agricultural workers (**Jordan, Qatar, Thailand, United Arab Emirates** and the **United States**); or (iv) workers in the informal economy (**Afghanistan, Bahrain, India, Islamic Republic of Iran, Malaysia, Qatar** and the **United Arab Emirates**).
- 195.** In **Afghanistan**, the All-Afghanistan Federation of Trade Unions (AAFTU) observes that the right to freedom of association is not respected, in particular concerning the registration of trade unions. In this respect, the Government states that it does not recognize the AAFTU as a trade union given that the organization is not legally registered at the Ministry of Justice.
- 196.** In **Bahrain**, the General Federation of Bahrain Trade Unions (GFBTU) and the ITUC note that public servants are still not allowed to organize. According to the GFBTU, Decree No. 3 of March 2007 provides for disciplinary sanctions when a worker from the public sector is affiliated in a trade union. In this respect, there have been continued negative responses from the Government to the repeated requests concerning the registration of six unions of the public sector – which, according to the GFBTU, contravenes the Bahraini Constitution and National Charter.
- 197.** In **India**, the Council of Indian Employers (CIE) observes that over 90 per cent of the workforce is in the informal economy and are not yet organized and integrated in the formal economy.
- 198.** In the **Islamic Republic of Iran**, the Iran Confederation of Islamic Labour (ICIL) observes that the Government still plays an active role in the formation of the Labour Councils. However, the discussions being currently held on Chapter VI of the Labour Code, would certainly improve this issue.

- 199.** In **New Zealand**, Business New Zealand (BNZ) observes that the recent contract proposals developed by the Government, particularly in the health sector, overrides to some extent the integrity of individual choice regarding membership of a union.
- 200.** In **Thailand**, the National Congress of Thai Labour (NCTL) observes that multinationals operating and investing in the country do not usually abide by national laws.
- 201.** In a late response to the International Confederation of Free Trade Unions' (ICFTU, now ITUC) observations under the 2007 Annual Review, the Government of **Bahrain** indicates that: (i) several amendments were issued in 2006 regarding the recognition of several trade unions at the federal level (Act No. 49/2006), the reinstatement of dismissed workers for their trade union activities (Act No. 73/2006) and the amendment of the criteria governing the workers' exercise of the right to strike (Act No. 49/2006); (ii) the provisions of section 10 of the Trade Union Act allows workers of the public sector to join trade unions. The amendment of this section has been submitted to the Parliament and is expected to be approved during the next session; (iii) section 21 of the Trade Union Act was amended allowing strikes when the majority to declare the strike is obtained; (iv) "essential enterprises" have been defined and their identification is made by decision of the Prime Minister (for example, Decision No. 62/2006) who can easily modify it whenever necessary; and (v) the amendment draft of Decree Law No. 23/1976 including a chapter on collective bargaining was submitted to the Parliament for approval at the next session.
- 202.** In **Brazil**, the ITUC notes the compulsory trade union tax imposed on workers, which is based on the legally binding single union system.
- 203.** In **Brunei Darussalam**, the ITUC observes that the suspension of democratic rights, dating from 1962 and renewed by the Government every two years, prevents trade union activity. The law prohibits unions and federations from affiliating with international union bodies unless they receive prior written consent from both the Minister of Home Affairs and the Labour Department. Except for those in the army, police and prisons, civil servants are permitted to form and join unions, but none have done so. Moreover, their associational rights as well as those of the members of the security forces are significantly limited by a strict prohibition against them to join political parties of any kind. In practice, there are only three trade unions registered in the country, all in the oil sector, representing a total of approximately 1,500 workers. Two of the unions representing office workers are allegedly inactive, while the remaining union, comprised of manual oil field workers, has limited activities. These unions exercise little independence from government authority. There was virtually no discernible trade union activity in 2006.
- 204.** In response to these observations, the Government of **Brunei Darussalam** states that: (i) the Trade Unions Act (CAP 128) and the Trade Disputes Act (CAP 129) regulate trade unions and trade disputes respectively, and both legislations are still in force – moreover, as of 2004, the Legislative Council was re-established and comprises 45 persons including representatives from the four districts; (ii) the current unions registered under the Trade Unions Act are the following: (a) The Brunei Government Subordinates Officers' Union; (b) the Royal Brunei Customs Workers' Union; and (c) the Brunei Oilfield Workers' Union (BOWU). As regards the members of Royal Brunei Police Force, the Royal Brunei Armed Forces and the members of the Prison Services, they are not allowed to join any trade union. However, they are protected under specific laws, namely the Royal Brunei Police Act, (CAP 50), the Royal Brunei Armed Forces Act (CAP 149), and the Prisons Act (CAP 51). Civil servants are not prohibited from joining trade unions.
- 205.** In **China**, the ITUC observes that, according to the Trade Union Law, several restrictions persist regarding the basic duties and functions of the trade unions.

206. The ITUC also underscores that, in certain countries, there is only one official trade union or national trade union centre that is legally recognized or tolerated in practice. In **Bahrain**, despite the adoption of the Workers Trade Union Law in September 2002, workers do not yet enjoy full freedom of association as all trade unions should be affiliated to the GFBTU. In **China**, only the All-China Federation of Trade Unions (ACFTU) is recognized by law. In **Iraq**, the only officially recognized trade union is the General federation of Iraqi Workers (GFIW). In the **Lao People's Democratic Republic**, workers and employers have the right to organize, but according to the 1994 Labour Law, any labour union must be affiliated with the Lao Federation of Trade Union (LFTU). In **Oman**, a Decree promulgated on 8 July 2006 grants workers the right to form trade unions, but the reference to the General Federation Oman Trade Unions (GFOTU) implies a monopoly with a single trade union federation.
207. The ITUC further considers that some unions are subject to Government's interference or influence in **China, Lao People's Democratic Republic, Lebanon, Saudi Arabia, Singapore and Sudan**.
208. In response to these observations, the Government of **Lebanon** indicates that: (i) the authorization for the establishment of trade unions has never been an obstacle to their creation, which is proved by the existence of 568 associations of employers and workers and 60 trade unions and trade union federations. The Labour Code left it to each trade union to define the fields of its work by its Standing Orders set upon the agreement of two thirds of its legislative body; (ii) the role of the Ministry of Labour in the "context of trade union elections" is simply to supervise the election operations organized by a trade union, without the intervention of the Ministry neither in fixing the date of the election nor in appointing the candidates. It only takes note, and its supervision is to make sure that the election runs according to the Standing Orders of the trade union and in the presence of a polling committee including representatives of the trade union and the candidates as well as delegates from the Ministry of Labour. The Ministry has no role in the distribution of the posts, which is carried out by the elected board through a secret ballot not attended by the Ministry. Its ratification of this distribution is considered as a procedure to get informed of the names of the members and the tasks that they will assume according to this distribution; (iii) the Labour Code gives the Government the right to dissolve the executive board of a trade union in case this board does not respect the obligations it has according to the trade union's Standing Orders set originally by the general assembly and voted by a majority of two thirds of its members, or in case it carries out an action which does not fall under its terms of reference, provided that the election of a new board takes place in the three months following the date of the dissolution. Thus, the Government's role is limited to the dissolution of the board in specific cases determined exclusively in the Labour Code (section 105); moreover, the draft amendment to the Labour Code gives the general assembly of a trade union the right to dissolve the trade union upon a decision taken by a majority of two-thirds of its members; it also gives the competent courts the right to dissolve a trade union in case it does not respect the public order (section 155); consequently, the Government has no longer any role to play in the dissolution of trade unions; and (iv) the Lebanese Labour Code limits the purpose of trade unions to the issues that would protect, promote and scale-up occupations while defending their interests and promoting all their economic, industrial and commercial aspects. Thus, when the law forbids trade unions to engage in political activities or to participate in meetings and demonstrations of political nature, it intends to protect the interests of trade unions' members regardless of their political preferences and affiliations, and logically to preserve their trade-unionist unity. Finally, the draft amendment to the Labour Code aims to clarify that trade unions do not have any political capacity, and to forbid them from engaging in any political activity that would affect the national unity.

- 209.** Moreover, the ITUC observes that there is a ban or restriction on the formation of trade unions in the following countries.
- 210.** In **India**, restrictions to the formation of trade unions continue in law and practice.
- 211.** In the **Republic of Korea**, an important number of public servants are still denied union rights, namely: (i) managers; (ii) human resources personnel; (iii) personnel dealing with trade unions or industrial relations; and (iv) special public servants such as military, police, fire fighters, politically-appointed officials and high level public officials.
- 212.** In **Lebanon**, restrictions to freedom of association still exist for the following categories of workers: (i) civil servants; (ii) agricultural workers; (iii) domestic workers; (iv) day workers; (v) temporary workers; (vi) migrant workers; and (vii) Palestinian workers.
- 213.** In **Malaysia**, the 30-year ban on the formation of an independent industrial union in the electronics industry is still in force, and restrictions on union formation and wide discretion in de-registering unions still occur.
- 214.** In **Singapore**, the right to form unions is recognized, but Parliament may impose restrictions on the formation of a union on the ground of security, public order or morality.
- 215.** In response to these observations, the Government of **Lebanon** indicates that: (i) it gives special attention to trade unions and the exercise of freedom of association, without any artificial obstacles to the establishment of trade unions; (ii) the right to freedom of association for workers of the public service is under consideration and the new draft amendment contains additional provisions on this issue; in this regard, trade unions exist in the public institutions and private services, including teachers' organizations at all levels of education; graduates and trainees of the National Institute of Administration and Development can also defend the interests of its members; (iii) temporary workers enjoy equal rights to freedom of association; and (iv) foreign workers can exercise freedom of association according to specific conditions provided by the Labour Code and established to prevent any deviation and dispersion.
- 216.** The Government of **Singapore** points out that these comments are similar to those made under the 2006 and 2007 Annual Reviews. Therefore, it refers to its previous statements that trade union leaders are democratically elected in the country. The trade unions' executive committees are empowered to negotiate and conclude agreements on behalf of their members, and they are fully accountable to their members for their decisions. If they fail to do so, they can be voted out by their members.
- 217.** The ITUC further observes that, in **Iraq**, the Supreme National Commission for De-Baathification (SNCD) sent the two following notifications to the Iraq Federation of Trade Unions (IFTU): (i) a letter concerning the rules to be followed in the trade union elections based on Decree No. 3 of the Government Council; (ii) a list of five people who were "not permitted to hold any leadership post in any federation, company, association or trade union in Iraq".
- 218.** Concerning the **Republic of Korea**, the ITUC raised the following challenges: (i) under the Law on Assembly and Demonstration, any gathering is banned within a hundred metres of foreign diplomatic missions. As a result, many large companies have invited embassies to rent offices in their buildings. This tactic effectively prevents workers from demonstrating in front of the company's headquarters; (ii) third party intervention in collective bargaining and industrial disputes is still hindered, and sanctions are provided for in case of third party intervention without prior notification to the Ministry of Labour; (iii) the Act on Special Economic Zones (SEZs) contains preferential provisions in relation

to foreign companies investing in these zones, which exempts them from many national regulations on the protection of the environment and labour standards – It is feared that this will result in further violations of workers’ rights, since this law also makes it easier to hire “irregular” workers, who will have little or no protection; and (iv) the Act on Employment of Foreign Workers and the Employment Permit System (EPS) allow employers to violate migrant workers’ trade union rights with impunity, given that their stay in the country is limited to three years during which they are strictly forbidden from changing their employer.

- 219.** In response to these observations, the Government of the **Republic of Korea** indicates that according to a decision in October 2003 by the Constitutional Court, the law prohibiting the holding of a rally less than 100 metres away from any foreign diplomatic mission is not an extreme regulation. Furthermore, the provision of third party intervention was abolished in December 2006, as well as related penal provisions, in order to strengthen labour–management autonomy. The Act on SEZs provides only for two exceptions applicable to free economic zones concerning holiday rules and temporary agency workers. In addition, foreign workers can enjoy all the existing labour rights, including freedom of association. Under the Employment Permit System (EPS), a change of workplace is allowed up to four times when continuance of normal employment is difficult due to suspension or closing of business or causes attributable to the employer. In practice, 27,353 persons (24 per cent of EPS workers) applied to change their workplaces, and almost all requests were accepted by the job centres from August 2004 to March 2007.
- 220.** In **Malaysia**, the ITUC notes that: (i) there is a slow and cumbersome recognition process of the trade unions due to extensive power of the Director General of Trade Unions; (ii) restrictions on union officers; (iii) industrial unions are not allowed to organize in managerial, executive positions and security-related tasks; and (iv) unions must receive recognition from employers prior to organizing.
- 221.** According to the ITUC, in **Morocco**: (i) there are mass dismissals for industrial action, in both the textile industry and on a farm producing flowers for export; (ii) violent police repression during protest marches, sit-ins and picketing have been observed; (iii) members of the judiciary are barred from forming trade unions; (iv) domestic and agricultural workers are not covered by the Labour Code; and (v) subcontracting in the EPZs makes it more difficult for unions to organize.
- 222.** In response to these observations, the Government of **Morocco** states that cases of mass dismissals for industrial action are dealt with by the labour inspection unit, like any other labour disputes. In case of disagreement, the matter can be forwarded to a commission of inquiry and conciliation, and workers can also take judicial action. It also indicates that police interventions are carried out only when protests become violent or threaten public order. In addition, members of the judiciary may organize in an association to defend their interests in compliance with Article 10 of Convention No. 87. Furthermore, the national legislation applies to subcontractors in EPZs, and to agricultural workers and domestic workers (sections 1 and 4 of the Labour Code, respectively). In this regard, a draft law on domestic work was formulated in June 2006, based on section 4 of the Labour Code.
- 223.** In **Nepal**, the ITUC indicates that prior approval must be obtained from the Regional Administrator or Chief District Officer to organize workshops, meetings or conferences.
- 224.** It further observes that, in **Saudi Arabia**, the 2005 Labour Law does not allow workers to organize since it provides for workers’ committees only. Trade unions are banned, and whoever tries to form a union can be dismissed, imprisoned or deported.

225. In response to these observations, the Government of **Saudi Arabia** indicates that it is taking steady steps so that the workers' committees can fully play their role. The Ministry of Labour has already established a working group to visit a number of large cities in the Kingdom in order to make these committees known and sensitize workers on the importance and the need for total independence of these committees. It also held a number of meetings with several workers for this purpose. Procedures for the establishment of a national workers' committee are thus taking place in a steady and regular way with a view to reaching the committee's goals. Moreover, a number of professional groups and bodies fulfil the role of those committees and contribute to that process, such as the: (i) Saudi Economics Association; (ii) Saudi Journalists Association; (iii) Saudi Society of Certified Accountants; (iv) Saudi Commission for Health Specializations; and (v) Saudi Engineers Organization. Furthermore, no one can be dismissed, imprisoned or deported without a rightful reason. The workers' committees are simply a first step towards the creation of workers' organizations. Finally, migrant workers have the right to elect the members of the workers' committees and to submit any suggestion, point of view or complaint to the committee members. Section 11 of the Rules for the Creation of the Workers' Committees gives the Minister the right to dissolve a workers' committee only when it commits a serious violation to the provisions of these rules or offends the public security of the country, on condition that a decision in this respect is issued by the Supreme Authority for the Settlement of Labour Conflicts, as provided for in the labour regulations.
226. Finally, the ITUC notes that, in **Timor-Leste**, the Freedom of Assembly and Demonstration Act of January 2006 places significant restrictions on the right to assemble and demonstrate publicly.
227. **Restrictions to the right to strike.** In **Bahrain**, the General Federation of Bahrain Trade Unions (GFBTU) and the ITUC observe that several provisions of the Trade Union Law have been amended in July 2006 and confirmed by Decree No. 62 of 20th November 2006 without prior consultation with the employers' and workers' organizations. This amendment restricts the workers' right to go on strike in the security sector.
228. In response to this observation, the Government of **Bahrain** indicates that Decree No. 62 of 2006 is, to its view, in compliance with international labour standards.
229. The ITUC further notes that the law in **Brunei Darussalam** does not explicitly recognize the right to strike.
230. In the **Lao People's Democratic Republic**, the Lao National Chamber of Commerce and Industry (LNCCI) observes that the right to strike is still not recognized in the country.
231. In the **United States**, the American Federation of Labour and Congress of International Organizations (AFL-CIO) indicates that the National Labor Relations Act (NLRA) and judicial decisions place limitations on the ability of workers to engage in "concerted activity", such as intermittent strikes, secondary boycotts and other forms of aid. This act also allows employers to replace striking workers permanently.
232. The ITUC further observes that the right to strike is limited or restricted in the following countries: **Brunei Darussalam, Republic of Korea, Lebanon, Malaysia, Nepal, Oman, Qatar, Saudi Arabia, Sudan, Thailand, Timor-Leste, United Arab Emirates** and the **United States**.
233. For example, in **Brunei Darussalam**, the law does not explicitly recognize the right to strike.

234. In the **Republic of Korea**, strikes are illegal if they do not relate specifically to labour conditions, such as wages, welfare and working hours.
235. In **Lebanon**, the right to organize demonstrations is limited by the obligation to establish the number of participants in advance and the requirement that five per cent of the union's members be assigned to maintain order.
236. In **Nepal**, the Government made abusive use of the Essential Services Act to ban strikes, even though this Act was revised in April 2007.
237. In **Oman**, a Decree of October 2006 authorizes workers' peaceful strike action only if it is supported by an absolute majority of the workforce.
238. In **Sudan**, strikes have been outlawed since the adoption of the Trade Union Act in 1992.
239. In **Saudi Arabia**, the revised Labour Code, which entered into force in April 2006, prohibits the right to strike. Public demonstrations of a political nature are also prohibited.
240. In **Thailand**, civil servants are denied the right to strike and restrictions exist for state enterprises. Moreover, the Government may restrict strikes in the private sector that would "affect national security or cause severe negative repercussions for the population at large".
241. In response to the ITUC's observations, the Government of **Lebanon** indicates that the purpose of establishing the number of participants is to preserve their security in the demonstrations as well as public freedom and safety.
242. In a late response to the ITUC's observations under the 2007 Annual Review, the Government of **Qatar** indicates that the Labour Code (section 120) provides the right to strike for the workers if an amicable settlement cannot be reached with the employer. However, strike action must be approved by three-quarter of the members concerned.
243. **Serious violations to freedom of association.** The ITUC observes the following incidents in **China**: (i) some 3,000 workers from a Hong Kong-owned furniture factory in Shenzhen staged a protest on 3 April 2006 against long working hours and poor working conditions; the demonstration was dispersed by hundreds of riot police and three senior executives from a Shenzhen sporting goods factory were detained by police for allegedly "inciting workers to block roads"; (ii) subcontracted migrant workers at the Huaen Building construction site in Beijing stopped work after not receiving overdue wages. On 19 July 2006, several of the workers were assaulted by hired men at the site and two were hospitalised; (iii) on 22 July 2006, workers from the Merton Company Ltd protested against low wages and poor living conditions. In the evening, factory security and police sent in riot control vehicles and personnel to control the riot but the following day the conflict intensified. Scores of workers were injured, or detained but later believed to be released; (iv) on 26 August 2006, migrant workers in a company in Nanjing protested against massive unpaid wages. The workers were detained for obstructing traffic and two workers were put in administrative detention for organizing the protest; (v) on 31 July and 1 August 2006, some 300 unemployed teachers from 20 different towns and townships in Suizhou, Hubei Province gathered in front of the government offices to submit a petition, demanding help from the Government to obtain livelihood assistance and benefits such as pensions and medical insurance. The teachers tried using the courts to get a decision on their status, but their legal representative dropped the case after receiving threats. Several teachers were forcibly taken to a "study camp" in mid July 2006 and were only released after 48 days; (vi) in September 2006, in the run up to National Day celebrations, a group of workers in Suining City, Sichuan province, were beaten after petitioning the local

authorities for compensation on their labour dispute with their previous employer. The workers had been formally employed at the Suining Suizhou Guesthouse and had been laid off after the state-owned guesthouse went bankrupt and its assets were sold at a low price. The workers claimed corruption and were claiming unpaid unemployment benefits. The group of 40 workers was forcibly removed from the local Party Committee offices and two female workers were hospitalized as a result. Two other women were detained while others went into hiding for fear of further arrests. It is not known if all have since been released; (vii) on 7 December 2006, some 400 workers from the Shenzhen Safari Park in South China went on strike over inadequate compensation, unfair layoffs and unpaid wages during the privatization of the former state owned zoo. After the strike began, some 70 police officers entered the park and stopped workers from arranging protest signs; and (viii) laid off protestors from the Industrial and Commercial Bank of China were detained by public security officials in Beijing during a protest march on 15 December 2006. Some 50 protestors were detained in the afternoon and later released and send back to their hometowns.

- 244.** In **Iraq**, a member of the Executive Bureau of the General Federation of Iraqi Workers (GFIW), Alaa Issa Khalaf, was shot dead on 25 January 2006, when leaving home for work by several unidentified men and on 27 April 2006, as the leader of the health workers' union was leaving his office, Thabet Hussein Ali was abducted by a group of terrorists. His bullet-ridden corpse was discovered the following day and he was carrying signs of severe torture, including wounds caused by an electric drill. Furthermore, on 18 August 2006, Tariq Mahdi, a leader of the Union of Health Service Employees was murdered by a militia in Mahmoodya. On 27 July 2006, a demonstration by workers at a cement factory in Tasloja (Sulaimaniya), in support of a wage increase, was violently suppressed by the company's security guards. 13 strikers were injured. The guards were subsequently arrested by the police.
- 245.** In the **Republic of Korea**, intimidation and violence were carried out by the Sejong Hospital towards the Korean Health and Medical Workers' Union (KHMWU) that exercised its right to strike in January 2006. Moreover, in May 2006, a riot police invaded a lawful demonstration in front of the Rural Development Administration offices. As a result, several trade unionists were severely beaten and arbitrarily arrested. Furthermore, a campaign of intimidation was launched by Woojin Industry, a subcontract firm created and controlled by Lafarge Halla Cement after finding out that two-third of the workers had joined the Korean Chemical and Textile Workers' Federation (KCTF). Finally, a systematic anti-union campaign was engaged towards workers members of the Kiryung Electronics Workers' Union (termination of contracts, mass dismissals without reinstatement and imprisonment of the Union's President).
- 246.** In response to these observations, the Government of the **Republic of Korea** indicates that the parties concerned in the Sejong Hospital's incident resumed their talks in March 2007 and reached an agreement in July 2007. Concerning the clashes in front of the Rural Development Administration offices, over 200 Korean Government Employees' Union (KGEU) members forcefully occupied the corridor in front of the Administrator's office and tried to forcefully enter a nearby police station and clashed with the police. As a result, four of them were arrested and indicted. Their trial is currently pending. As concerns Lafarge Halla Cement, first, the Regional Labour Relations Commission considered that this company should reinstate Woojin Industry's workers, and rejected the Korean Confederation of Trade Unions' (KCTU) claim regarding unfair labour practice. Subsequently, the National Labour Relations Commission judged that the case constituted neither unfair dismissal nor unfair labour practices because: (i) the two companies were in contract relations with each other and Lafarge could not therefore be seen as the employer of the dismissed workers; and (ii) the business closure was not considered to have been prompted by union activities. Since then, the workers side has not filed an appeal, and the

judgement has been confirmed. Regarding Kiryung Electronics, the company brought a civil suit against the Union's President following damages caused by a sit-in strike launched in August 2005 by 70 union members of this company. The company experienced another dispute as the union launched a strike in October 2005. Negotiations at enterprise level were carried out between May and October 2006, but failed to reach an agreement. Meanwhile, the company dismissed the Union President and other workers for their illegal acts. The remedy for dismissal sought by the union was rejected by the National Labour Relations Commission, which concluded that the dismissal was legitimate. The Government has had talks with the representative of each party in continuous manner and has tried to guide both parties towards a smooth and autonomous settlement.

- 247.** In **Morocco**, a violent repression to a protest march led to the death of Moustapha Laaraj, Secretary-General of the Municipal Trade Union of Tiflet, which is affiliated to the *Union marocaine du travail* (UMT).
- 248. Restrictions to the right to collective bargaining.** According to the ITUC, there is no provision in the laws of **Brunei Darussalam** that underpins the right to collective bargaining. An individual contract is required between an employer and a worker, and trade union activities are not allowed to violate these individual labour contracts.
- 249.** In **China**, the China Enterprise Confederation (CEC) observes that collective contracts do not apply to private and small enterprises, and there is yet no legislation governing collective bargaining agreements. This lack of legislation on collective bargaining is also confirmed by the ITUC.
- 250.** In **Oman**, the General Federation of Oman Trade Unions (GFOTU) mentions that skills for collective bargaining amongst trade union members should be strengthened.
- 251.** According to the ITUC, in **Lebanon**, a minimum of 60 per cent of workers must agree before a union can engage in collective bargaining, and collective agreements must be ratified by two thirds of union members at a general assembly.
- 252.** In response to this observation, the Government of **Lebanon** indicates that the Ministry of Labour is currently revising the draft amendment to the Labour Code that will also include a new text that gives professional bodies' members who do not belong to trade unions or to workers' federations the right to collective bargaining.
- 253.** In the **United States**, the American Federation of Labour and Congress of International Organizations (AFL-CIO) states several decisions (for example in Garden Ridge Management, Inc., 347 NLRB No. 13 of May 2006) issued from the National Labour Relations Board that condemn employers' conduct for blocking first agreement's negotiation and withdrawing the recognition of the concerned unions' representative status.
- 254.** According to the ITUC, in **Qatar**, the law allows trade unions to carry out collective bargaining. However, it is heavily curtailed by government's control through strict rules and procedures.
- 255.** In **Saudi Arabia**, the revised Labour Code, which entered into force in April 2006, does not grant workers the right to bargain collectively. Wages are fixed by employers, based on the nature of work and the nationality of the worker. Therefore, Saudi and western workers are paid at least 30 to 50 per cent more than other foreign workers.
- 256.** In response to the ITUC's observations, the Government of **Saudi Arabia** indicates that the Labour Code does not provide for any distinction on the basis of gender, religion, race

or nationality. The wages in the private sector are determined according to the supply and demand rule and to the worker's competencies, capacities and experience. The wage is furthermore fixed on agreement between the worker and the employer before the arrival of the foreign worker in the Kingdom.

- 257.** Furthermore, in the **United Arab Emirates**, the law does not recognize the right to collective bargaining.
- 258.** Finally, in the **United States**, approximately 40 per cent of all workers in the public sector at federal level are still denied their basic collective bargaining rights.
- 259.** In response to the ITUC's observations, the Government of the **United States** notes that the information, that it has regularly submitted under the Declaration's annual follow-up, has shown that the Government is deeply committed to the basic principles that were reaffirmed in the ILO Declaration, and that the country's law and practice reflect those principles.
- 260.** In a late response to the ICFTU'S (now ITUC) observations under the 2007 Annual Review, the Government of **Qatar** indicates that the Labour Code provides for the workers' organizations' right to bargain collectively and conclude joint agreements on labour related matters. In the absence of an enterprise workers' committee, the workers shall select their representative to the Joint Committee through free and direct elections (section 125).
- 261. Gaps in legislation or law enforcement.** According to the Government of **Brunei Darussalam**, there are no national laws on the right to collective bargaining.
- 262.** In **China**, the China Enterprise Confederation (CEC) and the ITUC note that there is no legislation governing collective bargaining procedures. The ITUC further observes that the Trade Union Act has not yet included the right to strike.
- 263.** The Government of **Guinea-Bissau** indicates that there is no legal framework for the principle and right.
- 264.** The ITUC underscores that, in certain countries, the laws are outdated and/or need to comply with international labour standards. In **Iraq**, the draft Labour Code has not yet been adopted. Therefore, the employment laws dating back to the era of Saddam Hussein remain in force, such as the ban on workers in the public sector from organizing or going on strike. Indeed, Law No. 150 changed the status of workers in state-owned enterprises to consider them as civil servants, and therefore depriving them from the right to organize. In **Singapore**, the labour law is outdated.
- 265.** It further observes that national legislation in certain countries deprives some categories of workers from the exercise of the principle and right. In the **Islamic Republic of Iran**, the Government issued a three-year interim legislation that deprives temporary workers in enterprises of less than ten workers (representing about 90 per cent of the workforce) from the protection of the law including the right to organize. In the United States, the National Labor Relations Act (NLRA) excludes many categories workers from the private sector, such as agricultural and domestic workers, supervisors and independent contractors.
- 266.** In some countries, the lack of law enforcement was emphasized by employers' and workers' organizations. In **Afghanistan**, the All-Afghanistan Federation of Trade Union (AAFTU) observes that rule of law is lacking in the country. In the **Lao People's Democratic Republic**, the Lao National Chamber of Commerce and Industry (LNCCI) observes that dispute settlements are not always straightforward and employers'

organizations are still very small and weak in comparison with workers' organizations. In **Thailand**, the ITUC reiterates that labour courts are very slow in handling disputes. In **Viet Nam**, the Viet Nam General Confederation of Labour (VGCL) notes that enforcement and monitoring of the law are still weak in the country.

267. In response to the ITUC's observations, the Government of **Singapore** indicates that national laws continue to be relevant for the country and have helped prevent and resolve unnecessary industrial disputes, which are detrimental to business and the interests of workers. These laws have worked well and benefited the country's economy as well as employers and workers over the past decades, in a spirit of win-win situation. Hence, there is no need to amend national laws.
268. **Restrictions to tripartite consultations.** The ITUC observes that, in **Saudi Arabia**, the new Labour Code, which came into force in April 2006, was drafted without any input from workers' representatives.
269. In response to this observation, the Government of **Saudi Arabia** mentions that the Labour Code was considered by many governmental departments and that the three parties (government, employers and workers) held consultations on the draft Labour Code before its issuance.
270. **Contextual factors.** The Governments of **Afghanistan, Iraq** and **Somalia** indicate that the main challenge encountered in realizing the principle and right is related to the political and security situation.
271. **Workers in the public service.** Various countries have excluded – totally or partially – workers in the public sector from the enjoyment of the principle and right (**Bahrain, Brunei Darussalam, India, Islamic Republic of Iran, Jordan, Kenya, Republic of Korea, Malaysia, Thailand, United Arab Emirates** and the **United States**).
272. According to the ITUC, in **Kenya**, workers in the armed forces, in prison services, in the National Youth Service as well as those under the Teachers' Service Commission are neither allowed to bargain collectively nor to go on strike.
273. Furthermore, in **Lebanon**, restrictions on the principle and right still apply to civil servants.
274. In response to this observation, the Government of **Lebanon** indicates that the issue is currently under consideration.
275. In the **Lao People's Democratic Republic**, the ITUC indicates that civil servants are excluded from the scope of the Labour Law, 1994.
276. In **Thailand**, the National Congress of Thai Labour (NCTL) observes that the principle and right is not implemented in the police, armed forces and public sector – in particular, with respect to the right to strike.
277. In a late response to the ICFTU'S (now ITUC) observations under the 2007 Annual Review, the Government of **Qatar** indicates that the Labour Code applies to workers in the private sector, but not to civil servants since their working conditions are governed by the Civil Servants Law No. 1 of 2003.
278. **Domestic workers.** According to the ITUC, domestic workers are not adequately protected in **Bahrain, Jordan, Lebanon, Nepal, Saudi Arabia** and the **United Arab Emirates**.

279. In response to these observations, the Government of **Bahrain** indicates that laws and regulations provide for equality between all workers without any forms of discrimination.
280. The Government of **Saudi Arabia** states the ITUC's observations on the conditions of domestic workers in its country lacks accuracy since section 7 of the Labour Code provides that the Ministry shall set, in coordination with the competent bodies, regulations concerning domestic workers and the likes to determine the relationship with their employers and the rights and obligations of both parties. In this regard, draft statutory regulations concerning domestic workers were submitted to the competent bodies for adoption. A copy of these regulations will be sent to the ILO upon their promulgation.
281. **Workers in export processing zones.** The ITUC has raised the following challenges. In **Jordan**, many of the workers in EPZs are migrant workers and do not therefore enjoy the right to organize.
282. In **Kenya**, workers in EPZs can now enjoy freedom of association, but this right is strongly restricted.
283. In **Morocco**, several cases of abuse have been reported in the ports of Tangier and Casablanca, in particular in relation with subcontracted workers.
284. In response to this observation, the Government of **Morocco** indicates that national labour laws, in particular the right to organize, apply to EPZs and to subcontractors.
285. In the **Islamic Republic of Iran**, workers in EPZs do not enjoy the principle and right.
286. Furthermore, in the **United Arab Emirates**, each EPZ has its own labour regulations.
287. **Migrant workers.** The ITUC has raised the following challenges. In **Bahrain**, migrant workers make up approximately 60 per cent of the workforce. Though in theory they are allowed to join unions and run for union office, they prefer not to do so as they have no protection against dismissal. Furthermore, the new proposed law does not provide for any labour rights to domestic workers, but contains measures that would protect them against abuse from employers.
288. In response to these observations, the Government of **Bahrain** states that national laws and regulations provide for equality between all workers, without any forms of discrimination.
289. In **Brunei Darussalam**, the majority of laws apply only to nationals, thereby failing to cover skilled and unskilled migrant workers, who make up from 30 to 40 per cent of the total workforce. Migrant workers are over 100,000 in the country, including over 10,000 garment workers, none of whom are trade union members. Some migrant workers have reportedly carried out work stoppages in protest, which are illegal under the labour law barring strikes. In September 2005, 300 migrant workers employed by a garment factory held a public protest complaining that they have not been paid for six months. As the protest was not permitted to continue, government officials reportedly worked with foreign embassy staff to find alternative employment for the workers while prosecuting the company's representatives.
290. In response to these observations, the Government of **Brunei Darussalam** indicates that although migrant workers are not prohibited from joining trade unions and are protected under national labour laws, they are not members of any trade unions. Moreover, national laws do not differentiate between citizen and non-citizen workers. As regards the garment industry, there were about 6,250 garment workers in 2006. The Government has taken legal action against a garment factory for failing to pay wages to citizens and non-citizens.

The company faces 200 criminal charges concerning non-payment of wages under section 108 of the Labour Act (CAP 93), and if found guilty, it could be fined up to B\$300,000 (about US\$222,000 as of November 2007).

- 291.** In the **Republic of Korea**, the Act on Employment of Foreign Workers and the Employment Permit System (EPS) allow employers to violate migrant workers' trade union rights with impunity given that their stay in the national territory is limited to three years during which they are strictly forbidden from changing their employer.
- 292.** In certain countries, migrant workers are not allowed to join workers' organizations or and/or to go strike: **Islamic Republic of Iran, Lebanon, Malaysia, Qatar, Singapore** and the **United Arab Emirates**.
- 293.** In response to these observations, the Government of **Lebanon** states that foreign workers can exercise the principle and right according to specific conditions provided by the Labour Code and established to prevent "any deviations or dispersions".
- 294.** In response to the observations of the ICFTU (now ITUC) under the 2007 Annual Review, the Government of **Qatar** indicates that, under the Labour Code, section 116, the creation of workers' committees is allowed in enterprises which employ 100 or more Qatari citizens.
- 295. Workers of the informal economy.** In **Sudan**, the Government and the Sudan Businessmen and Employers' Federation (SBEF) indicate that the implementation of the right to organize in the informal economy is a major challenge as this sector contributes to more than 70 per cent of the national income and more than 60 per cent of the workforce.
- 296. Requests for technical cooperation.** With a view to meeting the above challenges, **Afghanistan, Bahrain, Brunei Darussalam, China, Guinea-Bissau, India, Islamic Republic of Iran, Iraq, Jordan, Kenya, Lao People's Democratic Republic, Oman, Qatar, Samoa, Saudi Arabia, Solomon Islands, Somalia, Sudan, Thailand, Timor-Leste** and **Viet Nam** have requested ILO technical cooperation to assist them in realizing the principle and right.<sup>3</sup>
- 297.** For example, several governments and employers' and workers' organizations have expressed interest in conducting a country assessment and a workshop on the Declaration's Follow-up at national level, with ILO's support: **Afghanistan** (Government); **Bahrain** (General Federation of Bahrain Trade Unions – GFBTU); **Brunei Darussalam** (Government, National Chamber of Commerce and Industry (NCCI) and Brunei Oilfield Workers Union (BOWU)); **Guinea-Bissau** (Government, *Chambre de l'Agriculture, du Commerce et de l'Industrie* (CACI), *Chambre du Commerce, de l'Industrie et de l'Agriculture* (CCIA), *Confédération générale des syndicats indépendants de Guinée-Bissau* (CGSI/GB) and *Union nationale des travailleurs de Guinée* (UNTG)); **India** (*Bharatiya Mazdoor Sangh* – BMS); **Kenya** (Government); **Lao People's Democratic Republic** (Government); **Samoa** (Government); and **Timor-Leste** (Government).

**(d) Reports indicating no change**

- 298.** The Governments of **Bahrain, Brazil** and **Malaysia** report no change in relation to their previous reports.

<sup>3</sup> For further information concerning technical cooperation, refer to Part II, D.3 and D.4, paras 589–593, of this document.

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

### (a) Reporting

299. All the 15 States concerned have reported on the principle of the elimination of all forms of forced or compulsory labour (a 100 per cent reporting rate), which has increased by 3 per cent compared to the 2007 Annual Review figures on this principle and right.<sup>4</sup>

300. At the national level, eight employers' organizations and eight workers' organizations from 11 States formulated observations on their government's updated country baseline or first report.

301. At the international level, one general observation was received from the IOE,<sup>5</sup> and the ICFTU (now ITUC) sent a late observation under the 2007 Annual Review concerning the realization of the principle and right in **Japan**.

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

#### 2008 Annual Review: Observations by national employers' and workers' organizations under the principle of the elimination of all forms of forced or compulsory labour \*

Country	Observations by national employers' organizations	Observations by national workers' organizations	International Trade Union Confederation (ITUC)
Brunei Darussalam	The National Chamber of Commerce and Industry (NCCI) and its three affiliates	The Brunei Organization of Workers' Unions (BOWU)	–
China	China Enterprise Confederation (CEC)	The All-China Federation of Trade Unions (ACFTU)	–
Japan	–	The Japanese Trade Union Confederation (JTUC-RENGO)	X (late observation under the 2007 Annual Review)
Lao People's Democratic Republic	The Lao National Chamber of Commerce and Industry (LNCCI)	The Lao Federation of Trade Union (LFTU)	–
Myanmar	Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI)	–	–
Nepal	The Employers' Council of the Federation of Nepalese Chamber of Commerce and Industry (FNCCI)	The National Democratic Confederation of Nepalese Trade Unions (NDCONT), the All-Nepal Federation of Trade Union (ANFTU), the Democratic Confederation of Nepalese Trade Union (DECONT) and the General Federation of Nepalese Trade Unions (GEFONT)	–
Singapore	The Singapore National Employers' Federation (SNEF)	–	–

<sup>4</sup> cf. box 1, p. 9, of this document.–

<sup>5</sup> cf. para. 562 of this document.

Country	Observations by national employers' organizations	Observations by national workers' organizations	International Trade Union Confederation (ITUC)
<b>Solomon Islands</b>	The Solomon Islands Chamber of Commerce and Industry (SCCI)	The Solomon Islands Council of Trade Unions (SICTU) and the Solomon Islands National Union of Workers (SINUW) and its ten affiliates.	–
<b>Viet Nam</b>	The Viet Nam Chamber of Commerce and Industry (VCCI)	The Viet Nam General Confederation of Labour (VGCL)	–

\* The IOE has provided a general observation under this principle and right, reproduced in para. 562 of this document.

Source: ILO: Country reports and baselines under the Declaration's Annual Review, 2008.

### (b) Reports mentioning efforts

**303. Ratification and ratification intentions.** Under this principle and right, the Office has recorded two ratifications concerning the Forced Labour Convention, 1930 (No. 29) (**Montenegro** and **Viet Nam**), and four ratifications concerning the Abolition of Forced Labour Convention, 1957 (No. 105) (**Madagascar, Montenegro, Nepal** and **Qatar**). Countries that have newly ratified both fundamental Conventions under the same principle and right have no more reporting obligations under the Declaration's Annual Review. They also have a two-year "non-reporting period" (i.e. 12 months after ratification for entry into force and 12 months for reporting after entry into force) to adjust their laws and practice in compliance with the provisions of the ratified Conventions before they report on the application of these newly ratified instruments (under article 22 of ILO Constitution).

**304.** The table below displays ratifications in 2006–07 and the countries that expressed, in their updated baseline, their intention to ratify Conventions Nos 29 and/or 105.

#### 2008 Annual Review: Status of ratifications and ratification intentions for Conventions Nos 29 and 105

Conventions	Ratifications in 2006/2007	Ratification intentions under the 2008 Annual Review
Convention No. 29	<b>Montenegro</b> (3/06/2006) <b>Viet Nam</b> (5/03/2007)	<b>Afghanistan, Brunei Darussalam</b>
Convention No. 105	<b>Madagascar</b> (6/06/2007) <b>Montenegro</b> (3/06/2006) <b>Nepal</b> (30/08/2007) <b>Qatar</b> (2/02/2007)	<b>Brunei Darussalam, Lao People's Democratic Republic Solomon Islands, Viet Nam</b>

Source: ILO: Country reports and baselines under the Declaration's Annual Review, 2008.

**305.** As regards to the ratifications indicated in the above table, it is important to mention that the Government of **Montenegro** has ratified 68 ILO Conventions by succession to the Ex-State Union of Serbia and Montenegro in June 2006. All eight fundamental Conventions are among these instruments. It did not therefore report for any of the FPRW.

**306.** Concerning intentions of ratification, the Government of **Afghanistan** indicates that the ratification of Convention No. 29 is currently under evaluation by the Council of Ministers in consultation with employers' and workers' organizations. Upon approval by the Council of Ministers, it will be submitted to Parliament.

**307.** The Government of **Brunei Darussalam** has expressed its intention to ratify both Conventions Nos 29 and 105.

- 308.** According to the Government of the **Solomon Islands**, as a result of ILO technical assistance in 2005 to hold consultations with employer's and worker's organizations, the Cabinet approved on 17 May 2007 the ratification of Convention No. 105 together with the remaining non-ratified ILO fundamental Conventions. It intends at this moment to bring national legislation into compliance with the ILO fundamental Conventions in consultation with the social partners and in cooperation with the ILO.
- 309.** The Government of **Timor-Leste** mentions that ILO technical assistance is needed in order to improve knowledge of international labour standards and the Declaration. A labour law review is also necessary before the national process of ratification of Conventions Nos 29 and 105 can be initiated.
- 310.** The Government of **Viet Nam** states that amendments are currently being made to the Labour Code in order to comply with international labour standards and finalize the ratification of Convention No. 105.
- 311.** As for **Canada's** position on the ratification of Convention No. 29, the Government indicates that it is currently being reviewed in the light of information concerning private–public partnerships in prison systems provided in the General Survey on forced labour, 2007.<sup>6</sup>
- 312.** Country baselines indicate that most employers' and workers' organizations support their Government in the ratification process for Conventions Nos 29 and/or 105.
- 313. Recognition of this principle and right in the Constitution.** The principle and right is recognized in most reporting countries. However, the Governments of **Myanmar**, **Timor-Leste** and **Viet Nam** do not provide indication as to whether the principle and right is recognized in their Constitution. The Constitution of **Brunei Darussalam** does not contain provisions referring to the principle and right.
- 314. Recognition of this principle and right in policy, legislation, regulations and/or judicial decisions.** In **Afghanistan**, the Government indicates that section 11 of the Labour Code, 1987, prohibits all forms of forced or compulsory labour.
- 315.** In **Brunei Darussalam**, the Government refers to the following laws: (i) the Penal Code (CAP 22); (ii) the Women and Girls Protection (Act (CAP 120)); (iii) The Children Order (2000); (iv) the Trafficking and Smuggling of Persons Order, 2004; (v) the Employment Agency Order, 2004; and (vi) the Child and Young Persons Order, 2006.
- 316.** According to the Government of **Canada**, the Bill C-57 introduced on 16th May 2007, proposed amendments to the Immigration and Refugee Protection Act to allow immigration officers to refuse authorization for foreign nationals to work in the country if they are judged to be at risk of exploitation. The Bill was introduced to preclude situations in which temporary workers, particularly exotic dancers, may be exploited or become victims of human trafficking. Ministerial instructions will aim to protect foreign nationals who are at risk of being subjected to humiliating or degrading treatment, including sexual exploitation.

<sup>6</sup> cf. ILO: *Eradication of forced labour* – General Survey concerning the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957, (No. 105) – Report by the Committee of Experts on the Application of Conventions and Recommendations (articles 19, 22 and 35 of the Constitution, ILC, 97th Session, 2007, 96, Report III(1B)); see also [www.ilo.org](http://www.ilo.org)

317. In **China**, the Government indicates that the Labour Contract Law was adopted on 29 June 2007 and will enter into force on 1st January 2008. This law contains specific provisions and penalties (namely sections 38 and 88) for cases where the employer uses violence, threat or unlawful restriction of personal freedom to compel an employee to work.
318. The Government of the **Lao People's Democratic Republic** states that a new Labour Code was adopted in 2006 with specific provisions on the prohibition of forced labour.
319. In the **United States**, the Government reports that as of 1st November 2006, 27 states had passed anti-trafficking legislation and 15 more had legislation pending.
320. **Definition of forced or compulsory labour.** In **Brunei Darussalam**, section 374 of the Penal Code defines unlawful compulsory labour as: "when a person is unlawfully compelled to labour against his will". Moreover, the Trafficking and Smuggling of Persons Order (2004) defines: (i) "exploitation" as including all forms of sexual exploitation (including servitude and exploitation of another person's prostitution), forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs; (ii) "people smuggling" as arranging or assisting a person's unlawful entry into any receiving country of which the person is not a citizen or permanent resident, knowing or having reason to suspect the person's entry is unlawful, and in order to obtain a financial or other material benefit; and (iii) "people trafficking" as the recruitment, transportation, transfer, harbouring or receipt of a person for the purpose of exploitation, as set out in sections 4 and 5 of this Order (i.e. by means of threat, use of force or other forms of coercion, abduction, fraud, deception, abuse of power or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person).
321. In **Canada**, Bill C-49 provides that: "Exploiting a person" under the proposed amendments would mean "to cause someone to provide, or offer to provide, labour or service by engaging in conduct that leads the victims to fear, on reasonable grounds, for their safety or that of someone known to them if they fail to comply".
322. In **China**, the definition of forced labour is found in section 244 of the Criminal Law that provides that an employer would be in violation of laws and regulations on labour administration should he or she compel his employees to work by restricting their personal freedom.
323. In **Samoa**, the principle and right is not defined in any of the relevant national legislation. However, the Government states that all forms of forced or compulsory labour are prohibited in the country.
324. In **Timor-Leste**, section 2 of the Labour Code (Regulation No. 2002/5) defines forced or compulsory labour as follows: "Forced labour means all work or service that is extracted from any person under the threat or penalty and is not offered voluntarily."
325. No specific definition of forced or compulsory labour is provided in the **Solomon Islands'** legislation. However, the Government states that the draft of the Industrial Relations Law was elaborated in consultation with the social partners and the ILO, and a national tripartite workshop on labour law review should be organized very shortly.
326. **Preventive, enforcement and sanction mechanisms.** In **Brunei Darussalam**, according to the Government, cases of forced or compulsory labour, including trafficking and smuggling of persons, can be identified by the Ministry of Home Affairs (including the Labour Department and the Immigration Department), by the Police, or by any institution or individual person. Such cases can be reported to the Police and subsequently referred to

the Attorney General's Office for prosecution. In case of forced or compulsory labour, sanctions, including fines and imprisonment, are provided under the Penal Code (CAP 22), the Trafficking and Smuggling of Persons Order 2004, the Employment Agency Order, 2004, etc.

- 327.** The Government of **China** states that a Special Action Plan on Punishing the Illegal Employment and Combating the Relevant Infringements and Crimes was elaborated by various Ministries and the All-China Federation of Trade Unions (ACFTU) in order to protect substantively the rights and benefits of workers in rural and urban areas as well as the young professionals.
- 328.** The Government of the **Solomon Islands** states that no specific government authority is responsible for the identification, emancipation and/or rehabilitation of persons subjected to forced labour. In instances where the Government finds that the principle and right has not been respected, articles 17 and 18 of the Constitution provide that any person whose fundamental rights or freedoms have been violated may apply to the High Court for reparation and shall be entitled to compensation. In this respect, penal sanctions have been implemented in the Solomon Islands. Inspection/monitoring mechanisms and civil or administrative sanctions are provided, on the other hand.
- 329.** In the **United States**, the Government reports that the US Department of Justice established in March 2007 a Human Trafficking Prosecution Unit within the Civil Rights Division, which will enhance its ability to investigate and prosecute important trafficking and slavery cases. Moreover, several states have passed laws to establish research commissions and task forces, and to mandate law enforcement training and the provision of victims' services.
- 330. Special attention to particular groups, slavery and human trafficking.** Several reporting States pay special attention to women, girls and young persons subjected to forced labour or human trafficking and to slavery or practices similar to slavery (**Afghanistan, Brunei Darussalam, Canada, China, Lao People's Democratic Republic, Nepal, Timor-Leste, United States and Viet Nam**).
- 331.** For example, in **Brunei Darussalam**, women, girls and young persons enjoy special protection against trafficking and smuggling under the Penal Code (CAP 22), the Women and Girls Protection Act (CAP 120), the Children Order, 2000, the Children and Young Persons Order, 2006, and the Trafficking and Smuggling of Persons Order, 2004.
- 332.** In **Canada**, migrants, racialized or racial/ethnic minorities, aboriginal communities are also given special attention as regards the principle and right.
- 333. Promotional activities.** In **Afghanistan**, a national tripartite workshop on international labour standards, the Declaration's follow-up and social dialogue was organized in 2006, in cooperation with the ILO.
- 334.** In **Brunei Darussalam**, the Government reports that officials of the Labour Department, the Ministry of Home Affairs and the Attorney General's Office as well as representatives of employers' and workers' organizations were sensitized on the FPRW and ILO fundamental Conventions during ILO's assistance in reporting issues carried out in November 2007. The National Chamber of Commerce and Industry (NCCI) indicates that it promotes the relationship between these principles and rights, decent work and sustainable enterprises through discussions among its members and with the Government. The Brunei Oilfield Workers' Union (BOWU) states that it organizes monthly meetings to increase knowledge on ILO and FPRW among its members.

335. The Government of **Canada** indicates that the Library of Parliament released a report entitled “Trafficking in persons”, which analyses the current situation in the country. Moreover, the Royal Canadian Mounted Police (RCMP) and the Human Trafficking National Coordination Centre received increased staffing and resources in 2006, and in November 2006, the RCMP organized anti-trafficking training in Eastern Canada for law enforcement, victim service providers, and NGOs.
336. The Government of **China** reports that several seminars and awareness-raising activities have been conducted in the Zhejiang, Fujian and Jilin provinces and a major technical cooperation project entitled CP-TING on prevention of trafficking of young girls and women is also currently ongoing. In addition, the China Enterprise Confederation (CEC) indicates that it is drafting a guide on forced labour for employers, in collaboration with the ILO. Moreover, a session on forced labour was organized during the 4th China Employment Forum in October 2006.
337. The Lao National Chamber of Commerce and Industry (LNCCI) of the **Lao People’s Democratic Republic** states that it collaborates with the Government and trade unions on the principle and right and participates regularly in the Government’s related workshops.
338. In **Myanmar**, the Government has translated the Order No. 1/99 and its Supplementing Order prohibiting requisition of forced labour into many languages of the country, and subsequently transmitted to the relevant states and divisions of the country.
339. Two government officials from **Samoa** and **Timor-Leste** were trained on international labour standards and the Declaration’s follow-up in May and June 2007 in Turin and Geneva by the ILO and its Turin Centre.
340. In the **Solomon Islands**, the Government indicates that it has provided financial assistance for the national celebration of Labour Day. These activities include awareness-raising programmes and a weekly radio programme on the FPRW.
341. In the **United States**, the Government reports that the US Department of Justice convened a National Conference on Human Trafficking in 2006, bringing together federal, state, and local law enforcement and prosecution officials, victims’ advocates, academics, and non-governmental victim service providers to discuss human trafficking issues and develop strategies for combating slavery and human trafficking more effectively. Moreover, the Human Trafficking Prosecution Unit will also serve as a resource for training, outreach and policy development.
342. The Government of **Viet Nam** states that a project on forced labour is already implemented in cooperation with the ILO. Several trainings are being conducted for labour inspectors, the police and judges and two workshops dedicated to workers and employers, were organized. The Viet Nam Chamber of Commerce and Industry (VCCI) and the Viet Nam General Confederation of Labour (VGCL) report that they also participate in or organize awareness-raising programmes on the principle and right.
343. **Special initiatives/progress.** In **Brunei Darussalam**, the Government is considering ratification of Convention Nos 29 and 105. In addition, it has adopted a number of laws and regulations to realize the principle and right, including: (i) a Penal Code (CAP 22); (ii) the Trafficking and Smuggling of Persons Order, 2004; (iii) the Woman and Girls Protection Act (CAP 120); and (iv) the Employment Agency Order 2004. The Trafficking and Smuggling of Persons Order (2004) provides, among others, for the establishment of a Trafficking and Smuggling of Persons Fund. This fund is under the Government’s responsibility and will serve, in particular, to: (i) finance the cost of repatriation of smuggled persons and trafficked persons; (ii) promote information and education of the

public in preventing, suppressing or otherwise of people trafficking and people smuggling; and (iii) reward any person in preventing or suppressing these illegal activities.

- 344.** The Government of **Canada** indicates that it funds anti-trafficking programmes domestically and around the world. It also provides funds to international organizations such as the United Nations Office on Drugs and Crime (UNODC), hosts and participates in international anti-trafficking conferences where best practices are shared. Moreover, a special initiative was taken in May 2006, which aimed at strengthening victim protections by providing foreign victims of trafficking with temporary resident permits and immediate access to medical and social counselling assistance and other health service benefits.
- 345.** In **China**, the All-China Federation of Trade Unions (ACFTU) observes that the protection of workers is more comprehensive in the country, and sanctions pertaining to forced labour are more severe. Moreover, the country is undertaking a national special action on the issue of illegal employment, including forced labour.
- 346.** The Government of the **Republic of Korea** reports that a study was conducted with the support of the ILO on the interpretation of the military system in the country. It is also carrying out inter-ministerial consultations regarding possible changes in the military system.
- 347.** The Government of the **United States** reports that the US Department of Justice continues to promote a Model State Anti-Trafficking Statute, which would expand anti-trafficking authority to the states. As of 1st November 2006, 27 states had passed anti-trafficking legislation and 15 more had legislation pending. Several other states have passed laws to establish research commissions and task forces, and to mandate law enforcement training and the provision of victim services.

**(c) Challenges mentioned**

- 348. Obstacles to ratification of Conventions Nos 29 and 105.** The Government of **Afghanistan** states that it has to face multiple unions with very diverse ideas, which makes it difficult for social dialogue. According to the All-Afghanistan Federation of Trade Unions (AAFTU), there is no rule of law and the Government does not respect the international labour standards, especially with regards to workers' rights.
- 349.** In **Japan**, the Japanese Trade Union Confederation (JTUC-RENGO) observes that following a tripartite consultation in April 2007, a list of legal provisions that do not comply with Convention No. 105 was made: (i) sections 102.1 and 110.19 of the National Public Service Law (NPSL), which prescribes penal servitude to public workers engaged in political acts; (ii) section 53.3 of the Gas Business Act, section 115.3 of the Electricity Business Act and section 79 of the Postal Act, which provide that workers who have not performed without justifiable grounds be punished by imprisonment with labour; and (iii) sections 98.2 and 110.7 of the National Public Service Law (NPSL) and sections 37.1 and 61.4 of the Local Public Service Law (LPSL) provide that public workers who attempt, conspire, instigate or incite strike action be punished by imprisonment with labour.
- 350.** The Government of the **Solomon Islands** and the Solomon Islands Chamber of Commerce and Industry (SICCI) note that the legal framework relating to the principle and right in the country needs to be revised in order to comply with international labour standards.
- 351.** The Governments of **Samoa** and **Timor-Leste** report that the ratification process cannot be initiated without prior ILO training on international labour standards and technical assistance for a labour law review.

**352. Contextual and legal challenges.** The table below shows the general challenges mentioned by reporting governments and employers' and workers' organizations.

**2008 Annual Review: Contextual and legal challenges in the realization of the elimination of all forms of forced or compulsory labour in reporting States**

Type of difficulty	Governments	Employers' organizations	Workers' organizations
Lack of public-awareness and support	<b>Afghanistan; Brunei Darussalam; China; Viet Nam; Samoa; Timor-Leste</b>	–	<b>Solomon Islands</b> (SICTU and SINUW)
Legal provisions	<b>Solomon Islands; Samoa; Timor-Leste</b>	–	<b>Japan</b> (JTUC-RENGO)
Political circumstances	<b>Timor-Leste</b>	<b>Myanmar</b> (UMFCCI)	<b>Afghanistan</b> (AAFTU)
Social and economic circumstances (forced labour due to debt bondage or to trafficking)	<b>Afghanistan; Lao People's Democratic Republic; Solomon Islands; Timor-Leste; Viet Nam</b>	<b>China</b> (CEC)	–
Lack of social dialogue on this principle and right	<b>Afghanistan; Brunei Darussalam; China</b>	–	–
Lack of information and data	<b>Brunei Darussalam; Solomon Islands</b>	–	–
Lack of capacity of responsible government institutions	<b>Afghanistan, Brunei Darussalam; Samoa; Solomon Islands; Timor-Leste; Viet Nam</b>	<b>Solomon Islands</b> (SICCI)	–
Lack of capacity of employers' and workers' organizations	<b>Brunei Darussalam</b>	–	–

Source: ILO: Country reports and baselines under the Declaration's Annual Review, 2008.

**353.** The Government of **Afghanistan** indicates that some children are subjected to forced labour in the bordering regions with **Pakistan** and the **Islamic Republic of Iran** (fewer cases). According to the All-Afghanistan Federation of Trade Unions (AAFTU), unemployment and poverty, illiteracy, lack of capacity and professional staff, of vocational training, of educational and health centres and political insecurity are the main difficulties in the country.

**354.** The Government of **China** states that the capacity of the Labour Inspection Department, public awareness on the principle and right and inter-institution dialogue are still weak. According to the China Enterprise Federation (CEC), awareness on human rights issues is lacking and economic development is not well balanced in some regions.

**355.** In **Myanmar**, the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI) observes that the economic sanctions and embargos placed on Myanmar by several western countries are the main national challenge.

**356.** In a late response to an observation by the Korean Confederation of Trade Unions (KCTU) under the 2007 Annual Review alleging that various forms of forced or compulsory labour were found at workplaces involving especially foreign workers, the Government of the **Republic of Korea** states as follows: in order to respond to labour shortage and reduce the number of undocumented workers, the Republic of Korea introduced the Industrial Trainee System (ITS) in 1992, which was in force until January 2007. However, as the ITS was a system which was focused more on training foreign trainees, it had certain limits as an

employment system for foreign workers. Therefore, in 2004, the Government introduced a new system for foreign workers' employment: the Employment Permit System (EPS). Under this system in force since 2004, the rights of foreign workers were significantly reinforced and much of the problems have been resolved, since it allows labour-related laws to be applicable equally to foreign workers and nationals, providing equal level of protection in case of infringement of foreign workers' rights.

- 357.** According to the Solomon Islands Council of Trade Unions (SICTU) and the Solomon Islands National Union of Workers (SINUW), the main difficulty encountered in the **Solomon Islands** is the lack of public awareness on the issue of forced or compulsory labour.
- 358.** The Government of **Viet Nam** reports that some forms of forced labour, which are not exempted by Convention No. 105, still exist in the country, such as prison labour, minor communal work and services, rehabilitation labour for drug addicts and prostitutes.
- 359. Requests for technical cooperation.** With a view to meeting the above challenges, **Afghanistan, Brunei Darussalam, China, Lao People's Democratic Republic, Nepal, Samoa, Solomon Islands, Timor-Leste** and **Viet Nam** have requested ILO technical cooperation to assist them in realizing the principle and right.<sup>7</sup>
- 360.** For example, the Government of **Afghanistan** requests ILO's assistance for the realization of a national survey on children victims of forced labour in the country.
- 361.** In **Brunei Darussalam**, the National Chamber of Commerce and Industry (NCCI) and the Brunei Oilfield Workers' Union (BOWU) support the Government's requests, including the capacity building of employers' and workers' organizations and the preparation of survey/seminar to promote and realise the FPRW in the country, in consultation with employers' and workers' organizations.
- 362.** The Government of the **Solomon Islands** reports that ILO technical cooperation should be sustained with view to guiding the forthcoming national legal reforms.
- 363.** Moreover, several governments and trade unions have expressed interest in conducting a country assessment and a workshop on the Declaration's Follow-up at national level, with the support of the ILO: **Lao People's Democratic Republic** (Government); **Nepal** (the Democratic Confederation of Nepalese Trade Unions – DECONT, the National Democratic Confederation of Nepalese Trade Unions – NDCONT, the All-Nepal Federation of Trade Union – ANFTU); **Solomon Islands** (Government); **Samoa** (Government); **Timor-Leste** (Government); and **Viet Nam** (the Viet Nam General Confederation of Labour – VGCL).

**(d) Reports indicating no change**

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

<sup>7</sup> For further information concerning technical cooperation, refer to Part II., D.3 and D.4, paras 589–593 of this document.

### 3. Effective abolition of child labour

#### (a) Reporting

365. Out of the 32 States concerned, 31 submitted a report under the principle of the effective abolition of child labour (a 97 per cent reporting rate), which is an increase of 4 per cent in comparison to the 2007 Annual Review figures on this principle and right.<sup>8</sup>
366. The Government of **Turkmenistan** is the only one that failed to comply with its reporting obligations under the 2008 Annual Review.
367. At the national level, 21 employers' organizations and 22 organizations from 25 States formulated observations on their Government's updated country baseline or first report.
368. At the international level, the IOE<sup>9</sup> sent an observation and with general references to the realization of the principle and right, but no comments were received from the ITUC.
369. The table below indicates the national and international employers' and workers' organizations which sent observations and the countries involved.

#### 2008 Annual Review: Observations by employers' and workers' organizations under the principle of the effective abolition of child labour \*

Countries	Observations by national employers' organizations	Observations by national workers' organizations
Bahrain	Bahrain Chamber of Commerce and Industry (BCCI)	General Federation of Bahrain Trade Unions (GFBTU)
Bangladesh	Bangladesh Employers' Federation (BEF)	Bangladesh Worker's Federation (BWF)
Brunei Darussalam	The National Chamber of Commerce and Industry (NCCI) and its three affiliates	The Brunei Organization of Workers' Unions (BOWU)
Cape Verde	Commercial and Industrial Association of Sotavento (ACS); Chamber of Commerce and Industry of Cape Verde (CCIV)	National Union of Capverdian Workers (UNTC) ( <i>Centrale syndicale</i> ); Capverdian Confederation of Free Trade Unions (CCSL)
Cuba	<i>Grupo de Empleadores Cubanos</i> (GEC) (Group of Cuban Employers)	<i>Central de Trabajadores de Cuba</i> (CTC) (Central Organization of Workers of Cuba)
Eritrea	Eritrea Federation of Employers (EFE)	National Confederation of Eritrean Workers (NCEW)
Gabon	<i>Confédération patronale gabonaise</i> (CPG) (Gabonese Employers' Confederation)	<i>Confédération syndicale gabonaise</i> (COSYGA) (Gabonese Trade union Confederation)
Ghana	Ghana Employers Association (GEA)	Ghana Trades Union Congress (GTUC) and its 17 affiliates

<sup>8</sup> cf. boxes 1 and 2, p. 9, of this document.

<sup>9</sup> cf. para. 562 of this document.

Countries	Observations by national employers' organizations	Observations by national workers' organizations
Guinea-Bissau	<i>Chambre du Commerce, de l'Industrie et de l'Agriculture</i> (CCIA) and <i>Chambre de l'Agriculture, du Commerce et de l'Industrie</i> (CACI)	<i>Union nationale des travailleurs de Guinée</i> (UNTG); <i>Confédération des syndicats indépendants de Guinée-Bissau</i> (CGSI/GB)
Haiti	Haitian Chamber of Commerce and Industry (HAMCHAM)	<i>Coordination syndicale haïtienne</i> (CSH); <i>Mouvement des organisations indépendantes intégrées et des syndicats engagés</i> (MOISE)
India	Council of Indian Employers (CIE) and its 81 affiliates	All India Trade Union Congress (AITUC) and <i>Bharatiya Mazdoor Sangh</i> (BMS)
Islamic Republic of Iran	Iran Confederation of Employers' Associations (ICEA)	Iran Confederation of Islamic Labour Councils (ICILC)
Kiribati	Kiribati Chamber of Commerce (KCC)	Kiribati Trade Union Congress (KTUC) and its ten affiliates
Liberia	–	United Seamen, Ports and General Workers' Union of Liberia and the Liberia Federation of Labour Unions (USPOGU—LFLU) and its 14 affiliates
Mexico	–	<i>Confederación de Trabajadores de Mexico</i> (CTM) (Workers' Confederation of Mexico)
Myanmar	Union of Myanmar Federation Chamber of Commerce and Industries (UMFCCI)	–
New Zealand	Business New Zealand (BNZ)	New Zealand Congress of Trade Unions (NZCTU)
Saint Lucia	Saint Lucia Employers' Federation (SLEF)	Saint Lucia National Workers' Union (SLNWU) Saint Lucia Civil Service Association (SLSCA)
Saudi Arabia	Council of Saudi Chambers of Commerce and Industry (SCCI)	Saudi Telecom Worker's Committee (STWC)
Sierra Leone	Sierra Leone Employers' Federation (SLEF)	Sierra Leone Labour Congress (SLLC) and its 23 affiliates
Solomon Islands	Solomon Islands Chamber of Commerce and Industry (SICCI)	Solomon Islands Council of Trade Unions (SICTU) and its ten affiliates, Solomon Islands National Union of Workers (SINUW)
Suriname	–	Confederation of Civil Servants (CLO)
Uzbekistan	Chamber of Commerce and Industry of Uzbekistan (CCIU)	Federation of Trade Unions of Uzbekistan (FTUU)
Vanuatu	–	Vanuatu National Workers' Union (VNWU)

\* The IOE has provided a general observation under this principle and right, reproduced in para. 562 of this document.

Source: ILO: Country reports and baselines under the Declaration's Annual Review, 2008.

## (b) Reports mentioning efforts

**370. Ratification and ratification intentions.** Under this principle and right, the Office has recorded three ratifications concerning the Minimum Age Convention, 1973 (No. 138) (**Czech Republic, Estonia and Montenegro**), and two ratifications concerning the Worst

Forms of Child Labour Convention, 1999 (No. 182) (**Haiti** and **Montenegro**). Countries that have newly ratified both fundamental Conventions under the same principle and right have no more reporting obligations under the Declaration's Annual Review. They also have a two-year "non-reporting period" (i.e. 12 months after ratification for entry into force and 12 months for reporting after entry into force) to adjust their laws and practice in conformity with the provisions of the ratified Conventions before they report on the application of these newly ratified instruments (under article 22 of ILO Constitution).

371. The table below displays ratifications in 2006–07 and the countries that expressed, in their updated baselines, their intention to ratify Conventions Nos 138 and/or 182.

#### 2008 Annual Review: Status of ratifications and ratification intentions for Conventions Nos 138 and 182

Conventions	Ratifications in 2006/2007	Ratification intentions in 2008
Convention No. 138	<b>Czech Republic</b> (26/04/2007) <b>Estonia</b> (15/03/2007) <b>Montenegro</b> (3/06/2006)	<b>Bahrain, Bangladesh, Brunei Darussalam, Cape Verde, Gabon, Ghana, Guinea-Bissau, Haiti, Islamic Republic of Iran, Kiribati, Liberia, Myanmar, Saint Lucia, Samoa, Saudi Arabia, Sierra Leone, Solomon Islands, Somalia, Suriname, Uzbekistan, Vanuatu</b>
Convention No. 182	<b>Haiti</b> (19/07/2007) <b>Montenegro</b> (3/06/2006)	<b>Brunei Darussalam, Cuba, Eritrea, Guinea-Bissau, Kiribati, Myanmar, Samoa, Sierra Leone, Solomon Islands, Somalia, Uzbekistan</b>

Source: ILO: Country reports and baselines under the Declaration's Annual Review, 2008.

372. **Montenegro** has ratified 68 ILO Conventions by succession to the Ex-State Union of Serbia and Montenegro in June 2006. All eight fundamental Conventions are among these instruments. It did not therefore report for any of the FPRW.
373. Concerning intentions of ratification, the Government of **Ghana** states that the process of ratification of Convention No. 138 is currently before the Attorney General's Office. It should then be reviewed by the Cabinet, which is already committed to ratifying this instrument.
374. The Government of **Liberia** indicates that the ratification of Convention No. 138, although delayed due to the change of Government, is currently before the Committee of Labour of the Senate for approval.
375. The Government of the **Solomon Islands** states that its Cabinet approved the ratification of Conventions Nos 138 and 182 on 17 May 2007.
376. According to the Government of **Uzbekistan**, ratification of Conventions Nos 138 and 182 should be expected very soon. Following extensive consultations and the full support by other technical ministries and agencies and the employers' and workers' organizations, a draft law on ratification of these instruments has been submitted to the Parliament for final adoption.
377. The Government of **Bangladesh** indicates that it intends to ratify Convention No. 138.
378. The Government of **Cape Verde** reports that following the adoption of ratification of Convention No. 138 by the National Assembly, national laws are being reviewed in the light of the provisions of international labour standards.
379. The Government of **Cuba** reiterates that Convention No. 182 was duly submitted to the competent authorities, but its ratification was deferred.

- 380.** The Government of **Brunei Darussalam** plans to ratify Convention No. 182, and is also considering the possibility to ratify Convention No. 138.
- 381.** The Government of **Eritrea** indicates that the ratification of Convention No. 182 is still under review.
- 382.** The Government of **Gabon** states that the ratification of Convention No. 138 is still on the agenda of the Parliament.
- 383.** The Government of **Guinea-Bissau** states that the ratification of Conventions Nos 138 and 182, although adopted by the Peoples' National Assembly (on 30 November 2006) and promulgated by the Prime Minister (on 22 December 2006), needed a renewed approval. The instruments of ratification are currently awaiting signature by the Chief of State. After this stage, they will be submitted to the ILO without delay.
- 384.** The Government of **Kiribati** reiterates its support for the ratification of Conventions Nos 138 and 182, and indicates that consultations are in process to that effect.
- 385.** The Government of the **Islamic Republic of Iran** states that it intends to ratify Convention No. 138.
- 386.** The Government of **Myanmar** indicates that the ratification of Conventions Nos 138 and 182 shall be considered as soon as the new Constitution is promulgated.
- 387.** The Government of **Saint Lucia** expresses its intention to ratify Convention No. 138 and thus complete ratification of all ILO fundamental Conventions.
- 388.** The Government of **Saudi Arabia** indicates that it intends to ratify Convention No. 138.
- 389.** The Government of **Sierra Leone** states that it intends to ratify Conventions Nos 138 and 182.
- 390.** The Government of **Somalia** reports its intention to ratify all ILO fundamental Conventions. Once the requested technical guidance is received, the ratification process would start in consultation with the social partners.
- 391.** The Council of Ministers of **Suriname** states that it shall review the ratification of Convention No. 138 upon the finalization of labour laws on compulsory schooling.
- 392.** The Government of **Timor-Leste** indicates that its new Cabinet is committed to prioritize the ratification of some ILO fundamental Conventions.
- 393.** Again, the Government of **Mexico** does not provide any information concerning its intention to ratify or not Convention No. 138. However, the Mexico Workers' Confederation (CTM) states that work is being done on the ratification of this instrument.
- 394.** The Government of **New Zealand** recalls that its policy is to ratify Conventions once the law, policy and practice fully comply with the provisions of the Convention. It reiterates that it is still in the process of assessing whether or not it can ratify Convention No. 138.
- 395.** Country baselines indicate that most employers' and workers' organizations support their Government in the ratification process for Conventions Nos 138 and/or 182.
- 396. Recognition of this principle and right in the Constitution.** Most reporting governments state that their Constitutions provide for the right to education and/or the

protection for children. However, the Government of **Brunei Darussalam** and **Saint Lucia** indicate their Constitutions do not contain provisions referring to this principle and right.

- 397. Recognition of this principle and right in policy, legislation, regulations and judicial decisions.** Most reporting countries have adopted laws and regulations concerning compulsory education, minimum age for admission to employment or work and/or the worst forms of child labour. In **Brunei Darussalam**, the principle and right is not enshrined in the Constitution. However, according to the Government, several national laws deal with child labour issues, for example: (i) the Labour Act (CAP 93), sections 2, 48, and 70–82; (ii) the Penal Code (CAP 22), sections 367–374; (iii) the Women and Girls Protection Act (CAP 120); (iv) the Children Order, 2000; and (vi) the Education Order, 2003 (sections 6, 16.2 and 25).
- 398.** The Government of **Bangladesh** indicates that the National Policy on Child Labour should be adopted by the Parliament by the end of 2007. Moreover, according to the Bangladesh Employers' Federation (BEF), the promulgation of the Labour Act, 2006, has strengthened the capacity of the labour administration machinery to enforce legal measures.
- 399.** The Government of **Cape Verde** reports that national laws on labour relations are being reviewed in the light of the provisions of Convention No. 138.
- 400.** According to the Government of **Cuba**, a labour law review is under way with new legal provisions prescribing greater occupational safety requirements and new methods for assessing risks and clarifying the current provisions relating to measures and prohibitions affecting young people entering employment between the ages of 17 and 18.
- 401.** The Government of **Guinea-Bissau** refers to the General Labour Code, 2002, which incorporates a number of requirements of the minimum age Conventions.
- 402.** According to the Government of **Kiribati**, several amendments relating to child labour are currently being reviewed by the Attorney General's Office, and should be adopted by the end of 2007. The Kiribati Chamber of Commerce (KCC) and the Kiribati Trade Unions Congress (KTUC) confirm that they have participated in the labour law review exercise.
- 403.** The Government of **Liberia** states that a National Conference should be organized in October 2007 to review national laws.
- 404.** The Government of the **Solomon Islands** reports that its Cabinet intends to bring national laws into compliance with the provisions of ILO Conventions to be ratified, including Conventions Nos 138 and 182. In this regard, the Government has received the draft of the Industrial Relations Law that has been elaborated in consultation with the employers' and workers' organizations and the ILO.
- 405.** The Government of **Somalia** mentions that it intends to adopt a policy on the principle and right.
- 406.** The Government of **Uzbekistan** indicates that several programmes were implemented in the country, namely the National Programme on the Improvement of Children's Well-Being (2007–11) and the National Programme on Improving Public Education.
- 407. Minimum age legislation for admission to employment or work.** In Bangladesh, according to the Bangladesh Employers' Federation (BEF), the promulgation of the Labour Act, 2006, incorporates the minimum age requirements.

408. The Government of **Brunei Darussalam** reports that the general minimum age for admission to employment or work was set at 18, without gender distinction. However, there is a possibility to work between the ages of 16 and 18, if parental consent is given.
409. The Government of **Guinea-Bissau** indicates that section 146 of the General Labour Code, 2002, sets the minimum age for admission to work at 16 years.
410. According to the Government of **Saint Lucia**, section 122 of its Labour Code, 2006, prohibits the employment of children under the minimum school leaving age, with the following exceptions: (i) job training; (ii) community services outside school hours; and (iii) work done in technical schools or by members of a recognized youth organization outside of school hours, for the purpose of raising funds. However, pending the entering into force of the Labour Code, 2006, the Employment of Women Young Persons and Children, Chapter 100, is still in force and forbids the employment of a child, i.e. a person under the age of fourteen years in any industrial undertaking.
411. In **Uzbekistan**, the Government reports that the 12-year secondary education system is structured in such a way that children enter the labour market only when they reach the age of 17 or 18.
412. **Compulsory schooling.** Most reporting States have a compulsory and free education system for children, and the age of children at the end of compulsory schooling often matches with the minimum age for admission to employment or work.
413. In **Brunei Darussalam**, the Government indicates that there are in practice 11 years of free and compulsory education (six years of primary schooling and five years of secondary schooling). The minimum age into primary school shall be 6 years old for both boys and girls, but it may be at 5 years old in exceptional circumstances by a decision of the Minister of Education.
414. The Government of **Cuba** reports that all school children attended school and that the mechanism for social protection prevents school dropouts and facilitates continuous studies up to the highest levels.
415. The Government of **Guinea-Bissau** mentions that section 147 of the General Labour Code, 2002, provides for compulsory schooling until 14 years of age.
416. The Government of **Saint Lucia** states that its policy of compulsory education from ages 5 to 15 and universal secondary education between the ages of 12 and 17 contribute to the realization of the principle and right.
417. According to the Government of **Suriname**, a law review on compulsory schooling is currently being carried out.
418. **Hazardous work.** The Government of **Guinea-Bissau** states that the General Labour Code, 2002, provides for: (i) the prohibition of hazardous work of children under 18 years of age (section 148); (ii) the general obligation to guarantee adequate working conditions for the physical and mental development of young workers (section 151); (iii) the prohibition of night work (section 152) and overtime for young workers (section 153); and (iv) the compulsory parental consent for young workers' admission to work (section 150).
419. According to the Government of **Saint Lucia**, the Employees' (Occupational Health and Safety) Act provides some protection for any young person below 18. Section 23 prohibits such persons from engaging in employment in industrial undertakings. This would guard employers against the employment of such persons in factories, ships or construction sites.

- 420. Worst forms of child labour.** In addition to laws and regulations concerning the minimum age for admission to employment or work, most reporting States aim at protecting children against the worst forms of child labour.
- 421.** For example, according to the Government of **Bangladesh**, the elimination of the worst forms of child labour should be a priority in view of the exploitative nature of employment.
- 422.** The Government of **Brunei Darussalam** reports that the Trafficking and Smuggling of Persons Order (2004) addresses, among others, the issue of the worst forms of child labour and defines the child as a person aged up to 18 (section 2). It also defines “children trafficking” as the recruitment, transportation, transfer, harbouring or reception of a child by any means for the purposes of exploitation.
- 423. Special attention to particular groups of children including those operating in the informal economy.** The Government of **Bangladesh** indicates that, in its endeavour to achieve the Millennium Development Goals, it has targeted the elimination of child labour from the ready-made garments sector where workers below the age of 14 were not allowed to work. According to the Bangladesh Employers’ Federation (BEF), the country’s success in withdrawing child labourers from the garments sector has been appreciated nationally and internationally.
- 424.** The Government of **Cuba** indicates that the education system, which covers the urban, rural and mountain regions, provides for specialized programmes for children with disabilities.
- 425.** According to the Government of the **Islamic Republic of Iran**, special attention is paid to street children, including children in the informal economy.
- 426.** The Government of **Mexico** mentions that its National Development Plan 2007–12 aims, among others, at paying special attention to indigenous working children and young workers operating as casual workers or street vendors.
- 427.** The Government of **Saint Lucia** states that its Department of Human Services investigates cases of children at risk, i.e. in abusive situations.
- 428. Data collection and dissemination.** According to the Government of **Guinea-Bissau**, a national survey was carried out in December 2006 in order to determine the scope of child labour in the country.
- 429.** The Government of **Kiribati** indicates that a survey on the issue of child labour is being undertaken since the beginning of 2007.
- 430.** In **Liberia**, the Government states that a national survey on child labour should be launched shortly by the Department of Statistics.
- 431.** The Government of **Mexico** provides information and data concerning the impact of its programmes to prevent and fight against child labour in rural and urban areas (target groups and reduction in the percentage number of working children).
- 432.** According to the Government of **Myanmar**, the Ministry of Labour issued the Human Resource Development Indicator in 2005 containing information on schoolchildren.
- 433.** The Government of **Saint Lucia** reports that the national database on child labour has not been developed. There is still a need for further publicity of the issue by the Ministry of

Labour. The Ministry of Education's policy of monitoring of secondary schools helps. Also, counsellors at schools treat cases of truancy with seriousness. However, the Ministry of Education is preparing to undertake a study on student drop outs. This should provide information about any connection between child labour and school absenteeism.

- 434.** According to the Government of **Uzbekistan**, the level of public literacy is almost at the maximum level (99.3 per cent).
- 435. National and international policies/plans.** According to the Government of **Myanmar**, the Ministry of Health is carrying out its National Health Plan. The implementation of the Integrated Management of Maternal and Childhood Illness is still ongoing by the Department of Health. The Government has also implemented plans to achieve the Education for All within the Millennium Development Goals.
- 436.** According to the Government of the **Solomon Islands** and the Solomon Islands Chamber of Commerce and Industry (SCCI), a new Ministry of Women, Youth and Children Affairs was created in April 2007, which is currently elaborating its national cooperation plan.
- 437. Bringing about the effective abolition of child labour.** The Government of **Mexico** reports that as a preventive measure against child labour, a distinctive mark is granted to agricultural enterprises that fulfil their social responsibilities by protecting the human rights of the child. In this regard, the Secretariat for Social Development is implementing an awareness-raising programme for agricultural casual workers (*Programa de Atención a Jornaleros Agrícolas*) the objective of which is to contribute to the improvement of the living and working conditions of this category of workers through various actions targeting the exercise of the rights of girls and boys and the prevention of child labour. In 2006, this programme has implemented 9,156 projects and involved 557,475 persons including 201,004 minors (36 per cent).
- 438.** The Government of **Bangladesh** states that four workshops on the issue of child labour were organized in collaboration with employers' and workers' organizations including a workshop held in July 2007, prior to the adoption of the draft Child Labour Policy. According to the Bangladesh Employers' Federation (BEF), targeted programmes have been launched to reduce the family dependency on child's earnings. As a result, mothers received food as education grants as well as some assistance to start their own business. The Bangladesh Workers' Federation (BWF) notes that a campaign on the elimination of child labour has been carried out, including several training activities.
- 439.** In **Brunei Darussalam**, the Government indicates that the following measures are implemented to enforce the minimum age for admission to employment and eliminate the worst forms of child labour: (i) inspection/monitoring mechanisms; (ii) penal sanctions; (iii) free compulsory education; (iv) employment creation/income generation; (v) social assistance (stipends, subsidies, vouchers); (vi) vocational and skills training for young workers; and (vii) awareness raising/advocacy. Concerning the worst forms of child labour, children and young persons are expressly protected under the Penal Code, the Women and Girls Protection Act (CAP 120), the Children's Order, 2000, the draft Child and Young Persons Order, 2006, the Trafficking and Smuggling of Persons Order, 2004 and the Employment Agency Order, 2004. These laws also provide for sanctions in cases of forced or compulsory labour, including fines and imprisonment.
- 440.** According to the Government of **Cape Verde**, several tripartite workshops on the quantitative evaluation of child labour were held in May and June 2007. Furthermore, the Capeverdean Institute for Children and Young Persons (ICEA) organized several sensitisation campaigns in schools dealing, among others, with the question of child labour. According to the National Union of Capeverdean workers (UNTC) (*Centrale*

*syndicale*), several public awareness-raising activities are being organized on the principle and right, including a seminar on child labour held in July 2007.

441. The Government of **Cuba** notes that the main activity to promote the principle and right is the improvement of the national social security scheme, which covers the entire population.
442. The Government of **Gabon** indicates that it has participated in a regional meeting on the principle and right. According to the Gabonese Employers' Confederation (CPG), programmes on working children over 15 years old are also carried out. Furthermore, the Gabonese Trade Union Confederation (COSYGA) states that several activities have been carried out to combat child labour in the country. For example, the National Programme for Trade Unions' Development ("*Programme national de développement syndical*") (PNDS)) launched several campaigns in Libreville and Port-Gentil from January to July 2007, in collaboration with the Democratic Trade Union Organization of African Workers (ODSTA).
443. The Government of **Ghana** reports the following activities: (i) a workshop was organized in May 2007 by the Child Labour Unit of the Department of Labour in order to strengthen its capacity in combating child labour; (ii) a national training on child labour is being undertaken with key stakeholders, such as labour inspectors, factory inspectors, social welfare officers, district assembly and cooperative officers; (iii) a National Steering Committee on Child Labour has been established to strengthen capacity building and awareness raising on child labour issues through TV and radio programmes; (iv) several seminars on child labour have been carried out in 21 districts of the country; (v) districts have developed their own programmes to increase school enrolment and more schools are being built; and (vi) district micro-finance programmes have been created. Moreover, the GTUC indicates that one of its affiliates, the General Agricultural Workers' Union (GAWU) carried out two projects in collaboration with ILO-IPEC on: (i) the worst forms of child labour in the fishing community; and (ii) encouraging all affiliates to negotiate collective agreement clauses in order to prevent employers from engaging children. Scholarships are also awarded and several seminars and discussions through TV and radio have been organized.
444. The Government of the **Islamic Republic of Iran** states that awareness raising activities are carried out to strengthen free and compulsory education and on street children. According to the Iran Confederation of Employers' Association (ICEA), discussions are held with the employers' associations to emphasize that children should not work under the age of 15, but could work as apprentice only between the ages of 15 and 18.
445. In **Liberia**, the Government indicates that a National Conference on Labour Law Review should be organized in October 2007. Moreover, ten workshops on child labour should be held shortly thanks to the financial support of the Government of **Netherlands**.
446. According to the Government of **Myanmar**, promotion was undertaken in the formal and informal education with a special emphasis on rural areas. Moreover, a school enrolment week has been developed in collaboration with the Department of Education and employers' and workers' organizations and NGOs in order to increase the enrolment of students. The Ministry of Labour has implemented the programme concerning the protection of children in collaboration with UNICEF, namely through workshops. The Union of Myanmar Federation Chamber of Commerce and Industries (UMFCCI) also promotes and organizes trainings and seminars for workers.
447. The Government of **Saint Lucia** indicates that workplace inspections are carried out by the Department of Labour.

448. According to the Government of the **Solomon Islands** and the Solomon Islands Chamber of Commerce and Industry (SICCI), a new Ministry of Women, Youth and Children Affairs was created in April 2007. It is currently elaborating its national cooperation plan, and a workshop will be held in June 2008. The SICCI further notes that Labour Day celebrations are organized in the country.
449. Three government officials from **Samoa, Somalia** and **Timor-Leste** were trained on international labour standards and the Declaration's follow-up in May and June 2007 in Turin and Geneva by the ILO and its Turin Centre.
450. In **Suriname**, the Confederation of Civil Servants (CLO) indicates that it has organized several skills training activities on the issue of child labour.
451. The Government of **Uzbekistan** mentions that the legal and technical inspectorates of the Ministry of Labour and Social Protection carried out inspections. In accordance with the statutory procedures, no cases of violations of children's rights were found. Moreover, the Chamber of Commerce of Uzbekistan (CCIU) indicates that training activities are organized as a means of prevention in the cotton industry, especially within the Makhalla Foundation where the importance of education is also explained. A tripartite workshop was also held on social dialogue and child labour in January 2006. The Federation of Trade Unions of Uzbekistan (FTUU) notes that trade unions participate in government programmes against child labour. Year 2007 was also the year of social protection for workers and their families and government support on this issue has increased. Finally, the FTUU participates in the Monitoring Commission to: (i) review the implementation of the national programme; (ii) raise issues and prepare a list of problems; (iii) make recommendations; and (iv) consult the local authorities in order to take action.
452. The Government of **Vanuatu** states that it has established a tripartite steering committee that will also deal with the principle and right. Furthermore, it has organized awareness-raising activities on labour legislation.
453. **Special initiatives/progress.** The Government of **Bangladesh** reports that it has been offering monthly scholarships in order to sensitize the population on the importance of education. Moreover, children have been provided with non-formal education before their enrolment in formal schools. Enrolment in primary schools has also increased, though attendance rates were low. Free education for girls and education for food programmes have achieved rapid success as regards the enrolment for education of children of poor families.
454. In **Brunei Darussalam**, the Government refers to its intention to ratify Convention No. 182 in due course. In addition, it indicates that it has adopted a number of laws and regulations to realize the principle and right, including the Children Order, 2000, the draft Child and Young Persons Order, 2006, the draft Employment Order and the Trafficking and Smuggling of Persons Order, 2004. This Order provides, among others, for the establishment of a Trafficking and Smuggling of Persons Fund. This fund is under the Government's responsibility and will serve, in particular, to: (i) finance the cost of repatriation of smuggled persons or trafficked persons; (ii) promote information and education of the public in preventing, suppressing or otherwise of people trafficking and people smuggling; and (iii) reward any person in preventing or suppressing people trafficking or people smuggling.
455. According to the Government of **Ghana**, a new Human Trafficking Board (including child labour) has been established. A National Programme to Eliminate Child Labour in the Cocoa Sector is also being implemented by the Ministry of Manpower, Youth and Employment.

456. The Government of Guinea-Bissau indicates that a national survey was carried out in December 2006 in order to identify the scope of the problem of child labour in the country. A national case study on the FPRW, including the worst forms of child labour, was also carried out in December 2007 together with the ILO–PAMODEC Programme.
457. In **Kiribati**, according to the Kiribati Chamber of Commerce (KCC), a Korean institution is addressing the *Korekorea*<sup>10</sup> scourge in collaboration with the Government. The Government is also cooperating with the ILO Youth Employment Programme and the New Zealand Overseas Development Assistance (NZODA).
458. In **Mexico**, the Government states its Human Development Programme concerning working children and young workers in urban areas, reduced the percentage of child workers aged between 12 and 14 to 8 per cent during the first year of the implementation of this programme, and from 12 to 14 per cent during the second year. Concerning working girls aged between 15 and 18 years, this percentage was reduced by 11 per cent during the first year of operation of this Programme.
459. The Government of the **Solomon Islands** states that it provides financial assistance for the national celebration of the Labour Day. These activities include awareness raising programmes and radio broadcasting on the FPRW.
460. The Government of **Vanuatu** indicates that it has set up a DWCP, which includes the principle and right.
461. In **Uzbekistan**, many collective bargaining agreements containing provisions on the prohibition of child labour have been signed under the auspices of the Chamber of Commerce and Industry of Uzbekistan (CCIU) and the Federation of Trade Unions of Uzbekistan (FTUU). This has allowed them to play a prevention and monitoring role against child labour, in particular in rural areas and the textile industries where this phenomenon exists.

**(c) Challenges mentioned**

462. **Obstacles to ratification of Conventions Nos 138 and/or 182.** The Government of **Australia** mentions that while Australian law and practice fully meets the objectives of Convention No. 138, its country is currently unable to ratify it due to technical compliance reasons.
463. In **Bangladesh**, the Tripartite Consultative Council indicates that ratification of Conventions Nos 138 and 182 is not advisable for the time being because of implementation problems.
464. In **Gabon**, the Gabonese Employers' Federation (CPG) encourages the ratification of Convention No. 138, underlining the difficulties at the procedural level. The Gabonese Trade Union Confederation (COSYGA) notes that this procedure would not be completed until the Civil, Penal and Labour Codes are in conformity with the international standards on child labour.
465. The Government of **Guinea-Bissau** reiterates that the political, economic and financial instability of the country has hindered the ratification of Conventions Nos 138 and 182.

<sup>10</sup> Those [girls] who “go with” Korean fishermen.

- 466.** In **New Zealand**, the Government reiterates that the process of assessing the possibility of ratifying Convention No. 138 includes an analysis of what legislative changes may be required with a view to ensuring full compliance with the provisions of this Convention.
- 467.** In this regard, Business New Zealand (BNZ) mentions that, as in previous years, it continues to oppose the ratification of Convention No. 138 because it doubts that the ILO Committee of Experts on Application of Conventions and Recommendations will accept a de facto minimum age for full-time employment. In New Zealand, there is a perception that might contrast with the Committee's. As both the Government and BNZ have explained, the employment of younger persons has traditionally been considered to benefit young peoples by teaching them valuable work skills and increasingly, with both parents employed, by ensuring that children are looked after in at least some of their out of school hours through gainful employment. Thus, there would appear to be little to be achieved by ratifying a Convention, which would then open up New Zealand to a pointless challenge.
- 468.** However, the New Zealand Council of Trade Unions (NZCTU) refers to New Zealand's ratification of the UN Convention on the Rights of the Child (CRC) with reservation regarding article 32.2 of this instrument on the one hand, and the recommendation by the UN Committee on the Rights of the Child that the Government revise the legislation and set the minimum age for employment, on the other. It further cites child advocates' opinion that the Government should review examples of child employment legislation from countries with similar culture, such as the **United Kingdom**, and the **Australian states of Queensland and Victoria**. The NZCTU also notes that although the Government has made some progress towards ratifying Convention No. 138, it has not yet developed draft legislation that would meet ILO standards for compliance. Therefore, it may be helpful to the New Zealand situation if the ILO provides technical assistance to develop a draft minimum age for employment legislation that is consistent with the aims of the United Nations Convention on the Rights Of the Child and Convention No. 138, and suits the national circumstances in New Zealand (i.e. legislation that would restrict the employment of young peoples from 13 to 15 years to light work as described in Article 7 of Convention No. 138, and would set the standard minimum age of employment at 16 years for other types of work).
- 469.** The Government of **Somalia** mentions its lack of technical capacity to complete ratification of all the ILO fundamental Conventions.
- 470.** In **Vanuatu**, the Vanuatu National Workers' Union (VNWU) states that its country has to deal with a few hurdles before engaging in ratification of Convention No. 138.
- 471. Contextual and legal challenges.** The table below shows the general challenges mentioned by the reporting governments and employers' and workers' organizations.

**2008 Annual Review: Contextual and legal challenges in the realization of the effective abolition of child labour in selected reporting States**

Type of difficulty	Governments	Employers' organizations	Workers' organizations
Lack of public awareness and/or support	<b>Brunei Darussalam;</b> <b>Solomon Islands</b>	<b>Guinea-Bissau</b> (CCIA/CACI)	–
Lack of information and data	<b>Brunei Darussalam</b>	–	–
Social and economic circumstances	<b>Ghana;</b> <b>Solomon Islands</b>	<b>Cape Verde</b> (ACS); <b>Gabon</b> (CPG)	<b>Bangladesh</b> (BWF); <b>Cape Verde</b> (UNTC–CS); <b>Gabon</b> (COSYGA); <b>India</b> (AITUC)

Type of difficulty	Governments	Employers' organizations	Workers' organizations
Political situation	Eritrea; Somalia	Guinea-Bissau (CCIA/CACI)	–
Legal provisions	Brunei Darussalam; Liberia; Solomon Islands; Suriname	Gabon (CPG)	Mexico (CTM); Suriname (CLO)
Prevailing employment practices	Saint-Lucia	Bangladesh (BEF); Cape Verde (ACS); Saint-Lucia (SLEF); Uzbekistan (CCIU)	Cape Verde (UNTC–SC); Saint-Lucia (SLNW/SLCSA)
Lack of capacity of responsible Government institutions	Bangladesh; Brunei Darussalam, Cape Verde; Ghana; Solomon Islands	Solomon Islands (SCCI)	Ghana (GTUC)
Lack of capacity of employers' organizations	Brunei Darussalam	Guinea-Bissau (CCIA/CACI)	Ghana (GTUC); Liberia (USPOGUL–LFLU)
Lack of capacity of workers' organizations	Brunei Darussalam; Suriname	–	Ghana (GTUC); Liberia (USPOGUL–LFLU)
Lack of social dialogue on this principle	Brunei Darussalam; Suriname	Guinea-Bissau (CCIA/CACI)	Vanuatu (VNWU)

Source: ILO: Country reports and baselines under the Declaration's Annual Review, 2008.

- 472.** According to the Government of **Bangladesh**, parents in the villages are still not sufficiently aware of the negative outcomes of child labour. Moreover, skills training is lacking in certain sectors such as in the garments and electronic industries. The Bangladesh Workers' Federation (BWF) notes that child labour is prevalent in the informal economy, especially in poor rural areas. According to the Bangladesh Employers' Federation (BEF), health, safety and welfare of working children is a global concern. In spite of rigorous laws regarding children in hazardous work, the reality cannot be denied. Moreover, child labour exists in the agriculture and informal sectors, both of which are family enterprises, and this makes it more difficult to monitor.
- 473.** According to the Government of **Cape Verde**, the difficulties regarding the definition and qualification of child labour continues. The Commercial Industrial Association of Sotavento (ACS) and the National Union of Capeverdian Workers (UNTC) (*Centrale syndicale*) observe that child labour is prevalent in the informal and agricultural sectors.
- 474.** In **Gabon**, the Gabonese Employers' Federation (CPG) indicates that the Labour Code does not apply to the informal economy, and child labour is increasing due to illegal entry of migrants into the country. According to the Gabonese Union Confederation (COSYGA), Gabon receives a great amount of foreign workers (including children) from **Benin, Mali, Nigeria, Senegal** and **Togo**. This phenomenon will increase with the future freedom of movement of persons among the six countries of the Economic Community of Central African States ("*Communauté économique des États de l'Afrique centrale*") (CEEAC). Moreover, it notes that the application of penalties for perpetrators of child labour remains a problem.
- 475.** According to the Government of **Ghana**, the Labour Department lacks capacity to address child labour that is found mainly in rural areas and in the informal economy. According to the Ghana Trade Union Congress (GTUC): (i) the institutional structures are weak, and factories inspections are understaffed and under equipped; (ii) campaign material are scarce; (iii) members of the GTUC are changing and the new staff members need training; and (iv) the frequent change of labour ministers makes it difficult for workers' unions to engage in long-term collaboration with the Government.

476. In **Guinea-Bissau**, the *Chambre de Commerce, de l'Industrie et de l'Agriculture* (CCIA) and the *Chambre de l'Agriculture, du Commerce et de l'Industrie* (CACI) note the following challenges: (i) political instability and financial obstacles; (ii) excessive bureaucracy in the public service; (iii) lack of tripartite meetings; (iv) weak public institutions; (v) lack of awareness on the principle and right; and (vi) language barrier.
477. In **India**, the All India Trade Union Congress (AITUC) indicates that poverty, unemployment, public apathy, land reforms and lack of compulsory and free education remain the main challenges. Moreover, remuneration has been increased in order to improve the rate of schooling among children, but the main difficulty is in the informal economy.
478. In **Liberia**, the Government reports that enactment and enforcement of labour laws are yet to be realized. The USPOGUL–LFLU notes the following challenges: (i) logistical problems; (ii) capacity building; and (iii) lack of leadership and training among the workers' and employers' organizations.
479. According to the Government of **Mexico**, the National Development Plan 2007–12 aims, among others, at paying special attention to priority groups, i.e. vulnerable groups or groups with special needs. These groups include children and young persons from indigenous peoples and communities that work as casual workers or street vendors. According to the Mexico Workers' Confederation (CTM), there is a one-year gap between the age of children at the end of compulsory schooling and the minimum age for admission to employment or work.
480. In **New Zealand**, the Government recalls that all forms of child labour are harmful. While restrictions exist on the employment of young persons (mainly in education and occupational safety and health legislation), there is a long-established practice of the employment of children in a range of works, including newspaper rounds and fruit picking. The Government considers that the employment of children in this type of work is not harmful, and indeed is socially desirable, since it prepares them for independence and greater responsibility.
481. According to the New Zealand Council of Trade Unions (NZCTU), the publication *Child Poverty*, a research by a social justice agency CARITAS showed that child poverty in New Zealand leads some children and young peoples to take up excessive and unsafe work. The NZCTU endorses CARITAS' concern over this problem. Other research by the Ministry of Social Development shows the Government's Working for Families Programme has reduced the number of families with a working adult facing poverty in 2007. But child advocate agencies report that many beneficiary families are living in poverty. The poorest families are those headed by a sole parent. Children and teenagers from poor families are likely to seek money either for themselves or to help support their family through paid work, regardless of the safety or appropriateness of that work. Child advocates have recommended to the Government that the Working for Families package be simplified to apply to all families with children, and to include those families on a benefit. Moreover, the NZCTU considers that it is difficult to assess whether New Zealand employment practice complies with Convention No. 138 or not, due to a lack of data on children under the age of 15 years in the workforce and the aggregation of workers aged 15–19 years.
482. Business New Zealand (BNZ) expresses concern about the NZCTU's comments on child poverty which have little if anything to do with the question of whether or not there is an actual minimum age for employment in New Zealand. As BNZ observed in 2006, if some children work because of necessity that is not something that would be cured by having an age below which no child could work. It is also the case that while (as the NZCTU recommends) the minimum wage has been increasing, it may be that these increases are

having an entirely opposite effect to that intended, keeping beneficiaries in their poverty trap because productivity levels do not reflect the wage payable. With regard to accidents to young peoples, it needs to be recognized that ‘workplace accidents’ include such things as drowning in public swimming pools (classified as workplaces although the young person involved was not “at work”) and accidents to children on farms (where the children involved were similarly not “at work”), which, while not acceptable, very much reflect the amount of farming activity occurring in this country and in no way equating to the lack of an actual minimum age for employment.

- 483.** According to the Government of **Saint Lucia**, workplace inspections do not show cases of child labour in the formal economy. There is the suspicion that it may exist in some cases but in clandestine forms. Previously, in family-owned banana farms, children would miss school to help with the harvesting of bananas. This has rather become a practice of the past, following the decline in the production of bananas. However, children do assist parents (vendors) on Saturdays and sometimes after school. The relevant authorities have not addressed this issue as it relates to time to devote to the preparation of home work. The Saint Lucia Employers’ Federation (SLEF) and the Saint Lucia National Workers’ Union (SLNW) note the existence of some cases where children would work during holidays and on weekends to help their families. The Saint Lucia Civil Service Association (SLCSA) also indicates that during the summer and Easter vacations, children can be seen along the roadsides selling craft items to tourists.
- 484.** The Government of the **Solomon Islands** reiterates the same challenges mentioned under the 2006 Annual Review, namely: (i) high poverty rate; (ii) lack of compulsory schooling age; (iii) lack of awareness of child labour and its effects on victims, families and the country as a whole; and (iv) inadequate legislation on minimum age for admission to employment. The Labour Division lacks capacity to carry out its monitoring role, operate and report effectively to the ILO. Moreover, the Solomon Islands Chamber of Commerce and Industry (SICCI) indicates that the Government lacks capacity in monitoring and enforcing national laws.
- 485.** The Government of **Somalia** states that the numbers of working children and child soldiers are increasing due to poverty, national crisis and instability.
- 486.** According to the Government of **Suriname** and the Confederation of Civil Servants (CLO), the national legislative review has shown that there is insufficient collaboration among public sectors such as the agricultural, industrial and health sectors. Leadership among workers and employers is also lacking.
- 487.** In **Uzbekistan**, the Chamber of Commerce and Industry of Uzbekistan (CCIU) notes that child labour exists in rural areas, especially in the textile industry.
- 488.** In **Vanuatu**, the Government states that tripartite discussions on the principle and right are weak. However, the Vanuatu National Workers’ Union (VNWU) observes that the Government is not attempting to promote new tripartite activities.
- 489. Requests for technical cooperation.** With a view to meeting these challenges and facilitating the realization of the principle and right, the Governments of **Bangladesh, Brunei Darussalam, Cape Verde, Eritrea, Gabon, Ghana, Guinea-Bissau, India, Islamic Republic of Iran, Kiribati, Liberia, Mexico, Saint Lucia, Sierra Leone, Solomon Islands, Somalia, Suriname, Uzbekistan** and **Vanuatu** have requested ILO

technical cooperation <sup>11</sup> to assist them in realizing the principle and right, as well as the employers' and/or workers' organizations of **Cape Verde, Gabon, Ghana, India, Islamic Republic of Iran, Liberia, Saint-Lucia, Sierra Leone, Solomon Islands, Uzbekistan and Vanuatu.**

490. Most governments and employers' and workers' organizations have expressed interest in conducting a country assessment and organizing a workshop on the Declaration's follow-up at national level, with the support of the ILO.

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

##### (a) Reporting

491. All the 20 States concerned have submitted a report under the principle of the elimination of discrimination in employment and occupation (a 100 per cent reporting rate), which has increased by 5 per cent compared to the 2007 Annual Review figures on this principle and right. <sup>12</sup>

492. At the national level, nine employers' organizations and 14 workers' organizations from 13 States formulated observations on their Government's updated country baseline or first report.

493. At the international level, one general observation was received from the IOE <sup>13</sup> with general references to the realization of the principle and right, and the ICFTU (now ITUC) sent a late observation under the 2007 Annual Review concerning the realization of the principle and right in Japan.

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

#### 2008 Annual Review: Observations by employers' and workers' organizations under the principle of the elimination of discrimination in employment and occupation \*

Countries	Observations by national employers' organizations	Observations by national workers' organizations	Observations by the International Confederation of Free Trade Unions (ITUC)
Bahrain	Bahrain Chamber of Commerce and Industry (BCCI)	The General Federation of Bahrain Trade Unions (GFBTU)	–
Brunei Darussalam	The National Chamber of Commerce and Industry (NCCI) and its three affiliates	The Brunei Organization of Workers' Unions (BOWU)	–
Japan	–	–	X (late observation under the 2007 Annual Review)

<sup>11</sup> For further information concerning technical cooperation, refer to Part II, D.3 and D.4, paras 589–593, of this document.

<sup>12</sup> cf. box 1, p. 9, of this document.

<sup>13</sup> cf. para. 562 of this document.

Countries	Observations by national employers' organizations	Observations by national workers' organizations	Observations by the International Confederation of Free Trade Unions (ITUC)
Kiribati	Kiribati Chamber of Commerce (KCC)	Kiribati Trade Union Congress (KTUC) and its ten affiliates	–
Kuwait	–	The General Confederation of Trade Unions of Kuwait (GCTUK)	–
Lao People's Democratic Republic	Lao National Chamber of Commerce and Industry (LNCCI) and its 23 affiliates	Lao Federation of Trade Unions (LFTU)	–
Liberia	–	United Seamen, Ports and General Workers' Union of Liberia and the Liberia Federation of Labour Unions (USPOGUL–LFLU) and its 14 affiliates	–
Myanmar	Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI)	–	–
Namibia	Namibia Employers Federation (NEF)	National Union of Namibian Workers (NUNW)	–
Oman	–	General Federation of Oman Trade Unions (GFOTU)	–
Qatar	–	The Qatar Petroleum Workers' Committee (QPWC)	–
Singapore	Singapore National Employers' Federation (SNEF)	Singapore National Trades Union Congress (SNTUC) and its 63 affiliates	–
Solomon Islands	Solomon Islands Chamber of Commerce and Industry (SICCI)	Solomon Islands Council of Trade Unions (SICTU) and Solomon Islands National Union of Workers (SINUW)	–
Suriname	–	Confederation of Civil Servants (CLO)	–
Thailand	Employers' Confederation of Thai Trade and Industry (ECONTHAI)	National Congress of Thai Labour (NCTL)	–

\* The IOE has provided a general comment under this principle and right, reproduced in para. 562 of this document.

Source: ILO: Country reports and baselines under the Declaration's Annual Review, 2008.

## (b) Reports mentioning efforts

**495. Ratification and ratification intentions.** Under this principle and right, the Office has recorded in 2006 two ratifications by **Montenegro** concerning the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). The Government has decided to ratify 68 ILO Conventions by succession to the Ex-State Union of Serbia and Montenegro. All eight fundamental Conventions are among these instruments. The Government did not therefore have to report under the Declaration's annual follow-up. Countries that have newly ratified both fundamental Conventions under the same principle and right have no more reporting obligations under the Declaration's Annual Review. They also have a two-year "non-reporting period" (i.e. 12 months after ratification for entry into force and 12 months for reporting after entry into force) to adjust their laws and practice in conformity with the provisions of the ratified Conventions before they report on the application of these newly ratified instruments (under article 22 of ILO Constitution).

496. The table below displays ratifications in 2006–07 and the countries that expressed, in their updated baseline, their intention to ratify Conventions Nos 100 and/or 111.

**2008 Annual Review: Status of ratifications and ratification intentions for Conventions Nos 100 and 111**

Conventions	Ratifications in 2006–07	Ratification intentions under the 2008 Annual Review
Convention No. 100	Montenegro (3/06/2006)	Bahrain, Kiribati, Lao People's Democratic Republic, Liberia, Myanmar, Namibia, Oman, Samoa, Solomon Islands, Somalia, Suriname and Timor-Leste
Convention No. 111	Montenegro (3/06/2006)	Kiribati, Myanmar, Oman, Samoa, Solomon Islands, Suriname and Timor-Leste

Source: ILO: Country reports and baselines under the Declaration's Annual Review, 2008.

497. **Montenegro** has ratified 68 ILO Conventions by succession to the Ex-State Union of Serbia and Montenegro in June 2006. All eight fundamental Conventions are among these instruments. It did not therefore report for any of the FPRW.
498. Concerning intentions of ratification, the Government of **Kiribati** reiterates its intention to ratify both Conventions Nos 100 and 111.
499. The Government of the **Lao People's Democratic Republic** confirms its intention to ratify Convention No. 100.
500. In **Liberia**, the Government states that the document of ratification of Convention No. 100 is currently before the Committee on Labour of the Senate for approval.
501. In the **Solomon Islands**, the Cabinet approved the ratification of Conventions Nos 100 and 111 together with other unratified ILO fundamental Conventions on 17 May 2007, as a result of ILO technical assistance in 2005. Therefore, the Government intends to bring national legislation into compliance with the ILO fundamental Conventions, in consultation with the employers' and workers' organizations and in cooperation with the ILO.
502. The Government of **Somalia** mentions that it is yet to receive the ILO technical assistance, which was requested in 2005 due to lack of technical capacities. Once this technical guidance is received, the ratification process will start in consultation with the employers' and workers' organizations as the Government intends to ratify the ILO fundamental Conventions.
503. Various countries are contemplating ratification of Conventions Nos 100 and/or 111, but as a preliminary step, they wish to ensure that national policy, laws and/or practice fully comply with the provisions of these Conventions (**Myanmar, Oman, Samoa, Somalia, Suriname** and **Timor-Leste**).
504. The Government of **Myanmar** states that it will consider the ratification of Convention Nos 100 and 111 once the new Constitution is promulgated.
505. In **Suriname**, the Government indicates that once the labour law review on job classification and minimum wage is completed, the Council of Ministers will review the previous memos regarding the ratification of Conventions Nos 100 and 111.

506. Few other countries are planning to establish a tripartite body (**Bahrain**) or to initiate tripartite consultations (**Namibia**) with a view to considering ratification of Convention No. 100.
507. The Government of **Brunei Darussalam** states that it is considering the possibility to ratify Conventions Nos 100 and 111 in consultation with employers' and workers' organizations.
508. Country baselines indicate that most employers' and workers' organizations support their Government in the ratification process for Conventions Nos 100 and/or 111.
509. **Recognition of the principle and right in the Constitution.** Most reporting States recognize the principle and right in their national Constitution (**Bahrain, Japan, Kiribati, Lao People's Democratic Republic, Liberia, Namibia, Oman, Samoa, Singapore, Solomon Islands, Somalia, Suriname and Thailand**).
510. For example, the Government of **Bahrain** states that its national Constitution provides a safeguard on equality and equal opportunity.
511. The Government of the **Lao People's Democratic Republic** reports that the Constitution guarantees the right to freedom and democracy and provides that any national legislation should prohibit discrimination based on sex.
512. The Government of **Timor-Leste** indicates that articles 16 and 17 of Part II of its Constitution entitled "Fundamental Rights, Duties, Freedoms and Guarantees" include the principle of non-discrimination in respect of employment and occupation.
513. The Government of **Myanmar** indicates that it is currently reviewing the Constitution with a view to including the principle and right in its provisions.
514. However, the Governments of **Kuwait** and **Qatar** provide no information as to whether the principle and right is recognized in their Constitutions.
515. The Government of **Brunei Darussalam** states that its Constitution contains no provisions relating to the principle and right.
516. **Recognition of this principle and right in policy, legislation, regulations and/or judicial decisions.** Almost all reporting States recognize the principle and right in their policy, legislation, regulations and/or judicial decisions (**Bahrain, Brunei Darussalam, Lao People's Democratic Republic, Liberia, Namibia, Oman, Qatar, Samoa, Singapore, Solomon Islands, Somalia, Suriname, Thailand and Timor-Leste**).
517. For example, in **Brunei Darussalam**, the Government indicates that the elimination of discrimination in respect of employment and occupation is recognized in both aspects (elimination of discrimination in employment and occupation and equality of opportunity and treatment, including in the field of remuneration). National policy on the principle and right is guided by His Majesty's declarations (*Titah*) concerning the elimination of discrimination in employment and occupation. There is also a National Scheme of Service for the public sector that recognizes the principle and right.
518. The Government of the **Lao People's Democratic Republic** states that a new Labour Code was adopted in 2006 with specific provisions on the prohibition of discrimination in respect to employment and occupation.

- 519.** The Government of **Liberia** notes that a National Tripartite Conference should be held in October 2007 in order to review labour laws. However, it states that there is currently no specific legislation covering the issue of equal remuneration.
- 520. Introducing legislative changes.** The Government of **Namibia** indicates that the 2007 revised Labour Act should be adopted by the end of 2007.
- 521. Enforcement, monitoring and sanction mechanisms.** The Governments of **Bahrain, Brunei Darussalam** and **Qatar** mention that such mechanisms exist in their country to realize the principle and right.
- 522.** For example, in **Brunei Darussalam**, the Labour Department is in charge of enforcing labour laws and regulations. Concerning discrimination based on union affiliation, the Trade Union Act (CAP 128), section 19, provides for penal sanctions (fines of B\$6,000 – about US\$4,445 as of November 2007 – and six months’ imprisonment) when an employer contravenes the provisions of this Act by denying freedom of association to a worker and discriminating him by reason of his being or not being a member of a trade union. According to the Government, no cases of discrimination at the workplace have been reported so far to the Labour Department and judicial authorities.
- 523.** The Government of **Singapore** indicates that a Tripartite Committee on Employability of Older Workers published its final report in May 2007, with extensive recommendations to enhance the employability of older workers. These recommendations include: (i) the expansion of employment opportunities for older workers; (ii) the enhancement of the cost competitiveness of older workers; (iii) the improvement of skills of older workers; and (iv) positive shaping of perceptions towards implementing the various tripartite guidelines. Moreover, the Tripartite Alliance for Fair Employment Practices (TAFEP) was formed in May 2006 to encourage the adoption of fair employment practices at the workplace. With a view to facilitating this process, a new Tripartite Centre for Fair Employment, led by employers’ and workers’ representatives with the support of the Government, was also established in September 2007. This Centre should develop training programmes and toolkits to assist employers, and institute a national award to recognize companies for implementing fair employment practices.
- 524.** The Government of **Suriname** states that labour inspections are being undertaken and complaint procedures have also been made available. Moreover, a minimum wage system will be set up shortly with a view to eradicating poverty and achieving equality of treatment between men and women.
- 525.** The Government of **Somalia** mentions that no sanction mechanism has been set up concerning the principle and right.
- 526. Promotional activities.** Most governments report that they have developed or taken part in activities ranging from institutionalized policies or programmes to awareness-raising/advocacy activities (**Bahrain, Brunei Darussalam, Kuwait, Liberia, Myanmar, Namibia, Oman, Qatar, Samoa, Saudi Arabia, Singapore, Solomon Islands, Somalia, Suriname, Thailand, Timor-Leste** and the **United Arab Emirates**). These activities were also developed by some employers’ or workers’ organizations.
- 527.** At the regional level, the ILO–GCC Fifth Regional Workshop on the ILO Declaration and international labour standards in GCC countries was organized in **Oman** in May 2007 with a tripartite participation of **Bahrain, Kuwait, Oman, Qatar, Saudi Arabia** and the **United Arab Emirates**.

528. At the national level, the Government of **Bahrain** indicates the following activities: (i) promotion of Bahraini books on women in Bahrain; (ii) two workshops organized in March and May 2007 on the involvement of women in trade unions and the right to employment and occupation of women, in collaboration with the ITUC.
529. In **Brunei Darussalam**, the Government reports that officials of the Labour Department of the Ministry of Home Affairs and of the Attorney General's Office as well as representatives of employers' and workers' organizations were sensitized on the FPRW and ILO fundamental Conventions during ILO's assistance in reporting issues carried out in November 2007. The National Chamber of Commerce and Industry (NCCI) indicates that it promotes the relationship between these principles and rights, decent work and sustainable enterprises through discussions among its members and with the Government. The Brunei Oilfield Workers' Union (BOWU) states that it organizes monthly meetings to increase knowledge on ILO and FPRW among its members.
530. The Government of **Liberia** states that a national conference on labour law review should be held in October 2007, with the participation of the civil society.
531. The Government of **Myanmar** indicates that activities were held within the National Women's Committee (NWC) regarding the elaboration of protective measures for women and health and HIV/AIDS.
532. The Government of **Namibia** reports that several activities should be carried out to promote the new Labour Act.
533. The Government of **Oman** and the General Federation of Oman Trade Unions (GFOTU) indicate that a Ministerial Resolution concerning minimum wages for workers in the private sector is being currently reviewed. Moreover, they have participated in a number of tripartite activities organized by the ALO.
534. In **Singapore**, the Singapore National Employers' Federation (SNEF) notes that it has been promoting the elimination of discriminatory practices by: (i) encouraging its members to comply with the *Guidelines on Non-Discriminatory Job Advertisements*; (ii) persuading more employers to sign and implement the Employers' Pledge of Fair Employment Practices; and (iii) endorsing more employers to incorporate the Equal Remuneration Clause in collective agreements and memoranda on wage increases. Moreover, the Singapore National Trades Union Congress (SNTUC) mentions that its Women's Committee has developed the two following key projects for 2007: (i) "Women back to Work", which aims at reintegrating women into the workforce by encouraging more employers to offer part-time and flexi-work schemes to women, as well as at encouraging women to take up the various subsidized schemes available to upgrade their skills and take up higher paying jobs; and (ii) "Work Life Initiative", which looks into the provision of benefits such as childcare leave, lactation room and flexi-work arrangements to help women balance better their work and family commitments.
535. In the **Solomon Islands**, the Government indicates that it has provided financial assistance for the national celebration of Labour Day. These activities include awareness-raising programmes and a weekly radio programme on the FPRW.
536. In **Thailand**, the National Congress of Thai Labour (NCTL) states that it has launched a campaign to claim an equal remuneration of both wages and allowances between workers employed in contracting enterprises and workers operating in subcontracting enterprises. It also indicates that several activities were organized in each of the 76 provinces of the country and that labour inspections are carried out on a regular basis.

- 537.** Three government officials from **Samoa, Somalia** and **Timor-Leste** were trained on international labour standards and the Declaration's follow-up in May and June 2007 in Turin and Geneva by the ILO and its Turin Centre.
- 538.** In **Suriname**, the Government reports that a seminar was organized in August 2007 in collaboration with the ILO on the elaboration of the minimum wage system. In addition, the Confederation of Civil Servants (CLO) indicates that it has organized several workshops in order to train the workers in the agricultural sector.
- 539. Special institutions to promote equality.** The Government of the **Solomon Islands** reports that a new Ministry of Women, Youth and Children Affairs has been established.
- 540.** The Government of **Somalia** indicates that a Ministry of Women Affairs was created in 2005 with the intention of promoting gender equality.
- 541. Data collection and dissemination.** The Government of **Bahrain** states it has published statistics on Bahraini women in 2007.
- 542.** No statistics and information regarding the principle and right exist for the time being in **Brunei Darussalam** and **Somalia**.
- 543. Special initiatives/progress.** In **Singapore**, the Government indicates that the new *Tripartite Guidelines on Fair Employment Practices* were published in May 2007. In this respect, 500 employers have already publicly pledged to be fair employers by adhering to these guidelines.

### (c) *Challenges mentioned*

- 544. Obstacles to ratification.** As an obstacle to ratification, some governments indicate that they are encountering difficulties in bringing their national legislation into compliance with Conventions Nos 100 and/or 111 (**Samoa** and **Timor-Leste**).
- 545. Contextual and legal challenges.** The table below shows the general challenges mentioned by reporting governments and employers' and workers' organizations.

#### 2008 Annual Review: Contextual and legal challenges in the realization of the elimination of discrimination in employment and occupation among selected reporting States

Type of difficulty	Governments	Employers' organizations	Workers' organizations
Lack of public awareness and/or support	<b>Brunei Darussalam, Samoa, Solomon Islands, Suriname, Timor-Leste</b>	–	–
Lack of information and data	<b>Brunei Darussalam, Solomon Islands, Somalia</b>	–	–
Social values, cultural traditions	<b>Solomon Islands</b>	–	–
Social and economic circumstances	<b>Solomon Islands</b>	–	<b>Solomon Islands:</b> Solomon Islands Council of Trade Unions (SICTU); Solomon Islands National Union of Workers (SINUW)

Type of difficulty	Governments	Employers' organizations	Workers' organizations
Political situation	<b>Somalia, Solomon Islands</b>	<b>Myanmar:</b> The Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI)	–
Legal provisions	<b>Brunei Darussalam, Liberia, Samoa, Solomon Islands, Timor-Leste</b>	<b>Solomon Islands:</b> Solomon Islands Chamber of Commerce and Industry (SICCI)	<b>Namibia:</b> National Union of Namibian Workers (NUNW)
Prevailing employment practices	<b>Solomon Islands</b>	<b>Brunei Darussalam:</b> National Chamber of Commerce and Industry (NCCI and its three affiliates; <b>Thailand:</b> the Employers' Confederation of Thailand (ECONTHAI)	<b>Thailand:</b> National Congress of Thai Labour (NCTL)
Lack of capacity of responsible government institutions	<b>Brunei Darussalam, Liberia, Samoa, Solomon Islands, Timor-Leste</b>	<b>Solomon Islands:</b> Solomon Islands Chamber of Commerce and Industry (SICCI)	<b>Liberia:</b> United Seamen, Ports and General Workers' Union of Liberia and the Liberia Federation of Labour Unions (USPOGUL–LFLU)
Lack of capacity of employers' and workers' organizations	<b>Brunei Darussalam, Solomon Islands, Liberia, Timor-Leste</b>	–	<b>Liberia:</b> United Seamen, Ports and General Workers' Union of Liberia and the Liberia Federation of Labour Unions (USPOGUL–LFLU)
Lack of social dialogue on this principle	<b>Brunei Darussalam, Solomon Islands</b>	–	<b>Bahrain:</b> The General Federation of Bahrain Trade Unions (GBFTU)

Source: ILO: Country reports and baselines under the Declaration's Annual Review, 2008.

- 546.** In **Bahrain**, the General Federation of Bahrain Trade Unions (GBFTU) observes that a specific chapter of the Labour Law dealing with women was amended without prior consultation with employers' and workers' organizations.
- 547.** In **Brunei Darussalam**, the National Chamber of Commerce and Industry (NCCI) states that no major problems are being encountered to realize the principle and right in the country. However, it observes that there are not enough women among high-ranking position officers and managers.
- 548.** The Government of **Kiribati** reiterates that its labour officials are insufficiently trained on the principle and right.
- 549.** In **Liberia**, the Government states that enactment and enforcement of labour laws are yet to be realized. The United Seamen, Ports and General Workers' Union of Liberia and the Liberia Federation of Labour Unions (USPOGUL–LFLU) mentions the general lack of capacity building on the principle and right.
- 550.** In **Myanmar**, the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI) observes that the economic conjuncture is very fragile due to the embargos and economic sanctions placed on the country by several Western countries.

- 551.** The Government of **Namibia** reports that the implementation of the Employment Equity Commission is a main challenge, especially in the private sector. According to the Namibia Employers Federation (NEF), the national challenge lies in the informal economy. The National Union of Namibian Workers (NUNW) observes that not all legal instruments relating to the principle and right are in place in the country.
- 552.** In **Samoa**, the Government reports that there is a lack of public awareness and capacity building on the principle and right, and labour inspection is weak.
- 553.** The Government of the **Solomon Islands** notes that there is a need to address the issue of domestic workers and women workers that are vulnerable and subject to discrimination, especially in access to employment). It further specifies that the Labour Division lacks the capacity to carry out its monitoring role, operate and report to the ILO. Furthermore, the Solomon Islands Chamber of Commerce and Industry (SICCI) observes that the Government lacks capacity in the monitoring and enforcement of the law. The Solomon Islands Council of Trade Unions (SICTU) and the Solomon Islands National Union of Workers (SINUW) report that the country faced ethnic conflicts from 1999 to 2004. Although this conflict is currently non-apparent, it still remains and needs to be addressed with a view to improving the realization of the principle and right.
- 554.** The Government of **Somalia** states that it is endeavouring to establish total peace in the country. It further reports the lack of technical personnel and financial means among Government, employers' and workers' organizations.
- 555.** The Government of **Suriname** indicates that women are still not sufficiently aware of the principle and right. Comprehensive policies should therefore be elaborated in this respect.
- 556.** In **Thailand**, the Employers' Confederation of Thailand (ECONTHAI) and the National Congress of Thai Labour (NCTL) observe that, although the issue of discrimination in employment and occupation is not a serious matter in the country, some cases can be found in small enterprises (with less than 50 workers) or in family enterprises.
- 557.** The Government of **Timor-Leste** notes in particular the weakness of its labour inspection services.
- 558. Requests for technical cooperation.** With a view to meeting these challenges, **Bahrain, Brunei Darussalam, Japan, Kiribati, Kuwait, Lao People's Democratic Republic, Liberia, Oman, Singapore, Solomon Islands, Thailand** and **Timor-Leste** have requested ILO technical cooperation to assist them in realizing the principle and right.<sup>14</sup>
- 559.** For example, several governments, employers' and workers' organizations express interest in conducting a country assessment and a workshop on the Declaration's Follow-up at national level, with the ILO support: **Brunei Darussalam** (Government, the National Chamber of Commerce and Industry (NCCI), and the Brunei Oilfield of Workers' Unions (BOWU)); **Lao People's Democratic Republic** (Government); **Samoa** (Government); **Solomon Islands** (Government); **Somalia** (Government); **Suriname** (Government) and **Timor-Leste** (Government).

<sup>14</sup> For further information concerning technical cooperation, refer to Part II, D.3 and D.4, paras 589–593, of this document.

**(d) Reports indicating no change**

**560.** The Governments of **Japan** and **Malaysia** report no change in relation to their previous reports.

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

**1. General involvement**

**561.** The statistics of information received from reporting States under the 2008 Annual Review show a 145 per cent general rate of observations by employers' and workers' organizations, as compared to the percentage of government reports that have been received. Under this cycle, these observations focused on the realization of principle of freedom of association and the effective recognition of the right to collective bargaining and on of the principle of the elimination of all forms of forced or compulsory labour.

**Table 3. Observations by national and international employers' and workers' organizations, 2000–08 \***  
(per cent in comments in comparison with government reports)

Principle and right	2000 (1st cycle)		2001 (2nd cycle)		20002 (3rd cycle)		2003 (4th cycle)		2004 (5th cycle)		2005 (6th cycle)		2006 (7th cycle)		2007 (8th cycle)		2008 (9th cycle)	
	% on reports due	% on reports received	% on reports due	% on reports received	% on reports due	% on reports received	% on reports due	% on reports received	% on reports due	% on reports received	% on reports due	% on reports received	% on reports due	% on reports received	% on reports due	% on reports received	% on reports due	% on reports received
Freedom of association/ collective bargaining	46	69	60	85	34	48	88	106	22	30	33	38	168	177	100	106	151	151
Forced labour	2	5	39	74	4	7	25	41	14	20	8	10	136	136	59	67	126	126
Child labour	3	6	25	36	15	28	13	23	13	23	46	53	158	171	180	206	156	162
Discrimination	7	13	32	43	8	13	29	43	18	23	39	47	180	180	231	281	115	115
<b>Average % total</b>	<b>14</b>	<b>24</b>	<b>37</b>	<b>55</b>	<b>17</b>	<b>30</b>	<b>33</b>	<b>51</b>	<b>16</b>	<b>25</b>	<b>32</b>	<b>37</b>	<b>161</b>	<b>166</b>	<b>143</b>	<b>165</b>	<b>142</b>	<b>145</b>

\* The response rate exceeds 100 per cent given that in some cases (in particular, Cape Verde, Guinea-Bissau, India, Kiribati, Liberia, Sierra Leone, Solomon Islands, etc.) comments were sent by several employers' and workers' organizations.

Source: ILO: Country reports and baselines under the Declaration's Annual Review, 2008.

## 2. Employers' organizations

**562. The International Organisation of Employers.** As in the 2007 Annual Review, the IOE sent a statement outlining its position and activities with regard to the Declaration and its follow-up, which is reproduced here in extenso.

### I. IOE efforts to support the Declaration

The IOE takes this annual opportunity to provide comments within the framework of the Annual Review process to reaffirm its strong commitment to the Declaration. [It] remains firmly committed to ensuring its success. [The IOE] has been involved in promoting and supporting the Declaration and the following are some examples of the ways in which our commitment was translated into action.

The IOE continues its efforts to raise further the profile and the utility of the Declaration. The IOE Position Paper on the Declaration, adopted in 2006, guides its work in this respect. [The IOE] encourages [its] members to link activities at national level with the Principles of the Declaration and provide it with profile where opportunities arise.

This year, the IOE developed the first edition of its Social and Policy Review. The Review, released in June [2007], covers articles affecting the Declaration in the following ways: migration; social dialogue; ILS and companies; changing legislation in countries to adapt to new realities.

The IOE is currently carrying out a survey among all its members on trends on the workplace. Numerous pieces of information [emerging from] this survey are related to the Declaration and its four Principles: migrants; gender implications; collective bargaining trends.

Ten years after its creation, the Declaration – an instrument created as an initiative of the Employers' Group within the ILO – remains as a relevant tool for employers.

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

The XIV Inter-American Conference of Ministers of Labour (IACML) of the Organization of American States (OAS) [took place] in September [2007] in Trinidad and Tobago where a Declaration “Making Decent Work Central to Social and Economic Development” and a Plan of Action [have been] unveiled.

In preparation for the summit the Business Technical Advisory Committee on Labour Matters (CEATAL), one of the advisory bodies IACML, has been involved in a number of preparatory events and activities. The IOE, as the CEATAL coordinator, organizes and coordinates the involvement of its American members in this events and all its preparatory work.

The Declaration “Making Decent Work Central to Social and Economic Development” in Paragraph 7 recognizes the vital importance of promoting and realizing the fundamental Principles and reaffirm its commitment to “...promote and realize the principles in respect of the fundamental rights contained in the ILO Declaration on Fundamental Principles and Rights at Work, adopted in 1998 and its Follow-up covering the following areas: a) freedom of association and the effective recognition of the right to collective bargaining; b) the elimination of all forms of forced or compulsory labour; c) the effective abolition of child labour; and d) the elimination of discrimination in respect of employment and occupation”.

This Declaration will promote “... the effective enforcement of (...) national labour laws, regulations and standards so as to uphold these principles.” It is also expected that the XV IACML [2008] will take a decision about the document Strategic Guidelines of the XV IACML for Advancing Gender Equality within a Decent Work Framework.

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

The IOE has been actively involved in all consultations for the elaboration of these documents. It has also coordinated the views of the employers' organizations within the regions in the framework of the activities of CEATAL.

## 2. *The Global Report and [International Labour Conference] (ILC) Discussions*

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

During the ILO Governing Body session in March, the IOE coordinated a meeting for the Employers' Group to discuss and present the different items of the agenda of the 2007 ILC. A presentation on the Global Report: "Equality at work: Tackling the challenges" was made to the Group to present the views of the [Employers' Group's] Secretariat, once again, highlighting the importance of this debate during the Conference.

On 16 May [2007], the IOE organized a meeting with Government representatives to share and present the views of the Employers' Group on the different items of the 2007 ILC. A brief presentation on the upcoming discussion of the Global Report was made. The importance of the Declaration for the Employers' Group was once again highlighted.

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

Preparatory work for this debate involved consultations with members, ACT/EMP, the employers' spokesperson, the Declaration department, the Workers' Group, among others. Notes were also prepared for the Employers' Group containing the most relevant points of interest of the Global Report and eventual points of discussion to enrich the debate.

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

The prominence and importance of CSR continue to increase, as did the significance of the Declaration as a useful reference point in the debate.

The IOE, through its CSR Working Group, continues to provide guidance to its members about how to apply and support the Declaration in this context. The Working Group meets three times per year [2007].

The IOE coordinates the participation of its members in the International Organization for Standardization (ISO) Working Group on Social Responsibility. This year the fourth Working Group meeting was held in Sydney, Australia. Information about this meeting was sent to all IOE members and it was also represented at the meeting.

The IOE also coordinated a Conference on CSR in South East Europe. This meeting was held in Belgrade on April 2007. Participants, coming from the Balkan countries, presented different CSR developments in the region.

The IOE, in conjunction with the ILO Bureau for Employers' Activities, organized a subregional Forum on corporate social responsibility for IOE members in French speaking Africa. The event was hosted by the Confederation of Malian Employers. The Forum brought together representatives of employers from ten countries to explore initiatives on how employers can respond proactively to the growing debate on CSR. The event also discussed international initiatives such as the Global Compact and the Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy and their impact on enterprises at national level. It was also an opportunity to discuss the role of business in society and responses to any moves to legislate CSR.

The 2007 IOE European Members Meeting will be hosted by the Confederation of British Industry from 12 to 15 September [2007] in London. During this meeting, participants will discuss the latest developments on CSR, among other issues.

#### 4. *The Global Compact*

The Global Compact's labour principles are drawn from the ILO Declaration. The IOE continues to be actively involved in the promotion of the Global Compact. In addition, the IOE Secretary-General is member of the Board.

The Global Compact Business Leaders' Summit met in Geneva in early July [2007]. The IOE President, Abe Katz, addressed the Plenary with the challenge to better involve SMEs in the Global Compact and highlighted IOE's commitment to the promotion of the Global Compact Principles in SMEs. The IOE Secretary-General, Antonio Peñalosa, as a speaker in the labour debate, reminded [the employers' initiatives concerning the principles].

The IOE, in collaboration with the Chilean Confederation of Production and Trade (CPC) and the Spanish Confederation of Employers' Organizations (CEOE), is organizing the 18th Meeting of Presidents of Iberoamerican Employers' Organizations in Santiago for early November [2007]. One of the main topics of debate will be Corporate Social Responsibility and the Global Compact: Role of Employers' Organizations.

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

In addition to its involvement in the promotion of the Declaration, [the IOE] actively promotes and supports each of the four fundamental Principles. Below are some of our promotional efforts through the year [2007].

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

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

The IOE continues to assist employers' organizations that do not fully enjoy freedom of association. [It] provides assistance, guidance and support to ensure that this fundamental principle is respected.

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

The IOE actively coordinates the participation of employers in activities concerning the elimination of all forms of forced or compulsory labour.

The IOE has actively been working with the Special Action Programme to combat forced labour [SAP-FL] on the project "Assessment to capacity building for [employers' organizations]." Since the beginning of this project, the IOE has been involved in reaching the programmes objectives.

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

The IOE supports the participation of the Employers' Group and the employers' spokesperson of the IPEC Steering Committee.

Recognizing that there were no practical guides specifically drafted for employers to address child labour within their workplaces or their supply chain, the IOE and ACT/EMP worked on a Toolkit for employers. The Toolkit on Child Labour for Employers was released in June [2007].

The Toolkit is divided into a set of three guides designed to help both employers' organizations and individual enterprises to understand the issue and to take appropriate action to tackle it. It provides strategies, along with illustrative examples, for the prevention of child labour, the withdrawal of children from work and the protection of those children who are under the minimum age of employment work.

The first guide provides some definitions to help better comprehend the issues involved. The two subsequent guides explain what can be practically done to combat child labour from the business point of view. Guide two is addressed specifically to enterprises, while guide three concerns the collective role that employers' organizations and other business associations can play in helping their members on this important issue.

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

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

The IOE continues to be actively involved in addressing the issue of HIV/AIDS, which is a critical issue with potentially grave consequences for the world of work. It is important to tackle it in regions that are currently severely affected, but HIV/AIDS must also be addressed in regions / areas where it has not yet reached dramatic proportions but has the potential to do so.

Youth Employment continues to be a key feature of the work of the IOE. The IOE has been working jointly with the ILO in the development of a Toolkit, which is a compendium of interventions used by the business community globally. Its objective is to be a shared resource on helping generate employment opportunities for young people

### III. Areas of concern

Our support for the Declaration, its Follow-up and the four fundamental Principles remain clear throughout our activities. However, as [the IOE] has done in previous years, [it] takes this opportunity to highlight particular concerns to employers in relation to the Declaration and its Follow-up.

#### 1. *National Baselines Analysis*

[The IOE] strongly supports the baseline approach. [This] represents a creative and innovative way to use the information gathered through the Annual Review. [The IOE] has reiterated this support during the Governing Body discussions in the framework of the Annual Review.

It is important that this analysis not be allowed to turn into a ranking tool between countries. The baselines should be continued as a useful tool to track the advancement of the efforts of member States over time – not against externally imposed standards, but against their own progress. Consistent with the spirit and intent of the Declaration, each member State must be allowed to give effect to the four fundamental Principles in a manner that is nationally appropriate.

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

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

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

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

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

Resources should be set aside for the development of technical cooperation programmes that specifically target employers' organizations. Donors should also be encouraged to devote a portion of their funding towards the capacity building of the social partners.

#### 4. *The 10th year anniversary of the Declaration*

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

The upcoming 10th year anniversary of the ILO Declaration in 2008 may present a useful opportunity to address the follow-ups with a view to finding ways to strengthen them.

Using what has been learned over the past 10 years may help us to refine follow-ups to ensure that they remain relevant. For its part, the Employers' Group would greatly welcome an opportunity to engage in such a discussion.

The Declaration remains an outstanding example of how the ILO should and can react to pressing social issues through its unique process of consensus building. [The IOE] appreciates this opportunity to provide feedback and remain available to answer any questions arising from this document.

**563. National employers' organizations.** The majority of governments indicate that copies of their reports were sent to national employers' organizations, in accordance with article 23(2) of the ILO Constitution.

**564.** A total of 32 national employers' organizations provided observations under the four principles and rights. These observations are set out as follows: 22 under the principle of freedom of association and the effective recognition of the right to collective bargaining; nine under the principle of the elimination of all forms of forced or compulsory labour; 22 under the principle of the effective abolition of child labour; and nine under the principle of the elimination of discrimination in employment and occupation.<sup>15</sup>

### 2008 Annual Review: Observations by national employers' organizations

Countries	Reports by employers' organizations
Bahrain	Bahrain Chamber of Commerce and Industry (BCCI)
Bangladesh	Bangladesh Employers' Federation (BEF)
Brazil	National Confederation of Trade (NCT)
Brunei Darussalam	National Chamber of Commerce and Industry – NCCI
Cape Verde	Commercial Industrial Association of Sotavento (ACS) Chamber of Commerce and Industry of Cape Verde (CCIV)
China	China Enterprise Confederation (CEC)
Cuba	Group of Cuban Employers (GEC)
Eritrea	Employers' Federation of Eritrea (EFE)
Gabon	<i>Confédération Patronale Gabonaise</i> (CPG)
Ghana	Ghana Employers' Association (GEA)
Guinea-Bissau	<i>Chambre de l'agriculture, du commerce et de l'industrie</i> (CACI) <i>Chambre du commerce, de l'industrie et de l'agriculture</i> (CCIA)
Haiti	Haitian American Chamber of Commerce and Industry (HAMCHAM)
India	Council of Indian Employers (CIE)
Iran, Islamic Republic of	Iran's Confederation of Employers' Associations (ICEA)
Kenya	Federation of Kenya Employers (FKE)
Kiribati	Kiribati Chamber of Commerce (KCC)
Lao People's Democratic Republic	Lao National Chamber of Commerce and Industry (LNCCI)
Morocco	<i>Fédération des chambres marocaines de commerce, d'industries et de services</i> (FCMCIS)
Myanmar	Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI)
Namibia	Namibia Employers Federation (NEF)

<sup>15</sup> For further information on the observations made by employers' and workers' organizations under each principle and right, refer to paras 71–73, 300–302, 367–369 and 492–494 of this document.

Countries	Reports by employers' organizations
Nepal	Nepalese Chamber of Commerce and Industry (NCCI)
New Zealand	Business New Zealand (BNZ)
Saint Lucia	Saint Lucia Employers' Federation (SLEF)
Saudi Arabia	Saudi Chambers of Commerce and Industry (SCCI)
Sierra Leone	Sierra Leone Employers' Federation (SLEF)
Singapore	Singapore National Employers Federation (SNEF)
Solomon Islands	Solomon Islands Chamber of Commerce and Industry (SICCI)
Sudan	Sudan Businessmen and Employers' Federation (SBEF)
Thailand	Employers' Confederation of Thai Trade and Industry (ECONTHAI)
United Arab Emirates	United Arab Emirates Chamber of Commerce and Industry (UAECCI)
Uzbekistan	Chamber of Commerce and Industry of Uzbekistan (CCIU)
Viet Nam	Viet Nam Chamber of Commerce and Industry (VCCI)

Source: ILO: Country reports and baselines under the Declaration's Annual Review, 2008

### 3. Workers' organizations

**565. International Trade Union Confederation.** The ITUC was formed on November 2006 out of the merger of the ICFTU and the World Confederation of Labour (WCL). Under the 2008 Annual Review, the ITUC sent a total of 28 observations concerning the realization of the principle of freedom of association and the effective recognition of the right to collective bargaining (**Bahrain, Brazil, Brunei Darussalam, Canada, China, Guinea-Bissau, India, Islamic Republic of Iran, Iraq, Jordan, Kenya, Republic of Korea, Lao People's Democratic Republic, Lebanon, Malaysia, Morocco, Myanmar, Nepal, Oman, Qatar, Saudi Arabia, Singapore, Sudan, Thailand, Timor-Leste, United Arab Emirates, United States and Viet Nam**), but no observations under the other principles and rights. However, an ITUC late observation under the 2007 Annual Review concerning the principle of elimination of discrimination in employment and occupation in Japan was considered under this review.

**566. National workers' organizations.** The majority of governments indicate that copies of their reports were sent to national workers' organizations, in accordance with article 23(2) of the ILO Constitution.

**567.** A total of 50 national workers' organizations have provided separate comments under the four principles and rights: 31 observations were received under the principle of freedom of association and the effective recognition of the right to collective bargaining; 11 under the principle of the elimination of all forms of forced or compulsory labour; 30 under the principle of the effective abolition of child labour; and 14 under the principle of the elimination of discrimination in employment and occupation.<sup>16</sup>

<sup>16</sup> For further information on the observations made by employers' and workers' organizations under each principle and right, refer to paras 71–73, 300–302, 367–369 and 492–494 of this document.

## 2008 Annual Review: Observations by national workers' organizations

Countries	Reports by workers' organizations
<b>Afghanistan</b>	All-Afghanistan Federation of Trade Unions (AAFTU)
<b>Bahrain</b>	General Federation of Bahrain Trade Unions (GFBTU)
<b>Bangladesh</b>	Bangladesh Workers' Federation (BWF)
<b>Brazil</b>	Single Central Organization of Workers (CUT)
<b>Brunei Darussalam</b>	Brunei Oilfield of Workers' Unions (BOWU)
<b>Cape Verde</b>	<i>National Union of Capeverdian Workers (UNTC) (Centrale syndicale); Capeverdian Confederation of Free Trade Unions (CCSL)</i>
<b>China</b>	All-China Federation of Trade Unions (ACFTU)
<b>Cuba</b>	Central Organization of Workers of Cuba (CTC)
<b>Eritrea</b>	National Confederation of Eritrean Workers (NCEW)
<b>Gabon</b>	<i>Confédération syndicale gabonaise (COSYGA)</i>
<b>Ghana</b>	Ghana Trade Union Congress (GTUC)
<b>Guinea- Bissau</b>	<i>Union nationale des travailleurs de Guinée (UNTG); Confédération générale des syndicats indépendants de Guinée-Bissau (CGSI/GB)</i>
<b>Haiti</b>	<i>Coordination syndicale haïtienne (CSH) Mouvement des organisations indépendantes intégrées et des syndicats engagés (MOISE)</i>
<b>India</b>	All India Trade Union Congress (AITUC) <i>Bharatiya Mazdoor Sangh (BMS)</i>
<b>Iran, Islamic Republic of</b>	Iran Confederation of Islamic Labour Councils (ICILC)
<b>Japan</b>	Japan Trade Union Confederation (JTUC-RENGO)
<b>Jordan</b>	General Federation of Jordanian Trade Unions (GFJTU)
<b>Kenya</b>	Central Organization of Trade Unions (COTU-KENYA)
<b>Kiribati</b>	The Kiribati Trade Union Congress (KTUC)
<b>Kuwait</b>	General Federation of Trade Unions of Kuwait (GFTUK)
<b>Lao People's Democratic Republic</b>	Lao Federation of Trade Union (LFTU)
<b>Liberia</b>	United Seamen, Ports and General Workers' Union of Liberia and the Liberia Federation of Labour Unions (USPOGUL-LFLU)
<b>Malaysia</b>	Malaysian Trades Union Congress (MTUC)
<b>Mexico</b>	Confederación de Trabajadores de México (CTM)
<b>Morocco</b>	<i>Union générale des travailleurs du Maroc (UGTM)</i>
<b>Namibia</b>	National Union of Namibian Workers (NUNW)
<b>Nepal</b>	National Democratic Confederation of Nepalese Trade Unions (NDCONT) All-Nepal Federation of Trade Union (ANFTU) Democratic Confederation of Nepalese Trade Union (DECONT) General Federation of Nepalese Trade Unions (GEFONT)
<b>New Zealand</b>	New Zealand Congress of Trade Unions (NZCTU)
<b>Oman</b>	Omani Workers' Committee (OWC)
<b>Qatar</b>	Qatar Petroleum Workers' Committee (QPWC)
<b>Saint Lucia</b>	Saint Lucia National Workers' Union (SLNWU) Saint Lucia Civil Service Association (SLCSA)
<b>Saudi Arabia</b>	Saudi Telecom Workers' Committee (STWC)

Countries	Reports by workers' organizations
Sierra Leone	Sierra Leone Labour Congress (SLLC)
Singapore	Singapore Trade Union Congress (SNTUC)
Solomon Islands	Solomon Islands Council of Trade Unions (SICTU) Solomon Islands National Union of Workers (SINUW)
Sudan	Sudan Workers' Trade Union Federation (SWTUF)
Suriname	Confederation of civil servants (CLO)
Thailand	National Confederation of Thai Labour (NCTL)
United Arab Emirates	Arab Emirates Coordinating Committee of Professionals (UAECCPA)
United States	American Federation of Labour and Congress of International Organizations (AFL-CIO)
Uzbekistan	Federation of Trade Unions of Uzbekistan (FTUU)
Vanuatu	Vanuatu National Workers' Union (VNWU)
Viet Nam	Viet Nam General Confederation of Labour (VGCL)

Source: ILO: Country reports and baselines under the Declaration's Annual Review, 2008.

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

568. Most employers' and workers' organizations continue to be involved by governments in the reporting process under the Declaration's Annual Review.
569. In the same vein, these organizations are being consulted on ratification of ILO fundamental Conventions and involved in the development and implementation of government promotional programmes, such as awareness-raising activities, law enactment, revision and/or enforcement. For example, in **Uzbekistan**, employers' and workers' organizations are even being involved in the child labour monitoring process.
570. In very few cases, however, the workers' organizations mentioned that government reports were not communicated to them or that the frequent change of labour ministers makes it difficult for workers' unions to engage in long-term collaboration with the Government.

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

571. **Cooperation with non-governmental organizations.** Many governments continue to cooperate with NGOs, mostly with respect to the effective abolition of child labour. For example, a Korean institution is addressing the *Korekorea*<sup>17</sup> scourge in collaboration with the Government of **Kiribati**.
572. **Bilateral cooperation.** Bilateral cooperation continues apace, especially in the combat against child labour and human trafficking. For example, on child labour issues, the Government of the **Netherlands** is providing financial support to Liberia, and the Government of **New Zealand** is supporting **Kiribati** through the New Zealand's Overseas

<sup>17</sup> Those [girls] who "go with" Korean fishermen.

Development Assistance (NZODA). Concerning labour law harmonization, the Government of **Canada** is funding a project in **Saint Lucia**.

**573. Regional cooperation.** Regional cooperation is also sustained to promote the FPRW, in particular among **Gulf States**, the Association of South East Asian Nations (ASEAN), but also between **Canada** and the **Caribbean** countries, between **New Zealand, Australia** and the **Pacific** countries, and between **European community countries** and **African countries**.

**574. International cooperation.** Some countries continue to cooperate with the International Criminal Police Organization (INTERPOL). For example, the Government of **Brunei Darussalam** cooperates with this organization to combat international trafficking in persons.

**575. Multi-bilateral cooperation.** Most reporting States continue to cooperate directly or indirectly with the ILO under the Declaration's follow-up, especially under the ILO Declaration Programme and/or ILO-IPEC.<sup>18</sup> They also cooperate with other United Nations bodies or institutions.

## D. Technical cooperation

### 1. General considerations

**576.** The action plans adopted by the Governing Body concerning each of the categories of principles and rights are being implemented. A yearly report on their implementation is presented in the *Provisional Record* of the International Labour Conference.<sup>19</sup>

**577.** The ILC discussed in June 2007 the second Global Report on the elimination of discrimination in employment and occupation, *Equality at work: Tackling the challenges*.<sup>20</sup> This report allows an assessment of the first action plan adopted by the Governing Body in November 2003 on this principle and right. At its November 2007 session, the Governing Body adopted a new action plan for technical cooperation.<sup>21</sup> The next Global Report is on freedom of association and the effective recognition of collective bargaining, to be discussed by the ILC in June 2008.

### 2. International assistance

**578.** Operational activities relating to all the four principles and rights of the Declaration continued apace, emphasizing appropriate legislative reforms, information and data

<sup>18</sup> For further information concerning technical cooperation, refer to the following Part II, D.2, of this document.

<sup>19</sup> ILO: *Provisional Record No. 7, Record of Proceedings*, Vol. I, ILC, 96th Session, Geneva, 2007; see also [www.ilo.org/public](http://www.ilo.org/public)

<sup>20</sup> cf. ILO: *Equality at work: Tackling the challenges*, Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, Report I(B), ILC, 96th Session, Geneva, 2007; see also [www.ilo.org/declaration](http://www.ilo.org/declaration)

<sup>21</sup> cf. ILO: Report of the Committee on Technical Cooperation, GB.300/17; see also [www.ilo.org](http://www.ilo.org)

collection and dissemination as well as capacity-building for governments and for employers' and workers' organizations.

579. Since January 2007, the project on “Principles and rights at work of the ILO in the context of the Inter-American Conference of Ministers of Labour of the Organization of American States” (OAS) has been cooperating directly with the OAS on the creation and implementation of an Inter-American Network for Labour Administration (RIAL) Cooperation Fund. The objective of the Fund is to facilitate bilateral and multilateral cooperation among participating ministries of labour. Within this framework, the project has funded four activities benefiting **Argentina, Paraguay, Peru and Trinidad and Tobago**. In addition, the project has been working closely with the Caribbean Single Market and Economy (CSME) to develop promotional materials, including brochures on rights at work within the CSME for both workers and employers in the region to raise the visibility of the FPRW in the Caribbean subregion.
580. As mentioned in the 2007 Annual Review Introduction,<sup>22</sup> the second phase of the ILO–PAMODEC Programme, launched in November 2006, is being developed in 17 African countries – **Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Republic of Congo, Côte d’Ivoire, Equatorial Guinea, Gabon, Guinea, Guinea-Bissau, Madagascar, Mali, Mauritania, Niger, Senegal and Togo** – with a focus on freedom of association and the effective recognition of the right to collective bargaining and the elimination of discrimination in employment and occupation. New projects are being developed in **Cameroon, Central African Republic, Chad, Côte d’Ivoire, Guinea, Guinea-Bissau, Madagascar and Mauritania**.
581. Furthermore, the USDOL projects in **Morocco** and **Southern Africa** will continue up to 2008. A number of technical cooperation projects that came to an end in December 2006, for example in **Jordan, Ukraine and Viet Nam**, have been extended through funding by other donors (**Spain, Germany and Norway**). New projects have started in **Bahrain, Morocco and Oman** and plans are under way to develop a project in **Egypt**. In addition, between March and August 2007, the project on *Strengthening industrial relations in Morocco* has been implementing a training programme for young emerging union leaders. This initiative has had a strong impact among the project’s trade union partners, especially within the Democratic Labour Confederation (CDT) where a young workers’ committee has since been created, highlighting the importance of organizing young workers, especially within the private sector.
582. The ILO–SAP–FL operational projects continued in several countries. Pilot initiatives are under way in a number of countries, including **Georgia, Moldova, Niger and Zambia** for developing national statistics on forced labour and trafficking. Significant progress can be noted in **Asian countries**, particularly in **China and Viet Nam**, through workshops and awareness-raising campaigns to support the ratification and implementation of ILO’s Conventions on forced labour. Several conferences were carried out: (i) the promotion of a Global Workers’ Alliance Against Forced Labour and Trafficking (as part of a Global Alliance Against Forced Labour), including an Inter-Regional Conference on Trade Union Action and Strategies on Forced Labour and Trafficking held in **Malaysia** in September 2007; and (ii) the promotion of a Business Alliance Against Forced Labour including participation in a Business Summit on Forced Labour and Trafficking held in Hong Kong in April 2007, at which a set of principles for business leaders in action against forced labour was introduced. Since March 2007, the project on *Combating forced labour in Brazil* has been collaborating with *the Instituto Carvão Cidadão* (ICC) to upscale its reinsertion programme by identifying former slave labourers, providing the necessary

<sup>22</sup> cf. ILO: GB.298/3, para. 439; see also [www.ilo.org](http://www.ilo.org).

training and eventually offering them formal jobs within the group of steel companies. As at end of May 2007, 30 such labourers had been reinserted into new positions. In November 2006, the project officially delivered and provided training to Mobile Inspection Unit Coordinators of the Ministry of Labour on a forced labour database. Furthermore, new forced or bonded labour and trafficking projects got under way in **Armenia, Azerbaijan, China, Georgia, Moldova, Pakistan, Tajikistan and Ukraine**. Other projects are ongoing in **Brazil, Bolivia, Indonesia, Niger, Paraguay and Peru**. Using its core funds, ILO–SAP–FL has been able to support activities in a wide range of additional countries, including **India, Kazakhstan, Oman, Viet Nam and Zambia**.

- 583.** Action for the effective abolition of child labour has expanded in several reporting countries through ILO–IPEC comprehensive “*Time-bound programmes (TBPs)*” such as those implemented in **Bangladesh and Ghana**. Two countries reported last year in this section as TBP beneficiaries, **Cambodia and Pakistan**, with support from the Office, ratified Conventions Nos 138 and 182, respectively. *TBPs* are based on a high-level political commitment and aim at preventing and eliminating a country’s worst forms of child labour within a clearly defined time frame. Experience has shown that the *TBP* approach targeting the worst forms to start with is also an effective way to mobilize society to address the problem of child labour as a whole. ILO–IPEC assistance to **India** continued with projects in hazardous work covering various states, such as the Andhra Pradesh state-based project and sericulture industry in Karnataka state.
- 584.** **Uzbekistan**, with the assistance of ILO–IPEC, adopted the National Programme of Improvement of Children’s Well-being for 2007–11 with action points on: (i) child labour, such as ratification of Conventions Nos 138 and 182; (ii) child labour monitoring systems, capacity building of law enforcement on child labour prevention; (iii) establishment of a resource centre in the Ministry of Higher and Secondary Specialized and Vocational Education and Training; (iv) apprenticeship courses for at-risk children; (v) review of legality of practices during cotton harvesting campaigns; and (vi) withdrawal and rehabilitation from the worst forms of child labour through social partners, NGOs and government agencies.
- 585.** In 2007, the work on discrimination under the ILO Declaration Programme has been focused on two thematic priorities: the gender pay gap and racial/ethnic equality and its gender dimensions. Regarding the gender pay gap, its activities have been on: (i) generating knowledge on the costs and benefits of promoting pay equity, trends in the gender pay gap and its underlying causes; (ii) networking and cooperation with Global Union federations; and (iii) providing technical assistance at the country level. Country fact sheets were prepared for **Africa, South America and Europe** on: (i) trends in the gender pay gap by sector and occupation; (ii) relevant national institutional regulatory frameworks; and (iii) comments by the ILO Committee of Experts on the Application of Conventions and Recommendations. Within the framework of a technical cooperation project, a study assessing the cost and benefits of pay equity and a guide on how to carry out job evaluations free from gender bias were produced. In collaboration with the ILO Training Centre in Turin, training workshops on job evaluations free from gender bias were implemented. In addition, a technical cooperation project in **Portugal** focused on the under-valuation of professions in the restaurant and beverages sectors through the development of job-evaluation methods free from gender bias in cooperation with the sectoral employers’ and workers’ organizations.
- 586.** On the subject of racial/ethnic equality and its gender dimensions, the ILO provided technical assistance to governments on the development of employment and social policies to promote racial equality and inclusion. With extra-budgetary funding from the Government of Sweden, the Declaration Programme has been active in **Bolivia, Paraguay and Peru** addressing labour market discrimination issues that affect indigenous peoples. At

the beginning of 2007, through another technical cooperation project, the Declaration Programme began collaborating closely with the ITUC on racism and xenophobia. A questionnaire was distributed to over 300 trade union organizations worldwide and the results and recommendations were shared with trade unionists at a meeting organized by the project, in collaboration with ACTRAV, in December 2007 on the development of a strategy for trade unions in the fight against racial discrimination and xenophobia. The meeting brought together 30 participants, who have identified racial discrimination and xenophobia as an issue to be tackled within their trade union organizations and at the workplace, and have requested assistance in developing an action plan. The project is also developing a complete training kit with relevant awareness raising materials to be used by trade unions at their respective workplaces in: (i) taking race and ethnicity into account in their internal policies; (ii) advocating for particular national and enterprise-level policies; and (iii) integrating these issues in their collective bargaining with employers. The tools were tested during this meeting.

**587.** In May 2007, the ILO launched its second Global Report on discrimination under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work entitled “Equality at work: Tackling the challenges”.<sup>23</sup> The report examined emerging issues in patterns of workplace discrimination and inequalities and recent policy responses, and outlined the ILO’s experience and achievements to date and the challenges it faces. Specifically, it highlighted the fact that despite encouraging developments in the fight against traditional forms of discrimination at the workplace, problems still persisted. To exacerbate the issue, other forms of discrimination based on factors such as age, disability, xenophobia, HIV/AIDS status, genetic predisposition and unhealthy lifestyles have become more evident. In an effort to be more effective in the fight against all forms of discrimination at the workplace, the report advocated, among other things, better enforcement of legislation, non-regulatory initiatives by governments and enterprises, and capacity building of social partners.

**588.** In response to concerns voiced by most of the delegates during the discussion of the Global Report at the ILC, 2007, the Declaration Programme prepared a workplan for the next four years giving priority to better enforcement of legislation and equal remuneration between men and women for work of equal value. The workplan also provides activities related to the capacity building of the social partners, racial discrimination and xenophobia.

### **3. Technical cooperation needs or requests**

**589.** There are still an important number of outstanding requests for technical cooperation to promote and realize the Declaration principles and rights. Table 4 indicates which countries have expressed those needs.

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

<sup>23</sup> cf. ILO: *Equality at work: Tackling the challenges*, Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, (Report I(B), ILC, 96th Session, Geneva, 2007); see also [www.ilo.org/declaration](http://www.ilo.org/declaration)

**Table 4. 2008 Annual Review: Needs or requests for technical cooperation by category of principle and right** <sup>24</sup>

Type of technical cooperation	Freedom of association/ collective bargaining	Forced or compulsory labour	Effective abolition of child labour	Elimination of discrimination
Assessment in collaboration with the ILO of the difficulties identified and their implication for realizing the principle and right	<b>Afghanistan</b> (Government) <b>Bahrain</b> (GFBTU) Brunei Darussalam (Government, NCCI and BOWU) <b>Guinea-Bissau</b> (Government, CACI, CCIA, CGSI/GB, and UNTG) <b>India</b> (BMS) <b>Islamic Republic of Iran</b> (Government) <b>Kenya</b> (Government) <b>Republic of Korea</b> (Government) <b>Lao People's Democratic Republic</b> (Government and LNCCI) <b>Nepal</b> (FNCCI, NDCONT, ANFTU and DECONT) <b>Samoa</b> (Government) <b>Solomon Islands</b> (Government and SICCI) <b>Somalia</b> (Government) <b>Timor-Leste</b> (Government) <b>Viet Nam</b> (VGCL)	<b>Afghanistan</b> (Government) <b>Brunei Darussalam</b> (Government, NCCI and BOWU) <b>Lao People's Democratic Republic;</b> <b>Nepal</b> (NDCONT, DECONT and ANFTU) <b>Samoa</b> (Government) <b>Solomon Islands</b> (Government, SICCI, SICTU and SINUW) <b>Timor-Leste</b> (Government) <b>Viet Nam</b> (VGCL)	<b>Afghanistan</b> (Government) Bahrain (GFBTU) <b>Brunei Darussalam</b> (Government, NCCI and BOWU) <b>Cape Verde</b> (Government, and ACS) <b>Ghana</b> (GTUC) <b>Haiti</b> (Government, HAMCHAM, CSH and MOISE) <b>India</b> (BMS) <b>Islamic Republic of Iran</b> (ICILC) <b>Kiribati</b> (Government, KCC and KTUC) ; <b>Liberia</b> (USPOGUL–LFLU) <b>Saint Lucia</b> (Government) <b>Samoa</b> (Government) <b>Sierra Leone</b> (Government and SLLC) <b>Solomon Islands</b> (Government, SICCI, ICTU and SINUW) <b>Somalia</b> (Government) <b>Suriname</b> (Government) <b>Timor-Leste</b> (Government)	<b>Brunei Darussalam</b> (Government, NCCI and BOWU) <b>Lao People's Democratic Republic</b> (Government) <b>Liberia</b> (Government and USPOGUL–LFLU) <b>Samoa</b> (Government) <b>Timor-Leste</b> (Government) <b>Solomon Islands</b> (Government, SICCI, SICTU and SINUW) <b>Somalia</b> (Government) <b>Suriname</b> (Government) <b>Timor-Leste</b> (Government)
Awareness raising, legal literacy and advocacy	<b>Brunei Darussalam</b> (Government, NCCI and BOWU) <b>China</b> (Government and CEC) <b>Islamic Republic of Iran</b> (ICEA, ICILC) <b>Jordan</b> (Government) <b>Kenya</b> (Government, FKE and COTU–KENYA) <b>Oman</b> (Government) <b>Qatar</b> (QWC) <b>Samoa</b> (Government) <b>Saudi Arabia</b> (Government and SCCI and STWC) <b>Solomon Islands</b> (Government, SICCI, SICTU and SINUW)	<b>Brunei Darussalam</b> (Government, NCCI and BOWU) <b>China</b> (CEC) Japan (JTUC-RENGO) <b>Republic of Korea</b> (Government and FSL) <b>Samoa</b> (Government) <b>Solomon Islands</b> (Government, SICCI and SICTU) <b>Timor-Leste</b> (Government)	<b>Bangladesh</b> (Government and BWF) <b>Brunei Darussalam</b> (Government, NCCI and BOWU) <b>Cape Verde</b> (Government, ACS, CCICV, CCSL and UNTC–CS) <b>Eritrea</b> (EFE and NCEW) <b>Gabon</b> (CPG and COSYGA) <b>Guinea-Bissau</b> (Government, CACI, CCIA, CGSI/GB et UNTG)	<b>Brunei Darussalam</b> (Government, NCCI and BOWU) <b>Lao People's Democratic Republic</b> (Government and LFTU) <b>Liberia</b> (Government and UPSOGUL–LFLU) <b>Namibia</b> (NEF and NUNW) <b>Oman</b> (Government and GFOTU)

<sup>24</sup> For further information on technical cooperation needs or requests, refer to each country baseline table under the 1998 ILO Declaration's Annual Review (2000–08); see also [www.ilo.org/declaration](http://www.ilo.org/declaration)

Type of technical cooperation	Freedom of association/ collective bargaining	Forced or compulsory labour	Effective abolition of child labour	Elimination of discrimination
	<b>Thailand</b> (NCTL) <b>Timor-Leste</b> (Government) <b>Viet Nam</b> (VGCL)	<b>Viet Nam</b> (Government and VGCL)	<b>Haiti</b> (Government, HAMCHAM, CSH and MOISE) <b>Mexico</b> (Government) <b>Samoa</b> (Government) <b>Saudi Arabia</b> (Government and SCCI) <b>Sierra Leone</b> (Government and SLLC) <b>Solomon Islands</b> (Government, SICCI, SICTU and SINUW) <b>Somalia</b> (Government) <b>Timor-Leste</b> (Government) <b>Uzbekistan</b> (CCIU) <b>Vanuatu</b> (Government and VNWU)	<b>Qatar</b> (QPWC) <b>Samoa</b> (Government) <b>Solomon Islands</b> (Government, SICCI, SICTU and SINUW) <b>Somalia</b> (Government) <b>Suriname</b> (CLO) <b>Thailand</b> (NCTL) <b>Timor-Leste</b> (Government)
Capacity building, e.g. labour inspection and administration	<b>Brunei Darussalam</b> (Government, NCCI and BOWU) <b>China</b> (Government and CEC) <b>Iraq</b> (Government) <b>Jordan</b> (Government) <b>Kenya</b> (Government) <b>Morocco</b> (UGTM) <b>Oman</b> (Government) <b>Solomon Islands</b> (Government, SICCI, SICTU and SINUW) <b>Somalia</b> (Government) <b>Sudan</b> (Government) <b>Timor-Leste</b> (Government) <b>Viet Nam</b> (Government)	<b>Brunei Darussalam</b> (Government, NCCI and BOWU) <b>China</b> (Government) <b>Samoa</b> (Government) <b>Timor-Leste</b> (Government) <b>Viet Nam</b> (Government)	<b>Bangladesh;</b> <b>Brunei Darussalam</b> (Government, NCCI and BOWU) <b>Cape Verde</b> (Government) <b>Ghana</b> (Government) <b>Guinea-Bissau</b> (Government) <b>Haiti</b> (Government, HAMCHAM, CSH and MOISE) ) <b>Islamic Republic of</b> <b>Iran</b> (Government) <b>Kiribati</b> (Government) <b>Liberia</b> (Government) <b>Saint Lucia</b> (Government) <b>Samoa</b> (Government) <b>Saudi Arabia</b> (Government and SCCI) <b>Sierra Leone</b> (Government) <b>Solomon Islands</b> (Government, SICCI, SICTU and SINUW) <b>Somalia</b> (Government) <b>Timor-Leste</b> (Government) <b>Uzbekistan</b> (CCIU) <b>Vanuatu</b> (Government)	<b>Brunei</b> <b>Darussalam</b> (Government, NCCI and BOWU) <b>Liberia</b> (Government and USPOGOL– LFLU) <b>Oman</b> (Government, OCCI and GFOTU) <b>Qatar</b> (QPWC) <b>Samoa</b> (Government) <b>Solomon Islands</b> (Government, SICCI, SICTU and SINUW)
Data collection and analysis	<b>Brunei Darussalam</b> (Government, NCCI and BOWU) <b>Lebanon</b> (Government) <b>Solomon Islands</b> (Government, SICCI; SICTU and SINUW) <b>Oman</b> (GFOTU)	<b>Brunei Darussalam</b> (Government, NCCI and BOWU)	<b>Brunei Darussalam</b> (Government, NCCI and BOWU) <b>Haiti</b> (Government, HAMCHAM, CSH and MOISE) )	<b>Brunei</b> <b>Darussalam</b> (Government, NCCI and BOWU) <b>Solomon Islands</b> (Government, SICCI, SICTU and SINUW)

Type of technical cooperation	Freedom of association/ collective bargaining	Forced or compulsory labour	Effective abolition of child labour	Elimination of discrimination
			<b>Islamic Republic of Iran</b> (Government and ICILC) <b>Somalia</b> (Government)	<b>Somalia</b> (Government) <b>Timor-Leste</b> (Government)
Legal reform	<b>Brunei Darussalam</b> (Government, NCCI and BOWU) <b>China</b> (Government) <b>Guinea-Bissau</b> (Government, CACI, CCIA, CGSI/GB and UNTG) <b>Islamic Republic of Iran</b> (ICILC) <b>Solomon Islands</b> (Government, SICCI; SICTU and SINUW) <b>Timor-Leste</b> (Government) <b>Viet Nam</b> (Government)	<b>Brunei Darussalam</b> (Government, NCCI and BOWU) <b>Japan</b> (JTUC-RENGO) <b>Solomon Islands</b> (Government, SICCI, SICTU and SINUW) <b>Timor-Leste</b> (Government)	<b>Brunei Darussalam</b> (Government, NCCI and BOWU) <b>Guinea-Bissau</b> ; <b>Haiti</b> (Government, HAMCHAM, CSH and MOISE) <b>Islamic Republic of Iran</b> (Government and ICILC) <b>New Zealand</b> (NZCTU) <b>Sierra Leone</b> (Government) <b>Solomon Islands</b> (Government) <b>Somalia</b> (Government) <b>Timor-Leste</b> (Government) <b>Vanuatu</b> (Government)	<b>Brunei Darussalam</b> (Government, NCCI and BOWU) <b>Kiribati</b> (Government and KCC) <b>Liberia</b> (Government) <b>Solomon Islands</b> (Government, SICCI; SICTU and SINUW) <b>Timor-Leste</b> (Government)
Strengthening tripartite social dialogue	<b>Bahrain</b> (GFBTU) <b>Brunei Darussalam</b> (Government, NCCI and BOWU) <b>Jordan</b> (Government) <b>Kenya</b> (Government, FKE and COTU-KENYA; <b>Nepal</b> (Government, FNCCI, NDCONT, ANFTU and DECONT) <b>Solomon Islands</b> (Government, and SICCI) <b>Sudan</b> (SBEF and SWTUF)	<b>Solomon Islands</b> (Government, SICCI and SICTU)	<b>Guinea-Bissau</b> (CACI, CCIA, CGSI/GB and UNTG) <b>Haiti</b> (Government, HAMCHAM, CSH and MOISE) <b>Liberia</b> (USPOGUL-LFLU) <b>Vanuatu</b> (VNWU)	<b>Kuwait</b> (KGCTU) <b>Namibia</b> (NUNW) <b>Oman</b> (Government) <b>Solomon Islands</b> (Government, SICCI, SICTU and SINUW)
Strengthening capacity of employers' and workers' organizations	<b>Bahrain</b> (GFBTU) <b>China</b> (CEC) <b>Guinea-Bissau</b> (Government, CACI, CCIA, CGSI/GB, and UNTG) <b>Islamic Republic of Iran</b> (ICEA) <b>Iraq</b> (Government) <b>Jordan</b> (Government and GFJTU) <b>Kenya</b> (Government, FKE and COTU-KENYA) <b>Lao People's Democratic Republic</b> (Government, LNCCI and LFTU) <b>Lebanon</b> (Government and GCW) <b>Myanmar</b> (UMFCCI) <b>Nepal</b> (FNCCI, NDCONT, ANFTU and DECONT) <b>Oman</b> (Government; GFOTU) <b>Samoa</b> (Government) <b>Saudi Arabia</b> (STWC)	<b>Brunei Darussalam</b> (Government, NCCI and BOWU) <b>China</b> (CEC) <b>Eritrea</b> (EFE and NCEW) <b>Japan</b> (JTUC-RENGO) <b>Nepal</b> (FNCCI) <b>Samoa</b> (Government) <b>Solomon Islands</b> (Government, SICCI; SICTU and SINUW) <b>Timor-Leste</b> (Government) <b>Viet Nam</b> (Government and VGCL)	<b>Bangladesh</b> (BWF) <b>Eritrea</b> (EFE and NCEW) <b>Gabon</b> (CPG and COSYGA) <b>Ghana</b> (GTUC) <b>Guinea-Bissau</b> (Government, CACI, CCIA, CGSI/GB and UNTG) <b>India</b> (AITUC) <b>Islamic Republic of Iran</b> (Government) <b>Kiribati</b> (KCC and KTUC) <b>Liberia</b> (Government and USPOGUL-LFLU) <b>Samoa</b> (Government) <b>Saudi Arabia</b> (Government and SCCI) <b>Sierra Leone</b> (Government, SLEF and SLLC)	<b>Brunei Darussalam</b> (Government, NCCI and BOWU) <b>Kiribati</b> (Government, KCC and KTUC) <b>Lao People's Democratic Republic</b> (LNCCI) <b>Liberia</b> (Government; USPOGOL-LFLU) <b>Namibia</b> (NEF and NUNW) <b>Oman</b> (Government, OCCI and GFOTU) <b>Samoa</b> (Government)

Type of technical cooperation	Freedom of association/ collective bargaining	Forced or compulsory labour	Effective abolition of child labour	Elimination of discrimination
	<b>Solomon Islands</b> (Government and SICCI) <b>Sudan</b> (SBEF and SWTUF) <b>Thailand</b> (ECONTHAI and NCTL) <b>Timor-Leste</b> (Government) <b>Uzbekistan</b> (CCIU) <b>Viet Nam</b> (Government and VGCL)		<b>Solomon Islands</b> (Government, SICCI; SICTU and SINUW) <b>Somalia</b> (Government) <b>Timor-Leste</b> (Government) <b>Uzbekistan</b> (CCIU) <b>Vanuatu</b> (Government and VNWU)	<b>Solomon Islands</b> (Government, SICCI; SICTU and SINUW) <b>Somalia</b> (Government) <b>Thailand</b> (NCTL) <b>Timor-Leste</b> (Government)
Training of other officials (e.g. police, judiciary, social workers, teachers)	<b>Kenya</b> (Government) <b>Morocco</b> (UGTM)	<b>Brunei Darussalam</b> (Government, NCCI and BOWU)	<b>Islamic Republic of Iran</b> (Government and ICILC) <b>Sierra Leone</b> (Government) <b>Solomon Islands</b> (Government) <b>Somalia</b> (Government)	<b>Liberia</b> (Government) <b>Solomon Islands</b> (Government, SICCI; SICTU and SINUW) <b>Somalia</b> (Government)

Source: ILO: Country reports and baselines under the Declaration's Annual Review, 2008.

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

- 591.** A number of additional services are being provided by the ILO Declaration Programme and other ILO field and headquarters' units, particularly in the framework of the DWCPs, with a view to responding to technical cooperation needs or requests expressed under the Declaration's Annual Review.
- 592.** In particular, following the launch of the ILO-PAMODEC Programme in **Guinea-Bissau** in July 2007, a national case study and a tripartite workshop on the realization of the FPRW were carried out in November 2007. Moreover, an ILO-GCC regional tripartite workshop was organized in **Oman** in May 2007.
- 593.** Various types of ILO-IPEC technical assistance have been provided, among others, to the following reporting countries: **Bangladesh, Ghana, India** and **Uzbekistan**. Furthermore, ILO-IPEC intends to provide specific technical assistance to countries that have not yet ratified Conventions Nos 138 and 182. It is also planning to promote the "child labour" component of the DWCPs.

### E. Effects given to past recommendations

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

- 594. Case studies and workshops on the fundamental principles and rights at work.** In **Guinea-Bissau**, a case study was carried out on the national realization of the FPRW, with a focus on freedom of association and discrimination. Based on the legal framework and the realities, this survey assessed the level of implementation of these principles and rights in the country, in cooperation with the Government and the employers' and workers' organizations. Its findings and recommendations were discussed during a national workshop that gathered the tripartite partners. The workshop adopted concrete

recommendations on how to achieve this goal, namely through promotional activities, capacity-building, social dialogue, labour law reform and implementation, ratification, etc. These recommendations will be followed up under the ILO–PAMODEC II Programme. The Government intends to ratify soon the non-ratified fundamental Conventions (Conventions Nos 87, 138 and 182), and it is enjoying the full support of the employers’ and workers’ organizations.

- 595. Assistance in reporting.** As in the past years, the Office has continued to assist several countries to report on a tripartite basis during the ILC of June 2007. It also provided a special assistance to **Brunei Darussalam, Cape Verde, Guinea-Bissau and Uzbekistan** in fulfilling their reporting obligations.
- 596. Promotional dialogue.** A Fifth Regional Workshop on the ILO Declaration and International Labour Standards was jointly organized by the GCC and the ILO in May 2007 in Muscat, **Oman**. This workshop addressed issues concerning ILO and decent work, ILO fundamental Conventions and the Declaration’s follow-up, with emphasis on freedom of association and collective bargaining and forced labour in the **Gulf States**.
- 597.** Moreover, a subregional tripartite workshop on the Declaration’s follow-up, labour law reform and freedom of association in the **Pacific countries** was organized in November 2007 in Nadi, **Fiji**. The workshop gathered 18 participants from **Fiji, Kiribati, Papua New Guinea, Samoa, Solomon Islands** and **Vanuatu** and two observers from the **Cook Islands** and **Tonga**. It allowed the participants to assess how progress could be made under the Declaration’s follow-up, analyse the compatibility of the various current draft laws with ILO principles and Conventions on freedom of association and strengthen the involvement of the employers’ and workers’ organizations in the labour law reform processes.
- 598.** Furthermore, a national tripartite workshop on reporting capacity-building was organized in Tashkent, **Uzbekistan**, in October–November 2007, in cooperation with the Office and the ILO–IPEC Programme Against Child Labour and Trafficking in the Central Asian Republics (IPEC–PROACT–CAR). On this occasion, participants were sensitized on international labour standards and the Declaration and its follow-up in the country. Country baselines under the Annual Review were also discussed and updated on a tripartite basis.
- 599.** Many reporting States in **Africa, Asia, Europe and South America** have requested ILO assistance for the preparation of case studies and national discussions on the realization of the FPRW.
- 600.** In the coming months, the Office is planning to continue this dialogue with reporting States, in particular through: (i) awareness raising and advocacy on the Declaration’s principles and rights; (ii) the promotion of case studies and national tripartite dialogue on the Declaration’s follow-up; and (iii) ratification of ILO fundamental Conventions.

## 2. Outreach and research

- 601.** The Project on Raising Public Awareness and Support for the Implementation of the Declaration on Fundamental Principles and Rights at Work came to an end in April 2007.

Two examples of impact may be cited concerning the implementation of this project in **Uganda** and **Indonesia**.<sup>25</sup>

- 602.** In **Uganda**, an awareness-campaign was undertaken to disseminate the main provisions of labour laws to the public. This comprised tripartite awareness-raising workshops, the development of promotional materials and partnering with the media. At the start of the campaign, only persons that had participated in the labour law revision had any knowledge of the law.
- 603.** Following the campaign, an evaluation survey found that approximately one third of the workforce was aware that new labour laws were in place, had information on their basic provisions, and knew where these could be obtained.
- 604.** A knowledge and perception survey to measure impact, was carried out at the end of the project in **Indonesia** where there has been a high level of activities.
- 605.** The survey on public opinion took an issue-oriented approach focusing on people's knowledge on each theme. Overall, the results of the Indonesian survey show higher level of awareness and support for the issues relevant to the Declaration.
- 606.** On the issue of freedom of association, 53 per cent of the respondents were aware of the term and 55 per cent were aware of collective bargaining. When asked about protecting workers' rights at work, 92 per cent were in favour of taking action to ensure protection. Only 52 per cent of the respondents had a favourable opinion of trade unions' effectiveness and only 12 per cent of the respondents belonged to a trade union.
- 607.** When asked about bonded and forced labour, 67 per cent were aware of this issue. Concerning the different forms of forced labour, 90 per cent of the respondents were aware of human trafficking and 94 per cent of this group believed that trafficking existed in the country. As a whole, 98 per cent of the survey respondents supported the elimination of all forms of forced labour.
- 608.** On the issue of child labour, 68 per cent of the respondents were aware of child labour issues, and could define the term. Furthermore, 87 per cent of this subset supported the abolition of child labour and believed that the ILO had a positive role to play (89 per cent of this group).
- 609.** In regard to discrimination, 70 per cent of the respondents understood the term, and could identify at least two forms of discrimination. However, awareness of the forms of discrimination varied greatly with 97 per cent knowing about HIV/AIDS discrimination to 43 per cent for gender equality. When asked if they felt discrimination at the workplace existed in the country, 82 per cent said that it did not. However, 86 per cent of the respondents felt that discrimination was a serious issue and should be eliminated.
- 610.** The main lessons learned from this project can be summarised as follows: (i) communications, both internally and externally, must be an integral component of technical cooperation activities from the very start to help ensure local buy-in and provide transparency to the general public; the ILO must build alliances and partnerships with a number of key audiences, beyond the traditional tripartite groups, and the media is crucial for effective outreach; (ii) it is essential to work closely with the local media and to establish linkages between the media and ILO technical cooperation beneficiaries; and (iii) the ILO needs to develop a set of basic tools to assist project and office staff in

<sup>25</sup> See [www.ilo.org/declaration](http://www.ilo.org/declaration) for further information.

maximizing communication activities. Key audiences (i.e. tripartite partners and media) and ILO staff require basic training on the issues being promoted as well as trained in techniques on how to identify success stories and convey that to the media and other partners.

**Box 4****Research on fundamental principles and rights at work**

The following Declaration working papers were issued in the course of 2007:

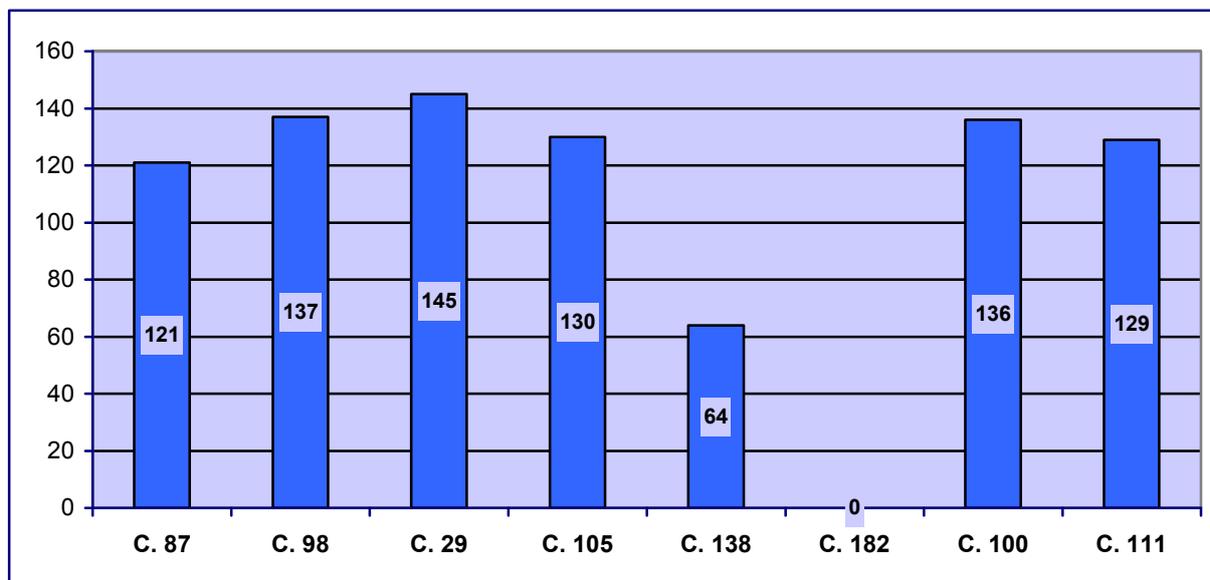
- No. 54: *No discriminación e igualdad: su incidencia en la reforma laboral*  
Maria Luz Vega Ruiz, Enero de 2007
- No. 55: *Exploratory study on trafficking and labour exploitation of West African immigrants in the Netherlands*  
Blanca Garcés-Mascreñas and Jeroen Doornik, October 2007
- No. 56: *Debt-bondage in Rural Labour Markets: A multiple-case study in Latin America*  
Patrick Belser, Alvaro Bedoya, and Eduardo Bedoya, August 2007
- No. 57: *Forced labour and trafficking in Europe: how people are trapped in, live through and come out*  
Beate Andrees, September 2007
- No. 58 : *Etude relative aux obstacles à la mise en œuvre des principes et droits Fondamentaux au travail au Cameroun*  
Paul-Gérard Pougoué et Jean-Marie Tchakoua, October 2007

Source: ILO Declaration Programme.



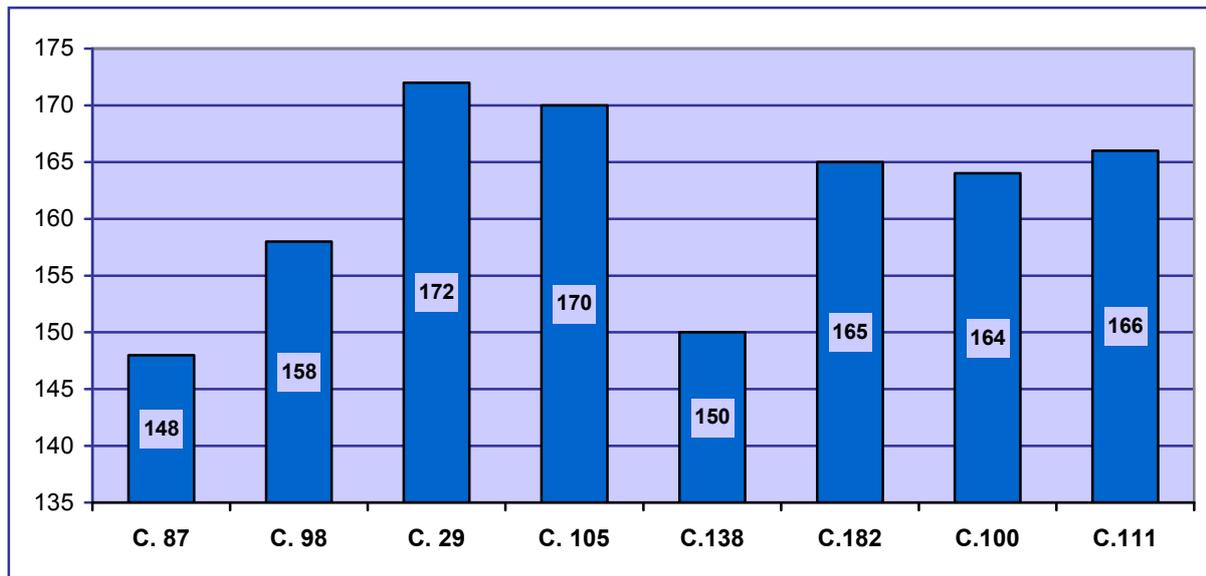
## Appendix 1

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



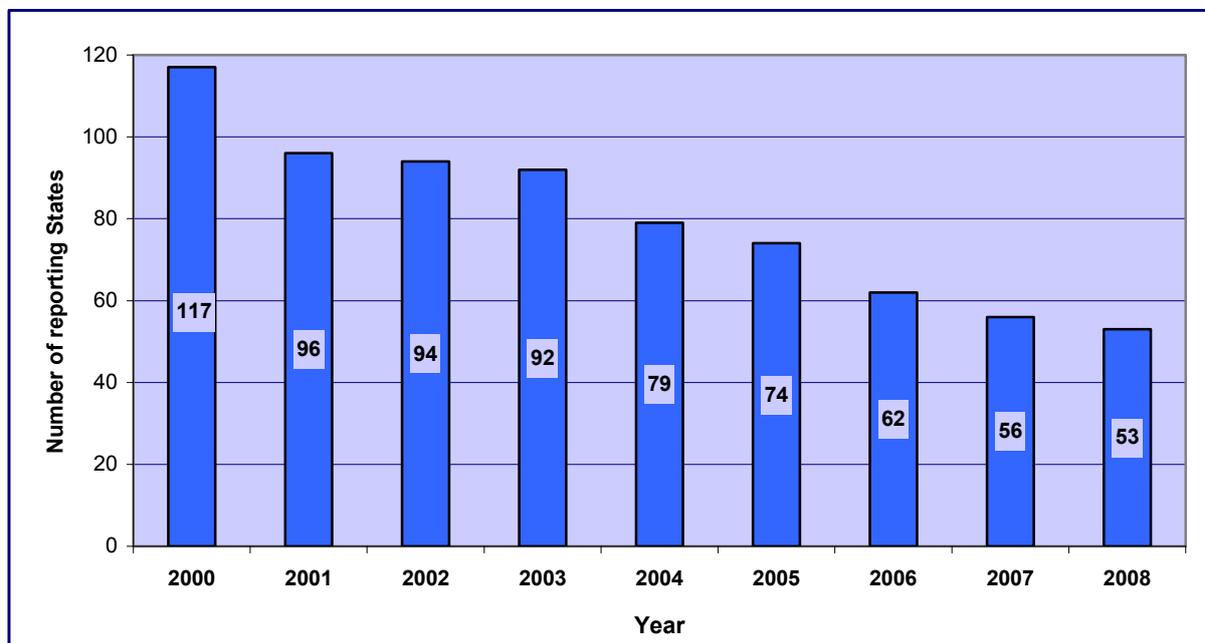
## Appendix 2

**Number of ratifications of ILO fundamental Conventions since the launch of the Annual Review process**  
(as of 31 of December 2007)



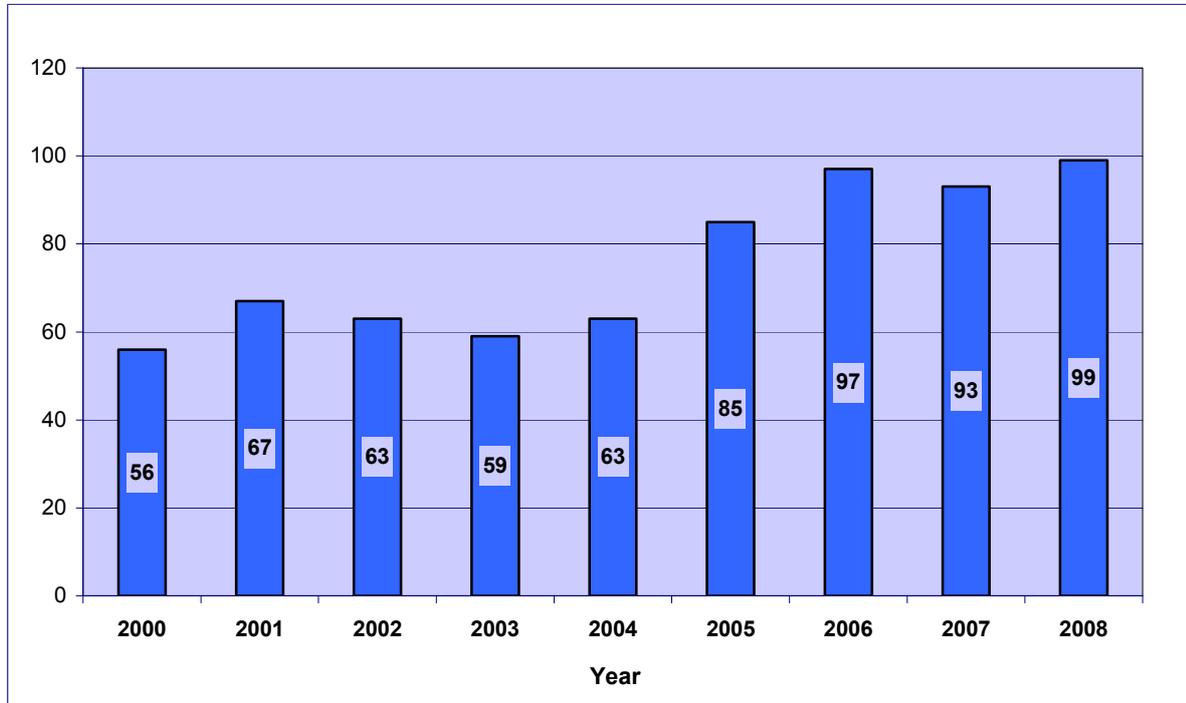
## Appendix 3

### Number of reporting States under the Declaration's Annual Review (2000–08)



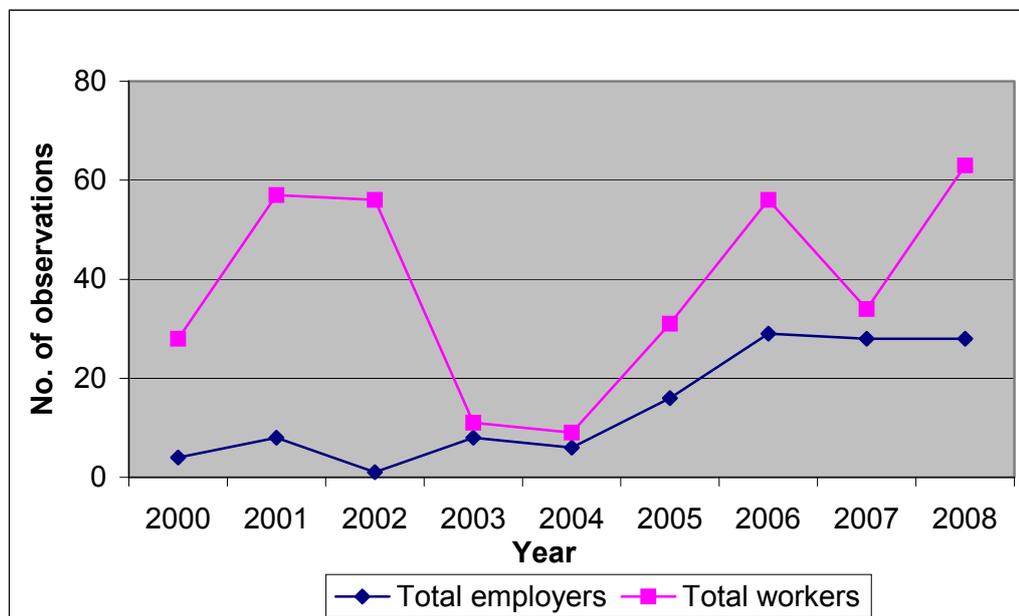
## Appendix 4

### Reporting rates 2000–08 (%)



## Appendix 5

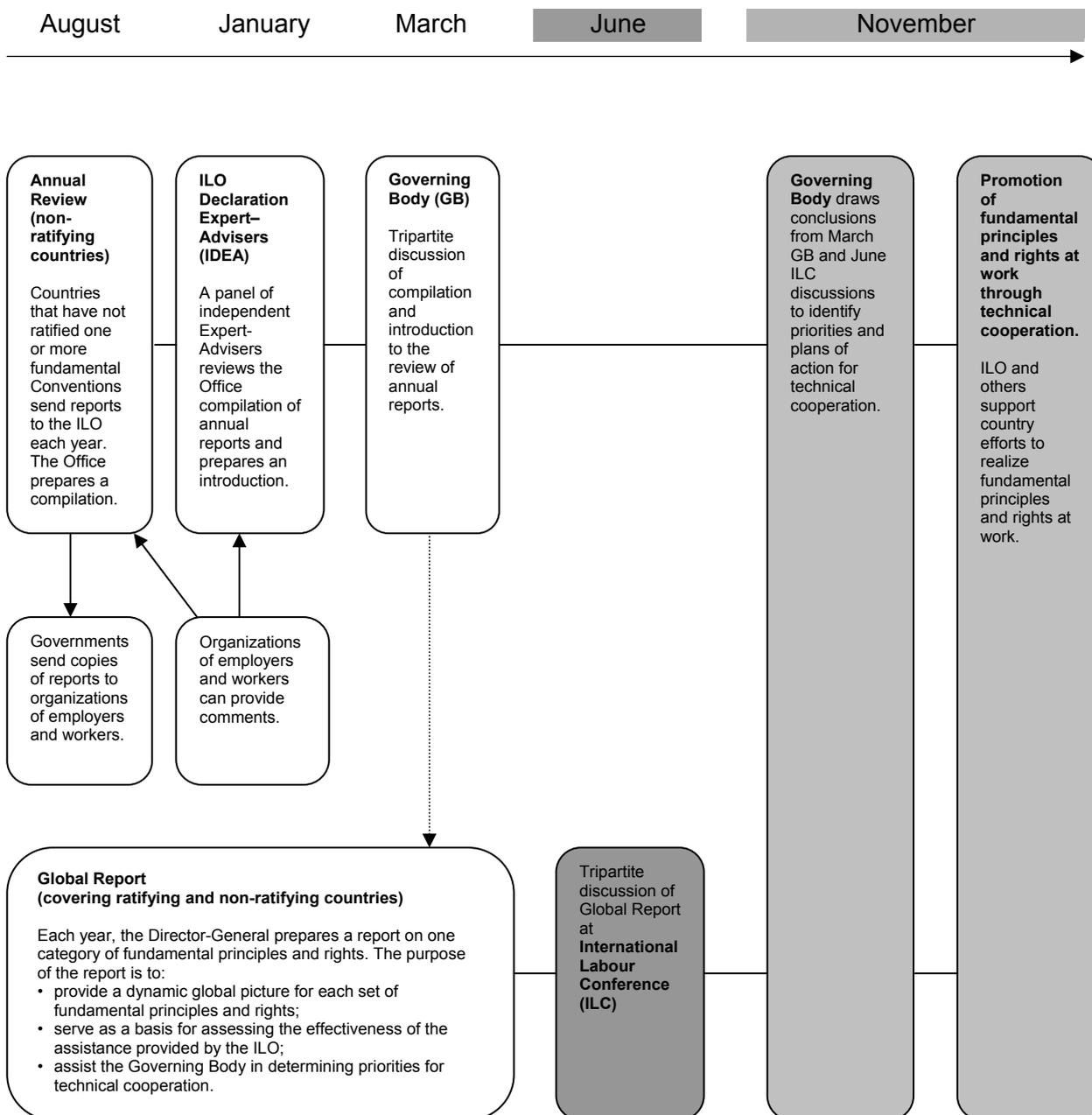
### Number of observations by employers' and workers' organizations



Sources: Compilation of annual reports and country baselines.

## Appendix 6

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



## Appendix 7

### ILO Declaration Expert–Advisers

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

Professor of Labour Economics, Faculty of Economics, Business and Accounting of the Universidade de São Paulo, in São Paulo, Brazil, and President of the Graduate Programme on Integration in Latin America at the same University. Senior Researcher of the Conselho Nacional de Desenvolvimento Científico e Tecnológico – CNPq, Brazil. Consultant to the Brazilian Ministry of Labour, to the Ministry of Planning, to ILO and other public and private institutions. Held the Chair Simon Bolivar at the Institut des Hautes Études de l'Amérique Latine, Sorbonne Nouvelle, Paris, France. Visiting Professor at a number of Universities both in Brazil, such as the Federal University of Bahia and Federal University of Para, and other countries, such as the University of New Mexico (USA) and the Universidad de la Republica (Uy). Editor of the Brazilian Journal of Labour Studies (2001-2003; and since 2006) and of the Brazilian Journal of Latin American Studies (since 2003). President of the Brazilian Labour Studies Association (2001-2003). Member of the Regional Economic Council (1998-2004), and Coordinator of several international cooperation projects. Author of publications on labour markets, public policies, the informal sector and themes related to the FPRW - child labour, forced labour, unionism and discrimination in the labour market. Degrees: Master and Doctorate in Economics; Livre-docência in Development and Labour Economics, Universidade de São Paulo, Brazil. Post-doctorate and Fullbright/United Nations Visiting Fellow at the Center of International Studies of the Massachusetts Institute of Technology, Ma., US.

#### **Ms Maria Nieves Roldan-Confesor (Philippines)**

Professor at the Asian Institute of Management for Public and Social Policy, Management, Conflict Resolution and Negotiation; Chairperson, Government of the Philippines Negotiating Panel with the Communist Party of the Philippines/National Democratic Front/New People's Army; Head, Panel of Experts to the Joint Congressional (Philippine Legislature) Commission Amending the Labor Code. Chair of Kybernan Group (international consultants for institutional reform and governance) and Strategic Options, Inc. Director/Government representative of Philippine National Bank (for privatization), MetroBank of the Philippines, Philippine National Oil Company. Former Secretary of the Department of Labor and Employment, and Presidential Adviser on International Labor Affairs. Served as Chair of the ILO Governing Body. Chairperson of the Philippine Overseas Employment Administration and the National Wages and Productivity Commission. Consultant/external collaborator to the World Bank and ILO. Served as Chairperson of various national groups, ASEAN Labour Ministers' Meeting. Degrees: Master in Public Policy and Administration, Harvard University; Master of Business Administration, Ateneo de Manila University; Bachelor of Arts, Maryknoll College.

**Mr Ahmed El Borai (Egypt)**

Vice-Chairperson of the UN Committee for the Protection of Migrant Workers and their Families. Chairperson of the Committee of Law Experts of the Arab Labour Organization. Professor and Head of Labour Legislation, Faculty of Law, and Director of the Centre for Labour Relations, University of Cairo. Formerly representative of Egypt to UNESCO and consultant to the UNDP, ILO and the ALO. Author of books and articles in Arabic and French on labour law and labour administration. Degrees: Licence en Droit, University of Cairo; DES and Doctorat d'Etat (public law), University of Rennes (France).

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

Retired; Chairperson of the French Association for the ILO. Vice-Chairperson of the French Association for Labour Relations Studies. Former Chairperson of the ILC (1998). Served as Chairperson and Vice-Chairperson of the ILO Governing Body. Former President of the European Community Social Commission of the Federation of Industry (UNICE). Honorary President of the International Organization of Employers (IOE). Degrees: Diploma and Doctorate in Law, Institute for Political Studies, Paris.

**Mr Robert White (Canada)**

Retired; commenced his work life in a small factory and was elected as union workplace representative at the age of 17. President Emeritus, Canadian Labour Congress and former President of the Canadian Auto Workers' Union. Has also served as President of the Trade Union Advisory Committee (TUAC) of the OECD; Chairperson of the Commonwealth Trade Union Council; and Chairperson of the Human and Trade Union Rights Committee of the International Confederation of Free Trade Unions. Degrees: Honorary degrees from York University; the University of Windsor; St Francis Xavier; University of Western Ontario and University of Toronto.

## Appendix 8

### Table of contents of the compilation of annual reports by the International Labour Office, Geneva, March 2008

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

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

Afghanistan  
Bahrain  
Brazil  
Brunei Darussalam  
Canada  
China  
Guinea-Bissau  
India  
Iran, Islamic Republic of  
Iraq  
Jordan  
Kenya  
Korea, Republic of  
Lao People's Democratic Republic  
Lebanon  
Malaysia  
Mexico  
Morocco  
Myanmar  
Nepal  
New Zealand  
Oman  
Qatar  
Samoa  
Saudi Arabia  
Singapore  
Solomon Islands  
Somalia  
Sudan  
Thailand  
Timor-Leste  
United Arab Emirates  
United States  
Uzbekistan  
Viet Nam

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

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

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

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

Afghanistan  
Australia  
Bahrain  
Bangladesh  
Brunei Darussalam  
Canada  
Cape Verde  
Cuba  
Eritrea  
Gabon  
Ghana  
Guinea-Bissau  
Haiti  
India  
Iran, Islamic Republic of  
Kiribati  
Liberia  
Mexico  
Myanmar  
New Zealand  
Saint Lucia  
Samoa  
Saudi Arabia  
Sierra Leone  
Solomon Islands  
Somalia  
Suriname  
Timor-Leste  
Turkmenistan: *This baseline is subject to Government's approval*  
United States  
Uzbekistan  
Vanuatu

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

Bahrain  
Brunei Darussalam  
Japan  
Kiribati  
Kuwait  
Lao People's Democratic Republic  
Liberia  
Malaysia  
Myanmar  
Namibia  
Oman  
Qatar  
Samoa  
Singapore  
Solomon Islands  
Somalia  
Suriname  
Thailand  
Timor-Leste  
United States

General observation by the IOE under the 2008 Annual Review.

Source: ILO: Programme for the Promotion of the Declaration.