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

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

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A. Expert-Advisers' opening comments

1. People all over the world are increasingly concerned about the impact of globalization on their lives. Unequal economic and social realities prevail within and between countries.
2. Hence the call in the mid-1990s for universal social ground rules, first endorsed by Heads of State at the 1995 Copenhagen Social Summit and echoed at the 1996 Ministerial Conference of the World Trade Organization in Singapore. In adopting the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up the Organization was fulfilling the mandate given to it by the international community as well as by its own constitutional bodies.
3. The basic ILO Conventions on freedom of association, collective bargaining and on the elimination of forced labour, child labour and discrimination were the inspiration for this package of fundamental principles and rights. The ILO Declaration promotes universal respect for the principles in them by both States that have ratified these Conventions and those that have not yet done so. This Declaration has given a consensus meaning to the phrase "core labour standards" that was endorsed in Copenhagen and in Singapore. The picture revealed in the annual reports we have just examined indicated varying levels of activity to promote respect for core principles. Some countries continue to deny basic civil liberties that underpin the very exercise of freedom of association and collective bargaining. Others restrict it in different ways. Even fully democratic societies sometimes encounter difficulties in promoting these principles in all respects. But relatively minor problems are a far cry from situations where workers or employers who try to form associations are imprisoned or where their organizations are subjected to heavy government control. These principles and rights respond to the need for mutually reinforcing approaches to solve interrelated problems. They provide a universal framework for all countries to pursue equity and social progress hand in hand with economic growth. They reinforce participation and empowerment.
4. The ILO Declaration is about all men and women, workers and employers, exercising their freedom of association and engaging in collective bargaining. It is about workers being free from forced or compulsory labour and discrimination. It is about all children everywhere having a chance to learn and develop. The adoption of the Declaration committed all ILO member States to respect, realize and promote the fundamental principles and rights at work in good faith.
5. The follow-up process under the Declaration charts the way for social progress. The promotional nature of the Follow-up is its distinctive feature. It operates by helping countries take stock of their situation and encouraging their real efforts through technical cooperation and other means. It reaches out to countries not yet engaged fully in the new process.
6. The first aspect of this new tool is an obligation on governments to report on where they are in relation to these principles and rights, to set their own baselines against which to measure future progress, and to describe efforts made or envisaged to ensure respect, promotion and realization of these principles and rights. Organizations representing employers and workers have a chance to voice their perspectives, which are key to understanding the progress or lack thereof being made by member States. The tripartite nature of the Declaration Follow-up brings it considerable added value.
7. The expectations for the Declaration Follow-up have been high. They will not all be met immediately. This is a tool that becomes better through greater use.

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8. As Expert-Advisers, we have been given a very different mandate than that of other ILO committees, and we have done our best to carry it out. We have now reviewed the results of this annual review, and have found the experience to be mixed. It is important to recall that this was the first time round with a new process.
 9. A little over half of the governments which were supposed to report did so, leaving almost half that did not reply at all. For those not replying, we must stress that Declaration reporting involves a constitutional obligation they owe as member States of the ILO. The Declaration Follow-up presents an opportunity for a country to examine its own situation and to request assistance, and we were disappointed that many countries did not take up this aspect of the new system.
 10. Some of the reports provided by member States were not particularly helpful in portraying how they were promoting the principles, and a handful clearly indicated that they were not taking any action in this direction. The Expert-Advisers look forward to an improved reporting rate and richer information in the future.
 11. We also find it disappointing that so many employers' and workers' organizations either did not or could not venture any comments on what the governments had reported. Their contributions, when made in a manner consistent with the promotional nature of the Follow-up, added their views about respect, or the lack of it, for the fundamental principles and rights in practice.
 12. Innovative means by many different participants are needed to encourage the countries to use reporting under the Declaration as a basis for building a strategy to embed these principles and rights in their national socio-economic policies. The disappointing results of the first round of reporting suggest room for improvement in the report forms used and greater engagement in the reporting process.
 13. We were heartened by information about creative approaches displayed by some member States to overcoming difficulties they encounter in fully respecting these principles and rights. We also welcomed the frankness with which some governments acknowledged areas that need improvement, and we appeal to the international community to support these countries' efforts to move forward.
 14. We are convinced that the process used has affected the results, and so we are making some suggestions to improve it. The International Labour Organization, the Office, the governments and the social partners need to break out of well-trodden paths. A rethinking of how the reporting process is implemented could make it more likely to deliver what was intended by the Follow-up to the Declaration. A lot of work remains to develop better indicators for countries to measure their own results towards our common goal.
 15. Our Introduction will now go to the ILO Governing Body for discussion of aspects we think merit more in-depth discussion. The form and restricted nature of the information available to us limited us in suggesting that there may be particular countries that would call for the special attention of the Governing Body, but we may do so in the future. The Declaration Follow-up is an evolving process, but it is one that must remain true to its character as a promotional, effective and meaningful instrument.
 16. We think that the Governing Body members will understand this when they review the information before them. They can read the governments' own words and the comments made by national and international organizations of employers and workers; this transparency is in itself an important new approach.

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17. We hope that the Governing Body discussion of the annual reports and our Introduction will help to inform the global report, the second component of the Declaration Follow-up, which the International Labour Conference will be reviewing in June. The topic of this year's global report is freedom of association and effective recognition of the right to collective bargaining. It will portray a dynamic global picture of those fundamental human rights at work in countries that have ratified the core labour standards as well as those that have not, and contain reflections on the effectiveness of ILO action to promote freedom of association and collective bargaining.
 18. The Governing Body will use the Conference discussion of the global report to guide it in deciding on priorities and plans of action for technical cooperation. The information in the annual reports under the Declaration Follow-up is a valuable source of inspiration in setting priorities about how to use scarce resources. In our opinion, priority should be given to countries that have been forthcoming under the Declaration Follow-up to indicate their willingness to move forward in concrete ways to realize the fundamental principles and rights at work.
 19. Achieving universal respect for this package of fundamental human rights is a challenge that demands a response at all levels, from grass-roots groups to international organizations. Our report highlights as well the impressions we have been able to gather from the available information about the elimination of forced labour, discrimination and child labour – each a complex phenomenon. Among the governments recognizing that there may be a problem, an encouraging number give some signs of moving towards more integrated solutions that address the socio-economic context of the country and that rely on partnerships with NGOs as well as the social partners.
 20. It will take time for ILO member States, workers and employers to appreciate fully how this new process can help them achieve universal respect for these principles and rights. Their realizing this is essential to contributing to the elimination of poverty and the creation of a more equitable world.
 21. We wish to thank the Governing Body for giving us the opportunity to participate in building a new and different mechanism for promoting fundamental principles and rights at work for women and men everywhere.

B. Expert-Advisers' recommendations

22. The Expert-Advisers recommend to the Governing Body that it request the International Labour Office to:
 1. Continue to promote respect for the fundamental principles and rights in all countries, regardless of prevailing social and economic conditions.
 2. Increase efforts to enhance the understanding of the Declaration, especially in countries that have not yet ratified the fundamental Conventions.
 3. Respond to as many requests for technical assistance indicated in the reports as possible, to increase awareness of the fundamental principles and to assist the countries to respect these principles and rights fully.
 4. Mobilize additional external resources and support for the Follow-up to the Declaration, to assist countries in their efforts.
 5. Concentrate its outreach efforts on countries that still owe initial reports under the Declaration Follow-up.

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6. Increase assistance to governments in the preparation of reports, to improve their content so as to provide a more comprehensive analysis of the current situation and to identify technical cooperation needs.
 7. Review examples of regional integration groups that are making strides in promoting fundamental principles and rights at work, and disseminate information on the lessons that can be drawn from these experiences.
 8. Strengthen links in particular with the international organizations with which it has ties under article 12 of the ILO Constitution. It should use them as channels through which to encourage respect for the fundamental principles and rights in the pursuit of sustainable economic growth and poverty reduction.
 9. Consider moving the deadline for replies to the report forms to 1 September of each year.
 10. Translate the report forms into the other official languages in which they are not yet available.
 11. Include a covering letter specifying the information that would be most useful in providing a good insight into developments within countries, since a review of the report form is not possible at the March 2000 session of the Governing Body.

23. The Expert-Advisers recommend that the Governing Body call on governments to:

1. View the action taken under the Follow-up to the Declaration as distinct from supervisory mechanisms, accept its promotional nature and be forthcoming with information regarding the situation in the countries, so as to work in closer collaboration with the ILO.
2. Seek contributions from the social partners in completing their reports.
3. Return reports in time to be considered in the next round of reporting.
4. Submit full reports for consecutive years in order to provide good baselines for gauging further progress.

24. The Expert-Advisers recommend to the Governing Body that it:

1. Review the report forms to include questions eliciting fuller information on:
 - (a) social and economic conditions that influence respect for principles in the Declaration;
 - (b) freedom of association as it relates to both employers' and workers' organizations;
 - (c) policy and legislative measures aimed at respecting the fundamental principles and rights in the informal sector.
2. Review the schedule of the Expert-Advisers' meeting, to allow more time for discussions and for preparation by the Office.

25. The Expert-Advisers recommend that the Governing body urge national, regional and international workers' and employers' organizations to:

1. Participate more actively in the Follow-up.
2. Use the Declaration in the promotional spirit in which it is intended at the national and international level.

C. Context

- 26. The importance of the Declaration.** The ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up¹ constitute a new tool for development for the world community.² It carries forward from commitments made by Heads of State at the World Summit for Social Development in Copenhagen in 1995 and at the Ministerial Conference of the World Trade Organization in Singapore in 1996.
- 27.** The Declaration means that all 174 ILO member States, “even if they have not ratified the Conventions in question, have an obligation, arising from the very fact of membership in the Organization, to respect, to 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, namely:
- (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” (ILO Declaration, Paragraph 2).
- 28.** In adopting the ILO Declaration on 18 June 1998, the International Labour Conference decided that to give full effect to the Declaration, “a promotional follow-up, which is meaningful and effective, shall be implemented” in accordance with an Annex to the Declaration that forms an integral part of it. This Introduction and compilation of annual reports launches that process.
- 29. The Follow-up to the Declaration.** The aim of the Follow-up is “to encourage the efforts made by Members of the Organization to promote the fundamental principles and rights” (Annex to the Declaration, Paragraph 1). It has three aspects:
- The **review of the annual reports** supplied by governments, along with possible comments by employers’ and workers’ organizations (as compiled in Part II of this document). This compilation is to be submitted for review, along with this Introduction, to the ILO Governing Body in March of each year.
 - The **global report**, which covers one of the four categories of rights and principles in turn. It is submitted by the Director-General for discussion by the annual ILO Conference in June of each year. The global report provides an overview of progress made both in countries that have ratified the fundamental Conventions and those that have not yet done so. The global report is to serve as a basis for assessing the effectiveness of assistance provided by the Organization, and for determining priorities for the following period.

¹ Adopted by the International Labour Conference, 86th Session, 18 June 1998. See ILC, *Record of Proceedings*, Nos. 20 and 22 (86th Session, Geneva, 1998), and the ILO website: www.ilo.org for the preparatory works, which are contained in the Declaration website. The text appears in Annex 1.

² ILO: *Decent work*, Report of the Director-General to the International Labour Conference, 87th Session, 1999.

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- Conclusions by the ILO Governing Body, at a session after the Conference, on **priorities and plans of action for technical cooperation** to be implemented in the next four-year period. The Declaration itself envisages support across the multilateral system for encouraging country efforts to respect, promote and realize the fundamental principles and rights.
30. The Follow-up will “allow identification of areas in which the assistance of the Organization through its technical cooperation activities may prove useful to its Members to help them implement these fundamental principles and rights” (Annex to the Declaration, Paragraph 2). A flow chart (Annex 2 to this Introduction) illustrates the steps in the Declaration Follow-up. This Introduction is concerned with the annual reporting under the Declaration Follow-up.
31. **Purpose of the Declaration annual reports.** Under the annual review, States that have not yet ratified all of the fundamental Conventions of the ILO will be asked each year to submit reports on progress made in implementing the principles enshrined in them. The first report is intended to establish the baseline for each country against which progress may be measured. In later years, countries from which adequate information was received need only report on changes.
32. **Mandate of the ILO Declaration Expert-Advisers.** Appointed by the ILO Governing Body, the ILO Declaration Expert-Advisers (whose short biographies appear in Annex 3) are mandated to:
- examine the information compiled by the International Labour Office on the basis of the replies and comments received;
 - present an introduction to the compilation based on those reports, drawing attention to aspects that seem to call for more in-depth discussion; and
 - propose to the Governing Body any adjustments that the Expert-Advisers think desirable to the report forms.³
33. In carrying out these tasks, the work of the Expert-Advisers, who serve in their individual capacity, has been guided by the duties of independence, objectivity and impartiality. After opting for provisional working methods, the group selected Ms. Confesor as Chairperson and Mr. White as Reporter. With the assistance of the Office, the Expert-Advisers have attempted to present this Introduction in a way that reflects the key elements of the Declaration and its Follow-up and that does justice to the information received in the reporting process.
34. **The fundamental Conventions.** At the time the Declaration was adopted, the seven fundamental Conventions were the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105), the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation), 1958 (No. 111), and the Minimum Age Convention, 1973 (No. 138). Ratification of these fundamental Conventions has been pursued in a campaign launched by the ILO Director-General in 1995; this campaign has produced considerable results (see figures in Annex 4). Now these original seven have been joined by the Worst Forms of Child Labour

³ See GB.276/3 (Nov. 1999), para. 2, and GB.274/2 (Mar. 1999), para. 22, which are documents available on the ILO website under the Declaration and under Conferences and Meetings.

Convention, 1999 (No. 182), adopted unanimously at the 87th Session of the International Labour Conference,⁴ which will enter into force on 19 November 2000. The Declaration should be viewed as a package. The fundamental principles and rights *together* form the enabling rights for equity and development, and the various components of the Declaration support and reinforce one another.

- 35. Complementary nature of the Declaration Follow-up to established supervisory mechanisms.** The Declaration Follow-up is not a substitute for the established supervisory mechanisms,⁵ nor shall it impede their functioning (Annex to the Declaration, Paragraph I.2). In this spirit, specific situations within the purview of the established mechanisms are not to be examined or re-examined within the framework of the Follow-up (*ibid.*). While a few government reports have referred to these mechanisms where they saw the information as being relevant to the promotion of the Declaration, the Expert-Advisers emphasize that the Follow-up should in no way be seen as double scrutiny. It is important to maintain a complementary but distinct approach between the Declaration Follow-up and established supervisory mechanisms.
- 36.** The points raised in this Introduction by the ILO Declaration Expert-Advisers are, consistent with their mandate, aimed at identifying aspects of the reports received which might call for more in-depth discussion, with a view to encouraging efforts to promote respect for the fundamental principles and rights at work. **Neither the Expert-Advisers nor the Office can attest to the accuracy of the information that has been provided in the reports and comments. In addition, the examples given in this Introduction are illustrative rather than exhaustive.**

D. Experience with reporting under the Declaration Follow-up

- 37. Reporting rate.** Here is an overview of the reporting rate (as at 31 January 2000):

⁴ See International Labour Conference, 87th Session, 1999, *Provisional Record*, Nos. 19 and 27, and 86th Session, 1998, Nos. 20 and 22.

⁵ For more complete information on these and other procedures, see ILO: *Handbook on procedures concerning international labour Conventions and Recommendations*, Rev. 2/1998; *Report of the Committee of Experts on the Application of Conventions and Recommendations*, International Labour Conference, 88th Session, 2000, Report III (Part 1A, General Report 1999); and additional information about standards on the ILO website. The phrase “established supervisory mechanisms” refers primarily to those in place for examining reports under articles 19 and 22 of the ILO Constitution by the Committee of Experts on the Application of Conventions and Recommendations (CEACR), the ILO Governing Body Committee on Freedom of Association, and procedures which may be invoked under articles 24 and 26 of the ILO Constitution.

Number of government annual reports due/received

Category	Number due	Number received	Per cent received
Freedom of association/collective bargaining	52	35	67.3%
Forced labour	41	21	51.2%
Child labour	92	47	51.0%
Discrimination	43	24	55.8%
Overall	228	127	55.7%

Figures in Annex 4 provide further detail. The overall reporting rate of 55.7 per cent is not sufficient. Some governments owing reports have not sent any communication under the Declaration Follow-up. Reporting under the Declaration is still in its infancy, however, and the Expert-Advisers look forward to an increase in future.

Governments owing reports – no reports received

Afghanistan	Ghana	Pakistan**
Antigua and Barbuda	Grenada	Papua New Guinea
Armenia	Guinea	Paraguay**
Barbados	Haiti	Rwanda
Belize	Iraq**	Saint Kitts and Nevis
Benin	Jamaica	Saint Lucia
Bosnia and Herzegovina	Kazakhstan	Saint Vincent and the Grenadines
Burundi	Lao People's Democratic Republic	Sao Tome and Principe
Cameroon	Lesotho	Sierra Leone
Central African Republic	Liberia	Solomon Islands
Chad	Libyan Arab Jamahiriya	Somalia
Comoros	The former Yugoslav Republic of Macedonia	Sudan
Côte d'Ivoire	Madagascar	Swaziland
Djibouti	Malawi	Turkmenistan
Ecuador	Moldova	Uzbekistan
Equatorial Guinea	Mongolia	Yemen
Fiji	Oman	Yugoslavia*
Gabon		

* No report was requested of Yugoslavia, in line with ILO practice under United Nations resolutions.
 ** Report received after the Expert-Advisers' meeting in 2000, not included in statistics.

38. A few governments provided reports on one or more but not all topics for which reports were due (e.g. Bahrain, El Salvador, Malaysia, Morocco, Myanmar, Singapore, South Africa, Thailand, United Arab Emirates). Others provided additional information in respect to comments made by employers' or workers' organizations but without providing a report (e.g. Iraq). The Expert-Advisers recommend that the Office concentrate its outreach efforts in relation to reporting on the countries that still owe initial reports under the Declaration Follow-up, and that the Governing Body appeal to all governments owing reports to send them in time to be considered in the next round of reporting. In view of the poor respect of the report deadline date,⁶ the Expert-Advisers recommend that the Governing Body appeal

⁶ Only six government reports under the Declaration Follow-up had been received by the deadline of 1 November 1999.

to governments to make greater efforts to provide timely reports. They also encourage the ILO to step up and expand efforts to assist governments in the preparation of the reports with a view to identifying technical cooperation needs. Countries which have not provided reports should be first in line to receive assistance in relation to preparing their initial reports in the next round of reporting. In many cases, only a report relating to one category of principles and rights need be prepared.

- 39. Reporting rate in comparative perspective.** The Declaration and its Follow-up are unique instruments. Nevertheless, as a reporting procedure that may take some time for all ILO constituents to appreciate fully, it may be of interest to look at the reporting rate under another ILO instrument that was adopted for a different purpose: the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy. In the first year in which reports were due under that instrument, there was a 45 per cent response rate, which increased in subsequent years. As for reports for General Surveys on the situation regarding non-ratified Conventions, provided for examination by the Committee of Experts on the Application of Conventions and Recommendations under article 19 of the ILO Constitution, the most recent reporting rate was 52.7 per cent.⁷ It may also be of interest to look at the rate of reporting under the Declaration Follow-up alongside the distinct obligation to report in relation to ratified ILO Conventions, simply because it is often the same official in the national ministry who deals with reporting to the ILO. The most recent reporting rate under ratified Conventions was 61.4 per cent, only slightly under the previous rates of 62.1 per cent in 1998 and 63.3 per cent in 1997.⁸
- 40. Reports by countries recently ratifying.** Between 1 April 1999, when the Director-General requested annual reports under the Declaration Follow-up, and the final preparation of the compilation, an additional 38 ratifications of the seven fundamental Conventions were registered for 21 countries. Consequently, they were no longer required to provide annual reports under the Declaration in relation to the subject matter covered by those Conventions. These countries have thus been counted only in the statistics on ratifications, not in relation to reporting.

Countries which have recently ratified one or more of the seven fundamental Conventions covered by this round of reporting under the Declaration

Barbados	Ethiopia	Malawi
Belize	Georgia	Morocco
Cambodia	Iceland	Seychelles
China	Indonesia	Switzerland
Congo	Ireland	Togo
Dominican Republic	Kazakhstan	United Kingdom
Egypt	Kuwait	Zimbabwe

- 41. Lack of familiarity with the new procedure.** The ILO Governing Body approved the report forms for each of the categories of principles and rights at its March 1999 session.⁹ They appear as Annex 5. Reporting under the Declaration is new, and it is understandable

⁷ CEACR report, op. cit., note 5, para. 122.

⁸ *ibid.*, para. 147, and CEACR report to ILC 1999, 86th Session, para. 147.

⁹ ILO Governing Body, GB.274/2(Add.1) (Mar. 1999).

that there was some uncertainty about it among governments.¹⁰ The Expert-Advisers would therefore recommend that the Governing Body request the Office to take steps to advise the social partners in respect of the formulation of comments for future reviews.

- 42. Growing acceptance of the Declaration and its Follow-up.** The vote for the adoption of the Declaration and its Follow-up was overwhelmingly in favour (85 per cent), with no negative votes, but it was not unanimously supported at that time. However, the context in which the Declaration has been placed in *Decent work* (op. cit.) and subsequent experience would seem to have produced a better understanding of the universality of the Declaration and broader support for its Follow-up. It is noteworthy that of the 19 governments that had abstained in the voting on the Declaration, two have now ratified the seven fundamental Conventions (Egypt and Indonesia), and 14 others (Bahrain, Kuwait, Lebanon, Malaysia, Mauritania, Mexico, Myanmar, Peru, Qatar, Saudi Arabia, Singapore, Syrian Arab Republic, United Arab Emirates and Viet Nam) supplied one or more reports under the Declaration Follow-up. The willingness of these countries to participate in a process about which they had harboured doubts is a most encouraging sign. The Expert-Advisers would particularly welcome first reports next year from the three other countries in this group: Oman, Pakistan¹¹ and Sudan, along with the other countries that did not provide initial reports.
- 43. Content of reports.** Perhaps reflecting the different level of resources available to respondents, and whether or not they were able to benefit from ILO assistance in their preparation, the content of the reports varies. Most responses unfortunately did not provide a baseline against which the countries can measure their own future efforts.¹² They should be asked to provide sufficiently precise and comprehensive information, bearing in mind the purpose of reporting under the Declaration. Some reports, on the other hand, are indeed rich in data and detail, containing innovative responses to problems and explaining clearly what efforts are being made to promote respect for the principles and rights in question. Other reports recognize that a problem exists and many identify the efforts being made to promote the principles. These are invitations to the international community to respond positively.
- 44. A display of openness.** A number of reports are striking for their open recognition of difficulties still to be overcome or situations they deemed relevant to achieving full respect for the principles and rights in the Declaration (for instance, India and the United States in

¹⁰ Many of the specialists from the ILO Multidisciplinary Advisory Teams (MDTs) around the world reported that some governments were unaware that reports were due, and were not able to locate the report forms. A few governments provided reports under the Declaration even though they had already ratified the relevant Conventions (these were not included in the totals of reports received and have been forwarded to the International Labour Standards Department of the ILO). A few governments provided information under article 19 of the Constitution, without a reference to the Declaration report forms. In addition, as explored in the Preface to the Office compilation, the information provided by some workers' organizations has not always been formulated in a manner that falls within the scope of the Declaration.

¹¹ Pakistan's initial report was received after the meeting of the ILO Declaration Expert-Advisers.

¹² Two Governments (United Kingdom and Trinidad and Tobago) replied simply that they were intending to ratify the relevant Convention; while welcome news, this does not substitute for providing information on the way in which the principle (abolition of child labour) is observed pending registration of the instruments of ratification. A few countries asserted that a principle was respected in their country without giving further information (e.g. Myanmar, which stated that discrimination is never practised).

relation to freedom of association, China, Nepal, Sri Lanka and Viet Nam in relation to the elimination of all forms of forced or compulsory labour, Guinea-Bissau and Mexico in relation to the abolition of child labour, and Kenya in relation to discrimination in employment on the basis of sex). Frank and full statements in reports are indeed what the Declaration Follow-up seeks in order to permit encouragement of good faith efforts to move towards the goals of the Declaration.

45. **Statistics in reports.** A number of governments appended statistics to their reports. For the governments concerned, these data can provide useful benchmarks against which they can chart future progress. For other countries, they can serve to demonstrate the utility of data that can be collected with sufficient resources. However, the dearth of statistical data within countries is striking. A great many reports acknowledged a major need for accurate, timely and relevant statistics.
46. **Other useful information.** A number of countries identified additional information that could provide a better assessment of the factual situation, such as studies on poverty, employment policy, the macroeconomic framework and population. Some countries referred to studies they had carried out that were directly relevant to implementation of the principles and rights (e.g. Australia, Canada, Mexico, New Zealand, Singapore, United States). Only in relation to child labour do reports refer to information and data about the situation in a country that are available from other international organizations, or indeed from the ILO (with specific reference to the International Programme for the Elimination of Child Labour – Statistical Information Monitoring Programme on Child Labour (IPEC-SIMPOC)).
47. The report forms could have generated more useful information had governments followed the questions more closely. However, comments from certain governments about the wording of the questions, as well as the replies submitted, suggest that a revision of the report forms in the future would be desirable, to make them more effective in producing the kind of information sought. Questions should avoid overlaps and be clear about the information being requested. They should focus on experiences of countries with respect to the observance of the principles and rights in their particular social, economic and political contexts. Report forms could be redesigned to stimulate participation by employers' and workers' organizations in the process.
48. **Possible improvements in the report forms – adding a gender dimension.** One clear shortcoming of the report forms is that they do not request information that would shed light on how the principles and rights are promoted in relation to the different life experiences of women and men in society (a gender aspect). Nor does the request for statistics and data in the questionnaire call for them to be broken down on the basis of sex. The report form on child labour does not take into account the different ways this phenomenon takes shape for boys and girls. Similarly, the report forms on the elimination of all forms of forced or compulsory labour, and on freedom of association and effective recognition of the right to collective bargaining, encompass no gender dimensions.
49. The report form on the elimination of discrimination in respect of employment and occupation was addressed to countries that had not ratified Conventions Nos. 100, 111, or both. One government that had ratified Convention No. 111 but not No. 100 indicated that it found the report form perplexing, since it did not ask any questions specifically about equality of remuneration between men and women. This and other aspects of discrimination could be taken into account more explicitly when the report forms are revised by the Governing Body.
50. Between June and November 1999, the MDTs in the regions undertook a series of missions, particularly through their specialists for international labour standards, labour

relations and relations with workers and employers, to explain reporting under the Declaration. ILO Area Offices also encouraged reporting by governments in the countries they cover. The InFocus Programme on Promoting the Declaration, operational as of 1 October 1999, sponsored many of these missions, which began the task of familiarizing governments and employers' and workers' organizations with this new instrument. Special efforts were made in relation to States having ratified four or fewer of the fundamental ILO Conventions.

51. Workshops and seminars. The first regional workshop on the Declaration, held in Dakar (4-6 October 1999), developed a methodology for working on reports in a tripartite setting. The goal was to use reporting to stimulate discussion at the national level to identify possible gaps in respect for the fundamental principles and rights and to develop plans for filling those gaps. The workshop involved the countries in Africa that at that time had ratified four or fewer ILO fundamental Conventions,¹³ plus the host country, Senegal (which has ratified six). This workshop along with the efforts of the MDT specialists contributed to a high rate of Declaration reports by the countries that had participated in it (of the 19 countries attending the seminar and owing Declaration reports, 16 supplied them, and one employers' organization from another country in the group made observations). In their reports, several African Governments have referred to this workshop and its practical orientation (e.g. Gambia, Eritrea, Uganda, Zimbabwe). The Office also provided technical expertise for several other meetings on the Declaration. The new approaches developed at these workshops could be refined and adapted for engaging the social partners elsewhere to use the Declaration Follow-up.¹⁴

52. Estimated number of future reports. In the course of 2000, member States that failed to provide a report under the Declaration Follow-up will be called upon to provide their baseline reports, unless of course they ratify all the fundamental Conventions by the next deadline for report submission. Member States that provided sufficient information as requested in the report forms in the current exercise under the Declaration Follow-up will need only to indicate changes. Beginning in 2001, the number of reports due will reflect the number of countries not yet having ratified Convention No. 182 on the worst forms of child labour.

53. Future years' reporting cycles: An earlier deadline? The volume of material which the annual reports generate has placed a strain on governments, the Office and the Expert-Advisers, and will soon do so for the Governing Body. With the current deadlines, combined with late reporting and the time needed for translation and production of documents, it is very difficult for information provided in the annual review to be taken into account in a meaningful way. The Expert-Advisers would suggest that the Governing Body consider moving the deadline for replies to the report forms to 1 September of each year.

¹³ After the invitation was issued, Congo, Malawi and Zimbabwe had ratified respectively seven, six and five of the fundamental Conventions.

¹⁴ The first Asian regional meeting on the Declaration, held in Phnom Penh (6-8 December 1999) and jointly funded by the Governments of Japan and the United States, linked the Declaration to development and a meeting on the Declaration was also held with the Commonwealth of Independent States in St. Petersburg on the same dates. The InFocus Programme on Promoting the Declaration sponsored a workshop involving national policy-makers and tripartite constituents to explore the use of the Declaration Follow-up as a tool for development (in Kampala, 28-29 October 1999), and provided support to the national seminar on promoting the Declaration organized by the ILO Brasilia Office (Brasilia, 28-29 September 1999).

54. Publications, outreach and Internet presence. The ILO's efforts to produce and disseminate information relating to fundamental principles and rights at work were welcomed by the Expert-Advisers. In addition to the workshops and seminars mentioned above, the Office had developed material in various languages, available as publications and on the Declaration website. The Expert-Advisers urge more such efforts to enhance understanding about the Declaration and how respect for the principles and rights contained in it can be promoted under the distinct socio-economic conditions prevailing in various countries.

E. The role of employers' and workers' organizations

55. Their contribution. As the product of a tripartite ILO discussion and decision-making process, the Declaration and its Follow-up naturally involve a role for employers' and workers' organizations. It is encouraging that some governments developed or discussed their draft reports within the framework of national tripartite committees (e.g. Gambia, United States) or in consultation with the social partners (e.g. Malaysia, Mexico, Zimbabwe). However, the vast majority of those groups were not directly involved or remained silent. Virtually all governments reported having provided copies to the national organizations.¹⁵ The Expert-Advisers urge these organizations to participate in defining how their countries can promote respect for the fundamental principles and rights at work by using the opportunities the Declaration Follow-up offers. These groups are often the source of innovative ideas that could serve as an inspiration to others for future action. The social partners can provide invaluable insights into the actual situation in a country. It is difficult to interpret the absence of comments from such organizations: is it due to fear of persecution, lack of awareness about the Declaration Follow-up, inadequate capacity, indifference? In any event, it is clear that many national employers' and workers' organizations are not yet seizing the opportunity to use the Declaration as a tool for equitable social and economic development. As representatives of important interests in society and as ILO partners, they should be encouraged to do so.

56. International organizations of employers and workers. Under the Declaration, observations by international as well as national employers' and workers' organizations are countenanced. The international organizations have a valuable contribution to make, particularly in situations where national organizations are not able to express their opinions freely. For the first annual review, no comments were submitted by international employers' organizations, although they certainly would have been welcome. Among the international organizations of workers, the International Confederation of Free Trade Unions (ICFTU) sent observations in relation to 25 countries, and it is noteworthy that their statements often expressed opinions that differed from the information provided in the governments' reports. The governments were then given the opportunity, taken up by some, to provide a fuller picture of the situation if they wished. *However, it must be stressed that this is not a complaints procedure.*

57. Encouraging comments within the promotional Follow-up. Some portions of the comments made by international and national organizations raised issues that were in the

¹⁵ When forwarding the report forms, the Director-General reminded governments that a copy of their reports was to be sent to representative organizations of employers and workers in their countries, as foreseen by article 23 of the ILO Constitution. Governments were requested to report on any observations received.

nature of complaints or sought to re-examine matters dealt with by the established supervisory machinery; as such, they fell outside the purview of the promotional Declaration Follow-up. Other comments raised matters that did not explicitly refer to fundamental principles and rights at work. Both were excluded from the Office compilation of reports. The experience with these comments suggests a need for reflection about how targeted, useful comments can be elicited from workers' and employers' organizations within the promotional context of the Follow-up.

F. General issues raised in reports

58. Increasing awareness about the fundamental principles and rights at work and their importance for social and economic development has been a key direct effect of the Declaration and its Follow-up at the global level. This is seen among both States that have ratified the fundamental Conventions and those that have not.

(i) Ratification trends

59. **Increased ratifications.** Ratifications of the fundamental ILO Conventions, since the campaign for this began in May 1995, have steadily increased (see Annex 4). This trend has continued since the adoption of the Declaration and many reports submitted under the Declaration Follow-up affirmed countries' commitments to ratify the fundamental Conventions. (Countries that ratified fundamental Conventions between the call for reports under the Declaration in April 1999 and 24 January 2000 have not been included in the reporting figures.) It also appears that this ratification campaign has had a "pull" effect, with a general increase in ratifications of recent ILO Conventions that address subjects other than fundamental principles and rights having occurred. The fear expressed by some that promotion of core Conventions would be to the detriment of others does not seem to have been borne out.

60. **Intentions to ratify.** While no attempt is made here to provide an exhaustive list, many reports contain statements about intentions to ratify and information about the steps already taken in this direction, such as referral to Parliament or parliamentary action (e.g. Angola, Convention No. 138; Colombia, Convention No. 138; Guinea-Bissau, Convention No. 87; India, Convention No. 105; South Africa, Conventions Nos. 100 and 138; and Sri Lanka, Convention No. 138). Some countries indicated that they were at other stages of preparation for ratification of the Conventions (Democratic Republic of the Congo, Convention No. 87; and Mozambique, Conventions Nos. 29 and 138). Tripartite consultations with a view towards preparing for ratification were also mentioned (e.g. Brazil, Convention No. 138; Mali, Convention No. 138; Namibia, all remaining fundamental Conventions; Nepal, Conventions Nos. 29, 87 and 105; and the Philippines, Convention No. 29). Canada reported that it was close to completing consultations relating to ratification of Convention No. 29. Senegal and Trinidad and Tobago referred to their ratifications of Convention No. 138, which had not yet been registered because a declaration of the minimum age for admission to employment or work had not yet been forwarded.¹⁶ The Government of Eritrea stated that it had sent the instruments of ratification for all seven fundamental Conventions to the Office. Other statements to the

¹⁶ See ILO: *Handbook of procedures relating to international labour Conventions and Recommendations*, Rev.2/1998 for an explanation of how instruments of ratification should be submitted and what they should contain. This material is also available on the ILO website.

Office in connection with the ratification campaign have been recorded in documents submitted regularly to the Governing Body. Some countries cited the Declaration as a key impetus to ratification of a fundamental ILO Convention (Luxembourg, in relation to its intention to ratify Convention No. 111).

61. Perceived obstacles to ratification. Some, but not many, countries stated what they saw as obstacles to ratification. For example, the Government of Kuwait made comments on the minimum wage which it deemed a problem for ratification of Convention No. 100 (according to the Office, however, this would not be an obstacle to ratification). In Mauritius, an employers' organization took the view that ratification of Convention No. 111 would be difficult given the social and cultural context of the society in that country. The Government of Sri Lanka identified legislative changes that would be necessary in relation to ratifying Convention No. 29. Necessary constitutional and legislative changes were identified by the Government of Brazil in relation to paving the way to ratification of Convention No. 87.

(ii) Policies

62. Mutually reinforcing economic and social policies. The Preamble to the Declaration evokes the importance of economic and social policies that are mutually reinforcing components to create broad-based sustainable development. Some reports, particularly those in relation to child labour and non-discrimination, explained how promoting respect for these principles forms part of their national strategies on employment and poverty reduction. The Declaration reports also presented an occasion to articulate areas for action by countries in relation to economic and social policy, social dialogue, enlisting partners, strengthening labour inspection and reaching out to persons with special needs.

(iii) Partners

63. Enlisting partners. A number of government reports recognized the advantages in garnering support among parliamentarians, members of the judiciary, other ministries and policy-makers in promoting understanding of and support for fundamental principles and rights at work (e.g. Mexico, Uganda). A number of countries cited the role played by non-governmental organizations in efforts to eliminate child labour and discrimination, and especially gender-related discrimination (e.g. Mauritius, Zimbabwe). These examples of reaching out to partners can provide inspiration about ways to promote the fundamental principles and rights at work among a variety of audiences, to which the ILO could also refer.

64. Role of NGOs and religious groups. The important role of non-governmental organizations (NGOs) was evoked in many government reports, especially in relation to the abolition of child labour (e.g. Bangladesh, Nigeria) and the elimination of discrimination (e.g. Kenya, Mauritius). The work of women's associations has been cited in particular by many countries (e.g. China, Zimbabwe). A few countries also referred to the involvement of religious groups in promoting fundamental principles and rights at work (e.g. Guinea-Bissau, in relation to child labour).

(iv) A regional and international dimension

65. Work with other international organizations. Since the Declaration itself calls upon the ILO to encourage efforts by other international organizations with which it has ties under

article 12 of the ILO Constitution, the Expert-Advisers recommend that these links be strengthened. The Expert-Advisers welcomed the fact that the Memorandum of Understanding concluded between the ILO and the Inter-Parliamentary Union referred specifically to the ILO Declaration and its Follow-up, and that the UNCTAD Annual Trade and Investment Report (1999) had referred to the Declaration as it relates to private voluntary initiatives such as codes of conduct. The Expert-Advisers also welcomed the inclusion of the four categories of fundamental principles and rights in the Declaration as part of the Global Compact set up by the United Nations to reinforce partnership with the business community. Reports supplied by governments under the Follow-up have provided many examples of the ILO working with other international organizations at the country level, particularly but not only with UNICEF in relation to child labour.

66. International financial institutions. In addition, the reports produced information to justify the ILO's continued efforts to enhance understanding among the international and regional financial institutions about fundamental principles and rights at work and how their respect can and should be achieved in the context of sound economic growth. In the past these institutions had not always appreciated how freedom of association and free collective bargaining at the level of the parties' choosing could contribute to the pursuit of sustainable economic growth.

67. Regional contexts. Occasionally, reports and comments have mentioned regional economic integration arrangements in relation to fundamental principles and rights at work. Mozambique, for instance, referred in its report to discussions under way within the Southern African Development Community (SADC) to adopt a social charter on fundamental rights, and a workers' organization in Mauritius noted statements made by their Government at a meeting of SADC Labour Ministers. The Government of Morocco referred to instruments of the Arab Labour Organization. In its report on the effective abolition of child labour, the Government of Uganda mentioned its adherence to the African Charter on the Rights and Welfare of the Child. In identifying issues to address in proposals for new legislation on child labour, the Government of the Czech Republic referred to the European Social Charter and a European Union Directive as well as to Convention No. 138. These and other regional forums provide an additional opportunity for the promotion of fundamental principles and rights at work as universally defined within the ILO.

(v) Countries' identification of areas for action

68. Calls for legislative reform. The need for adopting new laws or reforming existing constitutional provisions, labour law and/or related legal instruments was identified as a key condition for achieving respect for the principles and rights in the Declaration in many countries. For instance, Brazil and Lebanon cited such a need in relation to freedom of association, Sri Lanka in relation to forced labour, Guinea-Bissau in relation to child labour, and Kenya in relation to sex discrimination. Mauritius referred to a labour law reform project involving ILO assistance which would pave the way for possible ratification of Convention No. 87. Morocco also mentioned its intention to amend its law in relation to freedom of association and collective bargaining, and noted that tripartite technical committees were already working on proposals. These are merely examples, not an exhaustive list.

69. Legislative texts. The reports are rich in references to legislative texts. Some governments restricted their replies to constitutional provisions and labour legislation, while others reflected an understanding that other branches of law can have an important role to play in whether or not fundamental principles and rights at work are recognized. Namibia, for

instance, referred to legal provisions criminalizing forced labour, provisions of the Criminal Procedure Act and the Children's Act in relation to the abolition of child labour, and the Married Persons Equality Act, which has relevance for the elimination of discrimination in employment and occupation. Mauritius listed a number of civil and criminal laws that had been amended in the interest of gender equality.

- 70. Exclusions from legislative protection; the informal sector.** With the burgeoning of the informal sector in many countries and new types of labour arrangements in some, questions arise about whether effective protection is in fact being guaranteed by law in relation to the fundamental principles and rights at work, which are to be universally promoted and respected. Certain categories of employees such as domestic workers in private households, agricultural workers, and others, are often excluded from the provisions of major labour legislation; there is little information in the reports on whether and how respect for fundamental principles and rights at work is being ensured for such workers. While some countries' labour and related legislation applies to all workers, others extend protection only to those who have concluded contracts of employment (e.g. Latvia, Peru).
- 71. Persons with special needs.** The Preamble to the Declaration states that "the ILO should give special attention to the problems of persons with special social needs, particularly the unemployed and migrant workers ...". The plight of the unemployed was evoked by a few governments. An increase in redundancies as a factor possibly dampening trade union membership, for instance, was mentioned by the Government of Kenya. The unemployed in some countries are apparently not allowed to join trade unions, a situation which some trade unions (e.g. in the Republic of Korea) would like to see changed.
- 72. Migrant workers.** In its report on the elimination of discrimination in employment and occupation, the United States referred to the extension of legal protection to migrant workers who are not documented. A workers' organization in Mauritius reported some safeguards in relation to elimination of discrimination for migrant workers. Some governments indicated that by law, trade union leaders needed to be nationals of the country (e.g. Morocco). The situation of migrant workers was addressed in information from certain governments and workers' organizations (e.g. regarding the United Arab Emirates).
- 73. The social cost of armed conflict.** Several countries explained how armed conflict had seriously damaged their already fragile formal economies and educational systems (Guinea-Bissau, citing a related increase in street children, drug trafficking and prostitution). However, most countries in or emerging from armed conflict did not provide reports. While this is understandable, it is unfortunate since greater respect for fundamental principles and rights at work can often contribute to preventing and resolving social conflicts.

G. Technical cooperation needs

- 74.** The reports echoed several major themes that could provide some guidance in relation to technical cooperation when the Governing Body takes decisions on this following the discussion of the global report at the International Labour Conference. They may be summarized as follows:
- analyse obstacles to ratification of the fundamental Conventions and ways of overcoming them;

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- strengthen social dialogue, including the necessary training for the social partners to become more effective in carrying out their representation functions and building up effective mechanisms for the prevention and resolution of disputes;
 - develop promotional materials and programmes to enhance understanding of the principles and rights in the Declaration;
 - build up statistical capacity and indicators in relation to all the categories of principles and rights;
 - reinforce the labour inspectorate in relation to enforcement of legal provisions;
 - reform labour law to take account of modern labour market circumstances and to create a framework for the respect of fundamental principles and rights at work;
 - identify effective promotional measures to combat discrimination in employment and occupation, and replicating them in various cultural contexts;
 - accompany the struggle against child labour by an increase in the capacity and quality of the educational system, especially for girl children.

75. A few examples illustrate this. The Government of the Republic of Korea indicated that it might request technical assistance and cooperation to promote tripartite dialogue, which was often encountering difficulties due to limited experience. Similar indications came from, for example, Mauritania, which referred to the project for the promotion of social dialogue in French-speaking Africa (PRODIAF). A frequently evoked need was for training in collective labour relations (e.g. India) and dispute resolution mechanisms (e.g. Kenya), as well as internal administration of trade unions (e.g. India). Technical cooperation in relation to developing labour administration and labour inspection was mentioned by many countries as well.

76. **The need to focus on implementation.** Whether they have ratified the fundamental Conventions or not, countries often face the same challenge: implementing the principles if they have not yet ratified, and giving effect to the provisions of the Conventions if they have. The Expert-Advisers recommend that priority for technical cooperation should be given to countries that face difficulties but have demonstrated their commitment to the fundamental principles and rights at work either by ratification of the Conventions concerned or by an expression of political will to promote them where ratification is not yet possible. This will fulfil the aim of the Follow-up “to encourage the efforts made by the Members of the Organization to promote the fundamental principles and rights enshrined in the Constitution of the ILO and the Declaration of Philadelphia and reaffirmed in this Declaration” (Annex to the Declaration, Paragraph 1).

H. Highlights regarding the four categories of principles and rights

77. **Government assessments in general.** Almost all governments have replied that the fundamental principles are recognized in their countries. From the information provided in the reports, however, it is possible to detect gaps or obstacles that remain in relation to achieving full respect for the principle. Annual reporting on changes in relation to these situations will provide an impetus to progress, and the Expert-Advisers look forward to seeing such positive changes in the immediate future.

(i) **Freedom of association and the effective recognition of the right to collective bargaining**

- 78. Status of ratifications.** *Overview:* Out of 174 member States, 127 have ratified Convention No. 87, and 145 have ratified No. 98. Of the 52 reports due in relation to the principles of freedom of association and effective recognition of the right to collective bargaining, 35 (67.3 per cent) were received in time to be included in the compilation by the Office. Separate comments from workers' and/or employers' organizations were sent in relation to 25 countries for this category of principles and rights. Additional information from governments in relation to these comments was received from ten countries. All countries which have ratified Convention No. 87 but not No. 98 provided reports or comments under the Declaration Follow-up in relation to these principles.
- 79.** The following countries have ratified only one of the two Conventions (No. 87 and No. 98) or they have ratified neither of them, and therefore owed reports under the Declaration: Afghanistan, **Angola**, Armenia, **Bahamas**, **Bahrain**, **Brazil**, **Canada**, **China**, **Democratic Republic of the Congo**, Equatorial Guinea, **El Salvador**, **Eritrea**, Fiji, **Gambia**, **Guinea-Bissau**, **India**, **Islamic Republic of Iran**, **Iraq**, **Jordan**, Kazakhstan, **Kenya**, **Republic of Korea**, **Kuwait**, Lao People's Democratic Republic, **Lebanon**, Libyan Arab Jamahiriya, **Malaysia**, **Mauritania**, **Mauritius**, **Mexico**, **Morocco**, Myanmar, **Nepal**, **New Zealand**, Oman, Papua New Guinea, **Qatar**, Saint Kitts and Nevis, Saint Vincent and the Grenadines, **Saudi Arabia**, **Singapore**, Solomon Islands, Somalia, Sudan, **United Republic of Tanzania**, **Thailand**, **Uganda**, **United Arab Emirates**, **United States**, Uzbekistan, **Viet Nam**, **Zimbabwe**. (Countries in bold type have sent reports or additional information.)
- 80.** The report form for this category of rights and principles asked specifically:
- whether any category of workers or employers was denied the right to organize or was excluded from effective recognition of the right to collective bargaining at any level;
 - whether prior authorization was required to establish an employers' or workers' organization;
 - whether and, if so, under what circumstances the government could intervene in their functioning; and
 - whether legislation provided for the authorization of collective agreements.
- 81.** As in the report forms for the other categories, a request was made for:
- indicators, data and statistics;
 - information on the measures taken and the means deployed to promote the principle;
 - the objectives of the government; and
 - the conditions necessary to meet these objectives, including technical cooperation that might be needed in this respect.
- 82.** The Expert-Advisers note that if freedom of association is not respected and promoted, there can be no collective bargaining or meaningful social dialogue. Freedom of association gives a voice to workers and employers, a voice that needs to be heard much louder and more clearly in a globalized world. There is a fundamental difference between the situation of countries where this fundamental right is denied and those where it is not.

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83. It is crucial to distinguish between the legal framework of a country (ratification of Conventions, legislation, regulations and institutions) and the effective implementation or operation of this framework. This becomes evident in many examples when one examines the reports from governments (which often focus on the legal framework) and the reports from workers and/or employers, which more often emphasize their views of that in practice.
84. Several categories of workers, such as agricultural workers, domestic workers and migrant workers, were too often denied coverage by freedom of association and collective bargaining legislation. This gap presents major challenges for this category of principles and rights.
85. Single trade union structures are still a common feature in many countries. In certain instances, there are technical legal barriers to multiple trade union structures, while in others broader political issues need to be addressed.
86. While disappointed at the total number of worker observations and employer comments, the Expert-Advisers noted that in many cases observations by employers' and workers' organizations differed significantly from the government's. The Expert-Advisers found this diversity of views very helpful and would strongly urge a greater response rate from the social partners in the future.
87. The fact that so few governments mentioned employers' organizations raises several questions: Is the importance of employers' organizations in enhancing and promoting collective bargaining sufficiently understood? Do employers have the freedom to associate, and if so, are they doing so? If not, are they politically weak or economically weak? Without organizations of employers, collective bargaining or social dialogue above the enterprise level is often impossible. For example, in the case of small enterprises, employer organizations are necessary, and even indispensable, to reach collective agreements. In order to realize the effective recognition of collective bargaining, governments are encouraged to promote employers' associations, bipartite accords and social partnerships.
88. Many governments referred to a range of labour market trends, many influenced by globalization, to illustrate changes with regard to implementation of the fundamental principles and rights at work. Governments should take account of the growing importance of the informal sector by providing more information with regard to how the fundamental principles and rights at work are promoted, realized and respected in that sector.

(ii) The elimination of all forms of forced or compulsory labour

89. **Status of ratifications.** *Overview:* Out of 174 member States, 151 have ratified Convention No. 29, and 145 have ratified No. 105. Of the 41 reports due in relation to the principles of elimination of all forms of forced or compulsory labour, 21 were received in time to be included in the compilation by the Office. Separate comments were sent in relation to one country for this category of principles and rights.
90. The following countries have ratified only one of the two Conventions (No. 29 and No. 105) or they have ratified neither of them, and therefore owed reports under the Declaration: Afghanistan, Armenia, **Azerbaijan, Bolivia**, Bosnia and Herzegovina, **Canada, China, Democratic Republic of Congo, Equatorial Guinea, Eritrea, Ethiopia, Gambia, India, Iraq, Japan, Kazakhstan, Republic of Korea, Lao People's Democratic Republic, Latvia, Lesotho, Macedonia (Former Yugoslav Republic of), Madagascar, Malaysia, Moldova, Mozambique, Myanmar, Namibia,**

Nepal, Oman, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Sao Tomé and Príncipe, Singapore, Solomon Islands, Sri Lanka, Ukraine, United States, Viet Nam, Yugoslavia. (Countries in bold type have sent reports or additional information.)

91. The reporting rate – at 51.2 per cent – was similar to that for the other principles, but with few exceptions, the content of the reports was very weak. Some countries seemed to be confused about the definition of forced or compulsory labour, suggesting that further awareness raising was needed to clarify the notion.
92. The material from the countries reporting showed that they spanned a spectrum, from those which saw only some modification of the legislation as being necessary to permit ratification of the fundamental Conventions on forced or compulsory labour, to those which had embedded forced or compulsory labour as part of their political system. In some cases forced or compulsory labour was clearly linked to acute poverty and cultural traditions, calling for a range of economic and social policies to eliminate the practice. It was encouraging that some countries had recognized the problem, and they should receive a positive response in the form of technical cooperation to help them tackle it.
93. To gain a better picture of the existence of forced labour and its extent, the report forms should be more specific and identify the types of indicators that could be useful. Replies should encompass a wider range of sources of information.
94. The report form posed specific questions about:
 - the extent to which forced or compulsory labour is defined;
 - whether any persons or categories of persons were excluded from the promotion of the principle and right;
 - whether any categories of jobs or work or sectors were excluded or omitted from legislation on this subject; and
 - the means used (such as the labour inspectorate, the police and the courts) to take action against forced labour.
95. The form also included a request for information about data and statistics, and structural, economic, demographic, etc., factors. As done for the other categories, the form requested information on the measures taken, the means deployed, the objectives of the country and the conditions necessary to meet these objectives.

(iii) The effective abolition of child labour

96. **Status of ratifications.** *Overview:* Of the 174 member States, 84 have ratified Convention No. 138. Of the 90 reports due in relation to the principle of abolition of child labour, 47 were received in time to be included in the compilation by the Office. Separate comments from workers' and/or employers' organizations were sent in relation to two countries for this category of principles and rights.
97. The following countries have not ratified Convention No. 138, and therefore owed reports under the Declaration: Afghanistan, **Angola**, Armenia, **Australia**, **Austria**, **Bahamas**, **Bahrain**, **Bangladesh**, Belize, Benin, **Brazil**, Burundi, Cameroon, **Canada**, **Cape Verde**, Central African Republic, Chad, **Colombia**, Comoros, Côte d'Ivoire, **Democratic Republic of the Congo**, **Czech Republic**, Djibouti, Ecuador, **Eritrea**, **Estonia**, Fiji, Gabon, **Gambia**, Ghana, Grenada, Guinea, **Guinea-Bissau**, Haiti, **India**, **Islamic Republic of Iran**, Jamaica, **Japan**, Kazakhstan, Lao People's Democratic Republic,

Latvia, Lebanon, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mexico, Moldova, Mongolia, Mozambique, Myanmar, Namibia, New Zealand, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Turkmenistan, Uganda, United Kingdom, United States, Uzbekistan, Viet Nam, Yemen, Zimbabwe. (Countries in bold type have sent reports or additional information.)

98. Countries that have not yet ratified the Minimum Age Convention, 1973 (No. 138), were asked to supply reports under the first reporting exercise under the Declaration Follow-up. The report form asked specific questions about:

- the definition of child labour (minimum age for admission to employment or work and the relationship of this to the end of compulsory schooling);
- types of work such as dangerous work;
- measures involving rehabilitation of children employed in violation of law, protective and social security measures, compulsory education, and so forth.

The Expert-Advisers have attempted to draw out the most prevalent types of replies. Recognizing that child labour poses particular socio-economic challenges, we have tried to highlight in Annex 6 (Information from reports) any novel approaches described in the reports. The information which follows should not be seen as exhaustive by any means.

99. Child labour has been and continues to be the subject of much concern and debate within the ILO and in other international and national arenas. The Expert-Advisers did not consider it to be their role to reopen this debate, but rather to focus on certain key issues arising through examination of the reports submitted under the Declaration Follow-up.
100. The fact that 90 reports were due under this category of principle (over twice as many as for discrimination and for forced labour) is itself illuminating, indicating that ratification of Convention No. 138 – amongst the core Conventions – presents difficulties for by far the greatest number of member States. The unanimous adoption of Convention No. 182 has helped now to focus global attention on the immediate elimination of the worst forms of child labour.
101. The Expert-Advisers noted a disappointing rate of response from governments (52 per cent), which made it difficult to draw general conclusions and recommendations. These reports were, however, in general more informative than for the other categories.
102. The lack of statistical data and other indicators is a major constraint in gauging the extent of the problem and in formulating appropriate responses. The Expert-Advisers urge governments to step up their efforts to gather data on child labour, with the assistance of the ILO, so as to establish a baseline against which they can measure progress.
103. Despite the lack of data, it seems clear that the scale of child labour remains alarming. The problem is complex and it will take time to find solutions which do not worsen poverty in the short term and are sustainable in the long term. This complexity cannot be held up as an excuse for not enforcing prohibition; rather, it explains why it might take longer to eliminate child labour in some countries than in others.
104. The causes of child labour extend way beyond legal and regulatory frameworks and enforcement, to complex social, cultural and economic factors. A strict application of the

legal prohibition alone will not solve the problem. A whole range of complementary measures is needed to tackle the different causes of the problem, especially poverty. The Expert-Advisers were encouraged to see the extent and creativity of action by governments in partnership with employers' and workers' organizations, NGOs and others, and by the high degree of cooperation apparent.

105. Many governments noted the link between child labour and the educational system. This connection is critical and all States are encouraged to make compulsory, relevant education a public policy priority. Yet it is unfortunately true that the cost of providing universal education is a serious problem for poorer countries.
106. Other measures are needed too, both in countries where child labour exists and in those where the products of that labour are sold. Promotional efforts must be central, especially with employers for whom the economic arguments are clear. If companies wish to keep and expand their market share, they must be sensitive to consumer perceptions of their products and how they are made. Child labour may be cheap in the short term, but productivity is generally low and society loses out in the long run. Trade unions have a major role to play in raising awareness and taking action.
107. International organizations and programmes, especially IPEC, are also making a significant contribution. The Expert-Advisers would highlight, however, the need for international organizations to coordinate their efforts much more closely to avoid duplication and confusion.

(iv) **The elimination of discrimination in respect of employment and occupation**

108. **Status of ratifications.** *Overview:* Of the 174 member States, 143 countries have ratified Convention No. 100, and 141 have ratified No. 111. Of the 43 reports due in relation to the principles of elimination of discrimination in respect of employment and occupation, 24 were received in time to be included in the compilation by the Office. Separate comments were sent in relation to two countries for this category of principles and rights.
109. The following countries have only ratified one of the two Conventions (No. 100 and No. 111) or they have ratified neither of them, and therefore owed reports under the Declaration: Antigua and Barbuda, **Bahamas, Bahrain, China, Democratic Republic of the Congo, Djibouti, Equatorial Guinea, El Salvador, Eritrea, Estonia, Fiji, Gambia, Grenada, Japan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Liberia, Luxembourg, Malaysia, Mauritania, Mauritius, Moldova, Myanmar, Namibia, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Singapore, Solomon Islands, Somalia, South Africa, Suriname, United Republic of Tanzania, Thailand, Uganda, United Arab Emirates, United States.** (Countries in bold type have sent reports or additional information.)
110. The report form for this category of principles and rights asked specifically about:
- the definition of discrimination;
 - the criteria whereby discrimination is prohibited;
 - whether any persons, categories of persons, categories of jobs or work or sectors are excluded from implementation of the principle;
 - the means of implementing the principle, such as specific bodies or machinery;

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- and if so, for which categories of people (women, minorities, migrant workers, etc.).

It of course also contained the more general questions as for the other principles and rights.

- 111.** The information provided in government reports most often concerned the criteria (grounds) on which discrimination is prohibited in their country (race, sex, religion, political opinion, social extraction, and several other categories), the substantive area covered (vocational training, recruitment, hiring, wages (including equal pay provisions), conditions of employment, retirement, employment-related benefits and so forth), the means of enforcement of legislation, and other measures taken, particularly promotional ones such as training. A few member States asserted that there was no discrimination in relation to employment and occupation in their country (Myanmar) or that discriminatory employment practices were neither prevalent nor serious enough to require the enactment of laws to address them (Singapore). The Government of Bahrain indicated that since the Constitution and laws contained the principles guaranteeing the establishment of the rights in question, there was no need to take measures to eliminate discrimination.
- 112.** Reports were requested of countries that have not ratified the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), or both. Countries having ratified one or the other sometimes referred to the ratified Convention and measures taken to give it effect. The reports received under the Declaration have provided information in relation to a wide array of grounds on which governments state that discrimination in employment is prohibited. Where the grounds on which discrimination in employment or occupation is prohibited do not yet extend to the criteria of race, colour, sex (including equal remuneration for men and women), religion, political opinion, national extraction or social origin, the Expert-Advisers consider that additional efforts are needed to promote, realize and respect the fundamental principle of the elimination of discrimination in employment or occupation.
- 113.** Without better data on the causes, extent and nature of discrimination, the Expert-Advisers can draw few substantive conclusions. In the first instance, it is recommended that the report form be examined in detail, to see how questions can be reformulated so as to encourage more meaningful responses. For example, data on unemployment and activity rates disaggregated by social group in a given country might be useful. Such statistical data might be supplemented by broader qualitative information on the types of action taken to eliminate discrimination, to provide a comprehensive baseline against which to measure future progress.
- 114.** The information provided by governments was inadequate to give the Expert-Advisers a picture of the real situation regarding discrimination. Reports were generally confined to a description of the legal provisions, including the criteria on which discrimination is prohibited, but with few insights into how the law is put into practice. The existence of a law prohibiting discrimination, without supporting measures to ensure its application, is no guarantee that it will not occur, either directly or indirectly.
- 115.** The Expert-Advisers welcomed the evidence presented of some action, particularly by NGOs, to eliminate discrimination. But this is largely directed to sex-based discrimination, and so they would therefore encourage the scope of such action to be expanded to take in other forms. Where particular groups of people have suffered discrimination, merely forbidding it is not enough. Positive action is required for them to regain lost ground.
- 116.** Discrimination is a complex phenomenon which manifests itself very differently across countries and societies. The bases for discrimination mentioned in the reports include, among others, ethnic origin, race, language, sex and family responsibilities. The information received suggests that migrant workers are subject to discrimination in certain

countries. The manifestations of discrimination include access to training and occupations and levels of pay. It often has deep socio-cultural foundations and, depending on the type of discrimination, different types of action will be required to eliminate it. These must be very carefully thought through if they are to have any chance of success.

117. The Expert-Advisers would emphasize that efforts should be directed towards encouraging, through promotion, a culture of non-discrimination in which it is simply unacceptable for discrimination in any form to continue. A first and essential step is the acknowledgement of the existence of a problem. Broad-based awareness-raising and education are needed. Employers' and workers' organizations as well as governments have a role to play in contributing to the creation of a general climate of equality.

I. Concluding remarks

118. **Use of the material in the compilation.** The compilation contains a wealth of material that can be drawn upon by the ILO as well as others as a source of information about government views and concerns, ratification prospects, statistics, legislative provisions and their extent of coverage, tripartite consultation, technical cooperation needs, and creative initiatives by ILO constituents and others to promote respect for fundamental principles and rights at work. With the full text material available in the printed compilation and searchable on-line by country and category of principle through the ILO website, the information in the reports can be used as a basis for the International Labour Office, the Governing Body and donors to identify expressed needs in relation to technical cooperation. The ILO Declaration Expert-Advisers urge the use of this new information source to provide inspiration for work at the national and the international levels. They hope that this Introduction to the compilation has made a useful contribution to this end. *The point of reporting under the Declaration is not a bureaucratic exercise; it is a way for the country itself to take a look at where it stands in relation to promotion, realization and respect for the fundamental principles and rights at work, with a view to making progress. The international community must support these efforts.*

119. **Appreciation.** The ILO Declaration Expert-Advisers express their appreciation for the valuable assistance provided under difficult circumstances by the Office in the preparation of this Introduction and the compilation which follows in Part II. More importantly, it wishes to thank the governments and organizations of employers and workers that were forthcoming with information for the successful launch of the Declaration Follow-up.