



FOURTH 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 (Geneva, March 2005)**

1. The annex to the ILO Declaration on Fundamental Principles and Rights at Work provides for reports to be requested annually of member States under article 19, paragraph 5(e), of the ILO Constitution. The Office is responsible for preparing a compilation of the reports. Paragraph II.B.3 of the annex states: “With a view to presenting an introduction to the reports so compiled, drawing attention to any aspects which might call for a more in-depth discussion, the Office may call upon a group of experts appointed for this purpose by the Governing Body.” At its 274th Session (March 1999) the Governing Body decided to set up such a group of experts, composed of seven Expert-Advisers, whom it most recently appointed at its 282nd Session (November 2001). The Governing Body assigned them to the responsibility, in line with the objectives of the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work as set out in the annex to the Declaration, to:
 - (a) examine the information compiled by the Office on the basis of the replies from Members that have not ratified the relevant Conventions to the report forms sent by the Office in accordance with article 19, paragraph 5(e), of the Constitution, as well as any comments on those replies made in accordance with article 23 of the Constitution and established practice;
 - (b) present to the Governing Body an introduction to the compilation based on those reports, drawing its attention to aspects that seem to call for more in-depth discussion;
 - (c) propose to the Governing Body, for discussion and decision, any adjustments that they think desirable to the report forms.¹
2. The annual reports and related comments of employers’ and workers’ organizations were compiled by the Office, in accordance with established practice. Following consultations during the November 2002 session of the Governing Body, the compilation is no longer

¹ Governing Body, Minutes of the 274th Session, sixth sitting.

issued in paper form, but can be consulted on the public web site of the InFocus Programme on Promoting the Declaration.² The list of governments that have sent reports, and of national and international organizations' comments thereon, can be found in Annex 4 to the Expert-Advisers' Introduction.

3. The compilation was submitted to the Expert-Advisers, who met from 12 to 17 January 2005. This attached Introduction, prepared by the Expert-Advisers, is submitted for review by the Governing Body.
4. ***The Governing Body may wish to examine the attached Introduction by the Expert-Advisers and take the appropriate decisions on the recommendations in paragraphs 30 and 31 of the Introduction.***

Geneva, 25 February 2005.

Point for decision: Paragraph 4.

² See www.ilo.org/declaration.

**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 2005**

Contents

	<i>Page</i>
A. Framework of the Introduction	1
B. Expert-Advisers' overall observations	2
1. The initial impact of the annual review	2
2. Working together	5
3. Sharpening the impact of the annual review	6
4. Appreciation	7
5. Information on reporting and ratifications	7
C. Expert-Advisers' recommendations to the Governing Body	9
D. Efforts made in respecting, promoting and realizing fundamental principles and rights at work	9
1. Freedom of association and effective recognition of the right to collective bargaining	9
(a) Reporting	9
(b) Reports mentioning efforts	10
(c) Challenges mentioned	14
(d) Reports indicating no change	25
2. Comments by the Expert-Advisers on freedom of association and the effective recognition of the right to collective bargaining	25
3. Elimination of all forms of forced or compulsory labour	26
(a) Reporting	26
(b) Reports mentioning efforts	27
(c) Challenges mentioned	31
(d) Reports indicating no change	32
4. Comments by the Expert-Advisers on the elimination of all forms of forced or compulsory labour	32
5. Effective abolition of child labour	34
(a) Reporting	34
(b) Reports mentioning efforts	34
(c) Challenges mentioned	42
(d) Reports indicating no change	45
(a) Reporting	45
(b) Reports mentioning efforts	46
(c) Challenges mentioned	49
(d) Reports indicating no change	50
8. Comments by the Expert-Advisers on the elimination of discrimination in employment and occupation	50
E. The role of employers' and workers' organizations	51

1.	General involvement.....	51
2.	Employers' organizations	51
3.	Workers' organizations.....	54
4.	Involvement in reporting.....	55
5.	Involvement in activities.....	57
F.	Governments' relations with regional or international organizations and other donors	58
G.	Technical cooperation	59
1.	General considerations.....	59
2.	International assistance	59
3.	Technical cooperation needs or requests	60
H.	Effect given to past recommendations	63
1.	Reporting and dialogue	63
2.	Outreach and research.....	64

Annexes

1.	Graphics on number of ratifications of ILO fundamental Conventions before and after the adoption of the 1998 ILO Declaration	67
2.	Flow chart of the follow-up reporting procedures.....	68
3.	ILO Declaration Expert-Advisers	69
4.	Table of contents of the compilation of annual reports by the International Labour Office (Geneva, March 2005).....	71

List of boxes

1.	Governments that fulfilled their reporting obligations under the Declaration follow-up for the 2005 annual review by category of principle and right.....	8
2.	Governments that failed in their reporting obligations under the Declaration follow-up for the 2005 annual review by category of principle and right.....	8
3.	Ratification of ILO fundamental Conventions.....	8
4.	Research on fundamental principles and rights at work.....	64

List of tables

1.	Reports due and received by category of fundamental principles and rights, 2000-04	7
2.	Measures to enforce the principle of the effective abolition of child labour.....	38
3.	Observations by national and international employers' and workers' organizations.....	52
4.	Government needs or requests for technical cooperation by category of principle and right.....	61

A. Framework of the Introduction

1. The Expert-Advisers' mandate is an essential part of the Declaration follow-up that is designed to be promotional, meaningful and effective.¹ Our essential task in this Introduction to the compilation of annual reports under the 2005 annual review, the sixth since the inception of the process in 2000, remains to assess and promote progress among reporting States in moving towards fuller respect, promotion and realization of fundamental principles and rights at work. To this end, as independent Expert-Advisers, we must move beyond information on legislation and consider realities through national policies, programmes and institutions to implement measures in the spirit of the Declaration. In this respect, we must both highlight situations where there has been progress and indicate others where there has been little or none. By also calling attention to difficulties, this promotional follow-up heightens awareness, and such awareness is the first step that paves the way to national progress.
2. We are part of a process that helps to move towards full respect, promotion and realization of fundamental principles and rights at work:
 - (i) freedom of association and the effective recognition of the right to collective bargaining;
 - (ii) the elimination of all forms of forced or compulsory labour;
 - (iii) the effective abolition of child labour; and
 - (iv) the elimination of discrimination in respect of employment and occupation.
3. Each January, we review the information contained in the reports received from governments not having ratified all of the fundamental Conventions, as well as from national and international employers' and workers' organizations. The content of these reports and comments is contained in the compilation, which provides a picture on the developments of the Declaration principles and rights for each reporting State. This compilation can be consulted on the Declaration Programme's public web site.² Our Introduction contains information from the reports and comments from the social partners where available, as well as our own observations, recommendations and comments that are based primarily on the compilation of this information.
4. As an integral part of the follow-up to the Declaration, the annual review is an accelerated reporting system that encourages and assists States that have not ratified all ILO fundamental Conventions to respect, promote and realize in good faith the principles and rights solemnly reaffirmed in the Declaration. It is designed to work in harmony with and complement the established ILO regular and special supervisory mechanisms on ratified Conventions and on freedom of association, but not to duplicate or interfere with them.

¹ The reporting processes of the Declaration follow-up are set out in Annex 2 to this Introduction.

² See www.ilo.org/declaration. The list of reporting governments and of national and international organizations' comments thereon can be found in Annex 4 to this Introduction. These texts are presented 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) or through the web site of the Declaration Programme or obtained from ILO offices.

5. We find it necessary to reiterate what we said last time regarding the situation in the world today, since that reality does not seem to have changed. One reality is that since the Declaration and its follow-up came into operation in 2000, reports indicate that progress has been made in a number of countries to realize its potential. The other reality is that there is growing poverty, inequalities in income, and new forms of discrimination in most countries. Under these global conditions, people are anxious to obtain work, and we fear that current economic situations and growing insecurity of employment will lead those who have power to deny fundamental principles and rights at work. The need to work on both rights and development together is more important than ever. In this regard, we reiterate that the Declaration applies to all categories of workers, which signifies that the labour law and social protection relating to these fundamental principles and rights should cover all workers.

B. Expert-Advisers' overall observations

1. The initial impact of the annual review

6. Five years since our first Introduction in 2000, we would like to make some tentative conclusions on what seems to have functioned well, and what more might be done. The annual review, in combination with other elements of the Declaration follow-up, has provided an indication of the situation of the relative respect, promotion and realization of fundamental principles and rights at work for ILO member States that have not ratified all ILO fundamental Conventions. What may be referred to essentially as "baseline" information on a country is the information provided by the government, supplemented by comments from employers' and workers' organizations where available, and the comments that we as independent Expert-Advisers have made on that information.
7. Over the last five years, the reporting process has helped most reporting States to develop their information base concerning their efforts to realize the Declaration principles and rights. This process of self-analysis and dialogue with the ILO has helped countries to assess progress against their starting point and to define strategies for reaching their objectives, including by means of identified technical cooperation needs. Although situations may vary from one country to another, the experience developed under the annual review has shown that strategies for the promotion of the Declaration principles should take into consideration the following elements:
 - (i) the need to assess both legal and practical situations;
 - (ii) the interrelation of the four fundamental principles and rights at work, which reinforce each other where respected;
 - (iii) the need for the government and the social partners, and in particular governments, to acknowledge the possible existence of problems related to these principles and rights;
 - (iv) the need for an integrated approach to produce positive results in the realization of the Declaration principles and rights;
 - (v) the selection and sharing of successful experiences in the promotion and implementation of these principles and rights;
 - (vi) the need for involvement of employers' and workers' organizations throughout this promotional and implementation process;

- (vii) the need to extend the Declaration principles and rights to those that may tend to be denied these rights;³ and
- (viii) where necessary, the provision of technical cooperation to help realize the fundamental principles and rights at work and, if possible, to ratify the relevant ILO Conventions.
8. Most governments have seized the window of opportunity offered by the annual review to interact closely with the ILO to realize progressively the fundamental principles and rights at work. Their active participation has culminated this year in an 85 per cent reporting rate. The number of countries that have never reported since the start of the annual review has been reduced from 43 in 2000 to only two in 2005. In this respect, we appreciate the difficulties encountered in replying to the questionnaires sent to the governments, and thank the persons responsible for this demanding work. We note with particular interest the reporting from poor countries or those facing serious difficulties, such as **Afghanistan** and **Sierra Leone**. We look forward to receiving a first reply from the **Solomon Islands** and **Somalia**, and the new member States: **Democratic Republic of Timor-Leste** and **Vanuatu**. We also hope to receive reports from those able to report only irregularly: **Cape Verde**, **Sao Tome and Principe** and **Turkmenistan**.
9. The national and international employers' and workers' organizations are also currently assuming their role and responsibilities for promoting the Declaration by making their voice heard. The number of their observations has increased by 124 per cent compared to last year, and this enriches the quality of the social and economic debate on how to promote and realize the Declaration principles and rights in a globalized world. We are encouraged by the responses of the International Confederation of Free Trade Unions (ICFTU) and the International Organisation of Employers (IOE) in this respect. We would like to see greater involvement by the national employers' and workers' organizations in the annual review process, since they are close to the national reality, and can also influence governments for improved implementation of principles and rights. We hope that this momentum of international commitment and positive dialogue for the promotion of the Declaration will be sustained for the coming years, including by means of technical assistance on reporting under the annual review where required.
10. A direct effect of this promotional and regular dialogue under the annual review has been to give momentum to the campaign for the ratification of the fundamental Conventions launched by the ILO in 1995. Six years before the adoption of the 1998 ILO Declaration, there were a total of 128 ratifications of ILO fundamental Conventions. This number almost tripled six years after, with a total of 362 ratifications between 1 July 1998 and 30 June 2004.⁴ As of 31 December 2004, 104 out of 177 member States ratified all eight ILO fundamental Conventions. This has meant a decrease in the number of reporting States from 115 in the first cycle (2000) to 74 for the current one (2005).⁵ This rapid ratification pace certainly depends to an extent on the ratification of Convention No. 182,

³ These include agricultural workers, workers in export processing zones, migrant workers, domestic workers, workers in the informal economy, some workers in the public service, and those in precarious forms of work or employment, as identified in the annual process and the Global Reports since 2000.

⁴ See graphics in Annex 1 of this Introduction.

⁵ In spite of a slight increase in the number of ILO member States since the start of the annual review process in 2000.

the most rapidly ratified instrument in ILO history.⁶ However, ratifications of other ILO fundamental Conventions have continued to be registered among reporting States.⁷

11. We are pleased to note that several governments showed their political will and commitment to the Declaration universal principles by confirming their intention to ratify in consultation with the social partners. However, we are concerned that the pace of ratification of fundamental Conventions has decreased in 2004, with only ten ratifications. No new ratifications were registered under the principle of freedom of association and the effective recognition of the right to collective bargaining (Conventions Nos. 87 and 98), while single ratifications were registered for Conventions Nos. 29, 105 and 111 under the principle of the elimination of all forms of forced labour or compulsory labour and the principle of the elimination of discrimination in respect of employment and occupation, respectively.⁸ We hope that legislative reforms will lead to more ratifications and that the concern for democracy, respect for human rights and social justice will also be a driving force in this respect.
12. We have noticed progress made under the annual review in the promotion of the principle of freedom of association and the effective recognition of the right to collective bargaining in **Bahrain, Oman, Qatar, Saudi Arabia** and the **United Arab Emirates**. **China** is working with the ILO on the issue of the elimination of all forms of forced or compulsory labour. We commend these countries for their continuing dialogue with the Office and hope that the positive measures they have taken will be expanded upon.
13. Some efforts are also being made by the following countries in terms of research, advocacy activities, social dialogue, national policy formulation, labour law reform, preventive, enforcement and sanctions mechanisms and/or ratification: **Australia, Bangladesh, Brazil, Canada, Estonia, India, Islamic Republic of Iran, Israel, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Madagascar, Mauritius, Mexico, Mongolia, Morocco, Nepal, New Zealand, Pakistan, Philippines, Thailand, Uganda** and the **United States**. These actions need to be sustained, and supported by technical cooperation, where required.
14. The annual review and the reports submitted help the ILO and donor agencies to focus on what technical cooperation should be developed and funded. Technical cooperation is an important means of improving the implementation of principles and rights at work. It helps to enable countries to move towards ratification and implementation of the principles and rights at work. It is also a means of obtaining useful information on the progress made in achieving the principles.
15. Over the last five years, ILO technical cooperation has been developed to assist countries in implementing the Declaration principles and rights. With respect to freedom of association and collective bargaining, this was the first principle and right to attract technical cooperation funds under the Declaration. Technical cooperation under the principle of the effective abolition of child labour, through the ILO's International Programme on the Elimination of Child Labour (IPEC) – the single biggest technical cooperation programme of the ILO – was already under way. This funding determined a shift within the Office, with the majority of the technical cooperation coming under the

⁶ One hundred and fifty ratifications since the adoption of the Worst Forms of Child Labour Convention, 1999 (No. 182).

⁷ cf. graphs on ratification of ILO fundamental Conventions before and after the adoption of the 1998 ILO Declaration, Annex 1.

⁸ cf. box 3 below, page ??.

“Standards and fundamental principles and rights at work” strategic objective. This shift was aided by the rapidly growing interest of donors in combating forced labour, through the Special Action Programme to combat Forced Labour (SAP-FL) since 2002. The Action Plan for eliminating discrimination was adopted as recently as November 2003 and is still at a formative stage.

16. There have been a number of innovative approaches brought to the work of the ILO through technical cooperation under the fundamental principles and rights at work. IPEC has initiated programmes that, through a range of policy planning and action plans, data collection, institutional capacity building and various direct interventions with children and families, aim at achieving impact within agreed time frames and budgets (Time-Bound Programmes).
17. In adopting a multidimensional approach to child labour, the IPEC has brought new partners and new approaches to the ILO. Initial experience in addressing forced labour – almost universally a highly sensitive issue – has shown the importance of initially building up a sound understanding of its nature and working closely with government and social partners so as to ensure national ownership and leadership in addressing the problems. Early operational work in eliminating discrimination has emphasized building up the social partners’ capacity to address this problem, and the nexus between discrimination and forced labour, requiring work on more than one principle at a time. The work relating to freedom of association and the right to collective bargaining has provided renewed vigour to ILO operational work in the areas of labour law reform, capacity building of labour inspection, employer’ and workers’ organizations, dispute prevention and settlement, and the strengthening of tripartism and social dialogue within a reinvigorated rights perspective.
18. Technical cooperation activities under the fundamental principles and rights at work have enjoyed multimedia support, thereby enhancing and broadening their impact. International and regional organizations and the donor community (**Australia, Belgium, Canada, European Union, France, Germany, Ireland, Italy, Netherlands, United Kingdom** and the **United States**) have participated in the development of technical cooperation activities to promote the Declaration.
19. Some important details and distinctions underlie this overall situation. First, it seems necessary, for concentration and focus on a principle, to attract funding and undertake technical cooperation. This has worked with the first three principles, at least initially; the fourth principle, on eliminating discrimination, despite initial interesting and innovative yet modest programmes, has yet to attract the necessary funding for addressing this complex phenomenon. Secondly, donors are not always interested in all the priorities established by countries. Furthermore, it seems that work under the principles and rights may no longer be as attractive as initially, for instance as regards operations relating to freedom of association and the right to collective bargaining. This situation prompts us to request the international community to continue and expand its support to the Declaration through technical cooperation. At the same time, countries drawing up national action plans for giving effect to the Declaration should identify and indicate what they are ready and able to do themselves, irrespective of externally funded programmes.

2. Working together

20. The annual review has shown clearly the need for the Office and its units to work better together to respond in a timely and effective manner to the issues raised in the reports submitted. We believe that the integrated approach for the promotion of fundamental principles and rights at work should be combined and strengthened by a broader type of

technical cooperation, including the fight against poverty and a sustainable development approach in the framework of the ILO Decent Work Agenda and poverty reduction strategy programmes. Currently there seems to be no Office mechanism for dealing with requests from member States under the annual review, which are interested in addressing the broader socio-economic and labour policy framework that affects their ability to realize the fundamental principles and rights at work. It is necessary that other parts of the Office work together with the Standards and Fundamental Principles and Rights at Work Sector to ensure synergies in this area, and that the ILO works with other partners in the multilateral system.

21. The annual review, the Global Reports and technical cooperation under the Declaration follow-up play a complementary role vis-à-vis the existing supervisory machinery relating to international labour standards, whose primary role is of assessing compliance with ratified Conventions. The Committee on Freedom of Association has its role to play regarding violations of freedom of association in all countries, while the Declaration follow-up pursues promotional efforts in this area. In the same vein, the units addressing capacity building in organizing and bargaining collectively and social dialogue play their own part.
22. In this regard, we note there are certain countries where the regular supervisory system is closely following the national situation, for example in **Myanmar** relating to a variety of violations under different principles. In other countries, such as the **Islamic Republic of Iran** and the **Republic of Korea**, the Office is following up on freedom of association and collective bargaining issues. In this respect, we note with interest the information provided from such countries in the Declaration follow-up. However, we are not in a position to assess the situation, and leave this to the regular supervisory procedures, including direct contacts missions of the Office.

3. Sharpening the impact of the annual review

23. We need information that is different from that provided under the supervisory system, so that we can monitor and assess progress by all member States in realizing the fundamental principles and rights at work. This information has to go beyond law, and also address other socio-economic parameters. This will help us appreciate the evolution and progress – or lack of progress – from a particular starting point, over the longer term in a dynamic perspective. The aim should be to provide the basis for more focused action by countries, in cooperation with the ILO, based on the point from where countries start, strengths and weaknesses identified, and potential for improvement.
24. We consider that, on the basis of the annual review to date, most member States are moving towards relatively reliable information on where they now stand regarding the respect, promotion and realization of the fundamental principles and rights at work. Special efforts need to be made in those remaining States where no starting point or baseline of this sort has been established. In those countries where the general baseline exists, it is now important to be more problem focused and geared towards determining priorities for the realization of the Declaration principles and rights. The reporting process under the annual review should be streamlined and rationalized in this regard.
25. In the future, we suggest that in the case of member States that have provided a first full report, the Office provides them with the information that constitutes their effective baseline, and requests them to give more problem-focused information on approaches they are taking to progress beyond that starting point. Such information should be shared with the employers' and workers' organizations. Member States should thus be encouraged to

provide information on recent progress that they may have achieved on their own or in cooperation with the international community, and their priorities for future work.

26. This process should be complemented by a parallel one of country case studies on a voluntary basis, that will provide more in-depth information on different approaches and their impact in achieving respect, promotion and realization of fundamental principles and rights at work. Various sources of information available in the Office should be used in this respect, including mobilization of the field offices. We encourage the Office to approach governments and their social partners to this end.
27. The social partners, who have responded well this time around in terms of providing comments under the principle of freedom of association and the effective recognition of the right to collective bargaining, should continue to ensure that progress is achieved and focus adequately on the other three principles and rights as well.
28. Such an approach will allow us to improve our work for a promotional, meaningful and effective follow-up to the Declaration.

4. Appreciation

29. Finally, we wish to congratulate the Office in general and the InFocus Programme on Promoting the Declaration in particular, for both the high quality of its work in implementing the 1998 ILO Declaration, the careful preparation of the compilation and the service rendered during our meeting (12-17 January 2005).

5. Information on reporting and ratifications

Table 1. Reports due and received by category of fundamental principles and rights, 2000-04

Category	Number due and per cent received												Difference in per cent received				
	2000		2001		2002		2003		2004		2005		2000	2001	2002	2003	2004
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	2001	2002	2003	2004	2005
Freedom of association/ collective bargaining	52	67	47	70	42	83	38	71	37	73	39	87	+3	+13	-12	+2	+14
Forced labour	41	51	36	53	28	61	27	52	23	65	23	83	+2	+8	-9	+13	+18
Child labour	92	51	72	68	102	56	72	56	56	54	50	86	+17	-12	0	-2	+32
Discrimination	43	56	38	74	31	68	26	58	22	68	23	83	+18	-6	-10	+10	+15
Total	228	56	193	67	203	63	163	59	138	63	135	85	+11	-4	-4	+4	+22

Box 1

Governments that fulfilled their reporting obligations under the Declaration follow-up for the 2005 annual review by category of principle and right

Freedom of association and the effective recognition of the right to collective bargaining (*34 countries*): Afghanistan, Armenia, Bahrain, Brazil, Canada, China, El Salvador, Guinea-Bissau, India, Islamic Republic of Iran, Jordan, Kenya, Republic of Korea, Kuwait, Lao People's Democratic Republic, Lebanon, Malaysia, Mauritius, Mexico, Morocco, Myanmar, Nepal, New Zealand, Oman, Qatar, Saudi Arabia, Singapore, Sudan, Thailand, Uganda, United Arab Emirates, United States, Uzbekistan and Viet Nam.

Elimination of all forms of forced or compulsory labour (*20 countries*): Afghanistan, Armenia, Bolivia, Canada, China, Japan, Republic of Korea, Lao People's Democratic Republic, Latvia, Madagascar, Malaysia, Mongolia, Myanmar, Nepal, Oman, Philippines, Qatar, Singapore, United States and Viet Nam.

Effective abolition of child labour (*43 countries*): Afghanistan, Armenia, Australia, Bahrain, Bangladesh, Cambodia, Canada, Chad, Colombia, Cuba, Czech Republic, Djibouti, Eritrea, Estonia, Gabon, Ghana, Guinea-Bissau, Haiti, India, Islamic Republic of Iran, Israel, Kiribati, Lao People's Democratic Republic, Latvia, Liberia, Mexico, Myanmar, New Zealand, Oman, Pakistan, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Sierra Leone, Singapore, Suriname, Tajikistan, Trinidad and Tobago, United States, Uzbekistan and Venezuela.

Elimination of discrimination in respect of employment and occupation (*19 countries*): Bahrain, China, Djibouti, Estonia, Japan, Kiribati, Kuwait, Lao People's Democratic Republic, Liberia, Malaysia, Myanmar, Namibia, Oman, Qatar, Singapore, Suriname, Thailand, Uganda and the United States.

Box 2

Governments that failed in their reporting obligations under the Declaration follow-up for the 2005 annual review by category of principle and right

Governments that did not report during the current round (eight countries), including THOSE THAT NEVER REPORTED (two countries)

Freedom of association and the collective recognition of the right to collective bargaining (*five countries*): Iraq, SOLOMON ISLANDS, SOMALIA, Democratic Republic of Timor-Leste* and Vanuatu.*

Elimination of all forms of forced or compulsory labour (*four countries*): Sao Tome and Principe, SOLOMON ISLANDS, Democratic Republic of Timor-Leste* and Vanuatu.*

Effective abolition of child labour (*seven countries*): Cape Verde, Sao Tome and Principe, SOLOMON ISLANDS, SOMALIA, Democratic Republic of Timor-Leste,* Turkmenistan and Vanuatu.*

Elimination of discrimination in respect of employment and occupation (*four countries*): SOLOMON ISLANDS, SOMALIA, Democratic Republic of Timor-Leste* and Vanuatu.*

* The Democratic Republic of Timor-Leste and Vanuatu are new ILO member States.

Box 3

Ratification of ILO fundamental Conventions in 2004

Convention No. 29: Armenia (bringing the total ratifications to 164 by 31 December 2004).

Convention No. 105: Armenia (bringing the total ratifications to 162 by 31 December 2004).

Convention No. 111: Comoros (bringing the total ratifications to 160 by 31 December 2004).

Convention No. 138: Comoros, Paraguay, Thailand and Trinidad and Tobago (bringing the total ratifications to 135 by 31 December 2004).

Convention No. 182: Azerbaijan, Comoros and Kyrgyzstan (bringing the total ratifications to 150 by 31 December 2004).

C. Expert-Advisers' recommendations to the Governing Body

30. Our recommendations from last year all still stand valid from our perspective. This year, we concentrate on one that flows naturally from our observations.
31. The ILO should step up its help to countries to assess and monitor their progress in moving towards fuller realization of fundamental principles and rights at work. This will involve reflecting the baseline information on countries and developing the information further where required. To complement this, we recommend more in-depth case studies of selected volunteering countries to show different approaches and their impact in achieving respect, promotion and realization of fundamental principles and rights at work. This work should be carried out in close collaboration between the Office and the country in question, with the government and employers' and workers' organizations running and owning the process.

D. Efforts made in respecting, promoting and realizing fundamental principles and rights at work⁹

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

(a) Reporting

32. Thirty-four out of 39 States have submitted a report under the principle of freedom of association and the effective recognition of the right to collective bargaining (87 per cent reporting rate), which is an increase of 14 per cent compared to the 2004 annual review figures on this principle and right. This represents a record high in terms of governments' response for this principle and right. A first report was received from the Government of **Afghanistan**. A late report for the 2004 annual review was received from **Kenya**, which also sent an updated report for the 2005 annual review.
33. The Government of **Iraq** and the new ILO member States of the **Democratic Republic of Timor-Leste** and **Vanuatu** failed in their reporting obligations for the 2005 annual review.
34. Since the start of the annual review exercise in 1999, the **Solomon Islands** and **Somalia** have never submitted reports under this principle and right.
35. At national level, 13 observations were received from four employers' organizations and nine workers' organizations from the following countries: **India** (All India Trade Union Congress (AITUC) and Hind Mazdoor Sabha (HMS)); **Kenya** (the Federation of Kenya Employers (FKE) and the Central Organization of Trade Unions Kenya (COTU-K)); **Mexico** (the Mexican Confederation of Chambers of Industry (CONCAMIN) and the

⁹ The information in sections 1, 3, 5 and 7 of section D is a summary of statements contained in government reports and comments submitted to the Office by national and international employers' and workers' organizations for the 2005 annual review. In sections 2, 4, 6 and 8, 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.

Confederation of Mexican Workers (CTM)); **New Zealand** (Business New Zealand (BNZ) and the New Zealand Council of Trade Unions (NZCTU)); **Sudan** (the Sudan Workers' Trade Union Federation (SWTUF)); **Thailand** (the National Congress of Thai Labour (NCTL)); **Uganda** (the Federation of Uganda Employers (FUE) and the National Organization of Trade Unions (NOTU)); **United States** (the American Federation of Labor and Congress of Industrial Relations (AFL-CIO)).

36. At international level, one general observation was also received from the International Organisation of Employers (IOE), whilst the International Confederation of Free Trade Unions (ICFTU) sent comments concerning 26 countries: **Bahrain, Brazil, China, El Salvador, India, Islamic Republic of Iran, Iraq, Jordan, Republic of Korea, Lao People's Democratic Republic, Lebanon, Malaysia, Mauritius, Mexico, Morocco, Nepal, Oman, Qatar, Saudi Arabia, Singapore, Sudan, Thailand, Uganda, United Arab Emirates, United States** and **Viet Nam**. The ICFTU further sent late observations for the 2004 annual review regarding the **United States**.

(b) Reports mentioning efforts

37. **Ratification.** No ratifications were registered in 2004 under this principle and right.
38. **Armenia, Kenya, Nepal** and **Uganda** intend to ratify the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). Moreover, **New Zealand** is currently assessing possibilities to ratify this instrument.
39. **Recognition and exercise of this principle and right.** Almost all reporting governments mention that freedom of association and the right to collective bargaining is recognized and can be exercised at enterprise, sector or industry, national and international levels by all categories of employers and workers, except in the armed forces, paramilitary services, police and prison. Only two countries, the **Islamic Republic of Iran** and the **Republic of Korea**, do not recognize the exercise of this principle and right at international level, and another one, **Myanmar**, only recognizes it at enterprise level for collective bargaining. Government authorization is required to establish employers' and workers' organizations in **Afghanistan, China, Islamic Republic of Iran, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Malaysia, Nepal** and **Qatar**, and to conclude collective agreements in **Kuwait, Lao People's Democratic Republic, Malaysia** and **Qatar**. However, this authorization is not required to establish workers' organizations in **Viet Nam** and to conclude collective agreements in **Afghanistan, Brazil, China, Guinea-Bissau, India, Jordan, Kenya, Lebanon, Malaysia, Morocco, Myanmar, Qatar, Uzbekistan** and **Viet Nam**.
40. According to the International Confederation of Free Trade Unions (ICFTU), government authorization is required to establish a workers' organization in **El Salvador**.
41. Major efforts reported below under this principle and right in this annual review refer in particular to legislative changes; preventive, enforcement and sanction mechanisms; special attention to particular situations; promotional activities; data collection and dissemination; tripartite discussions; and new initiatives.
42. **Introducing legislative changes.** A number of countries report that they have enacted new laws or regulations or are undertaking similar action to support the principle and right. For example, the Government of **China** reports that the Rules on Collective Contracts were adopted in 2004. The Government of **Kenya** points out the review and harmonization of labour laws with the provisions of ratified Conventions and fundamental labour standards, in cooperation with the ILO; the proposed Bills have been forwarded to the Attorney-General for submission to Parliament. The Government of the **Republic of Korea**

indicates that the National Assembly adopted in December 2004 the Bill on the establishment and operation, etc. of public officials' trade unions, which guarantees basic labour rights to public officials. The Government of **Kuwait** mentions the application of its 1964 Labour Code (No. 38/1964) in the public sector. The Government of **Oman** indicates that following the adoption of the 2003 Omani Labour Law (No. 35/2003), two new Ministerial Declarations in 2004 (No. 135/2004 and No. 136/2004) asserted, among others, the right to form labour committees in private sector companies. The Government of **Qatar** emphasizes that the new draft Labour Code No. 14/2004 contains provisions relating to this principle and right, and that Law No. 12 of 2004 enables medical professionals and teachers to form private associations and institutions, respectively. The Government of **Saudi Arabia** recalls that Decrees by the Council of Ministers (No. 12 of 16 April 2001) and by the Minister of Labour and Social Affairs (No. 1691 of 10 April 2002) provide for the creation of workers' committees in enterprises. The Government of the **United States** reports several changes made to federal laws in 2003, which affect the collective bargaining rights of some groups of federal employees. It, however, mentions that the Homeland Security Act (2002) ensures the protection of workers' rights, and that the new legislation enacted in 2003 regarding a new personnel system for civilian employees of the Department of Defense must provide for freedom of association and collective bargaining. The Government of **Viet Nam** refers to the recent amendment of the Labour Code regarding the right to collective bargaining.

43. The Government of **Bahrain** is working with the ILO for the elaboration of a new Labour Act concerning the private sector. In **Lebanon**, draft amendments to the Labour Code and to staff regulations, which take into account many of the standards and principles set out in Convention No. 87, have been endorsed by the Civil Service Council, but not yet submitted to legal procedures for enactment. The Government of the **United Arab Emirates** states that the Labour Code is being reviewed in the light of the provisions of ratified ILO Conventions and fundamental principles and rights at work, and that its Cabinet has recently adopted a decision with a view to elaborating a federal law on the establishment of workers' organizations. Legal reform is envisaged in **Afghanistan, Islamic Republic of Iran, Jordan, Kuwait, Morocco** and **Qatar**. Finally, ILO technical cooperation has been requested (for example, **Lao People's Democratic Republic**) or is being implemented in several countries (for example, **Kenya** and **Uganda**) to ensure legal compliance with this principle and right in consultation with the social partners.
44. **Preventive, enforcement and sanction mechanisms.** In **Brazil**, the Government highlights that a Bill on the prevention of anti-union practices has been debated in the National Labour Forum. According to several government reports (**Afghanistan, China, Guinea-Bissau, India, Jordan, Republic of Korea, Lao People's Democratic Republic, Lebanon, Morocco, Oman** and **Qatar**), labour inspection and monitoring mechanisms are referred to in view of ensuring compliance with freedom of association and the right to collective bargaining. In instances where this principle and right has not been respected, the procedure referred to usually involves conciliation and mediation. In case of failure, judicial action, redress and civil, administrative and/or penal sanctions are provided for in **Afghanistan, China, Guinea-Bissau, India, Republic of Korea, Lao People's Democratic Republic, Morocco, Nepal, Qatar** and **Uzbekistan**. For example, in **Afghanistan, Guinea-Bissau** and **Uzbekistan**, the case is referred to administrative and/or labour courts, which may take appropriate sanctions ranging from fines to imprisonment. In **India**, in cases where employers do not recognize the collective bargaining negotiators, the Government initiates action by issuing sanctions under the Code of Discipline. In the **Islamic Republic of Iran**, penalties, such as fines or imprisonment, are provided for under article 178 of the Labour Code. In **Jordan**, the Labour Law applies in general, and in **Kuwait**, Labour Law No. 38/1964 is implemented in the public sector. In **Kenya**, the relevant ministries and government departments may issue administrative directives, under the Code of Regulations, to ensure respect for this principle and right; however, in

instances where the ministry has no authority in enforcing laws or regulations, the parties may seek redress through civil action before the High Court. Further administrative, civil, or penal sanctions are being envisaged under the ongoing reform of the public sector. In **Lebanon**, grievances can be submitted to the Ministry of Labour, and to courts, if no solution is found. In **Mexico**, the Ministry of Labour and Social Security resolves collective labour disputes through conciliation procedures and agreements. In **Morocco**, the Government intervenes through labour inspection and/or social dialogue. In **Myanmar**, the Workers' Welfare Associations and the Township Workers' Supervisory Committees make use of conciliation and negotiation procedures to protect workers' individual or collective rights. In **Oman**, the Government requests the social partners to discuss the issues related to the dispute.

- 45. Special attention to particular situations.** Many governments state that specific steps have been taken in view of ensuring that particular groups or categories of workers and/or specific industries/sectors enjoy the rights entrusted in the principle and right. In this respect, special attention is given to the situations of women (**Afghanistan, Guinea-Bissau, Kuwait, Lao People's Democratic Republic, Lebanon, Morocco, Nepal and Oman**), and of other categories of persons, such as workers with disabilities, child workers, migrant/refugee workers and/or socially vulnerable groups (**China, Kenya, Lao People's Democratic Republic and Morocco**).
- 46.** Concerning specific categories of workers and specific industries or sectors, the Labour Code (article 50) of **Lebanon** grants immunities to members of the executive councils of trade unions against any arbitrary dismissal. Sectoral chambers were created in **Brazil** to deal with specific matters such as those regarding public servants, the rural sector, the waterways, the maritime and port sector, the transport sector, liberal professions and pensioners. Special attention to the situation of specific industries or sectors is also reported by **Kuwait** and **Morocco** with respect to the textile and clothing sectors, urban transport and the canning industry.
- 47. Promotional activities.** Several countries indicate that they have carried out awareness-raising activities on the principle and right, or that they are envisaging taking similar action. For example, in **Canada**, a workshop covering the country's international labour obligations and the ILO supervisory system was organized for federal, provincial and territorial government representatives. Capacity-building and awareness-raising activities have also been implemented in **Kenya** and **Uganda** under the auspices of the ILO/SLAREA (Strengthening Labour Administration and Labour Relations in East Africa) Project. Such measures have also been implemented in the **Islamic Republic of Iran** through annual national labour forums, in **Lebanon** to encourage cooperation and dialogue between employers' and workers' organizations, and in **New Zealand** through various courses to help employers, unions and employees improve their skills and knowledge of employment matters, including those related to this principle and right. In 2003-04, the Ministry of Manpower of **Oman** published a series of public information pamphlets, including on labour disputes and small project management, and carried out several awareness-raising activities concerning the workers' rights to establish representative committees in enterprises and the new Omani Labour Law of 2003. In **Saudi Arabia**, several information meetings on the role of workers' committees in enterprises were held in different regions, and the convening of a seminar on social dialogue is being discussed with the ILO. In **Sudan**, the Sudan Workers' Trade Unions Federation has organized various activities, in cooperation with the ILO, the Organisation of African Trade Union Unity (OATUU) and Arab countries. Awareness-raising activities are also envisaged in **Afghanistan, Brazil, India, Kuwait, Lao People's Democratic Republic and Qatar**.
- 48.** According to the International Organisation of Employers (IOE), employers maintained in 2004 their support of the principle and right within the ILO and other United Nations

agencies. This support was evident in their efforts to work with the constituents and the ILO to ensure that the Committee on Freedom of Association remains a respected and relevant procedure. Employers have also participated in the drafting and consultations regarding the adoption and reform of laws in relation to employers' organizations, trade unions, collective bargaining, etc.

- 49. Data collection and dissemination.** Only two governments make reference to the collection and dissemination of data related to the promotion of the principle and right. The Government of **Mexico** refers to data showing a significant decrease in the number of strikes between 1982 and 2004. It also provides data concerning a study on collective labour contracts under federal jurisdiction showing the proportion of revised contracts and the proportion of workers covered by wage increases for 2003-04. According to the Government of **Myanmar**, the Township Workers' Supervisory Committees successfully settled 1,069 cases concerning workers' rights between January 2000 and January 2003. Other countries, such as **Afghanistan, India, Islamic Republic of Iran, Kuwait, Nepal** and **Viet Nam**, mention the lack of information and data.
- 50. Tripartite discussions.** Several countries report that they have held tripartite discussions on specific measures to respect, promote and realize the principle and right (**Brazil, China, Guinea-Bissau, India, Islamic Republic of Iran, Jordan, Kenya, Republic of Korea, Morocco, Nepal, Oman, Uganda, Uzbekistan** and **Viet Nam**). For example, the Government of **Brazil** reiterates that it established the National Labour Forum, a tripartite body that focuses on the elaboration of proposals for trade union and labour reform. Other countries are contemplating such tripartite activities (**Afghanistan, India, Lao People's Democratic Republic** and **Qatar**).
- 51. New initiatives.** Some governments mention new initiatives to promote and realize this principle and right. For example, the Government of **Afghanistan** points out the follow-up to structural adjustments where workers who had been laid off obtained good allowances and/or retirement benefits, following a national demonstration that put pressure on the Government during the negotiations. The Government of **Guinea-Bissau** reports the establishment of the Chamber of Agriculture, Trade and Industry, a new employers' organization. In **Jordan**, systematic government visits to all trade unions are organized for consultations and dialogue purposes. In **Kenya**, union elections were held in 2002, involving all registered trade unions and the Central Organization of Trade Unions (COTU-K). In the **Republic of Korea**, the Government recalls that following an agreement at the Tripartite Commission, there has been a gradual expansion of the labour rights of workers in the public sector. In **Lebanon**, the total number of trade unions increased between October 2003 and May 2004, and all trade unions participated effectively in the elaboration of economic and social laws and policies. In **Myanmar**, the Government emphasizes that workers in factories and establishments enjoy the right to collective bargaining, and that workers' rights in the public and private sectors are protected under the fundamental rules, orders and directives and labour laws, respectively. In **Oman**, following the adoption of two Ministerial Declarations in 2004 (Nos. 135/2004 and 136/2004) asserting the right to form labour committees in the private sector, these committees have been established subsequently in each company, and a higher level committee will be set up to represent them. In **Saudi Arabia**, several workers' committees have been created in a number of establishments, and two committee chairpersons participated for the first time in the 92nd Session of the International Labour Conference held in June 2004. In **Thailand**, the Government allocated a budget for the establishment of the Centre for the Promotion and Development of Labour Relations in 2004. The Government of **Viet Nam** notes the establishment of several trade unions.
- 52.** According to the ICFTU, in 2003, the Government of **Uganda** lifted the ban on annual, five-yearly, and extraordinary union meetings. In the **United States**, the Employee Free

Choice Act, now before Congress, may lead to a real expansion of workers' rights in the private sector, by fully establishing the principle of freedom of association and providing mechanisms for the settlement of first contract disputes and for imposing stronger penalties for violation of employee rights when workers seek to form a union and during first contract negotiation.

(c) Challenges mentioned

- 53. Legislation.** The following States acknowledge difficulties in carrying out legal reforms to promote the principle and right: **Brazil, Guinea-Bissau, Islamic Republic of Iran, Jordan and Kenya.**
- 54.** In **India**, two trade unions commented. The All India Trade Union Congress (AITUC) observes that the Government seems to avoid taking measures to strengthen and promote the principle and right. However, Hind Mazdoor Sabha (HMS) asserts that legal reform and inspection/monitoring measures have been implemented in the country.
- 55.** Concerning the **Islamic Republic of Iran**, the ICFTU observes that an "amendment to the Labour Code in 2003 allows workers to form and join so-called trade unions, without prior permission, provided that registration regulations are observed". The Ministry of Labour must register these unions within 30 days, provided that the unions' constitutions are in order. Again, the Ministry of Labour determines their rights and responsibilities.
- 56.** In response to these comments, the Government indicates that the revision and amendment of Chapter Six (on workers' and employers' organizations) of this Labour Code are being made through national tripartite consultations and under the auspices of the ILO, with a view to strengthening freedom of association and collective bargaining in the country.
- 57.** In **New Zealand**, Business New Zealand (BNZ) reiterates that Convention No. 87 should not be ratified. In contrast, the New Zealand Council of Trade Unions (NZCTU) hopes that the Employment Relations Act (ERA) 2000 and the subsequent Employment Relations Law Reform Bill will give fuller effect to this instrument in law and practice, though there are outstanding concerns about restrictions on the right to strike by ERA. According to NZCTU, this issue would need to be clarified in consultation with the ILO.
- 58.** In response to these comments, the Government again highlights that it is continuing to monitor the compatibility of national law, policy and practice with the provisions of Convention No. 87, so as to assess whether ratification of this Convention is possible in the future.
- 59.** In **Thailand**, the National Congress of Thai Labour (NCTL) points out that the Labour Relations Law B.E.2518 should be amended to cover workers in the public service and workers in the informal economy. Moreover, a new labour relations Act should be enacted to allow the exercise of the right to organize among workers who are not employees.
- 60.** In **Uganda**, the National Organization of Trade Unions (NOTU) regrets that the Government does not seem to set up a dynamic policy in order to ratify Convention No. 87. The labour law review process is in a difficult situation because of the Government's attitude and its supervision relating to the establishment of unions.
- 61. Contextual factors.** As general obstacles to the realization of this principle and right, the Governments of **Brazil, India, Islamic Republic of Iran, Jordan, Kenya, Republic of Korea, Nepal, Oman and Uganda** refer to economic, political, social and/or cultural challenges, whereas the **Lao People's Democratic Republic** notes that it encounters difficulties due to prevailing employment practices. The lack of capacity of responsible

governmental institutions, employers' and/or workers' organizations is emphasized by the Governments of **Afghanistan, Brazil, China, India, Islamic Republic of Iran, Kenya, Kuwait, Lao People's Democratic Republic, Morocco, Nepal, Oman, Uzbekistan** and **Viet Nam**. Some governments further note contextual difficulties in engaging in social dialogue: **Afghanistan, Islamic Republic of Iran, Kuwait, Lao People's Democratic Republic** and **Viet Nam**. According to the Government of **Qatar**, the new draft Labour Code has helped to overcome challenges in realizing the principle and right.

62. According to the ICFTU, the labour inspection services in **Brazil, El Salvador, Malaysia** and **Thailand** and the labour courts in **Uganda** are too weak to ensure an adequate enforcement of national labour standards. A general lack of enforcement is also observed in the **Lao People's Democratic Republic**. In **Thailand**, although the members of the bipartite Welfare Committee are protected from dismissal under the 1998 Labour Protection Act, reinstatement for unfair dismissals in such cases is subject to a very lengthy process. In the **United States**, remedies for intimidation and coercion against unionists are both limited and ineffective: for instance, it takes an average of 557 days for the National Labor Relations Board to resolve a case. Many employers who violate labour laws are rarely punished.
63. In response to these comments, the Government of **El Salvador** mentions that labour rights, especially those related to trade union activity, are duly protected by the labour inspectorate, as provided for by the Act on the organization and functions of the labour and social welfare sector. For example, an enterprise has been recently fined US\$77,400 for having violated the right to organize.
64. **Restrictions on freedom of association.** Some governments report these restrictions. For example, in **Qatar**, the right to freedom of association cannot be exercised by all categories of persons. In the **Islamic Republic of Iran**, workers in establishments of less than ten employees do not enjoy this right. Workers under 18 years old are also denied this right in **Jordan** and **Lebanon**, whereas this restriction only concerns workers under the age of 16 in **Brazil**. In the **Republic of Korea**, the Government reaffirms that the officials engaged in public services such as the police, the fire services, hospitals, etc., are restricted from joining trade unions.
65. As a general observation, the International Organisation of Employers (IOE) notes that there is much progress to be made in the promotion of this principle and right by governments as it relates to employers. Some employers' organizations still do not fully enjoy freedom of association. Many problems persist, including but not limited to inappropriate legal frameworks, compulsory collective bargaining, problems with registration and recognition, discrimination against employers' organizations, unequal treatment with trade unions, no tax deductibility of membership fees. In addition, there are still cases in which there is a legal monopoly of chambers of commerce in collective bargaining.
66. Concerning **India**, Hind Mazdoor Sabha (HMS) observes that workers in the ship-breaking industry are denied the right to freedom of association because of stiff opposition from their employers. The ICFTU further highlights that, in this industry, employment is so precarious that workers do not try to enforce their right to organize and intimidation is commonplace. In the construction industry, the possibilities for exercising freedom of association and engaging in collective bargaining are very limited, since all work is project-based. Moreover, under the amended Trade Union Act 2001, a union has to represent a minimum of 100 workers or 10 per cent of the workforce, whereas this minimum number of workers was seven previously.

67. In **Thailand**, the National Congress of Thai Labour (NCTL) emphasizes that there is still no significant improvement in the area of freedom of association. Workers who are not employees should enjoy the right to organize, and a general union should be established instead of enterprise unions.
68. In **Uganda**, the Federation of Uganda Employers (FUE) recognizes the implementation of the principle and right in its country but considers that, in order to have effective collective bargaining, only one trade union, accepted by 51 per cent of the employees, should be established per enterprise.
69. In the **United States**, the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) points out that, contrary to the Government's statement, the regulations proposed by the federal Government under the Homeland Security Act in 2002 would, if adopted, significantly reduce the rights to freedom of association and collective bargaining of federal employees and the unions that represent them. Other developments in 2004 threaten workers' fundamental rights, such as the National Labour Relations Board's decision to review the legality of the rules regarding majority verification and neutrality of procedures to form unions. Furthermore, the ICFTU notes that many categories of employees in the private sector are excluded from the right to freedom of association and the right to join trade unions, including supervisors and independent contractors.
70. According to the ICFTU, there are several legal restrictions to freedom of association in various countries. In **Brazil**, the "unicidade" system provides that there can only be one trade union per economic or occupational category in each territorial area. In **China**, workers are not free to form or join the trade unions of their choice since the law establishes the All China Federation of Trade Unions as the unified national organization. In **El Salvador**, trade unions must follow excessive formalities to be registered. In **Iraq**, many employers have refused to recognize unions on the grounds that they were not registered. In **Jordan**, unions are required to be members of the single trade union federation. In **Malaysia**, the Penal Code requires police permission for public gatherings of more than five persons. The Trade Unions Act establishes restrictions regarding union membership, size and officials, and the Director-General of Trade Unions has extensive powers over trade unions (supervision, inspection and refusal or withdrawal of registration). In **Mauritius**, the authorities can legally cancel a union's registration if it fails to conform to certain legal obligations. In **Nepal**, the Government issued in 2003 a notification prohibiting public officials and bank workers to form or join unions. Even though workers' committees can be set up in **Oman, Qatar, Saudi Arabia** and the **United Arab Emirates**, trade unions are prohibited.
71. The ICFTU further observes that in **Singapore**, the law restricts the right of trade unions to elect their officers and their employees, and uniformed personnel in the private sector are not allowed to join trade unions. In **Sudan**, the new Labour Code continues to deny trade union freedoms and reinforces government control over trade unions. In **Thailand**, the Government uses a proclamation to restrict the unions' right to have more than two advisers. In **Uganda**, legislation provides for compulsory recognition of a union by an employer, and a trade union can be established only if it represents 51 per cent of a workforce composed of a minimum of 1,000 employees. Furthermore, in many countries, the law does not adequately protect workers against anti-union discrimination (**Brazil, El Salvador, Lebanon, Mauritius** and the **United States**) or illegal sacking (**El Salvador**), and trade unions may not engage in political activity (**Bahrain, El Salvador, Lebanon**). In addition, in **Lebanon** and **Saudi Arabia**, the law allows the administrative dissolution of trade unions or workers' committees, respectively. The ICFTU also observes that in some countries (**Jordan** – only with regard to the General Federation of Jordanian Trade Unions – **Brazil, El Salvador** and **Lebanon**), the government controls or monitors trade unions' elections. A hostile anti-union climate

prevails in **El Salvador**, whereas in **Sudan**, the Government defines the scope of unions' activity, their structures and alliances, and heavy state censorship and a general feeling of intimidation amongst workers prevails. In practice, trade union monopoly exists in the **Lao People's Democratic Republic** (under the control of the political party), **Sudan** and **Viet Nam** (under the control of the political party) where individual unions are also not free to affiliate with, join or participate in international labour bodies.

72. In response to these comments, the Government of **El Salvador** points out that the principle of freedom of association is recognized in the Constitution and national legislation for different categories of workers. Following the reforms of the Labour Code in 1994, the requirements to form trade unions were reduced, such as the decrease in the minimum number of members required for the formation of a trade union. Moreover, two new categories of trade unions were introduced: a trade union for self-employed workers and a trade union to allow workers of several enterprises to organize. The formation of a trade union section in an enterprise only needs the agreement of the general executive committee of that trade union. Since 1994, 94 trade unions have been established and registered, and 301 trade union sections have been formed in enterprises. As regards acts of anti-union discrimination, these acts have been raised to the category of offences in the Penal Code (sections 246 and 247), notwithstanding the prohibition and economic sanctions that apply to them. Furthermore, although there is no provision in the law for compulsory reinstatement of unionists who have been dismissed or suspended, the guarantees for trade unions are adequate and include fines imposed on employers legally proven guilty of anti-union practices. Since 1996, the Ministry of Labour and Social Welfare has adopted various measures to protect the identity of both trade union officers and members, and a system of electronic control of lists of union officers is being implemented.
73. The Government of **Jordan** indicates that the Labour Law sets regulatory bases for the workers' right to form trade unions and professional federations, in addition to the existing General Federation of Jordanian Trade Unions. The role of the Registrar of Associations is confined to making a formal registration of trade union and this decision is subject to appeal before the competent courts. Moreover, an indicative list of professions to classify trade unions has been established in consultation with workers' representatives.
74. The Government of **Lebanon** highlights that the purpose of the Labour Law and its amendments is to guarantee freedom of association by providing protection and regulating union and federation activities, in accordance with ratified international conventions. The Ministry of Labour issued several decisions establishing numerous unions and federations, which work freely. The law does allow employers to disrupt union activity or limit its development. All trade unions are treated and protected equally. The Government does not interfere in trade union affairs, because it endeavours to encourage investment within productive enterprises, and the success of enterprises depends in particular on a good cooperation between the social partners.
75. The Government of **Mauritius** expresses its intention to replace the Industrial Relations Act by a new legislation. A White Paper has been prepared to this end, following consultations that have been held since 2003. This Paper contains proposals for reducing the discretionary powers of the Registrar of Associations with regard to registration and cancellation of trade unions, and for the reinstatement of the right to strike as a fundamental right. Although the Industrial Relations Act contains provisions to protect workers against anti-union discrimination, the White Paper makes recommendations for new provisions on this matter.
76. The Government of **Oman** mentions that, in view of achieving the fundamental principles and rights at work, the 2003 Omani Labour Law, the Civil Service Act and the laws on

employment in the armed forces deal with issues concerning employment and workers' rights, including the amicable settlement of industrial disputes and judicial procedure, in case of failure.

77. The Government of **Saudi Arabia** again states that there is no Royal Decree in force that bans the creation of trade unions. Moreover, the Order of the Council of Ministers No. 12 (2001) on the approval of rules for setting-up workers' committees in enterprises is in force and enjoys strong government support. This Order is a first step towards the establishment of a workers' organization, in conformity with ILO standards. Various workers' committees have already been set up, while others are in the process of being established. Furthermore, a dialogue is being developed between the Government and the ILO on the promotion of this principle and right, including the forthcoming organization of a seminar on social dialogue.
78. The Government of **Viet Nam** underscores that the law and practice in its country show that workers have the right and are not constrained to join or form trade unions. They also freely bargain collectively, and agreements are concluded in accordance with the provisions of the Labour Code. The Vietnam General Confederation of Labour (VGCL) is the workers' representative organization, and affiliated unions are established on a voluntary basis.
79. **Restrictions on the right to strike.** In the **Republic of Korea**, the Government reaffirms that the right to take collective action is limited in the public services that have a large influence on the national economy or daily lives of the public, and where workers are difficult to replace in case of a strike. Therefore, in case of industrial conflicts in the public interest services, the Government requests a compulsory arbitration on essential services. However, since 2003, this system has been improved, and the Labour Relations Commission encourages labour and management to negotiate, rather than having recourse to arbitration. Thus, in 2003, only one workplace was subject to arbitration, which is a neutral process and, as such, should not be considered as favourable to employers only. The Tripartite Commission is nonetheless planning to discuss the possible abolition of this system, while maintaining a minimum level of service in the event of a strike in government services.
80. According to the ICFTU, although there has been some progress in the recognition of the right to strike in **Bahrain**, there are some limitations that exceed the exceptions contained in the ILO definition of essential services. In **India**, the Supreme Court declared in 2001 that lawyers do not enjoy the right to strike. In the **Islamic Republic of Iran**, the law allows the right to strike, but workers have to remain at the workplace or operate a go-slow. In the **Republic of Korea**, the Government has systematically denied the right to strike to workers "in essential public service". In the **Lao People's Democratic Republic**, the right to strike is severely restricted by dissuasive penalties ranging from one year to five years' imprisonment. In **Malaysia**, trade unions are not allowed to go on strike for disputes relating to trade union registration or illegal sackings. General strikes and sympathy strikes are not permitted either, and the Internal Security Act was adopted to intimidate unions and prevent them from undertaking protest action. In **Morocco**, sit ins are prohibited and employers can suspend for seven days those who prevent non-strikers from going to work. In **Nepal**, the Government has had recourse to the Essential Services Maintenance Act (1957) to ban strikes in the public and private sectors. In **Uganda**, the regulations governing the right to strike specify that prior to striking, "every effort" for reconciliation must be exhausted. In the **United States**, the National Labor Relations Act 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. The law also allows employers to replace striking workers permanently, and the statute of the 1978 Federal Labor Relations Act outlaws strikes for employees of the federal Government. In

Viet Nam, there are cumbersome pre-strike procedures to follow, and strikes are prohibited in state-owned enterprises and those considered by the Government to be important to the national economy and defence, which covers 54 sectors. Furthermore, the right to strike is legally restricted in **El Salvador, Jordan, Lebanon, Mauritius, Qatar** and **Thailand**, and banned in **Saudi Arabia** and **Sudan**.

81. In response to these comments, the Government of **Bahrain** recalls that it has neither ratified 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), nor the United Nations International Covenant on Economic, Social and Cultural Rights. It notes that the number of workers per enterprise in the country is not very high, making it difficult to set up more than one trade union per enterprise. Moreover, the restrictions imposed on the right to strike are intended to safeguard the public interest, and the most important one is the requirement of approval by the general assembly of the trade union concerned to go on strike and to organize it.
82. The Government of **El Salvador** states that contrary to ICFTU's comments, article 529 of the Labour Code provides that the agreement to strike must be passed by secret ballot, and a strike cannot be organized if the majority of the workers involved in the dispute have not approved it.
83. The Government of **Jordan** emphasizes that to go on strike, the Labour Law requires an authorization/approval by a government body; and the employer should be informed at least 14 days before the date of the strike.
84. The Government of the **Republic of Korea** mentions that the compulsory arbitration system was introduced to ensure harmony between public interests and the workers' right to act collectively and a minimum level of service during negotiations. Since 2003, the Government has introduced specific conditions for referring disputes to compulsory arbitration in order to prevent the system from excessively limiting trade union rights to industrial action. New legislation to ensure more trade union rights in settlement of disputes and additional measures to protect public interest are also being promoted and discussed at the Tripartite Commission.
85. The Government of **Morocco** highlights that the national Constitution guarantees the right to strike in the public and private sectors. Despite the absence of a legal framework for the exercise of this right, it is implemented freely and with no obstacles. The Ministry of Employment and Vocational Training has elaborated a relevant Bill on this issue.
86. The Government of **Qatar** underscores that the New Labour Law establishes the right to strike, in accordance with regulations and following a conciliation and arbitration procedure.
87. The Government of **Thailand** indicates that a strike is a sensitive issue and needs thoughtful consideration on its relevance in the private sector, especially in enterprises of public interest.
88. The Government of **Viet Nam** points out that the right to strike must comply with certain rules. In this respect, a new ordinance on strikes is being discussed and should be adopted by the National Assembly Standing Committee in 2005.
89. **Serious violations of the principle and right.** In a number of cases of a complaint-like nature, cases pending before the Committee on Freedom of Association, or cases referring to the application of ratified Conventions, the ICFTU expresses great concern on serious violations of workers' rights that occur in various countries, ranging from dismissal,

intimidation and repression to arbitrary arrest, detention and even homicide. Some governments have sent replies on these matters.

90. **Restrictions on the right to collective bargaining.** Some governments report these restrictions. For example, workers under the age of 18 are denied the right to collective bargaining in **Jordan**. The same applies to certain federal security agencies in the **United States**, where two additional groups of federal employees have been concerned by these measures since 2003: the employees of the National Geospatial-Intelligence Agency and airport baggage screeners employed by the Transportation Security Administration.
91. In **India**, the All India Trade Union Congress (AITUC) and Hind Mazdoor Sabha (HMS) note that teachers are denied the right to collective bargaining.
92. In **Mexico**, the Mexican Confederation of Chambers of Industry (CONCAMIN) notes that the minimum age to exercise the right to collective bargaining is 14, while the Confederation of Mexican Workers (CTM) considers that it is 18.
93. The ICFTU points out that restrictions to collective bargaining rights exist in several countries. In **Bahrain** and **Oman**, the law does not specifically provide for collective bargaining, while this right is prohibited in **Qatar**, **Saudi Arabia** and the **United Arab Emirates**. In the **Islamic Republic of Iran**, all collective agreements have to be submitted to the Ministry of Labour for review and approval. In the **Lao People's Democratic Republic**, despite the fact that trade unions are allowed to negotiate with employers over wage levels, there are no provisions under the Labour Law to compel employers to bargain, and there is no bargaining for private sector employees. In **Sudan**, the right to collective bargaining is almost non-existent. In **Thailand**, only employees that represent at least 15 per cent of the workforce, or trade unions the membership of which represents at least 20 per cent of the workforce, may negotiate on working conditions. The parties must enter into negotiations within three days following the demand for collective bargaining. However, this demand must be voted during the trade union annual meeting and sent to the Ministry of Labour.
94. In response to these comments, the Government of **Bahrain** emphasizes that, notwithstanding the absence in the current Labour Law of provisions concerning collective bargaining, there are no practical obstacles that prevent the organization of negotiations between workers and employers. Furthermore, the amendment of the Labour Law in the private sector is currently under way, in collaboration with the social partners.
95. The Government of **Oman** indicates that wages and working conditions are subject to market mechanisms, but any employment contract should comply with the provisions of the new Omani Labour Law. The establishment of representative committees, as provided for in the law, will enable workers to bargain collectively with employers and the Government and achieve positive outcomes for the protection of their rights.
96. The Government of **Qatar** highlights that the new Labour Law provides that joint committees of employers and workers may be formed in view of negotiating and concluding collective agreements.
97. The Government of **Thailand** mentions that the revised draft of the Labour Relations Act of 1975 provides that it is prohibited to an employer to dismiss an employee who establishes or becomes a member of a trade union or a trade union committee.
98. **Workers in the public service.** Many governments report restrictions to the principle and right in the public service. In **China**, public servants do not enjoy the right to collective bargaining. In **Jordan**, workers in the public service and government employees (except

workers in public establishments) cannot enjoy the right to freedom of association. Similarly, public servants do not enjoy this right in **Guinea-Bissau, Kenya and Lebanon** where this prohibition also applies to the judiciary. In the **Republic of Korea**, public servants cannot enjoy the rights to freedom of association and collective bargaining (with the exception of workers engaged in manual labour in postal services, railways business, etc.). In **Malaysia**, the following categories of public servants are not allowed to form or join trade unions: public officers engaged in a confidential or security capacity, public officers holding any post in the managerial and professional group, and officers prohibited by any other law from joining a trade union. In **Morocco**, the following categories of public servants do not enjoy the right to organize: civil servants, agents who are allowed to use a weapon, people having the status of “administrators of the Home Office”, and the judiciary. In **Nepal**, senior-level civil servants engaged in the management of state affairs do not enjoy freedom of association.

- 99.** In the **United States**, the AFL-CIO observes that the Homeland Security Act does not protect current rights of collective bargaining. Moreover, the collective bargaining rights of 700,000 civilian employees at the Department of Defense are under serious threat as a result of the Department of Defense Reauthorization Act, passed by Congress in 2003. According to the ICFTU, the statute of the 1978 Federal Labor Relations Act proscribes collective bargaining over hours, wages and economic benefits for employees of the federal Government, and imposes extensive management rights that further limit the scope of collective bargaining. In some 13 states, collective bargaining rights only exist for certain public employees, whereas 14 states do not allow collective bargaining at all. Approximately 40 per cent of all workers in the public sector are denied basic collective bargaining rights, and some categories of employees in the private sector, including, supervisors and independent contractors, are also denied this right.
- 100.** According to the All India Trade Union Congress (AITUC), government employees are denied the right to collective bargaining in India.
- 101.** In **Thailand**, the National Congress of Thai Labour (NCTL) observes that the Labour Relations Law B.E.2518 does not cover civil servants and teachers, and the ICFTU indicates that civil servants do not enjoy the right to strike.
- 102.** The ICFTU further notes that the right to freedom of association of civil servants is denied in several countries such as **Brazil, El Salvador, Lao People’s Democratic Republic, Oman and Singapore** (with few exceptions) where the Labour Law does not cover them. In **Lebanon**, day workers and temporary workers in the public services are not allowed to set up or join trade unions. In **Morocco**, magistrates are barred from carrying out any trade union activities. Furthermore, civil servants do not enjoy the right to strike in the **Islamic Republic of Iran, Qatar, Singapore** (in some essential public services) and **Viet Nam**. This also applies to public sector workers and national security guards in the **United Arab Emirates**, where the Ministry of Labour has the right to stop a strike and send workers back to work. In **Uganda**, workers in essential services, including prison officers, may not form or join trade unions. In the **United States**, many categories of employees in the federal, state or local public sector are excluded from the rights to freedom of association and collective bargaining, including severe restrictions on the right to strike which is generally prohibited at state level.
- 103.** In response to these comments, the Government of **El Salvador** points out that public employees do not enjoy the right to join trade unions under article 47 of the Constitution. However, they do enjoy the right to associate freely under article 7 of this text and the Act on non-profit associations and foundations. Public sector employees’ associations have been set up in most governmental agencies and they enjoyed the same rights as the private

sector trade unions, except the right to negotiate collective labour contracts and the right to strike.

104. The Government of **Lebanon** mentions that Decree No. 112 (1959) and the Employees' Regulations do not allow civil service employees to form or join unions. However, some new legislative texts allow the affiliation of these employees to associations, provided that they are not in a leading position. This could allow civil employees to freely exercise union activities in the future.
105. The Government of **Morocco** states that the national Constitution and the new Labour Code guarantee freedom of association to all citizens. Moreover, magistrates are organized in association to defend their occupational interests.
106. The Government of **Oman** highlights that the Ministry of Civil Service settles labour disputes concerning workers in the civil service, in accordance with the Civil Service Regulations promulgated by Sultan Decree No. 8/80 (1982). These Regulations provide for the establishment of committees to deal with personnel questions and the right to submit complaint.
107. The Government of **Thailand** indicates that, concerning the non-application of the Labour Relations Act, 1975, and the State Enterprise Labour Relations Act, 2000, to civil servants, the Department of Labour Protection and Welfare has made a survey on the country's readiness in ratifying Conventions Nos. 87 and 98.
108. **Domestic workers.** According to government reports, domestic workers cannot exercise the right to freedom of association in **Guinea-Bissau** and **Jordan**.
109. In **India**, the All India Trade Union Congress (AITUC) notes that workers engaged in domestic work are denied the right to collective bargaining.
110. The ICFTU observes that domestic workers are denied the right to freedom of association in **Lebanon** and **Oman**, and in the **United States**, where they are also denied the right to bargain collectively. In **Qatar**, they cannot enjoy the right to strike. The right to organize is prohibited to cooks in **Jordan**.
111. In response to these comments, the Government of **Jordan** mentions that the chapter on employment contracts in civil law provides adequate protection to domestic workers. However, the parties concerned are reviewing the inclusion of this category of workers within the scope of the provisions of the Labour Law.
112. **Agricultural workers.** The Government of **Jordan** indicates that the right to freedom of association and the right to collective bargaining cannot be exercised by some categories of agricultural workers.
113. In **India**, according to the All India Trade Union Congress (AITUC) and Hind Mazdoor Sabha (HMS), agricultural workers are denied the right to collective bargaining. The ICFTU also emphasizes that there is almost no union representation, and it is difficult to enforce legislation in the agricultural sector in this country.
114. The ICFTU further notes that in **Lebanon**, **Morocco**, **United Arab Emirates** and the **United States**, some categories of agricultural workers do not enjoy the right to freedom of association and the right to collective bargaining. This prohibition also applies to gardeners in **Jordan**.

115. In response to these comments, the Government of **Jordan** notes that most agricultural workers are covered by the provisions of the Labour Law by virtue of special regulations promulgated in 2003.
116. The Government of **Morocco** states that agricultural workers are subject to the Labour Code, and enjoy the same rights as other workers concerned by this law.
117. **Workers in export processing zones (EPZs).** In **India**, the All India Trade Union Congress (AITUC) and Hind Mazdoor Sabha (HMS) emphasize that workers in EPZs or in enterprises/industries with EPZ status cannot exercise freedom of association and collective bargaining; even the entry of trade union representatives is banned in these zones. These restrictions are also mentioned by the ICFTU, which notes that some states have even dissuaded labour departments from conducting inspections in these zones.
118. The ICFTU observes that, although the Labour Law applies equally in EPZs in **Brazil**, its enforcement remains weak in these zones. In **El Salvador**, anti-union policies are conducted in the “maquilas” (assembly plants), whereby any attempt at organizing is repressed, and workers are threatened with dismissal if they join or attempt to form a union. In the **Republic of Korea**, a new law on special economic zones came into force in July 2003, and exempts foreign companies investing in these zones from many national regulations on labour standards. In **Mauritius**, although labour legislation applies in EPZs, certain specific labour laws condone longer working hours than in non-EPZ sectors. In **Viet Nam**, although the same Labour Law applies both to EPZs and the rest of the country, employers in the zones tend to ignore workers’ rights, but workers are too afraid to protest. In practice, labour offices in EPZs do not deal with labour disputes, and little is done to ensure the workers’ legal protection in the event of a conflict.
119. In response to these comments, the Government of **El Salvador** emphasizes that the information provided by the ICFTU cannot be considered as an official study and is not recognized by the Ministry.
120. The Government of the **Republic of Korea** notes that despite the provisions of the Act on protection, etc., of migrant workers, foreign-invested companies in the EPZs are allowed to expand the category of jobs for these workers or extend their contract, as long as they are employed under the professional occupations determined by the Special Economic Zones Committee. The Government is, however, promoting the revision of this Act.
121. The Government of **Mauritius** states that it has not yet ratified the Hours of Work (Industry) Convention, 1919 (No. 1), which sets limits on the hours of work in an industrial undertaking. The Remuneration Order fixes working conditions in the EPZ sector, and overtime is paid at a 1.5 hourly rate. In view of the vulnerability of this sector, priority has been given to the preservation of employment and sustainability of EPZs.
122. **Workers in the informal economy.** According to government reports, workers in the informal economy cannot exercise freedom of association in **Malaysia** and in **Afghanistan**, given that they are excluded from the remit of the Labour Code.
123. According to the Mexican Confederation of Chambers of Industry (CONCAMIN), workers in the informal economy cannot enjoy the right to collective bargaining in **Mexico**.
124. In **India**, the All India Trade Union Congress (AITUC) and Hind Mazdoor Sabha (HMS) observe that workers in the informal economy are denied the right to collective bargaining. The ICFTU also points out that there is almost no union representation among these workers, and it is difficult to enforce legislation in the informal economy of this country.

125. Concerning **Thailand**, the National Congress of Thai Labour (NCTL) observes that the Labour Relations Law B.E.2518 does not cover workers in the informal economy.
126. **Migrant workers.** Only three countries, the **Islamic Republic of Iran, Jordan** and **Nepal**, report that the right to organize is denied to migrant workers.
127. According to the Mexican Confederation of Chambers of Industry (CONCAMIN), in **Mexico**, migrant workers can exercise the right to collective bargaining only if they are members of a national trade union association.
128. In **India**, the All India Trade Union Congress (AITUC) and Hind Mazdoor Sabha (HMS) mention that migrant workers are denied the right to collective bargaining.
129. According to the ICFTU, migrant workers in **Jordan** do not enjoy the right to strike, but some unions did succeed in their demands concerning migrant workers' interests. In **Lebanon**, Palestinian refugees are not allowed to form trade unions. In **Mauritius**, unions find it difficult to get access to and to organize migrant workers. In **Qatar** and **Saudi Arabia**, migrant workers can be repatriated or deported if they try to form a union. In **Singapore**, foreigners may not hold union office or become employees of unions. In **Thailand**, registered migrants enjoy legally the same rights as nationals; however, they are not permitted to change jobs without their current employer's written permission. If they do so, or if they are dismissed, they are immediately deportable, unless they can find another job within seven days. In the **United States**, the National Labor Relations Act (NLRA), anti-discrimination laws, and wage and hour standards apply to employees, regardless of their immigration status. However, the United States Supreme Court ruled in 2002 that undocumented workers are not entitled to back pay as a remedy for unfair labour practices under the NLRA, and they are not entitled to reinstatement. These restrictions have made it difficult to enforce trade union rights on behalf of the millions of undocumented workers in the country.
130. In response to these comments, the Government of **Jordan** mentions that the Labour Law does not prevent non-Jordanian workers from exercising their right to collective bargaining or strike. The relevant legal provisions cover all workers, irrespective of their nationality.
131. The Government of **Lebanon** indicates that article 92 of the Labour Code provides for freedom of association to foreigners under certain conditions. They must: (i) be authorized to work in the country; (ii) be employed; (iii) be at least 18 years old; and (iv) without a criminal record for specific offences.
132. The Government of **Mauritius** indicates that, although migrant workers have the right to form or join trade unions under the Industrial Relations Act, specific provisions are being proposed by the White Paper in this regard.
133. The Government of **Saudi Arabia** states, in particular, that Royal Decree No. M/21 on the work labour system does not provide for any discrimination based on sex, religion, race or nationality.
134. The Government of **Thailand** points out that people are equal and equally protected by law, as guaranteed by section 30 of the Constitution. Any discrimination and unfair treatment to any person based on his or her status is also prohibited by this law.
135. **Requests for technical cooperation.** In view of meeting the above challenges, **Afghanistan, Brazil, Guinea-Bissau, India, Islamic Republic of Iran, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Morocco, Myanmar, Nepal, Oman, Qatar, Sudan, Uganda** and **Viet Nam** have requested ILO technical cooperation

to assist them in realizing the principle and right. (For further information, refer to Part G of this report.)

(d) Reports indicating no change

136. The Governments of **Bahrain, El Salvador** and **Mauritius** report no change in relation to their previous report.

2. Comments by the Expert-Advisers on freedom of association and the effective recognition of the right to collective bargaining

137. The Expert-Advisers reiterate that freedom of association and collective bargaining must be respected by all ILO member States, regardless of the specific economic, social, cultural and political context of the country. In this regard, all principles and rights in the Declaration are interlinked and mutually supportive. The respect for the principle of freedom of association and the effective recognition of the right to collective bargaining is vital to ensure the full realization of the other three principles and rights, with the help of employers' and workers' organizations. The situation in countries where this core principle and right is denied is fundamentally different from those where it is respected.

138. We reiterate that freedom of association and collective bargaining gives opportunities to employers and workers to have greater impact over their own lives and their affairs and allows them to negotiate with each other and the State, as appropriate. When the social forces of workers and employers and their organizations are given free rein, they constitute significant checks and balances against abuse of power either by the other side or by the government. As such, this principle is part and parcel of human rights and democracy.

139. We appreciate that the highest reporting rate under this principle and right has been recorded in this year's annual review. However, we note the absence of ratification of related Conventions for the same period under review. Since the start of the annual review process, 2004 is the first year where no ratifications were registered for Conventions Nos. 87 and 98. Nevertheless, we hope that the momentum of the positive dialogue on the realization of the principle and right will be kept, and that ratification intentions will be realized soon in **Armenia, Kenya, Nepal**, as well as **New Zealand**.

140. We appreciate the important contribution by the employers' and workers' organizations in the reporting process. By expressing their specific views, especially with regard to practice, they have enriched the debate and played a vital role in the promotion of the principle and right. We encourage more information on practice.

141. All reporting countries assert general respect for the principle, but too many countries still restrict the freedoms granted by this principle and many remain silent or unclear on these restrictions. For example, at least 11 countries still require prior government authorization for establishing employers' and workers' organizations. Such restrictions deny the full potential of the principle. We note with interest that some countries have nevertheless acknowledged that this principle and right is not fully applied, and have requested technical cooperation in this respect. This should enable particular categories of workers – such as agricultural workers, workers in EPZs, migrant workers, domestic workers, workers in the informal economy, some workers in the public service, self-employed workers, temporary workers and those on precarious contracts – to enjoy full freedom of association and the right to collective bargaining.

142. As regards these special categories, to whose condition we have repeatedly drawn attention since 2000, we note that there is no reason for not extending this principle to workers in EPZs. Workers in the public sector and in the EPZs are easy to reach and should be covered by the law and the labour administration.
143. Special attention will need to be given to workers in the informal economy since this is a growing area for employment. Innovative means are necessary to extend this right to all workers in the informal economy, including domestic workers. Migrant workers, who are often in a precarious legal situation should enjoy the right to organize. Their organization will give them and their associations greater voice in society and the world of work, thereby providing a disincentive to forced labour and trafficking of migrants.
144. As we noted last year, there are perpetual changes in production and work arrangements and patterns. The new forms and relations of work and employment should not be used to weaken freedom of association and the right to collective bargaining. Innovative approaches in this area based on the principle and right will expand representative and organizational structures.
145. Some governments have expressed their willingness to review the legal, political and practical barriers to the realization of the principle. We urge governments to promote the right of employers' and workers' organizations to establish and to join organizations of their own choosing without prior authorization, as they agreed to do in adopting the Declaration in 1998.
146. We look forward with expectation to positive changes emerging with regard to legislation on freedom of association and collective bargaining. Technical cooperation helps in this respect. We are glad to receive concrete information on the activities carried out in this regard in **Kenya** and **Uganda** under the auspices of the ILO/SLAREA (Strengthening Labour Administration and Labour Relations in East Africa) project, and in **Jordan**, **Mauritius** and **Viet Nam**.
147. There are certain countries where important initiatives were started and where progress has slowed down. This is the case in countries with situations as varied from each other as **Brazil** and **Lebanon**. We look forward to accelerated progress in such countries.
148. We note with interest the continuing efforts made by the countries of the **Gulf Cooperation Council** and that some of them provided concrete information and continue to request ILO technical cooperation. We reiterate our concern to see the full application of this principle and right, which means the establishment of freely chosen employers' and workers' organizations.
149. We reiterate our pressing appeal for technical cooperation support from the ILO and the donor community, to help governments and employers' and workers' organizations to attain full realization of this principle and right, including support to capacity-building.

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

(a) **Reporting**

150. Twenty out of 24 States have submitted a report under the principle of the elimination of all forms of forced or compulsory labour (83 per cent reporting rate), which is an increase of 18 per cent compared to the 2004 annual review figures on this principle and right. This represents a record high in terms of governments' responses for this principle and right.

Two first reports were received from **Afghanistan** and the **Lao People's Democratic Republic**.

151. The Governments of **Sao Tome and Principe**, **Democratic Republic of Timor-Leste** and **Vanuatu** failed in their reporting obligations for the 2005 annual review.
152. Since the start of the annual review exercise in 1999, the **Solomon Islands** is the sole country that has never submitted reports under this principle and right.
153. At the national level, two observations were received from two workers' organizations concerning **Japan** (the Japanese Trade Union Confederation – JTUC-RENGO) and the **United States** (the American Federation of Labor and Congress of International Organizations – AFL-CIO).
154. No observations were received from national employers' organizations.
155. At the international level, one general observation was received from the International Organisation of Employers (IOE), whilst the International Confederation of Free Trade Unions (ICFTU) sent late comments for the 2004 annual review regarding the **United States**.

(b) Reports mentioning efforts

156. **Ratification.** In 2004, **Armenia** ratified the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105).
157. In July 2004, the Government of **Bolivia** requested Congress to ratify Convention No. 29. Ratification of this Convention is also being examined by government agencies in the **Philippines** since July 2004. **Mongolia** and **Viet Nam** are envisaging ratification of Conventions Nos. 29 and 105, whereas **Madagascar** is contemplating ratification of Convention No. 105. The Government of **Japan** states that a further study needs to be carried out to examine compliance of national laws and regulations vis-à-vis the provisions of Convention No. 105.
158. **Singapore** again mentions the denunciation of Convention No. 105 “due to fundamental difficulties faced” with regard to the implementation of this instrument.
159. **Recognition of this principle and right.** The principle of the elimination of all forms of forced or compulsory labour is recognized in all countries. For example, according to the Governments of **Afghanistan**, **Canada**, **Republic of Korea**, **Mongolia**, **Nepal** and the **Philippines**, the principle applies to all categories of persons and activities. In the **Republic of Korea**, article 6 of the Labour Standards Act provides that an employer shall not force a worker to work against his own free will through the use of violence, intimidation, confinement or any other means that unfairly restrict mental or physical freedom. In the **Lao People's Democratic Republic**, article 6 of the Constitution prohibits all acts of authoritarianism and harassment that can be physically or morally harmful to a person and detrimental to his/her honour, life, conscience or property; and articles 1 and 4 of the Labour Law generally prohibit the use of forced labour. In **Malaysia**, all forms of forced or compulsory labour are prohibited under article 6.2 of the Constitution. In **Mongolia**, according to article 16.4 of the Constitution and articles 7 and 31 of the Labour Code, no one shall be required to perform illegally forced or compulsory labour. In addition, an employer may not demand a worker to perform work not specified in his/her contract of employment, except as provided by law. Article 20 of the Constitution and the Civil Code of **Nepal** protect all citizens from exploitation. In **Viet Nam**, article 5 of the Labour Code provides for the elimination of all forms of forced or compulsory labour.

- 160. Definition of forced or compulsory labour.** This definition is provided for by legislation and/or judicial decisions of all countries, except for **Canada** and **Malaysia**. In the **Lao People's Democratic Republic, Myanmar** and **Nepal**, forced labour is defined as a person who is forced to work against his/her will or consent in violation of law. In the **Philippines**, section 3 of Republic Act 9208 (Anti-Trafficking in Persons Act of 2003) defines forced labour and slavery as the extraction of work or services from any person by means of enticement, violence, intimidation or threat, use of force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt bondage or deception. In **Viet Nam**, according to Resolution No. 44/2003/ND-CP of 9 May 2003 (provision 1, article 1), maltreatment and forced labour are defined as the case in which a worker is beaten, insulted or forced to work in occupations inappropriate to gender and detrimental to health and dignity.
- 161.** Below are the major efforts reported under this principle and right in this annual review which refer to legislative changes; preventive enforcement and sanction mechanisms; special attention to particular groups and human trafficking; promotional activities; data collection and dissemination; broad national policy; and new initiatives.
- 162. Introducing new legal instruments.** According to government reports, in **Canada**, the new Immigration and Refugee Protection Act prohibits trafficking in persons (S.118), but the Canadian Criminal Code is being reviewed with a view to introducing possibly specific offences concerning trafficking in persons, including for forced labour. In the **United States**, the Trafficking Victims Protection Reauthorization Act has introduced various amendments to the United States Code for the protection of victims of trafficking in persons. In **Viet Nam**, various legal instruments have been issued, such as the Labour Code, the Ordinance on the implementation of prison sentences and the Law on Military Obligations. Legal reforms on the definition of forced labour and the means to combat this phenomenon have also been implemented in **Nepal**.
- 163.** Legal reforms are also envisaged in **Afghanistan, China, Lao People's Democratic Republic, Madagascar, Mongolia** and **Viet Nam**.
- 164. Preventive, enforcement and sanction mechanisms.** The Government of the **Philippines** reiterates that the establishment of a systematic information and prevention campaign and database for the effective monitoring, documentation and prosecution of cases on trafficking in persons is provided for under Republic Act 9208. According to government reports, inspection or monitoring mechanisms are also being implemented in **China, Japan, Republic of Korea, Lao People's Democratic Republic, Malaysia, Mongolia, Myanmar, Qatar** and **Viet Nam** in view of realizing the principle and right. Such measures are envisaged in **Afghanistan** and **Nepal**. Penal, civil and/or administrative sanctions have been implemented in case of forced or compulsory labour in **China, Republic of Korea, Lao People's Democratic Republic, Malaysia, Mongolia, Myanmar, Nepal** and **Viet Nam**. For instance, in **Canada**, penal sanctions have been implemented under the Criminal Code against individuals involved in forced labour activities, ranging from fines and/or imprisonment, with a maximum penalty of life imprisonment for aggravated offences. Workers, victims of forced labour, can claim payment of minimum wages and other benefits under the same Code. The new Immigration and Refugee Protection Act provides for fines of up to 1 million Canadian dollars and imprisonment up to life for the offence of trafficking in persons. In the **Philippines**, article 274 of the revised Penal Code provides for fines ranging from "prison correccional minimum" to "aresto mayor maximum". In **Qatar**, penal sanctions are provided for under articles 318-332 of Penal Code No. 11, 2004. In the **United States**, the Trafficking Victims Protection Reauthorization Act allows a victim of trafficking to file a civil action in district court against his/her trafficker and recover damages and attorney's

fees. In **Viet Nam**, Resolution No. 113/2004/ND-CP of 16 April 2004 (provision 4, article 10) provides for administrative penalties imposed for the use of forced labour.

- 165. Special attention to particular groups and human trafficking.** Concerning particular groups, the Governments of **Afghanistan** and the **Lao People's Democratic Republic** report that special attention is given to the situation of young boys and girls. In **Canada**, special attention is given to the situation of women, children, migrants, racialized/ethnic minorities and aboriginal communities. In **China, Nepal, Philippines** and **Viet Nam**, special attention is given to the situation of women and children, with particular focus on girls for China. Furthermore, **China** reasserts that various national institutions are responsible for the identification, emancipation and/or rehabilitation of persons subject to forced labour. This responsibility lies on various governmental and public organizations in the **Lao People's Democratic Republic** and **Nepal**.
- 166. Nepal** provides a good example of an integrated approach to addressing forced labour, where a combination of political will, legislative reform and technical cooperation to support operation programmes has helped to achieve progress. The multi-donor, multi-agency and multi-sectoral integrated programme focusing on former bonded labourers involves donor governments, employers' and workers' organizations, and local and international NGOs. Its multiple components include the provision of land and money for building houses, education, health, drinking water and sanitation, skills development training, and income-generation activities. Special attention is accorded to the situation of women, children, child-labour prone families, and to the *Kamaiyas*, *Dalits* and other indigenous groups, thereby also addressing more than one principle and multiple forms of discrimination. The programme works in synergy with the Government's National Master Plan on Child Labour which targets child bonded labourers and trafficking, national policy and action against trafficking in women and children for sexual and labour exploitation as well as action programmes with national trade unions to organize agricultural workers in *Kamaiya* districts. The Poverty Reduction Strategy Paper focusing on decent work, elaborated in cooperation with the ILO and subsequently incorporated into the Tenth Plan, includes poverty alleviation programmes, particularly microfinance and social safety net programmes that tend to focus on women groups. The Small Farmer Development Programmes and the Production Credit for Rural Women address poverty alleviation and economic empowerment of marginal farmers and women, and have helped them tackle traditional debt bondage relations. While these programmes do not signify the elimination of forced labour – severely limited resources and the lack of enforcement and monitoring capacity by the Government continue to make effective prevention difficult – **Nepal's** approach shows how a poor country with a variety of socio-economic problems can seek progress in promoting the Declaration.
- 167.** With regard to human trafficking, the federal Government of **Canada** reports that it has established an interdepartmental working group for the coordination of federal efforts to combat human trafficking, including the development of a federal strategy and a process for the establishment of a human trafficking unit by the police. The Government of **China** again refers to technical cooperation with UNICEF on actions against trafficking and to the ILO Mekong Subregional Project to Combat Trafficking in Children and Women. Cooperation with this project is also referred to by the Government of the **Lao People's Democratic Republic**. In the **Republic of Korea**, the Public Prosecutor's Office and the police are in charge of punishing human trafficking and abuse of power by public servants. In the **Philippines**, section 16 of Republic Act 9208 provides for the implementation of governmental rehabilitative and protective programmes for trafficked persons, through counselling, the provision of temporary shelter and the establishment of special centres and programmes in cooperation with NGOs.

- 168. Promotional activities.** The Government of **Canada** indicates that it has developed a web site on trafficking in persons, and has distributed a multilingual anti-trafficking pamphlet through Canadian missions abroad and NGOs, and posters through police stations, victim's services, refugee and immigrant centres and other places. In addition, Justice Canada and the International Organization on Migration (IOM) have organized a seminar on trafficking in persons designed for Canadian prosecutors, police, immigration, customs and consular officials. In **Madagascar**, a national study has been launched in cooperation with the ILO in view of assessing the country situation to be discussed during a "tripartite plus" national workshop. In **Mongolia**, a seminar on the ILO forced labour Conventions adopted recommendations in 2004 concerning prevention and prosecution of forced or compulsory labour. Advocacy activities on the elimination of this phenomenon have also been carried out through the printing of posters and the broadcasting of the ILO documentary "Forced labour" on national television. A survey on forced labour law and practices has also been conducted.
- 169.** In **Oman**, the Ministry of Manpower organized in 2003-04 several seminars on the new Omani Labour law and published public information pamphlets on women's and young persons' employment, work practices, etc. Similarly, awareness-raising measures have been reported in **China, Republic of Korea, Lao People's Democratic Republic, Malaysia, Myanmar, Nepal** and **Qatar**. Such measures are envisaged in **Mongolia**, as well as in **Afghanistan** and **Viet Nam** where difficulties related to the lack of public awareness and support have been reported.
- 170.** According to the International Organisation of Employers (IOE), employers have been actively involved in promoting and supporting this principle and right. They continue to seek further opportunities for engagement in this area. In this respect, the IOE is currently supporting the ILO in the development of an employer handbook on human trafficking which will help to educate employers about this issue and guide them as to the role they can play independently or in cooperation with other actors.
- 171. Data collection and dissemination.** **Japan, Myanmar** and **Nepal** are the sole countries to mention the availability of government statistics and other information relevant to the elimination of all forms of forced or compulsory labour. **Canada** is planning to enhance data collection of human trafficking, including trafficking for forced labour. Similarly, **Afghanistan, China, Mongolia** and **Viet Nam** are planning to collect relevant statistics and other information, so as to face the difficulties they encounter concerning the lack of information and data.
- 172. Broad national policy.** According to government reports, a national policy to fight against forced or compulsory labour has been adopted in the **Republic of Korea, Lao People's Democratic Republic, Malaysia, Myanmar, Nepal** and the **Philippines**. The Governments of **China, Mongolia** and **Viet Nam** are planning to take similar action in cooperation with the ILO.
- 173. New initiatives.** Few governments report new initiatives to promote and realize this principle and right. For example, in **Afghanistan**, a national project for the rehabilitation of street children and child soldiers is being designed. In this respect, a national commission on children's rights and rehabilitation of child victims of forced labour, including employers' and workers' organizations, has been established. **Canada** refers to new measures, including research activities, support of action by women's organizations and support for law enforcement measures. **China** indicates that a study tour regarding prison administration was undertaken by a high-level delegation to some European countries and that a seminar on Conventions Nos. 29 and 105 was held in cooperation with the ILO. In **Myanmar**, field inspections were conducted in areas where allegations on forced or compulsory labour had emanated and measures were subsequently taken. **Nepal**

emphasizes the adoption of the National Master Plan on Child Labour and the Child Labour (Prohibition and Regulation) Act in 2004. In **Viet Nam**, a survey on the extent of forced labour in the country has been conducted in cooperation with the ILO, followed by monitoring and inspection activities and dissemination of information on the elimination of forced labour.

(c) Challenges mentioned

- 174. Legal obstacles.** **Afghanistan, Mongolia** and **Viet Nam** mention difficulties related to legal provisions, whereas **China** reports difficulties concerning regulations on rehabilitation through labour.
- 175.** Concerning ratification of Convention No. 105, the Government of **Japan** reiterates that further study is needed on the relations between the provisions of this instrument and national laws and regulations. The Japanese Trade Union Confederation (JTUC-RENGO) again indicates that the National Public Service Law and the Local Public Service Law need to be amended as they are a major barrier to ratification.
- 176.** In response to these comments, the Government of **Japan** considers that the prohibition of strikes as provided for in national laws is not an obstacle to ratification of Convention No. 105. In addition, the National Public Service Law and the Local Public Service Law provide for punishment for the principal conspirators or instigators of highly unlawful acts.
- 177.** According to the International Confederation of Free Trade Unions (ICFTU), there are legal difficulties in realizing this principle and right in the **United States**. Compulsory prison labour is common in this country, but legislation differs between states. Therefore the Government should take effective measures to bring the legislation in line with Convention No. 105, in particular at the state level. The Government should also enforce legislation with regard to some forms of forced domestic work. Moreover, the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) expresses its strong disagreement with the updated report by the **United States** Government on this principle and right.
- 178. Contextual factors.** As general obstacles to the realization of the principle and right, **Mongolia, Nepal** and **Viet Nam** refer to difficulties concerning social and economic circumstances. Concerning forced labour due to debt bondage and trafficking, the Governments of **Afghanistan** and **Nepal** report difficulties related to social values, cultural traditions and political situation. For **Afghanistan**, an additional challenge lies in the rehabilitation of repatriated children who have been subject to trafficking in various countries. According to the Government of **Canada**, the most difficult aspect of combating trafficking is that organized criminality is international, which implies a necessary cooperation between recipient countries, transit countries and countries of origin.
- 179.** In addition, the Governments of **Afghanistan, Mongolia** and **Nepal** mention the lack of capacity of responsible government institutions regarding forced or compulsory labour in general. Such difficulty is mentioned with regard to trafficking by the Government of **China**. The Governments of **Afghanistan, Mongolia, Nepal** and **Viet Nam** refer to the lack of capacity of employers' and workers' organizations. The Governments of **Afghanistan, Nepal** and **Viet Nam** mention the lack of social dialogue on this principle.
- 180. Forced labour practices.** The Government of **Canada** acknowledges that, although forced or compulsory labour appears to be rare in the country, there have been reported instances where its country has been used as a transit and destination point for the trafficking of persons. The Government of **Nepal** reports some forms of bonded

relationships in the informal economy, including the agricultural sector, despite the efforts made by the Government to eliminate all forms of forced labour.

- 181.** According to the International Confederation of Free Trade Unions (ICFTU), forced labour exists in the **United States** in such forms as prostitution (trafficking of women and girls), forced domestic labour and forced prison labour. An estimated 18,000 to 20,000 people are trafficked to this country annually, in at least 20 different states, with most reported cases occurring in New York, California and Florida. With regard to forced domestic labour, there are reported cases of migrant domestic workers facing working conditions that are close to slavery. Furthermore, forced labour occurs in the garment industry within the United States territories, such as the Northern Mariana Islands. Wage and immigration laws are locally controlled and have led to indentured servitude into the territory. Foreign-owned companies are allowed to recruit foreign workers, mainly young Asian women. This recruitment is done by private agencies.
- 182. Requests for technical cooperation.** In view of meeting the above challenges, **Afghanistan, China, Lao People's Democratic Republic, Madagascar, Mongolia, Myanmar, Nepal, Philippines and Viet Nam** have requested ILO technical cooperation to assist them in realizing the principle and right (for further information, refer to Part G of this report).

(d) Reports indicating no change

- 183.** The Governments of **Latvia** and **Singapore** report no change in relation to their previous report.

4. Comments by the Expert-Advisers on the elimination of all forms of forced or compulsory labour

- 184.** The Expert-Advisers appreciate the increase in the reporting rate under this principle and right, including the provision of new information on legislation, policies and promotional activities against forced labour. But we are concerned that all forms of forced labour, especially human trafficking, remain a serious problem which most reports do not bring out. Such situations thus remain invisible. We are again disappointed that most reports still provide insufficient information about distinct and multiple forms of forced or compulsory labour in the informal and traditional sectors of the economy. Qualitative and quantitative information is essential to enable the adoption of effective national and regional strategies and action plans to combat this scourge. In respect of cross-border trafficking in particular, we would appreciate receiving information on the practices of private recruitment agencies as they may relate to forced or compulsory labour.
- 185.** We are disappointed by the decrease in the ratification rate. We hope that ratification intentions expressed by **Bolivia, Madagascar, Mongolia, Philippines and Viet Nam** will soon be realized. We also hope that **Malaysia** and **Singapore** that denounced Convention No. 105 will reconsider their position in this respect.
- 186.** We deplore the fact that the abhorrent practice of forced labour remains widespread in the current global economy. Long-standing forms of forced labour such as bonded labour and prison labour persist alongside newer forms related in particular to irregular migration and human trafficking. Nevertheless, we are encouraged by the fact that some countries with forced labour problems are increasingly approaching the ILO's Special Action Programme to combat Forced Labour (SAP-FL) for technical assistance, and we look forward to seeing the results of this work in practice. We encourage other countries to do likewise.

187. We note with interest the information provided by some governments regarding the existence of some forms of forced labour in their territories and across borders, as well as approaches to combat this problem. Even though forced labour appears to be rare in the country, we applaud the efforts of the Government of **Canada** in taking active steps to eradicate forced labour, including the organization of various sensitization activities. Even in a post-war context, the Government of **Afghanistan** endeavours to rehabilitate children who are victims of trafficking and has established a national tripartite commission in this respect. In **Nepal**, severely affected by ongoing civil conflict, the Government is implementing integrated programmes against trafficking in women and children and bonded labour, including poverty alleviation, microfinance and social safety net programmes.
188. We note that various definitions of forced labour have been given by reporting countries. In this respect, governments should be inspired by the definition of forced or compulsory labour provided by Convention No. 29 in order to give a full reflection of the reality of this phenomenon in their countries.
189. We reiterate that the fight against forced or compulsory labour cannot be successfully carried through when a country does not acknowledge the possible existence of this phenomenon. In cases where countries face difficulties in identifying the precise scope of forced or compulsory labour, governments should turn to the ILO for assistance in clarification. We reiterate our request that **Japan** carry out the study it mentioned in this regard.
190. The contributions by employers' and workers' organizations are still insufficient under this principle and right, which has the lowest number of comments on reports received. The example of regular and constructive contributions by AFL-CIO (**United States**) and JTUC-RENGO (**Japan**) should be expanded upon, in particular among other national workers' organizations, as well as national employers' organizations. By making more comments, the social partners will enrich the debate and allow us to have a more complete view of the reality of forced labour in the countries concerned. Capacity-building activities for the social partners on forced labour should be developed, in cooperation with the ILO, where needed.
191. We note with interest the challenges pointed out by some countries in giving effect to this principle. Regarding **China's** reported difficulties concerning regulations on "rehabilitation through labour", we note that the Government has requested further technical cooperation from the ILO on legal reform as a priority. We look forward to learning of progress in addressing the different obstacles. It is clear to us that "rehabilitation through labour" is a form of forced labour.
192. We are glad to receive concrete information regarding progress made in the elimination of all forms of forced or compulsory labour, in cooperation with the ILO, in particular in **China, Lao People's Democratic Republic, Madagascar, Mongolia, Nepal and Viet Nam**. In this respect, the Special Action Programme to combat Forced Labour (SAP-FL) should receive additional and substantial donor support to help countries make further progress in promoting and realizing the principle and right. Social programmes should be maintained and supported to enable the effective elimination of all forms of forced or compulsory labour.

5. Effective abolition of child labour

(a) Reporting

- 193.** Forty two (43) out of 50 States have submitted a report under the principle of the effective abolition of child labour (86 per cent reporting rate), which is an increase of 28.35 per cent compared to the 2004 annual review figures on this principle and right. This represents a record high in terms of governments' response for this principle and right. Four first reports were received from **Afghanistan, Sierra Leone, Saint Vincent and the Grenadines** and **Tajikistan**.
- 194.** The Governments of **Cape Verde, Sao Tome and Principe, Democratic Republic of Timor-Leste, Turkmenistan** and **Vanuatu** failed in their reporting obligations for the 2005 annual review.
- 195.** Since the start of the annual review exercise in 1999, **Solomon Islands** and **Somalia** have never submitted reports under this principle and right.
- 196.** At national level, 23 observations were received from eight employers' and 15 workers' organizations from **Bangladesh** (Bangladesh Mukto Sramic Federation (BMSF)); **Djibouti** (the General Union of Djibouti Workers (UGTD) and the Djibouti Workers' Union (UDT)); **Gabon** (the Confederation of Gabonese Employers' (CPG), the Gabonese Confederation of Free Trade Unions (CGSL) and the Gabonese Trade Union Confederation (COSYGA)); **Ghana** (the Ghana Employers' Association (GEA) and the Ghana Trade Union Congress (GTUC)); **Haiti** (the Association of Industries of Haiti (AIH), the Trade Union Coordination of Haiti (CSH), the Trade Union Movement of Haiti (MSH) and the Trade Union Sector of Haiti (SSH)); **Kiribati** (Kiribati Chamber of Commerce (KCC) and Kiribati Trade Union Congress (KTUC)); **Liberia** (United Seamen Ports and General Workers' Union of Liberia/the Liberia Federation of Labour Unions (USPOGUL-LFLU)); **Mexico** (Confederation of Chambers of Industry (CONCAMIN) and Confederation of Mexican Trade Unions (CMT)); **New Zealand** (Business New Zealand (BNZ) and New Zealand Council of Trade Unions (NZCTU)); **Pakistan** (Employers' Federation of Pakistan (EFP)); **Sierra Leone** (Sierra Leone Employers' Federation (SLEF) and Sierra Leone Labour Congress (SLCC)); and the **United States** (the American Federation of Labor and Congress of International Organizations (AFL-CIO)).
- 197.** At international level, one general observation was received from the International Organisation of Employers (IOE), whilst the International Confederation of Free Trade Unions (ICFTU) sent late comments for the 2004 annual review regarding the **United States**.

(b) Reports mentioning efforts

- 198. Ratification.** In 2004, **Comoros** ratified both the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), while **Paraguay** and **Thailand** ratified Convention No. 138 and **Azerbaijan** and **Kyrgyzstan** ratified Convention No. 182.
- 199. Armenia** has initiated a ratification process for 21 ILO instruments, including Conventions Nos. 138 and 182. The same process is being developed in **Cambodia** for the ratification of Convention No. 182. **Djibouti** also plans to ratify these two instruments, in close cooperation with ILO/IPEC. **Estonia** plans to submit Convention No. 138 by the end of 2004 for ratification. Similarly, **Ghana** expects that its Time-Bound Programme on the Elimination of Child Labour that is being developed in cooperation with ILO/IPEC, should

boost ratification of Convention No. 138. **Israel** plans to ratify Convention No. 182 as soon as possible. **New Zealand** is currently assessing the compatibility of its laws, policies and practices with Convention No. 138.

- 200. Recognition of the principle and right.** All reporting countries state that the principle of the effective abolition of child labour is recognized in the constitution and/or legislation. Furthermore, some countries recognize it in judicial decisions and/or collective agreements (**Afghanistan, Colombia, Djibouti, India, Islamic Republic of Iran** and the **Lao People's Democratic Republic**) or in regulations (**Australia**).
- 201. Minimum age legislation for admission to employment or work.** Among reporting countries, only **Australia, Bangladesh, New Zealand** and **India** state that they have no minimum age for employment or work. However, in **Australia**, there are a number of legislative provisions that aim to maximize successful transitions and provide social safety nets for young people. There is also an industry-specific legislation that provides minimum age requirements. The Government considers that current industrial legislation and industrial instruments provide adequate protection in respect of industrial entitlements and working conditions for children in employment relationships. The Australian State of Queensland has developed for 2006 a new legislation to increase the age of compulsory schooling to 16, with a minimum requirement of ten years of instruction. Similarly, **New Zealand** has a range of protections for children in employment, despite not having a specific legislation on minimum age for employment.
- 202.** All other reporting countries state that they have a law imposing a minimum age for entry to employment or work, directly or indirectly. **Sierra Leone** mentions the lowest age allowed by law, i.e. 12 years, whereas **Myanmar** and **Qatar** have the highest minimum age permitted by law, i.e. 18 years. In fact, the majority of countries report that the minimum age for taking up employment is 15/16 years.
- 203.** Major efforts reported under this principle and right in this annual review, refer in particular to legislative changes; compulsory schooling; the definition of hazardous work; laws and regulations to eliminate the worst forms of child labour and the assessment of this phenomenon; preventive mechanisms and other specific measures to bring about the effective abolition of child labour; special attention to particular groups of children including those in the informal economy; national and international policies/plans; new initiatives and data collection and dissemination.
- 204. Introducing new legal instruments.** **Bahrain** is currently working in cooperation with ILO for the formulation of a new labour legislation for the private sector. Similarly **Bangladesh** has formulated a draft of a new Labour Code, which is now under consideration for approval by the competent authorities. In the **Czech Republic**, a new Employment Act came into force in October 2004 amending the Labour Code by expressly prohibiting work for children below 15 years of age or those who have not completed compulsory schooling. Some exceptions, however, provided for performance of artistic, cultural, advertising or sporting activities under prescribed conditions. In **Kiribati**, the Government carried out a law review process in cooperation with the ILO, and has integrated the provisions of Conventions Nos. 138 and 182. In addition, workshops have been organized to promote labour changes, and Bills are tabled for Parliamentary review, December 2004. The Kiribati Chamber of Commerce (KCC) and Kiribati Trade Union Congress (KTUC) participated in the labour law review process. Both hope that these Bills will be soon voted into law and that said Conventions will be soon ratified.
- 205. Compulsory schooling.** According to reporting States, a compulsory schooling system is established in **Australia, Bangladesh, Colombia, Czech Republic, Cuba, Djibouti, Eritrea, Guinea-Bissau, India, Islamic Republic of Iran, Saint Kitts and Nevis,**

Lao People's Democratic Republic, Latvia, New Zealand, Qatar, Saint Lucia, Sierra Leone, Singapore, Suriname, Tajikistan, Uzbekistan and Venezuela. The lowest age for the end of compulsory education, i.e. ten years, is registered in **Bangladesh**, with a minimum requirement of five years or grades of instruction. By contrast, **Uzbekistan** records the highest age for compulsory education, i.e. 18 to 19 years, with a minimum requirement of 12 years/grades of instructions.

206. Hazardous work. Only **Djibouti, Guinea-Bissau, Lao People's Democratic Republic, Qatar, Saint Lucia, Saint Vincent and the Grenadines and Suriname** report that there is no definition for hazardous work in their legislation. **Saint Kitts and Nevis** records the lowest age for this type of work, i.e. 14 years. In **Colombia**, the Mining Act provides specific protection for children under the age of 16. The Government of **Australia** notes that the law protects all workers indiscriminately against hazardous work. Although **Djibouti** neither defines hazardous work nor does it specify a minimum age for this type of work, it states that children are prohibited to work in jobs that they cannot physically manage, such as those in big construction sites. In **Eritrea**, hazardous work covers the transportation of passengers and/or goods by road, railway, air and sea, as well as warehouses involving heavy weight lifting, pulling or pushing or any other related type of labour, work connected with toxic chemicals, dangerous machines, electric power generation plants, transformers or transmission lines and working in sewers and tunnel digging. In **Pakistan**, children under 14 are prohibited from working in factories, mines or other hazardous occupations. In **Sierra Leone** the law prohibits children from working before 6 a.m. and after 8 p.m. or perform any type of work that involves lifting, carrying or moving anything of a weight that would be likely to cause injury. In **Uzbekistan**, hazardous work includes work in unfavourable conditions, underground activities, and any activity that is a risk to their health, safety or morals. In **Venezuela**, this type of work includes work in mines and foundries, and any work that could put the life and health of workers at risk.

207. Laws/regulations to eliminate the worst forms of child labour. Most countries report that specific laws exist to eliminate the worst forms of child labour. According to the Government of **Afghanistan**, the types of work covered include operating big/heavy machinery; working in coalmines; chemical laboratories; and drug trafficking. The federal Government of **Australia** has recently introduced the Crimes Legislation Amendment (Telecommunications Offences and Other Measures) Bill, 2004, which contains offences dealing with child pornography on the Internet. This Bill also takes into consideration the definition of child pornography under Convention No. 182, and amends the Customs Act, 1901, by increasing the age of persons covered by the definition from under 16 to under 18. In **Sierra Leone**, the Employers and Employed Act covers work in mining, work on vessels and carrying or moving anything of a weight that would likely lead to injury. In **Uzbekistan**, the Criminal Code deals with recruitment for the purpose of exploitation, which carries penalties including imprisonment. In **Venezuela**, the worst forms of child labour are dealt with in the Constitution and other legislation. Concerning legislative amendment prospects, **Cambodia**, has set up a comprehensive national plan on the worst forms of child labour that includes new laws to eliminate the worst forms of child labour. In **Djibouti**, in view of ratifying Convention No. 182, the Government plans for legislative amendments to conform to this instrument.

208. As concerns trafficking in persons including children in **Australia**, Division 270 of the Criminal Code, which came into force in 1999, prohibits slavery, sexual servitude and deceptive recruiting for sexual services. Slavery carries a maximum penalty of 25 years' imprisonment, sexual servitude attracts a maximum penalty of 19 years and deceptive recruiting carries a maximum penalty of nine years. The national legislation also criminalizes people smuggling, aggravated by exploitation (whether or not via Australia), with a maximum penalty of 20 years' imprisonment. In 2003, the Australian Government

enacted amendments to the Telecommunications (Interception) Act, 1979, to make telecommunications interception warrants available for investigations into the Criminal Code offences dealing with trafficking in persons. Furthermore, the Government intends to introduce in 2004 further offences (such as those by means of force, threats or deception and a specific debt bondage offence) to comprehensively criminalize trafficking in persons.

209. Worst forms of child labour. The table ¹⁰ below reflects the responses provided by reporting countries concerning the existence or non-existence of the worst forms of child labour:

Countries	Sale and/or trafficking	Debt bondage, serfdom, forced or compulsory labour	Forced recruitment for armed conflict	Prostitution	Pornography	Illicit activities, in particular production and trafficking of drugs
Afghanistan	Yes	Yes	Yes	Yes	No	Yes
Australia	No	No		Yes	Yes	Maybe
Colombia	Yes	Unknown	Yes	Yes	Yes	Yes
Cuba	No	No	No	No	No	No
Djibouti				Maybe		Maybe for girls
Eritrea	No	No	No	No	No	No
Guinea-Bissau	Yes	No	Unknown	Unknown	Unknown	Unknown
India	Yes	Yes	No	Yes	Yes	No
Latvia	Unknown	No	No	Maybe	Maybe	Unknown
Sierra Leone	Yes	Yes	Yes	Yes	Yes	Yes
Suriname	Unknown	No	No	Maybe	Maybe	Maybe
Tajikistan		No	No	Maybe for girls		
Venezuela	Yes	No	No	Yes	Yes	Unknown

210. Prevention mechanisms and other specific measures or programmes of action to bring about the effective abolition of child labour. According to the International Organisation of Employers (IOE), employers have been actively involved in promoting and supporting this principle and right. They continue to seek further opportunities for engagement in this area. The *Employers' handbook* drafted and published by the IOE remains a useful reference for business in responding to the issue of child labour. It contains information and practical examples for employers' organizations and their members. Research has recently been undertaken to expand the scope of the Handbook to provide good practices for employers in those sectors that are most vulnerable to child labour. Employers' organizations also continued their involvement in programmes against child labour through IPEC programmes. In addition, the majority of projects specifically developed by the ILO for employers' organizations were implemented with the assistance of independent donor funding.

¹⁰ Source: government reports.

Table 2.¹¹ Measures to enforce the principle of the effective abolition of child labour

	Measures to enforce minimum age(s) for employment		Measures to eliminate the worst forms of child labour	
	Implemented	Envisaged	Implemented	Envisaged
Legal reform	Guinea-Bissau, Islamic Rep. of Iran, Lao People's Dem. Rep., Latvia, Qatar, Saint Lucia, Sierra Leone	Bangladesh, Colombia, Suriname	Guinea-Bissau, India, Sierra Leone, Venezuela	Djibouti, Saint Kitts and Nevis, Suriname, Tajikistan
Inspection/monitoring mechanism	Australia, Bangladesh, Djibouti, Guinea-Bissau, Islamic Rep. of Iran, Lao People's Dem. Rep., Latvia, Qatar, Saint Kitts and Nevis,	Colombia, Sierra Leone, Suriname	Australia, India, Tajikistan, Venezuela	Sierra Leone, Suriname
Penal sanctions	Australia, Bangladesh, Djibouti, Guinea-Bissau, Islamic Rep. of Iran, Lao People's Dem. Rep., Saint Kitts and Nevis, Sierra Leone	Colombia	Australia, Latvia, Sierra Leone, Suriname	Suriname
Employment creation/income generation	Australia, Bangladesh, Islamic Rep. of Iran, Lao People's Dem. Rep., Qatar, Sierra Leone		Australia, India, Sierra Leone	Djibouti
Civil or administrative sanctions	Bangladesh, Islamic Rep. of Iran, Lao People's Dem. Rep. Latvia, Qatar, Saint Kitts and Nevis, Sierra Leone	Suriname	India, Sierra Leone, Tajikistan	
Special institutional machinery	Bangladesh, Colombia, Guinea-Bissau, Islamic Rep. of Iran, Lao People's Dem. Rep., Latvia, Saint Kitts and Nevis, Sierra Leone		Guinea-Bissau, Sierra Leone, Venezuela	Suriname, Tajikistan
Free compulsory education	Bangladesh, Islamic Rep. of Iran, Lao People's Dem. Rep., Qatar, Sierra Leone, Suriname		Sierra Leone, Suriname, Tajikistan	Djibouti
Social assistance	Australia, Islamic Rep. of Iran, Qatar, Saint Kitts and Nevis	Bangladesh	Australia, India, Latvia, Tajikistan, Venezuela	
Child rehabilitation following removal from work	Bangladesh, Islamic Rep. of Iran, Lao People's Dem. Rep., Qatar, Saint Kitts and Nevis, Sierra Leone	Colombia, Tajikistan	Guinea-Bissau, India, Sierra Leone	Djibouti, Suriname
Vocational and skills training for young workers	Australia, Bangladesh, Djibouti, Guinea-Bissau, Islamic Rep. of Iran, Lao People's Dem. Rep., Sierra Leone		Australia, Guinea-Bissau, India, Sierra Leone, Tajikistan	Djibouti, Suriname
Awareness-raising/advocacy	Australia, Bangladesh, Colombia, Djibouti, Guinea-Bissau, Islamic Rep. of Iran, Lao People's Dem. Rep., Saint Kitts and Nevis, Saint Lucia	Sierra Leone	Australia, Guinea-Bissau, India, Sierra Leone, Suriname, Tajikistan	
International cooperation programmes or projects	Bangladesh, Colombia, Guinea-Bissau, Islamic Rep. of Iran, Lao People's Dem. Rep., Sierra Leone		India, Sierra Leone, Suriname, Tajikistan	Djibouti, Guinea-Bissau, Latvia

211. Special attention to particular groups of children, including those operating in the informal economy. In Australia, the Commission for Children and Young People Act, 2000, requires the Commission in undertaking its statutory functions to give priority to the needs and interests of children and young people: (i) who are not able to protect their rights, interests or well-being; (ii) for whom there is no appropriate person to act on their

¹¹ Source: governments' reports.

behalf; (iii) who are disadvantaged because of a disability, geographic isolation, homelessness or poverty; or (iv) who are in, or may enter, out-of-home care or detention. In **Bangladesh**, the Government reports that extreme forms of poverty play the most crucial role in driving the children to work for an earning. In this respect, about 6.3 million children of age 5-14 years, including about 3.8 million boys and 2.5 million girls, are operating in the informal economy. Of all the working children, 83 per cent are found in the rural areas. The Government has been trying to eliminate child labour in cooperation with ILO/IPEC since 1995. In **Djibouti**, special attention is given to those working in the informal economy, and girls who have been victims of prostitution. In **Guinea-Bissau**, due to the country's economic and financial problems, difficulties continue to be experienced in enforcing the provisions of article 146 of the General Labour Law regarding the age at the end of compulsory schooling, particularly in the informal economy. In **Sierra Leone**, special attention has been given to child combatants, through the National Commission for War Affected Children (NACWAC) and the Children Affected by War (CAW), War Child, and Caritas International. Although there are no reliable figures, most children operate informally in the streets, in diamond and gold mines, quarries, fishing, agriculture and as domestic workers. The Government of **Suriname** reports that the results of a survey held in 1998 show that there is about a 2 per cent occurrence of child labour in the country. Although no cases of child labour have been found in the listed enterprises, child labour does occur in the informal economy. The Government envisages, among others, to give special attention to children involved in prostitution.

212. Data collection and dissemination. The table ¹² below reflects the responses provided by the reporting countries with respect to the availability of data collection on child labour:

Country	Records of children withdrawn from child labour	Records of number of ex-child labourers pursuing formal or non-formal education	Sanctions applied to users of child labourers
Afghanistan	No	No	No
Bangladesh	Yes	Yes	No
Colombia	No	No	No
Djibouti	No	No	No
Eritrea	No	No	No
Guinea-Bissau	No	No	Yes
India	Yes	Yes	Yes
Iran, Islamic Rep. of	No	No	Yes
Lao, People's Dem. Rep. of	No	No	No
Latvia	Yes	No	No
Saint Kitts and Nevis	No	No	No
Sierra Leone	No	No	Yes
Saint Vincent and the Grenadines	No	No	No
Suriname	No	No	No
Tajikistan	Yes	Yes	Yes
Venezuela	No	No	No

¹² Source: governments' reports.

213. The table below reflects the responses provided by reporting countries concerning surveys and census:

Country	National surveys on representation by sex, occupation and type of activity	Lowest age of people for whom questions were asked about economic activity	Last census
Afghanistan	No		
Bangladesh	Yes	5	
Colombia	Yes	12	1993
Cuba		15	2002
Djibouti	No		2002
Eritrea	No	No	In the process
India	Yes	5	2001
Iran, Islamic Rep. of		10	1995
Kiribati	No		
Lao, People's Dem. Rep of	No		
Latvia	Yes	15	2000
New Zealand			2002
Pakistan			1996
Qatar		15	1997
Saint Kitts and Nevis		16	2001
Saint Vincent and the Grenadines		15	2001
Sierra Leone	No	16	1985
Suriname	Yes		2003
Tajikistan	Yes	18	2001
Venezuela	No	15	2001

214. National and international policies/plans. The vast majority of reporting countries mention that they have a national policy/plan for the effective abolition of child labour, while the others express their intention to adopt one in the near future. Only **Bangladesh**, **Saint Lucia** and **Saint Vincent and the Grenadines** report that they do not have one. These national policies/plans are aimed at tackling child labour, including ratification of the relevant Conventions, strengthening labour inspections, macro policy, optimizing human and material resources and the setting of specific committees.

215. According to the Government of **Afghanistan**, two national commissions on children's rights have been established: the Commission on the Abolition of Child Trafficking and the Child Protection Commission. **Cambodia** notes that it has put in place a comprehensive National Action Plan on the Worst Forms of Child Labour. It has also adopted national policies and is implementing action programmes to provide education for all, and fight against trafficking and sexual exploitation of children in line with commitments to the Asian Tourism Agreement. In the context of this subregional agreement, a Tourism Law was enacted in 2001, and a child-safe tourism programme is being implemented and includes a programme for return and reintegration of the victims. **Colombia** indicates that it has adopted the Third National Plan for the Eradication of Child Labour and the Protection of Young Workers, with the general objective to help prevent and eliminate the worst forms of child labour, to protect young workers and to promote quality types of work. **Eritrea** notes that its Macro Policy on Legal Protection for

Economic and Social Forms of Exploitation is aimed at ensuring the effective abolition of child labour. **India** reports that its national policy that was enunciated in 1987 contains an action plan for tackling the problem of child labour. **Qatar** mentions that the objectives and targets of the national policy/plan are the provision of human and material resources, as well as all other means that ensure childcare, protection and adequate preparation of children for the future, in the context of good family and social and economic conditions. In this context, precedence is given to health, education and social services, material and moral guidance and other means, which might promote the well-being of children. The Government of the **Lao People's Democratic Republic** indicates that it will implement, between 2000 and 2007, a national plan aimed at protecting children and eliminating child labour, including problem solving. **Saint Kitts and Nevis** states that its national plan should be incorporated in the proposed Labour Code that is tabled for discussion by the National Tripartite Committee. **Sierra Leone** mentions that a new National Policy on the Rights of the Child has been drafted with the objective of incorporating the provisions of the Convention of the Rights of the Child into national law, while putting a special focus on: (i) the enforcement of the child's attendance at school; (ii) the fight against child labour; (iii) the support of poor parents for income-generating activities; (iv) the withdrawal of children from work; and (v) the reintegration of child combatants into society. Concerning prospects, **Djibouti** reports that its national plan is to work closely with ILO/IPEC, to ratify Convention No. 182 and to enact a national legislation on child labour. **Guinea-Bissau** is envisaging undertaking a survey, whereas the **Islamic Republic of Iran** plans to create a national foundation on children's rights.

- 216.** At international level, **Australia, New Zealand** and the **United States** have expressed their intention to renew their assistance to other States and international organizations to combat child labour, including in its worst forms. Their assistance ranges from financial aid to participation in international forums. In this respect, the Government of **Australia** considers that its aid programme addresses the fundamental causes of child labour and related forms of exploitation of women and children in developing countries through a focus on poverty reduction, sustainable development, and improved governance – in particular with the strengthening of law and justice, human rights, democratic institutions and civil society. This programme also contributes to an environment where child labour and other forms of exploitation are less likely to occur.
- 217. New initiatives.** In **Afghanistan**, the Government notes that preventive measures against child trafficking have been adopted. In the **Australian State of Queensland**, the Government newly established a Commission for Child and Youth Protection (CCYP), together with a Young Workers' Advisory Service that provides a confidential and supportive free service to assist young people on work-related matters. The Government of **Bangladesh** reports that a good number of action programmes are being implemented successfully in cooperation with ILO/IPEC, employers' and workers' organizations, and NGOs. About 50,000 child labourers and their families have benefited directly and indirectly through these programmes. The Government of **Eritrea** indicates that a campaign was launched to encourage parents to send their children to school. Parents whose children were working due to economic constraints have been provided with social assistance and stipends, along with free schooling and free kits for school, such as books, exercise books, etc.
- 218. Ghana** reports that parents of working children are assisted in having access to small credit in order to set up micro-enterprises to sustain them and their children. In cooperation with ILO/IPEC, the Government is now at the stage of developing a strategic framework for the Time-Bound Programme on the Elimination of Child Labour, which should facilitate the effective abolition of child labour in the country and boost ratification of Convention No. 138. In **Guinea-Bissau**, due to the country's economic and financial problems, difficulties continue to be experienced in enforcing the provisions of article 146

of the General Labour Law regarding the age at the end of compulsory schooling, particularly in the informal economy. In **India**, various projects on child labour, including those under ILO/IPEC, have yielded encouraging results. Civil society organizations have also played an important role in these projects, and provision of lunch meals and stipends has been crucial in motivating parents to send their children to the special schools. In the **Islamic Republic of Iran**, the Government is promoting the abolition of child labour through education and professional training with the help of the employment services. Following ratification of Convention No. 182, **Liberia** held a national tripartite conference in 2003 and gave effect to a national resolution by establishing a National Commission on Child Labour, which has since expanded to include both tripartite and child advocacy groups. In **Mexico**, under the Programme to Discourage Child Labour, the Ministry of Labour and Social Security signed cooperation agreements with federal institutions to take action for the elimination of child labour. These agreements have led to awareness-raising campaigns and events in various states of the country.

219. In **Pakistan**, the Government reports that successful bilateral projects in the private sector have been undertaken under the auspices of ILO/IPEC, like the soccer ball project in Sialkot. This project has attracted more than 90 per cent of the football manufacturers and has opened formal stitching centres where no child labour is involved. It also provides an education programme to more than 17,000 children. Similar projects have been launched in the surgical and carpet industries. In **Sierra Leone**, the Government mentions that the creation of the family support unit within the national police forces also addresses child labour and child abuse. It further notes that passing national legislation relating to the Conventions on the Rights of the Child and the African Charter on the Rights of the Child can be regarded as successful examples in the abolition of child labour. However, according to the Sierra Leone Employers' Federation (SLEF), domesticating international and regional instruments is not enough; the most important is the effective implementation of national and international standards. In **Uzbekistan**, the Government indicates that the "National Training Programme for Executives" and the "Act on Education" both provide for a nine-year school education and, upon completion of general secondary education, compulsory training at either an academic *lycée* or a vocational college. This brings up the age of compulsory education to 18 or 19, depending on the age where the child started school.

(c) **Challenges mentioned**

220. Legislation. The following countries are revising their laws on child labour or contemplate similar action, mostly in cooperation with the ILO: **Bahrain, Bangladesh, Djibouti, Kiribati** and **Suriname**. **Saint Lucia** reports a mismatch between the minimum age for admission to employment (14) and the compulsory school leaving age (15), which the Labour Code will correct by prohibiting the employment of children who have not completed 15 years of age.

221. Contextual factors. The Government of **Afghanistan** expresses difficulties in realizing the principle lie in terrorism, lack of security and easy availability of weapons. The Government of **Bangladesh** mentions that there is a lack of effective rehabilitation programmes to address child labour. The Government of **Gabon** considers that the main obstacle to law enforcement is that child labour exists mostly in private houses, and access to these places are difficult for labour inspectors. According to the Gabonese Confederation of Free Trade Unions (CGSL) and the Confederation of Gabonese Employers (CPG), some progress is being made in fighting this form of child labour, namely with the creation of a free toll number to denounce the users of child labour and the cooperation of ILO/IPEC and UNICEF. While noting the existence of child labour in private houses, the Gabonese Trade Union Confederation (COSYGA) observes that this phenomenon is aggravated by the lack of effective sanctions. The Gabonese Confederation

of Free Trade Unions (CGSL) further notes that privatization has led to a significant amount of job losses which in turn have led to children abandoning schools. These children often end up as delinquents or start working in the informal economy. The Government and the social partners both observe the existence of street children in the country, mostly from foreign countries. They request further ILO assistance and regional and bilateral cooperation to fight against this phenomenon.

- 222.** In **Haiti**, the Association of Industry of Haiti (AIH) observes that its country has been facing economical and political crisis for 15 years, which has made the ratification of Conventions Nos. 138 and 182 impossible. AIH confirms its full support in applying the principle contained in Convention No. 138 in the formal sector, and indicates that it was involved in the project concerning the domestic child workers “restavek” initiated by ILO/IPEC, but that project had to be stopped due to the lack of Government will. The Trade Union Coordination of Haiti (CSH), the Trade Union Movement of Haiti (MSH) and the Trade Union Sector of Haiti (SSH) both stress the fact that the national economic and political crisis is dragging the country deeper into poverty and this is making the realization of this principle extremely difficult. They have also stated that a national seminar should be organized by the ILO to deal with the “restavek” problem. The Government supports this position and requests ILO technical cooperation, including the new launch of the “restavek” programme. In **India**, the Government indicates that illiteracy, poverty and unemployment are the major obstacles for the elimination of child labour. Similarly, the Government of the **Islamic Republic of Iran** defines these obstacles as the lack of resources, poverty, unemployment and insecurity in parents’ jobs.
- 223.** In **Liberia**, the Government admits that the Labour Law that generally bars child labour from age 16 downwards has not been complied with. Although a National Commission on Child Labour has been established since 2003, the United Seamen Ports and General Workers’ Union of Liberia/the Liberia Federation of Labour Unions (USPOGUL-LFLU) observes that, after 14 years of war, Liberia is gradually returning to peace, and the Disarmament National Programme has disarmed close to 16,000 child soldiers in the country. Furthermore, the USPOGUL-LFLU makes a strong appeal to the ILO for financial assistance for the said Commission to enable it to fight against child labour and to work for the reinsertion of ex-child soldiers.
- 224.** In **New Zealand**, the New Zealand Council of Trade Unions (NZCTU) observes that research and surveys show that: (i) a large proportion of people in the country who are suffering from poverty have responsibility for children; (ii) students from lower socio-economic and younger age groups are more likely to be working to supplement the family income; and (iii) 57 per cent of young prostitutes were known to have come from poor or very poor families. The NZCTU further states that decent wages and employment conditions are an essential component of any poverty eradication programme and that children should not be forced into work to contribute to household budgets for food and other necessities. Amongst the remedies identified by the informants for reducing the likelihood of children and young people turning to prostitution were reducing youth poverty, providing free tertiary education and reducing family poverty. In this respect, the recent Working for Families package goes some way to addressing the difficulties for low-income working families.
- 225.** In **Pakistan**, the Employers’ Federation of Pakistan (EPF) notes that poverty, financial constraints, pseudo rigid and conservative attitudes of parents and the feudal system are the main obstacles to realizing the principle in the country. No significant resistance has been encountered against reduction or elimination of child labour. However, the dilemma is how to achieve that end. In response, the Government mentions that its Poverty Reduction Strategy Paper of Pakistan also addresses the plight of labouring children. Furthermore, the Government points out that the Commission for Human Development is making

tremendous efforts to improve human capital and to meet basic human needs like education and health through special programmes.

- 226.** In **Sierra Leone**, the Government highlights that the lack of awareness-raising and resources, combined with the conservative traditional practices, the difficulties surrounding the reintegration of ex-child combatants, and poverty. These are major obstacles to realization of the principle in the country. The Sierra Leone Labour Congress (SLLC) observes the lack of survey and data to assess the magnitude of child labour in the country. Moreover, labour inspection is not effective and prosecution is not implemented against the users of child labour. The Government and the social partners made both an urgent request for ILO technical cooperation to organize a national seminar on the Declaration, including the fight against child labour, so as to raise awareness and draw a national plan of action to promote the fundamental principles and rights at work.
- 227. Difficulties in data collection and dissemination.** The Confederation of Mexican Trade Union (CMTU) states the main obstacle encountered in **Mexico** with respect to realizing this principle is the lack of reliable data on the number of child workers. In **Sierra Leone**, the Sierra Leone Employers' Federation (SLEF) and the Sierra Leone Labour Congress (SLLC) observe that data collection and analysis is a priority needed to assess the magnitude of child labour in the country. **Venezuela** reports that the greatest obstacle in realizing this principle and right is obtaining reliable statistical data that show the real extent of the problem.
- 228. Requests for technical cooperation.** In view of meeting these challenges and facilitating the realization of the principle, **Afghanistan, Bangladesh, Cambodia, Colombia, Djibouti, Eritrea, Guinea-Bissau, Haiti, Islamic Republic of Iran, Lao People's Democratic Republic, Latvia, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sierra Leone, Suriname, Tajikistan** and **Venezuela** have requested ILO technical cooperation. (For further information, refer to Part G of this report.)

(d) Reports indicating no change

- 229.** The Governments of **Bahrain** and **Oman** report no change in relation to their previous report.

6. Comments by the Expert-Advisers on the effective abolition of child labour

- 230.** The Expert-Advisers appreciate the high increase in the reporting rate under this principle and right, including a greater involvement of employers' and workers' organizations in the debate. These reports now increasingly reflect the diversity of forms of child labour and the extent of the problem. This year's government reports confirm that child labour is almost everywhere, often invisible, toiling as domestic servants in homes, labouring behind the walls of workshops or hidden from view in plantations, to say nothing of the worst forms of child labour.
- 231.** We are deeply concerned that according to ILO/IPEC statistics, an estimated 211 million children aged 5-14 are engaged in economic activity worldwide. Most of them, 180 million, are intolerably exploited, including 8.4 million children trapped in slavery, human trafficking, debt bondage, prostitution, pornography and other forced illicit activities. It is appalling to note that each year 22,000 children lose their lives because of work-related accidents.

232. We reiterate our emphasis on the importance of matching the end of compulsory schooling with the minimum age for admission to employment or work, including by means of legislation. This has the effect of efficiently controlling children's entry into the labour market. Equally important, it ensures that children are given the minimum education which consequently prepares them for better jobs, and reduces the risk of children being snared into the worst forms of child labour. This requires an adequate supply of education and social policies to promote school attendance.
233. On a positive note, it is clear that almost all reporting governments show concern regarding this phenomenon, and they seem to take stock of the long-term impact it has on the economy and, even more importantly, on the future of their social development. Despite progress made to combat child labour, in many cases, lack of awareness, negative cultural attitudes and lack of resources curtail government efforts. Success in tackling child labour cannot be achieved without the active involvement of the employers' and workers' organizations and other stakeholders. We therefore, urge their greater involvement in addressing the above issues in view of the negative impact that child labour has on society and the economy. We therefore urge the stakeholders to take more active and even proactive roles in the fight against child labour for a better future.
234. At international level, **Australia, New Zealand** and the **United States** have expressed their intention to renew their assistance to other States and international organizations to combat child labour, including in its worst forms. Their assistance ranges from financial aid to participation in international forums. It is important to maintain a continuity of social programmes to combat child labour. Once programmes are interrupted, it is difficult to maintain the momentum. The sustainability of such programmes will be enhanced with the active support of employers' and workers' organizations.
235. We appreciate the contribution of employers' and workers' organizations this year and would like to have even more observations from them. We reiterate the role that they must continue to play, especially in awareness-raising and advocacy with regard to this principle and right.
236. We commend the efforts by ILO/IPEC and other technical cooperation programmes. However, many countries report that the worst forms of child labour still persist. We note with great concern that children are still being trafficked, forced into bondage or other forms of slavery, into prostitution and pornography and into participating in armed conflict or other illicit activities. Therefore, we strongly call for donor support for ILO/IPEC to continue in its efficient combat against these scourges.

7. Elimination of discrimination in employment and occupation

(a) Reporting

237. Nineteen out of 23 States have submitted a report under the principle of the elimination of discrimination in employment and occupation (83 per cent reporting rate), which is an increase of 15 per cent compared to the 2004 annual review figures regarding this principle and right. This represents a record high in terms of governments' response for this principle and right.
238. The **Democratic Republic of Timor-Leste** and **Vanuatu** failed to report for the 2005 annual review.

239. Since the start of the annual review exercise in 1999, the **Solomon Islands** and **Somalia** have never submitted reports under this principle and right.
240. At national level, nine observations were received from two employers' organizations and seven workers' organizations concerning **Djibouti** (the General Union of Djibouti Workers (UGTD) and the Djibouti Workers' Union (UDT)), **Japan** (the Japanese Trade Union Confederation (JTUC-RENGO)), **Kiribati** (the Kiribati Chamber of Commerce (KCC) and the Kiribati Trade Union Congress (KTUC)), **Liberia** (the United Seamen Ports and General Worker's Union of Liberia and the Federation of Labour Unions (USPOGUL-LFLU)), **Thailand** (the National Congress of Thai Labour (NCTL)), **Uganda** (the Federation of Uganda Employers (FUE)) and the **United States** (the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)).
241. At international level, one general observation was received from the International Organisation of Employers (IOE), whilst the International Confederation of Free Trade Unions (ICFTU) sent late comments for the 2004 annual review regarding the **United States**.

(b) Reports mentioning efforts

242. **Ratification.** Under this principle and right, **Comoros** is the sole country that ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), in 2004.
243. As for ratification prospects, the Governments of **Kiribati** and **Uganda** state their intention to initiate a ratification process for both the Equal Remuneration Convention, 1951 (No. 100) and Convention No. 111. The new Government of **Liberia** is committed to ratify Convention No. 100 as soon as possible. The Governments of **Djibouti** and **Estonia** have also initiated a ratification process for Convention No. 111. The Government of **Japan** reiterates that a further study needs to be carried out to examine compliance of national laws vis-à-vis the provisions of Convention No. 111.
244. **Recognition of the principle and right.** Most reports emphasize government will to struggle actively against any forms of discrimination in employment and occupation. For this purpose, the principle of non-discrimination is recognized and/or defined in the Constitution, legislation and/or judicial decisions. For example, the Constitution of **Djibouti** prohibits in its dispositions any discrimination on grounds of race/colour, political opinion, and social origin. In **Malaysia**, the Constitution (article 8) provides that every citizen is equal before the law, without any distinction based on language, social origin, race, sex and religion; it further prohibits inclusion in the legislation of any provisions that would appear discriminatory. The Constitution of the **Lao People's Democratic Republic** (article 6) protects the liberties and inviolable democratic rights of all citizens and provides that national laws should apply without discrimination based on sex. The Government of **Singapore** upholds the principle of fair and equal treatment of workers without discrimination.
245. Concerning national legislation, some governments mention special provisions concerning the principle and right. For example, in **China**, the principle of non-discrimination is enshrined in article 12 of the Labour Law. In **Djibouti**, **Lao People's Democratic Republic** and **Myanmar** (Law of 1964), the Labour Code bans discrimination in employment and occupation. In **Qatar**, under article 9 of the provisional amended Statute, persons are equal in general rights and obligations, with no discrimination based on race, sex or religion. In **Uganda**, the Government reports that the Draft Employment Policy takes into consideration the principles under Conventions Nos. 100 and 111.

246. Several governments (**China, Djibouti, Estonia, Japan, Kuwait, Malaysia, Myanmar, Qatar, Suriname, Thailand** and **Uganda**) report that they have adopted legal provisions against discrimination, including in the field of remuneration. For example, in **Qatar**, the Civil Service Act prescribes the corresponding salaries and allowances for the positions and grades of all officials without any discrimination, and in the private sector the Labour Code prohibits any agreement between an employer and a worker that might be contrary to this principle and right. In **Myanmar**, under the Law of 1964, the government recruitment policy shall disregard various forms of discrimination in employment and occupation.
247. The recognition of the principle and right in judicial decisions is reported by **China, Estonia, Kiribati, Kuwait, Lao People's Democratic Republic, Malaysia, Myanmar, Qatar** and **Uganda**.
248. **Grounds of discrimination.** The grounds of discrimination expressly covered by Convention No. 111, i.e. race/colour, sex, religion, political opinion, national extraction and social origin are referred to by **China, Lao People's Democratic Republic, Malaysia** and **Suriname**.
249. Major efforts are reported below under this principle and right for this annual review and refer in particular to legislative changes; enforcement and sanctions; special attention to particular categories of workers; promotional activities; data collection and dissemination; policy implementation and new initiatives.
250. **Introducing new legal instruments.** A number of governments report their endeavour to integrate the principle and right in their national legislation. For example, the Government of **Bahrain** works in cooperation with the ILO to issue a new Labour Act for the private sector. The Government of **Estonia** adopted in April 2004 the Gender Equality Act, which aims at ensuring equality between men and women both in the public and private sectors. In **Kiribati**, a labour law review process has been carried out in cooperation with the ILO to incorporate the provisions of Conventions Nos. 100 and 111. In **Thailand**, the Government has enacted several laws and resolutions to combat discrimination concerning people with disabilities. The Government of **Uganda** intends to adopt an Equal Opportunities Bill.
251. **Enforcement and sanctions.** Many governments provide for sanctions to ensure the application of national laws. The Government of **China** reiterates that non-discrimination at work is promoted through labour inspection, and in the event of violation of the law, sanctions are imposed (warning and fine). Similar measures are applied in **Lao People's Democratic Republic** and **Suriname**. In **Djibouti**, a judicial action may be initiated to fight against discrimination at work. In **Uganda**, the National Human Rights Commission and the Government Inspectorate endeavour to promote this principle and right, and cases of complaints are referred to the Ministry of Gender, Labour and Social Development for action. Some governments (**Djibouti, Malaysia** and **Myanmar**) mention that no legal action relating to the principle and right was submitted to their national jurisdictions, while few others (**Kuwait** and **Qatar**) indicate that no discrimination exists in employment and occupation in their country.
252. **Special attention to particular categories of workers or enterprises.** Various governments indicate that, in view of realizing the principle and right, special measures have been taken in favour of special categories of workers. In **China** and **Thailand**, particular attention is given to rural migrant workers and people with disabilities, respectively. This protection applies to all workers in the public sector in **Suriname**. The Governments of **Djibouti** and **Lao People's Democratic Republic** are contemplating measures to protect particular categories of workers against discrimination. In this respect, the Government of **Djibouti** intends to define the notion of atypical work in its new

Labour Code, and to undergo a survey concerning discrimination in the informal economy. However, the Governments of **China** and **Qatar** report that measures concerning the elimination of discrimination are not implemented in establishments of a certain size, with no specifications on the type of establishments concerned.

- 253. Promotional activities.** A number of governments mention that they have promoted this principle and right by implementing awareness-raising and advocacy programmes. In **Malaysia**, the Ministry of Human Resources undertook labour education programmes to raise awareness among employers. In 2003-04, the Ministry of Manpower in **Oman** published a series of public information pamphlets and carried out several awareness-raising activities concerning the principle and right and the new Omani Labour Law. In **Kiribati**, the Government welcomes a national Declaration Programme that would help promote, in cooperation with the ILO, non-discrimination and other fundamental principles and rights at work and labour changes. The Government of **Uganda** considers that there is great national demand for awareness-raising and capacity-building measures for which it requires cooperation with the ILO.
- 254.** According to the International Organisation of Employers (IOE), employers have been actively involved in promoting and supporting this principle and right. They continue to seek further opportunities for engagement in this area. In this respect, the IOE has developed an employers' handbook on HIV/AIDS in cooperation with UNAIDS, and has participated in the elaboration of the ILO code of practice on HIV/AIDS and the accompanying training materials. The IOE further participated in the 15th International AIDS Conference in Bangkok, and in the Global Compact Policy Dialogue on HIV/AIDS where it launched a joint declaration with the International Confederation of Free Trade Unions (ICFTU). Training and awareness-raising seminars for IOE members were also held in Africa, the Caribbean and the Asia-Pacific region. The main focus of these events was on how to address discrimination, fear and stigma and how to improve the workplace environment for those affected and infected. In addition, the IOE provided specific policy guidance to its members on how to address the issue as it relates to government action or the initiatives of their members. The employers were also involved in promoting other aspects of the principle and right, including the promotion of women entrepreneurship, initiatives to reconcile work and family responsibilities, as well as promotional activities on equality in the workplace. In this respect, the Irish Business and Employers' Confederation concretely supported an agenda for action entitled "Achieving equality in intercultural workplaces".
- 255. Data collection and dissemination.** Most governments (**Djibouti, Kiribati, Kuwait, Lao People's Democratic Republic, Malaysia, Qatar** and **Suriname**) report that statistics and information relevant to this principle and right are not collected on a regular basis. However, the Government of **Kiribati** acknowledges the existence of discrimination in its country. The Government of **Djibouti** expresses its commitment to ratify the Labour Statistics Convention, 1985 (No. 160), and requests ILO technical cooperation to facilitate data collection and analysis. In the same vein, the Government of **Uganda** reiterates its commitment to set up an information and data collection system, with ILO technical support. **Japan** is the sole country to mention that it records statistics inspection regarding the number of violations and cases sent to the Prosecutor with reference to articles 3 and 4 of the Labour Standards Law.
- 256. Implementing policies.** Many government reports refer to national policies to promote this principle and right. In **China**, the Ministry of Labour and Social Security endeavours to combat discrimination on grounds of sex, ethnic community, race or religious belief through policy-making and inspection. The Government of **Djibouti** reaffirms that a national strategy to promote women has been adopted, and requests ILO technical cooperation to elaborate a national policy on the elimination of discrimination. The

Government of **Qatar** reiterates that a national policy for equality and non-discrimination has been elaborated taking into account the principle and right in law and practice. The Government of **Liberia** welcomes ILO technical cooperation to organize a national tripartite seminar, so as to assess priority needs related to the Declaration principles and rights and focus on implementation.

257. New initiatives. Few governments report new initiatives to promote and realize this principle and right. For example, **Oman** has extended the umbrella of benefits of national programme to youth in view of expanding their employment opportunities and initiatives for self-employment. The Government of **Thailand** has established Offices for Women's Affairs and Family Development to address gender issues through policies and measures, supervision, information and research. It also emphasizes the adoption in 2004 of practical guidelines on the prevention and management of HIV/AIDS at the workplace.

(c) Challenges mentioned

258. Legislation. The Governments of **China, Kuwait, Lao People's Democratic Republic** and **Suriname** mention legal provisions as one of the major difficulties in the realization of this principle and right.

259. Concerning **Japan**, the Japanese Trade Union Confederation (JTUC-RENGO) has requested the Government to carry out labour law revisions in view of achieving substantial gender equality and equal treatment between full-time and part-time workers.

260. In response to these observations, the Government of **Japan** reiterates that the Ministry of Health, Labour and Welfare has convened, since 2002, a panel on equal employment opportunities policies to discuss the way to address various issues such as discrimination between men and women, unfair treatment due to pregnancy and childbirth, indirect discrimination and promotion of positive actions. This panel is scheduled to compile a report by June 2005. The Equal Employment Subcommittee of the Labour Policy Council has also discussed further measures to promote equal opportunity in respect of employment. The Government further notes that employers and workers do not share the same views as to how to ensure equal treatment in working conditions for regular part-time workers.

261. Contextual factors. As general obstacles to the realization of the principle and right, some countries refer to social values and cultural traditions (**Djibouti, Lao People's Democratic Republic**), economic and social circumstances (**Suriname**) and political situation (**Lao People's Democratic Republic**). For example, **Suriname** mentions bureaucracy and the lack of resources of its Ministry of Labour. Most countries indicate the lack of public awareness or support (**Djibouti, Kuwait, Lao People's Democratic Republic and Uganda**) and the lack of information and data (**Djibouti, Kiribati, Kuwait, Suriname and Uganda**). Further challenges have been mentioned, such as the lack of capacity of the responsible governmental institutions (**China and Djibouti**) and of employers' and workers' organizations (**China, Kuwait**) and the lack of social dialogue on discrimination and equality issues (**China, Djibouti and Suriname**).

262. In **Djibouti**, the Djibouti Workers' Union (UDT) points out the lack of national policy on the principle and right, and confirms the lack of dialogue between the Government and the social partners. In **Uganda**, the Federation of Uganda Employers (FUE) emphasizes the need to better consider, in the selection process, requirements relating to skills and competences, irrespective of sex.

263. Request for technical cooperation. In view of meeting the above challenges, **China, Djibouti, Kiribati, Kuwait, Lao People's Democratic Republic, Qatar, Suriname** and

Uganda have requested ILO technical cooperation to assist them in realizing the principle and right. (For further information, refer to Part G of this report.)

(d) Reports indicating no change

264. The Governments of **Bahrain, Namibia, Singapore** and the **United States** report no change in relation to their previous report. For the **United States**, the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) expresses its strong disagreement to the “no change” government report on this principle and right.

8. Comments by the Expert-Advisers on the elimination of discrimination in employment and occupation

265. The Expert-Advisers welcome the increase in the reporting rate for this annual review and hope that this momentum will be kept in view of maintaining a positive dialogue between the reporting States and the ILO. Despite these efforts, we are disappointed that only one ratification was registered under this principle and right for the period under review. We hope that ratification intentions will be realized soon.

266. Globalization and changing employment conditions seem to have worsened the multiple forms of discrimination at work. This mainly affects women, racial or ethnic groups and migrant workers, especially in the informal economy. Due to the sheer proportion of women in the labour force, discrimination based on gender continues to require sustained attention. In this respect, we are encouraged that a number of countries report their legislative and practical efforts to overcome gender-based discrimination.

267. We note with interest the greater engagement of employers’ and workers’ organizations in the debate under this principle and right, including a number of promotional activities undertaken by the International Organisation of Employers (IOE). We call upon governments and social partners to engage in sustained dialogue on the strategies and means of action to fight discrimination at work. We wish to point out that the first step of such strategies should be the recognition of the existence of this worldwide phenomenon.

268. We are disappointed that the content of the reports under this principle is relatively poor and does not address the issues of racial, age, ethnic and other forms of discrimination. Unfortunately, reports were generally confined to a description of the legal provisions, including the criteria on which discrimination is prohibited, but few give insights into the manner in which the law is applied in practice. As a complex phenomenon, discrimination at work needs to be documented with qualitative and quantitative information. Therefore, we request governments and the social partners to provide such information to evaluate the size of discrimination against populations that have racial, ethnic, religious or other characteristics such as being disabled, HIV/AIDS carriers, migrants or older workers. We reiterate the need for identifying the variety of forms of discrimination in view of designing appropriate policies and measures to fight discrimination at work. It is encouraging that the International Organisation of Employers (IOE) and the International Confederation of Free Trade Unions (ICFTU) launched a joint declaration relating to HIV/AIDS.

269. We again deplore that migrant workers are particularly affected by discrimination, as they usually take on the worst jobs and suffer from inequality in pay and other terms and conditions. Their situation appears to worsen, as they do not enjoy basic human rights, including the right to organize and to bargain collectively.

270. We welcome that some governments (**China, Djibouti, Lao People's Democratic Republic, Qatar and Thailand**) report that they are giving special attention to particular categories of workers or enterprises. We suggest that further efforts be made to reduce and eliminate such discrimination. Nevertheless, we regret that the reports submitted every year by governments do not show the positive changes concerning these categories of enterprises or workers.

271. We are pleased to note that, in identifying challenges, countries have formulated a need for technical cooperation to promote equality and non-discrimination at work. Those which mention legislation as a challenge need to confirm their political will by moving ahead with legislative reform. We reiterate our pressing call for donor and ILO support to help these countries meet the challenges of discrimination in respect of employment and occupation.

E. The role of employers' and workers' organizations

1. General involvement

272. The reports received under the 2005 annual review show a significant increase of observations received from employers' and workers' organizations, both at national and international levels, totalling an observation rate of 37 per cent compared to 25 per cent for the 2004 annual review (cf. table 3, below).

2. Employers' organizations

273. **The International Organisation of Employers.** The International Organisation of Employers (IOE) sent a statement outlining its position and activities with regard to the Declaration and its follow-up, which is reproduced hereunder *in extenso*, except for its section 5 which falls under Part D of this document.

The employers' support for the Declaration

The IOE reaffirms its strong commitment to the Declaration. The Declaration was created out of the employers' initiative and the IOE remains firmly committed to ensuring its success. The IOE has continued to promote the Declaration in various specific ways which are presented below.

1. Reminder to IOE members regarding the annual review

Consistent with its regular practice, the IOE has drawn the attention of its members to the follow-up procedures. Of the countries that are impacted by the annual review, we have members in approximately 53 countries. The IOE has encouraged them to provide their input either through their governments' reports or under separate cover, as appropriate.

2. Guidance and information to members regarding the ILO Declaration

Since its adoption in 1998, the IOE has continued to provide guidance to its members about the Declaration. In addition to providing specific policy guidance, the IOE published a Guide on the Declaration that explains its significance to employers' organizations and the role they can play in its follow-up. In it, the IOE also encourages employers' organizations to promote greater awareness of the Declaration and its principles amongst their membership.

Table 3. Observations by national and international employers' and workers' organizations* (per cent of government reports)

Principle	2000 (first round)		2001 (second round)		2002 (third round)		2003 (forth round)		2004 (fifth round)		2005 (sixth round)	
	% of comments on reports due	% of comments on reports received	% of comments on reports due	% of comments on reports received	% of comments on reports due	% of comments on reports received	% of comments on reports due	% of comments on reports received	% of comments on reports due	% of comments on reports received	% of comments on reports due	% of comments on reports received
Freedom of association/ collective bargaining	46	69	60	85	34	48	88	106	22	30	33	38
Forced labour	2	5	39	74	4	7	25	41	14	20	8 **	10
Child labour	3	6	25	36	15	28	13	23	13	23	46	53
Discrimination	7	13	32	43	8	13	29	43	18	23	39	47
Average % total	14	24	37	55	17	30	33	51	16	25	32	37

* The response rate exceeds 100 per cent given that in some cases (notably India) comments were sent by several employers' and workers' organizations.

** No national employers' organizations made any comments on the principle of the elimination of all forms of forced or compulsory labour.

3. *Corporate social responsibility (“CSR”)*

CSR has become a highly visible issue for business and the Declaration is increasingly being seen within the business community as a useful reference point in the consideration of CSR initiatives. Because the Declaration is aimed at defining the responsibility of governments, the IOE, through its CSR Working Group, has had an important role to play in providing guidance to its members about what the Declaration means to business in the context of CSR. Given the labour and social aspects of the CSR debate and the important role that the ILO can play, the employers view the Declaration as a ready response to those interested in the debate. Based on the input received in the Working Group, policy and information papers are regularly published and distributed to the IOE membership.

4. *The Global Compact*

The Global Compact’s labour principles are drawn from the ILO Declaration. The IOE was actively involved in promoting the Global Compact. We published a guide about the Global Compact for employers and employers’ organizations and regularly provided specific advice and guidance on its scope and application. In addition, the IOE continued to involve itself in country launches and regional initiatives, often in collaboration with the ILO.

Based on the foregoing list of employers’ activities to promote the Declaration and the four fundamental principles, our support for this very important instrument remains clear. However, we would also take this opportunity to highlight issues and trends of particular concern to employers in relation to the Declaration.

1. *The obligations created under the Declaration*

Unlike the ILO’s regular supervisory machinery, which is a legal track, the Declaration, including the follow-up of which the annual review forms part, is a political track. The political obligations required to promote, achieve and realize the principles under the Declaration are distinct from the specific legal obligations that are undertaken through the ratification of any Convention. The assessment under the annual review should not, therefore, involve a discussion of law and practice, i.e. of the substance. It should instead focus on the process, i.e. the steps taken by member States to give effect to the fundamental principles, including requests for ILO technical cooperation. There is, however, a tendency to forget this unique characteristic of the Declaration and the confusion it creates affects the reports submitted as part of the annual review process.

2. *Policy coherence*

The employers worldwide were very supportive of the fact that the fundamental principles of the Declaration were used in other spheres such as in the Global Compact and by the UNHCHR [United Nations High Commissioner for Human Rights]. However, the ILO must be vigilant in ensuring that the principles of the Declaration, when used in other contexts, are handled consistently and in conformity with the true intentions of the ILO constituents at the time of its creation. Any misuse or misinterpretation of the fundamental principles even in other contexts will, by extension, weaken the Declaration.

3. *Capacity building of employers’ organizations*

The Declaration can only be effectively promoted in environments with strong constituents. Greater attention must, therefore, be paid to using the Declaration follow-up to build the capacity of employers’ organizations so as to help improve the voice of business and strengthen the spirit of tripartism and social dialogue.

4. *Technical cooperation*

The Office must improve its management of technical cooperation resources. All technical cooperation programmes should be based on a set of priorities that is agreed to by the social partners. To the extent that donor funding is involved, donors should be reminded of the importance of involving employers’ organizations. To ensure that programmes meet their objectives, donors should be provided with a list of priority technical cooperation programmes agreed to by the social partners. This will influence donors by providing them with alternative options on how to use their funding in ways that also meet their objectives. This requires the Office to continuously and actively involve the social partners.

All action plans and technical cooperation programmes must include a means of measuring their success (and shortcomings) to ensure that the experience gained can be applied to future plans and programmes.

5. (...)

6. *Governing Body discussion of the annual review*

The annual review process has led to less than satisfactory discussions during the Governing Body, with no real benefits or impact being derived from the debate. Despite the enormous efforts and resources that are put into the annual review, the process does not enable the Governing Body to provide the much needed political guidance. This is partly due to the fact that not all concerned countries are members of the Governing Body. Modality #4 of Annex II of the Declaration allows for a review of the Governing Body's procedures. It is the employers' position that such a review is necessary before the next annual review process.

Conclusion

The Employers' group in the ILO, as well as employers globally, remains steadfast in their support for the ILO Declaration, as is evidenced by the promotional activities described above. The Declaration is an outstanding example of how the ILO should and can react to pressing social issues through its unique process of consensus building. However, that strength can only be truly sustained if the Declaration retains that tripartite support and we hope that the areas of concern will provide a solid foundation for future action.

274. National employers' organizations. The majority of governments indicate that a copy of their report(s) was sent to national employers' organizations, in accordance with article 23(2) of the ILO Constitution. They further state that they held consultations with these organizations during the preparatory stages, and forwarded a copy of the report(s) to them for information and comments.

275. A total of ten national employers' organizations have provided separate comments in **Gabon** (the Confederation of Gabonese Employers (CPG)); **Ghana** (the Ghana Employers' Association (GEA)); **Haiti** (the Association of Industries of Haiti (AIH)); **Kenya** (the Federation of Kenya Employers (FKE)); **Kiribati** (the Kiribati Chamber of Commerce (KCC)); **Mexico** (the Mexican Confederation of Chambers of Industry (CONCAMIN)); **New Zealand** (Business New Zealand (BNZ)); **Pakistan** (the Employers' Federation of Pakistan (EFP)); **Sierra Leone** (the Sierra Leone Employers' Federation (SLEF)); and **Uganda** (the Federation of Uganda Employers (FUE)). Four observations were formulated under the principle of freedom of association and the effective recognition of the right to collective bargaining, while eight were in relation to the principle of the effective abolition of child labour, and two concerned the principle of the elimination of discrimination in employment and occupation. No national employers' comments were received for the principle of the elimination of all forms of forced or compulsory labour.

276. Most reporting States indicate that the employers' organizations did not comment on the government reports that were sent to them. However, the receipt of government reports has enabled some employers' organizations to express diverging opinions, for example, in **Gabon, Haiti, New Zealand, Pakistan, Sierra Leone** and **Uganda**. In the case of **Ghana, Kenya, Kiribati** and **Mexico**, employers have supported the views expressed by the Government. Replies to the employers' observations were received from the Governments of **Ghana, Haiti, Kenya, Kiribati** and **New Zealand**.

3. Workers' organizations

277. International workers' organizations. For the 2005 annual review, the International Confederation of Free Trade Unions (ICFTU) commented on the principle of freedom of association and the effective recognition of the right to collective bargaining concerning 26 countries: **Bahrain, Brazil, China, El Salvador, India, Islamic Republic of Iran,**

Iraq, Jordan, Republic of Korea, Lao People's Democratic Republic, Lebanon, Malaysia, Mauritius, Mexico, Morocco, Nepal, Oman, Qatar, Saudi Arabia, Singapore, Sudan, Thailand, Uganda, United Arab Emirates, United States and Viet Nam. A late observation for 2004 was also received from the ICFTU concerning the development of the four fundamental principles and rights in the **United States**, and has been dealt with in this year's annual review.

278. National workers' organizations. The majority of governments indicate that a copy of their report(s) was sent to national workers' organizations, in accordance with article 23(2) of the ILO Constitution. They further state that they held consultations with these organizations during the preparatory stages, and forwarded a copy of the reports to them for information and comments.

279. A total of 22 national workers' organizations have provided separate comments in **Bangladesh** (the Bangladesh Mukto Sramic Federation (BMSF)); **Djibouti** (the Djibouti Workers' Union (UDT) and the General Union of Djibouti Workers (UGTD)); **Gabon** (the Gabonese Confederation of Free Trade Unions (CGSL) and the Gabonese Trade Union Confederation (COSYGA)); **Ghana** (the Ghana Trade Union Congress (GTUC)); **Haiti** (the Trade Union Coordination of Haiti (CSH), the Trade Union Movement of Haiti (MSH) and the Trade Union Sector of Haiti (SSH)); **India** (the All India Trade Union Congress (AITUC) and Hind Mazdoor Sabha (HMS)); **Liberia** (the United Seamen Ports and General Workers' Union of Liberia/the Liberia Federation of Labour Unions (USPOGUL-LFLU)); **Japan** (the Japanese Trade Union Confederation (JTUC-RENGO)); **Kenya** (the Central Organization of Trade Unions Kenya (COTU-K)); **Kiribati** (the Kiribati Trade Union Congress (KTUC)); **Mexico** (the Confederation of Mexican Workers (CTM)); **New Zealand** (the New Zealand Council of Trade Unions (NZCTU)); **Sierra Leone** (the Sierra Leone Labour Congress (SLCC)); **Sudan** (the Sudan Workers Trade Unions Federation (SWTUF)); **Thailand** (the National Congress of Thai Labour (NCTL)); **Uganda** (the National Organization of Trade Unions (NOTU)); and the **United States** (the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)). Nine observations were received under the principle of freedom of association and the effective recognition of the right to collective bargaining, two for the principle of the elimination of all forms of forced or compulsory labour, eight in relation to the principle of the effective abolition of child labour and two with respect to the principle of the elimination of discrimination in employment and occupation.

280. Most reporting States indicate that the workers' organizations did not comment on the government reports that were sent to them. However, the receipt of government reports has enabled some workers' organizations to express diverging opinions concerning **Djibouti, Gabon, India, Japan, Kiribati, Liberia, Mexico, New Zealand, Sierra Leone, Thailand, Uganda** and the **United States**. Workers' organizations have supported the views expressed by the Government in the cases of **Ghana, Haiti, Kenya** and **Sudan**. Government replies to these observations were received from **Ghana, Haiti, Japan, Kenya, Kiribati, Liberia, New Zealand** and **Sudan**.

4. Involvement in reporting

281. Consultations. In relation to the principle of freedom of association and the effective recognition of the right to collective bargaining, 73 per cent of governments (**Afghanistan, Canada, China, Guinea-Bissau, India, Jordan, Kenya, Republic of Korea, Kuwait, Lao People's Democratic Republic, Lebanon, Malaysia, Mexico, Morocco, Myanmar, Nepal, New Zealand, Oman, Qatar, Singapore, Sudan, Thailand, United States** and **Viet Nam**) indicate that they held consultations with employers' and/or workers' organizations.

282. Eighty-five per cent of governments (**Afghanistan, Brazil, Canada, China, Guinea-Bissau, India, Islamic Republic of Iran, Jordan, Kenya, Republic of Korea, Lao People's Democratic Republic, Lebanon, Malaysia, Mexico, Morocco, Myanmar, New Zealand, Nepal, Oman, Qatar, Saudi Arabia, Singapore, Sudan, Thailand, Uganda, United Arab Emirates, United States, Uzbekistan and Viet Nam**) state that they sent a copy of their report(s) to employers' and workers' organizations. Less than half of them (**China, India, Kenya, Kuwait, Republic of Korea, Lao People's Democratic Republic, Myanmar, Nepal, New Zealand, Sudan and the United States**) indicate that they received comments from the social partners. However, many governments that sent updated reports did not specify whether employers' and workers' organizations were involved in the reporting process.
283. Concerning the principle of the elimination of forced or compulsory labour, 70 per cent of reporting governments (**Canada, China, Republic of Korea, Japan, Lao People's Democratic Republic, Malaysia, Mongolia, Myanmar, Nepal, Philippines, Qatar, Singapore, United States and Viet Nam**) state that they held consultations with employers' and/or workers' organizations. Many governments that sent updated reports did not specify whether employers' and workers' organizations were consulted in the preparation of these reports.
284. Eighty-five per cent of reporting governments (**Afghanistan, Canada, China, Republic of Korea, Japan, Lao People's Democratic Republic, Madagascar, Malaysia, Mongolia, Myanmar, Nepal, Oman, Philippines, Qatar, Singapore, United States and Viet Nam**) state that they forwarded a copy of their report(s) to employers' and workers' organizations. Less than half of them (**China, Republic of Korea, Lao People's Democratic Republic, Myanmar, Nepal and the United States**) indicate that they received comments from employers' and/or workers' organizations. This was not the case for **Canada, Malaysia, Oman, Philippines, Qatar and Viet Nam**. **Armenia, Bolivia and Latvia** make no mention as to whether employers' or workers' organizations were involved in the reporting process.
285. As regards the principle of the effective abolition of the child labour, 48 per cent of reporting countries (**Afghanistan, Bangladesh, Colombia, Cuba, Czech Republic, Djibouti, Guinea-Bissau, India, Islamic Republic of Iran, Lao People's Democratic Republic, Latvia, Mexico, Myanmar, Qatar, Saint Kitts and Nevis, Sierra Leone, Suriname, Tajikistan, United States, Uzbekistan and Venezuela**) state that they held consultations with employers' and/or workers' organizations.
286. Fifty-five per cent of reporting countries (**Bangladesh, Colombia, Cuba, Czech Republic, Djibouti, Eritrea, Ghana, Guinea-Bissau, India, Islamic Republic of Iran, Lao People's Democratic Republic, Latvia, Mexico, Myanmar, New Zealand, Qatar, Saudi Arabia, Saint Lucia, Sierra Leone, Singapore, Suriname, Tajikistan, Uzbekistan and Venezuela**) state that they sent a copy of their report(s) to employers' and workers' organizations. Less than half of them (**Czech Republic, Latvia, Mexico, Myanmar, New Zealand, Saint Lucia and Sierra Leone**) indicate that they received comments from the social partners.
287. With respect to the principle of the elimination of discrimination in employment and occupation, 47 per cent of governments (**China, Kuwait, Lao People's Democratic Republic, Malaysia, Myanmar, Oman, Qatar, Suriname and the United States**) state that they held consultations with employers' and/or workers' organizations. However, many governments that sent updated reports or reports mentioning "no change" did not specify whether employers' and workers' organizations were involved in the reporting process.

288. Sixty-three per cent of these governments state that they sent a copy of their report(s) to employers' and workers' organizations (**China, Djibouti, Kiribati, Liberia, Malaysia, Myanmar, Oman, Qatar, Singapore, Suriname, Thailand and Uganda**). Less than a quarter of them (**China, Myanmar, Singapore and the United States**) state that they received comments from the social partners. However **Bahrain, Estonia and Japan** make no mention as to whether employers' or workers' organizations were involved in the reporting process.

5. Involvement in activities

289. **Development and implementation of government measures and programmes.** Concerning freedom of association and the right to collective bargaining, a national labour conference was convened in **India** in October 2003, with the participation of employers' and workers' organizations. In **Nepal** and **Uganda**, consultations were held with the social partners concerning the ratification of Convention No. 87.

290. As regards the elimination of all forms of forced or compulsory labour, **China** reiterates the involvement of workers' organizations in the identification, emancipation and/or rehabilitation of persons subject to forced labour. The same applies to **Mongolia, Nepal** and **Viet Nam** where employers' and workers' organizations have also been involved in the development and implementation of government measures in relation to forced labour.

291. With respect to the effective abolition of child labour, the Government of the **Australian State of Queensland** states that the Textiles Clothing and Footwear Union of Australia (TCFU) was involved in a campaign targeting outworker and child labour issues. The Government of **Bangladesh** mentions that employers' and workers' organizations are actively involved in the implementation of action programmes and in various committees such as the Tripartite Consultative Council, the National Steering Committee, Sub-Committee and Monitoring Committee. In this respect, the Bangladesh Mukto Sramic Federation (BMSF) states that the Government, trade unions, NGOs and other social organizations are trying to eliminate child labour with specific programmes and projects, but the problem is very acute and needs a lot of initiative. In **Djibouti**, the Government expresses its intention to further strengthen the participation of the social partners in the future implementation of measures concerning child labour. In **Ghana**, the Ghana Employers' Association (GEA) carried out a series of projects, mostly funded by the ILO, including on the implication of child labour in the future development of enterprises. The Ghana Trade Union Congress (GTUC) also carried out with stakeholders a series of activities geared towards the elimination of child labour. In **Haiti**, the Government shares the view of the Association of the Industries of Haiti (AIH), the Trade Union Coordination of Haiti (CSH), the Trade Union Movement of Haiti (MSH) and the Trade Union Sector of Haiti (SSH) that child labour should be combated with the backing of the stakeholders. In **Kiribati**, the Kiribati Trade Union Congress (KTUC) participated in the labour law review process to integrate the provisions of Conventions Nos. 138 and 182 in national Bills. The Kiribati Chamber of Commerce (KCC) welcomes a national ILO/IPEC programme that would strengthen employers' organizations' capacity building in promoting the principle of the effective abolition of child labour. In **Liberia**, the United Seamen Ports and General Workers' Union of Liberia/the Liberia Federation of Labour Unions (USPOGUL-LFLU) participates in the National Commission on Child Labour. In **Mexico**, the Confederation of Chambers of Industry (CONCAMIN) states that employers' and workers' organizations are involved in the development and implementation of measures and programmes of action, and that guidance on child labour issues is given to enterprises. In **Sierra Leone**, the Government states that the national policy on child labour should be validated with the social partners and stakeholders before its adoption by 2005.

- 292.** As concerns the elimination of discrimination in employment and occupation, **China, Djibouti, Qatar** and **Suriname** mention that employers' and workers' organizations have been involved in the development and the implementation of relevant governmental measures. Similarly, **Malaysia** reiterates that national labour policies on this principle and right are decided after consultations with the social partners, in particular within the National Labour Advisory Council. In **Uganda**, the Government indicates that the social partners were consulted in the ratification process for Conventions Nos. 100 and 111 that it intends to ratify.
- 293.** Few governments indicate that employers' and/or workers' organizations were not involved in the development and implementation of national measures concerning forced labour (**Malaysia** and **Qatar**). Many governments that sent updated reports make no mention of it.
- 294. Law enactment, revision and/or enforcement.** **Australia, Brazil, Republic of Korea, Malaysia, Mongolia, Uganda** and the **United States** report that employers' and workers' organizations participated in the formulation, amendment and/or enforcement of laws relating to the Declaration principles and rights.

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

- 295. Cooperation with non-governmental organizations (NGOs).** The Government of **Afghanistan** works with NGOs such as Save the Children UK and Children in Crisis to combat forced labour. In **Australia**, the AusAID Non Government Organisation Cooperation Program (ANCP) provides funding annually to accredited Australian NGOs to support their own programmes. The Governments of **Cambodia** and **Colombia** involve NGOs in the different activities held in combating child labour. The Governments of the **Lao People's Democratic Republic** and **Myanmar** cooperate with the ILO and NGOs to combat forced labour and discrimination. The Governments of **Kenya** and **Uganda** reiterate their cooperation with the ILO/SLAREA (Strengthening Labour Administration and Labour Relations in East Africa) project and civil society organizations in most of the awareness-raising, advocacy and capacity-building activities on freedom of association and collective bargaining.
- 296. Bilateral cooperation.** The Government of **Australia** provides several types of bilateral cooperation which directly or indirectly promote the elimination of child labour through the Street and Urban Working Children Project, the Comprehensive Integrated Delivery of Social Services Program (CIDSS) and UNICEF programmes in South Asia. The Government of **Canada** mentions its support to various countries' initiatives to promote and realize the principle of the elimination of all forms of forced or compulsory labour, including assistance to women and children who are forced into the sex trade. It also promotes the abolition of child labour through labour cooperation agreements with its trading partners, and through implementation of the Ottawa Declaration and Action Plan adopted by the XIIth Inter-American Conference of Ministers of Labour in October 2001. **Nepal** mentions support from bilateral donors, such as **Germany** (GTZ).
- 297. Regional cooperation.** The Government of **Australia** continues its support to the End Child Prostitution, Pornography and Trafficking (ECPPT). **Canada**, through its Canadian International Development Agency (CIDA), refers to regional cooperation with the Organization of American States (OAS), the Organization for Security and Cooperation in Europe (OSCE), the North Atlantic Treaty Organization (NATO) and various subregional initiatives in Asia and Africa to combat human trafficking and the worst forms of child

labour. **Qatar** highlights cooperation with the Arab Labour Organization (ALO) and the International Confederation of Arab Trade Unions (ICATU) in the collection of information and data.

298. International cooperation. Almost all governments cooperate directly or indirectly with the ILO in the Declaration's follow-up. Cooperation with the ILO Declaration Programme and/or ILO/IPEC has been mentioned in several activities, including Time-Bound Programmes. Moreover, several countries, such as **Afghanistan, Canada, China, Djibouti, Eritrea, Islamic Republic of Iran, Madagascar, Mongolia, Nepal, Qatar, Suriname** and **Tajikistan** refer to cooperation with the United Nations (UN), the United Nations Development Programme (UNDP), the United Nations Office on Drugs and Crime (UNODC), the United Nations Educational Scientific and Cultural Organization (UNESCO) the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the United Nations Development for Women (UNIFEM), the International Organization for Migration (IOM), the International Criminal Police Organization (INTERPOL), the Food and Agriculture Organization of the United Nations (FAO), the United Nations World Food Programme (WFP) and/or the World Bank (WB) in the promotion and realization of the Declaration principles and rights.

G. Technical cooperation

1. General considerations

299. The International Labour Conference discussed in June 2004 the second Global Report on freedom of association and collective bargaining, *Organizing for social justice*. This report is the first of the second series of Global Reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. It makes in particular an assessment of the first Action Plan adopted by the Governing Body in November 2000 following the discussion of the first Global Report, *Your voice at work*.

300. During its November 2004 session, the Governing Body took due note of the approach presented by the Office. This will be followed by the Office's presentation of an Action Plan for the March 2005 session of the Governing Body.

301. The other actions plans adopted by the Governing Body concerning the other categories of principles and rights are being implemented. A yearly report on their implementation is presented in a *Provisional Record* of the International Labour Conference. The Office will report on progress made with respect to forced labour in the forthcoming Global Report on that subject to be discussed at the 2005 International Labour Conference.

2. International assistance

302. Projects concerned with freedom of association and collective bargaining, as well as the Declaration's Special Action Programme to combat Forced Labour (SAP-FL) are being implemented. Research, advisory and technical cooperation activities on the elimination of forced labour continued to gather pace during 2004, under the SAP-FL. In-depth research has shed light on the manifestations of forced labour in several industrialized destination countries of trafficked victims, as well as in selected Latin American countries and transition economies. Considerable research efforts have been devoted to producing the first-ever ILO global estimate of forced labour, to be published in the Global Report, 2005. Two new operational projects supported by the Government of the **Netherlands**

commenced in March 2004: a subregional project on bonded labour in South Asia (covering **Bangladesh, India, Nepal and Pakistan**) and on trafficking in Central Asia (covering the **Russian Federation, Tajikistan and Uzbekistan**). These collaborative projects bring together the range of approaches needed for an integrated response to forced labour (combining law enforcement with effective prevention and rehabilitation strategies, with a special focus on institutional strengthening). Other new SAP-FL projects address trafficking in **China** (funded by the **United States** Department of State) that complements ongoing assistance on other aspects of forced labour in **China** (in particular, reform of the re-education through labour system), and in Europe (funded by the European Union, and the Governments of the **United Kingdom and Germany**). SAP-FL has started to produce a range of practical materials for ILO constituents, including new guidelines for law enforcement agencies on combating trafficking and labour exploitation, and a manual on the monitoring of recruitment of migrant workers.

- 303.** Concerning the elimination of discrimination in employment and occupation, the Government of the **Netherlands** has provided funding to assist the Government of **Brazil** in the consolidation of a national policy for promoting racial equality at work in the country and with due attention paid to related gender dimensions. Funding is being sought from other donors as well, including the Governments of **Sweden** and of the **United Kingdom**.
- 304.** Several African countries (**Benin, Burkina Faso, Madagascar, Mali, Mauritania, Niger, Senegal and Togo**) enjoy financial support from **France** to better apply the ILO fundamental Conventions. Focus is being currently made on developing public awareness-raising through the media. Under the technical cooperation programme in **Madagascar**, progress has been made in assessing the reality of forced labour and elaborating an Action Plan to eradicate it.
- 305.** The Governments of **Belgium, France and Italy** have funded the implementation of a programme to strengthen tripartism and social dialogue in south-east Europe. **Germany** has funded a similar programme in **Bulgaria and Romania**.
- 306.** ILO/IPEC was active in **Bangladesh, Cambodia, Colombia, Eritrea, Ghana, Haiti, India, Lao People's Democratic Republic, Liberia, Mexico, Pakistan, Sierra Leone, Suriname, Tajikistan and Uzbekistan**, which fall within the scope of the Declaration's annual review.

3. Technical cooperation needs or requests

- 307.** 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 governments have expressed those needs. Countries such as **Jordan, Kenya, Morocco and Uganda** are already enjoying direct support from the Declaration Programme.
- 308.** Most national employers' and workers' organizations which sent observations, expressed their needs for technical cooperation in order to strengthen their capacity building to ensure that the Declaration principles and rights are respected, promoted and applied in their country.

Table 4. Government needs or requests for technical cooperation by category of principle and right*

Type of technical cooperation*	Freedom of association/ collective bargaining	Forced or compulsory labour	Effective abolition of child labour	Elimination of discrimination
<i>Assessment in collaboration with the ILO of the difficulties identified and their implication for realizing the principle and right</i>	Afghanistan (2), Brazil (1), Guinea-Bissau, India (1), Islamic Rep. of Iran (1), Jordan (2), Kenya (8), Kuwait,** Lao People's Dem. Rep. (1), Morocco (2), Myanmar (1), Nepal (3), Oman (1), Qatar (1)	Afghanistan (1), China (3), Lao People's Dem. Rep. (2), Myanmar (2), Nepal (2), Viet Nam (1)		Djibouti (6), Kiribati, Kuwait (1), Qatar (1), Suriname (3), Thailand (2)
<i>Awareness-raising, legal literacy and advocacy</i>	Afghanistan (elaboration of a national Declaration Programme) (1), Brazil (1), Guinea-Bissau, India (2), Islamic Rep. of Iran (1), Jordan (2), Kenya (7), Kuwait,** Lao People's Dem. Rep. (1), Morocco (2), Nepal (1), Sudan (1), Uganda (1)	Afghanistan (elaboration of a national Declaration Programme) (1), China (2), Lao People's Dem. Rep. (1), Mongolia (2), Myanmar (1), Nepal (1), Philippines (2), Viet Nam (2)	Afghanistan (1), Bangladesh (4), Colombia (8), Djibouti (6), (3), Eritrea (1), Guinea-Bissau (2), Haiti, Lao People's Dem. Rep. (2), Latvia (9), Islamic Rep. of Iran (1), St. Kitts and Nevis (2), St. Lucia, St. Vincent and the Grenadines (1), Sierra Leone (3), Suriname, Tajikistan (1)	China (2), Djibouti (1), Kuwait (3), Lao People's Dem. Rep. (1), Thailand (2)
<i>Capacity building, e.g. labour inspection and administration</i>	Afghanistan (1), Brazil (1), Guinea-Bissau, India (1), Islamic Rep. of Iran (1), Jordan (2), Kenya (4), Kuwait,** Lao People's Dem. Rep. (1), Lebanon (2), Morocco (1), Nepal (1), Sudan (1)	Afghanistan (1), Lao People's Dem. Rep. (2), Madagascar (1), Mongolia (1), Nepal (1), Viet Nam (3)	Afghanistan (1), Bangladesh (11), Eritrea (2), Guinea-Bissau (1), Islamic Rep. of Iran (2), Lao People's Dem. Rep. (1), Latvia (13), St. Kitts and Nevis (2), St. Vincent and the Grenadines (3), Sierra Leone (4), Tajikistan (1)	Djibouti (4), Kuwait (1), Lao People's Dem. Rep. (1), Thailand (2)
<i>Establishing or strengthening specialized institutional machinery</i>				Djibouti (11), Kuwait (2), Thailand (2)
<i>Cross-border cooperation</i>		Afghanistan (1), Lao People's Dem. Rep. (2), Mongolia (2), Nepal (3)	Afghanistan (1), Bangladesh (9), Eritrea (2), Guinea-Bissau (3), Islamic Rep. of Iran (1), Lao People's Dem. Rep. (1), Latvia (7), St. Kitts and Nevis (2), St. Vincent and the Grenadines (11), Sierra Leone (12), Tajikistan (1)	
<i>Data collection and analysis</i>	Afghanistan (1), Brazil (1), India (3), Islamic Rep. of Iran (1), Jordan (2), Kenya (1), Kuwait,** Lao People's Dem. Rep. (1), Morocco (2), Nepal (1), Oman (2), Qatar (2), Viet Nam (1)	Afghanistan (1), Lao People's Dem. Rep. (1), Mongolia (2), Nepal (1), Viet Nam (3)	Afghanistan (1), Bangladesh (7), Colombia (2), Eritrea (1), Guinea-Bissau (2), Islamic Rep. of Iran (1), Lao People's Dem. Rep. (1), Latvia (10), St. Kitts and Nevis (1), St. Lucia, St. Vincent and the Grenadines (4), Sierra Leone (1), Suriname, Tajikistan (1), Venezuela (2)	Djibouti (2), Kuwait (1), Lao People's Dem. Rep. (1), Thailand (2)
<i>Employment creation, skills training and income generation</i>		Afghanistan (1), Lao People's Dem. Rep. (2), Mongolia (2), Nepal (1), Viet Nam (2)	Afghanistan (1), Bangladesh (1), Colombia (5), Djibouti (4), Eritrea (2), Guinea-Bissau (3), Haiti, Latvia (6), St. Kitts and Nevis (2), St. Vincent and the Grenadines (9), Sierra Leone (10), Tajikistan (1), Venezuela (2)	

Type of technical cooperation*	Freedom of association/ collective bargaining	Forced or compulsory labour	Effective abolition of child labour	Elimination of discrimination
<i>Inter-institutional coordination</i>		Afghanistan (1), Lao People's Dem. Rep. (2), Nepal (2), Viet Nam (3)	Afghanistan (1), Bangladesh (12), Djibouti (7), Guinea- Bissau (2), Islamic Rep. of Iran (1), Lao People's Dem. Rep. (1), Latvia (3), St. Kitts and Nevis (2), St. Vincent and the Grenadines (10), Sierra Leone (7), Tajikistan (1), Venezuela (1)	Djibouti (12), Kuwait (2), Thailand (2)
<i>Legal reform</i>	Afghanistan (1), Brazil (1), India (2), Islamic Rep. of Iran (2), Jordan (2), Kuwait,** Lao People's Dem. Rep. (1), Lebanon (1), Morocco (2), Nepal (2), Uganda (1), Viet Nam (3)	Afghanistan (1), China (1), Lao People's Dem. Rep. (2), Madagascar (1), Mongolia (1), Nepal (2)	Afghanistan (1), Bangladesh (8), Colombia (4), Djibouti (5), Guinea-Bissau (1), Islamic Rep. of Iran (1), Lao People's Dem. Rep. (1), Latvia (11), St. Kitts and Nevis (1), Sierra Leone (5), Tajikistan (1)	Djibouti (3), Kuwait (1), Lao People's Dem. Rep. (1), Thailand (2)
<i>Policy advice</i>		Afghanistan (1), Lao People's Dem. Rep. (2), Mongolia (2), Nepal (2)	Afghanistan (1), Bangladesh (11), Eritrea (2), Guinea- Bissau (1), Islamic Rep. of Iran (2), Lao People's Dem. Rep. (1), Latvia (13), St. Kitts and Nevis (2), St. Vincent and the Grenadines (6), Sierra Leone (4), Tajikistan (1)	
<i>Sharing experiences across countries/regions</i>	Afghanistan (2), Brazil (2), China (2), India (1), Islamic Rep. of Iran (1), Jordan (2), Kenya (3), Kuwait,** Lao People's Dem. Rep. (1), Morocco (1), Nepal (1), Oman (4), Viet Nam (2)	Afghanistan (1), Lao People's Dem. Rep. (2), Mongolia (2), Myanmar (2), Nepal (2), Philippines (3), Viet Nam (2)	Afghanistan (1), Bangladesh (10), Colombia (6), Eritrea (1) Guinea-Bissau (3), Islamic Rep. of Iran (1), Lao People's Dem. Rep. (1), Latvia (8), St. Kitts and Nevis (2), St. Vincent and the Grenadines (7), Sierra Leone (13), Tajikistan (1)	China (3), Djibouti (0), Kuwait (2), Lao People's Dem. Rep. (1), Thailand (1)
<i>Social protection systems</i>		Afghanistan (1), Lao People's Dem. Rep. (1), Mongolia (3), Nepal (1)	Afghanistan (1), Bangladesh (3), Colombia (7), Eritrea (2), Guinea-Bissau (2), Islamic Rep. of Iran (1), Lao People's Dem. Rep. (1), Latvia (12), St. Kitts and Nevis (2), St. Vincent and the Grenadines (7), Sierra Leone (11), Tajikistan (1)	
<i>Rural development policies</i>		Afghanistan (1), Lao People's Dem. Rep. (2), Mongolia (3), Nepal (1)		
<i>Developing labour market policies that promote equality of opportunity</i>				China (1), Djibouti (9), Kuwait (1), Lao People's Dem. Rep. (1), Suriname (2), Thailand (2)
<i>Development of policies regarding equal remuneration</i>				Djibouti (10), Kuwait (1), Suriname (1), Thailand (2)

Type of technical cooperation*	Freedom of association/ collective bargaining	Forced or compulsory labour	Effective abolition of child labour	Elimination of discrimination
<i>Time-Bound Programme for the elimination of the worst forms of child labour</i>			Afghanistan (1), Bangladesh (2), Colombia (1), Eritrea (1), Guinea-Bissau (1), Islamic Rep. of Iran (1), Lao People's Dem. Rep. (1), Latvia (5), Sierra Leone (9), Suriname (1), Tajikistan (1)	
<i>Strengthening tripartite social dialogue</i>	Afghanistan (1), Brazil (1), India (1), Islamic Rep. of Iran (1), Jordan (1), Kenya (2), Kuwait,** Lao People's Dem. Rep. (1), Lebanon (3), Morocco (1), Nepal (2), Oman (3), Qatar (3), Viet Nam (5)			
<i>Strengthening capacity of employers' and workers' organizations</i>	Afghanistan (1), Brazil (1), China (1), Guinea-Bissau, India (1), Islamic Rep. of Iran (1), Jordan (1), Kenya (5), Kuwait,** Lao People's Dem. Rep. (1), Morocco (2), Nepal (1), Sudan (1), Viet Nam (4)	Afghanistan (1), Lao People's Dem. Rep. (2), Madagascar (1), Mongolia (2), Nepal (1), Viet Nam (2)	Afghanistan (1), Bangladesh (6), Colombia (4), Djibouti (3), Eritrea (1), Guinea-Bissau (1), Haiti, Islamic Rep. of Iran (1), Lao People's Dem. Rep. (1), Latvia (4), St. Kitts and Nevis (2), Sierra Leone (6), Tajikistan (1), Venezuela (1)	Djibouti (7), Kuwait (2), Lao People's Dem. Rep. (1), Thailand (2)
<i>Training of other officials (e.g. police, judiciary, social workers, teachers)</i>	Afghanistan (2), Brazil (1), India (including for officials dealing with labour law enforcement/ administrative) (1), Islamic Rep. of Iran (1), Jordan (2), Kenya (9), Kuwait,** Morocco (2), Nepal (3)	Afghanistan (1), Lao People's Dem. Rep. (1), Mongolia (1), Nepal (3), Philippines (1), Viet Nam (3)	Afghanistan (1), Bangladesh (4), Djibouti (2), Eritrea (1), Guinea-Bissau (3), Islamic Rep. of Iran (1), Latvia (2), St. Kitts and Nevis (1), St. Lucia, St. Vincent and the Grenadines (7), Sierra Leone (8), Tajikistan (1)	Djibouti (5), Kuwait (2), Lao People's Dem. Rep. (1), Qatar (2)

* Priority or specific requests as expressed by the country may appear in brackets following the country: 1 = most important; 2 = second most important, etc. ** Kuwait has been considered under each type of technical cooperation, as it made a general request for technical cooperation on freedom of association, with no specifications.

H. Effect given to past recommendations

1. Reporting and dialogue

309. In their 2004 Introduction, the Expert-Advisers submitted a series of recommendations,¹³ and the Governing Body formally endorsed most of them.

310. As a follow-up to these recommendations, the Office carried out, in 2004, various sensitization, advocacy and technical assistance activities, which resulted in an increased reporting rate under the annual review, in particular the formulation and communication of first reports by **Afghanistan, Sierra Leone** and **Tajikistan**.

311. In addition, the Office, in cooperation with the Turin Centre, organized in February 2004 in Bishkek, a first Subregional Tripartite Workshop on International Labour Standards' Constitutional Obligations and the 1998 ILO Declaration on Fundamental Principles and Rights at Work for **Kyrgyzstan, Tajikistan** and **Uzbekistan**, which resulted in the formulation of country reports and the ratification of Convention No. 182 by **Kyrgyzstan**. In the same vein, a Subregional Course on International Labour Standards' Constitutional

¹³ cf. GB.289/4 (March 2004), paras. 24-31.

Obligations and the 1998 ILO Declaration on Fundamental Principles and Rights at Work was organized in May 2004 in Libreville for **Burundi, Central African Republic, Congo, Gabon** and **Rwanda**, in cooperation with the Turin Centre. A National Tripartite Workshop on the Declaration on Fundamental Principles and Rights at Work and ILO Fundamental Conventions was also organized in August 2004 in Abuja, **Nigeria**.

- 312.** Similar activities are planned to promote the Declaration among the few countries that have never submitted reports, especially the new ILO members States (**Democratic Republic of Timor-Leste** and **Vanuatu**).

2. Outreach and research

- 313.** The Declaration Programme is developing relations with national and international media in an effort to promote the Declaration as well as provide forums for the tripartite partners to engage wider audiences. A series of radio programmes have been broadcast in **Indonesia, Kenya, United Republic of Tanzania** and **Uganda** over the past years in 11 different languages by national broadcasters. Internationally, the Programme continues to work with CNN and the BBC. In 2004, 12 pieces developed by the Programme – in collaboration with the Department of Communications and other Office units – have been broadcast on CNN as World Report pieces.
- 314.** Products and activities such as videos, radio programmes, media training workshops, launches of technical cooperation projects and of Global Reports, have provided good opportunities to work in a more coordinated way with in-house units and external partners. Products are also being developed for academics and educators, such as bibliographies on the four principles and rights.
- 315.** Prior to the launch of the 2004 Global Report *Organizing for social justice*, a multimedia package was developed and distributed to the ILO offices and different broadcast partners. This has resulted in increased exposure of the ILO and the Declaration in areas that have not traditionally yielded media coverage, but there is more to be done. The constituents involved in ILO activities are urged to make better use of such opportunities for advocacy on the fundamental principles and rights at work.

Box 4

Research on fundamental principles and rights at work

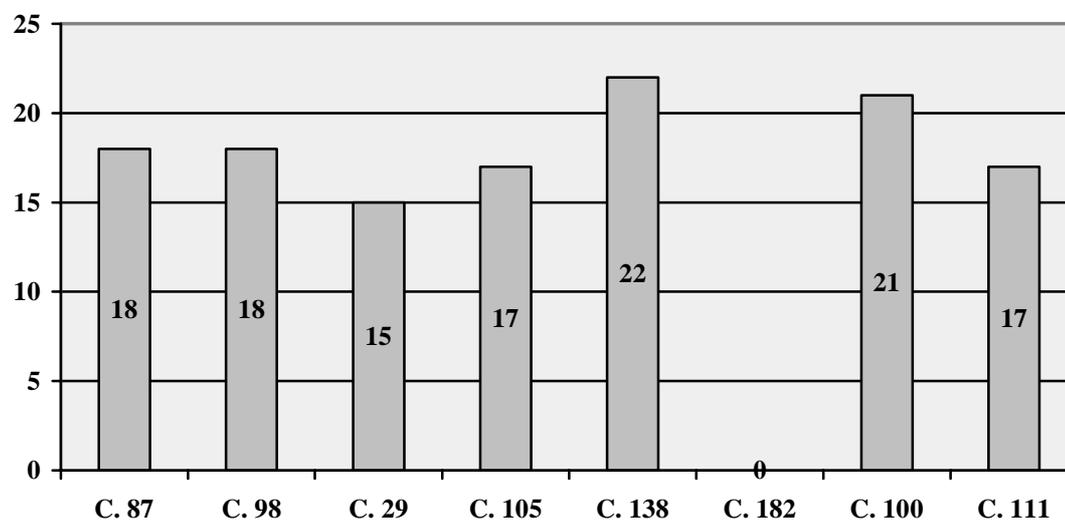
The following Declaration working papers were issued in the course of 2004:

- No. 18** *Forced labour: Definition, indicators and measurement*, by Kanchana Ruwanpura and Pallavi Rai, March 2004.
- No. 19** *Pay equity, minimum wage and equality at work: Theoretical framework and empirical evidence*, by Jill Rubery, November 2003.
- No. 20** *A rapid assessment of bonded labour in Pakistan's mining sector*, by Ahmad Salim, March 2004.
- No. 21** *A rapid assessment of bonded labour in hazardous industries in Pakistan: Glass bangles, tanneries and construction*, by the Collective for Social Science Research in Karachi, March 2004.
- No. 22** *A rapid assessment of bonded labour in domestic work and begging in Pakistan*, by the Collective for Social Science Research in Karachi, March 2004.
- No. 23** *A rapid assessment of bonded labour in the carpet industry of Pakistan*, by Zafar Mueen Nasir, March 2004.
- No. 24** *Unfree labour in Pakistan – Work, debt and bondage in brick kilns in Pakistan*, by the Pakistan Institute of Labour Education and Research, March 2004.
- No. 25** *Bonded labour in agriculture: A rapid assessment in Punjab and North West Frontier Province, Pakistan*, by G.M. Arif, March 2004.

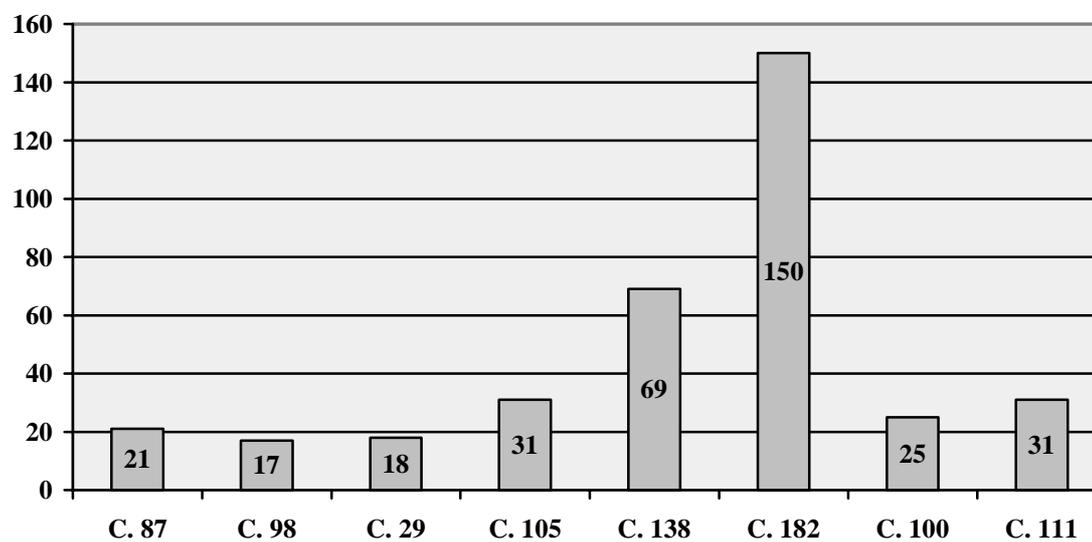
- No. 26 *Bonded labour in agriculture: A rapid assessment in Sindh and Balochistan, Pakistan*, by Maliha H. Hussein, Abdul Razzaq Saleemi, Saira Malik and Shazreh Hussain, March 2004.
- No. 27 *Las desigualdades étnicas y de género en el mercado de trabajo de Guatemala*, de Pablo Sauma, Marzo 2004.
- No. 28 *Libertad de asociación, libertad sindical y el reconocimiento efectivo del derecho de negociación colectiva en América Latina : el desarrollo práctico de un principio fundamental*, de Maria Luz Vega-Ruiz, Abril 2004.
- No. 29 *Etude sur le travail forcé en Afrique de l'Ouest : le cas du Niger*, de Ali R. Sékou et Souley Adjii, Avril 2004.
- No. 31 *Human trafficking in Europe: An economic perspective*, by Gijsbert Van Liemt, June 2004.
- No. 32 *Chinese migrants and forced labour in Europe*, by Gao Yun, August 2004 (English and Chinese version).
- No. 33 *Trafficking of migrant workers from Romania: Issues of labour and sexual exploitation*, by Catalin Ghinararu and Mariska N.J. van der Linden, September 2004.
- No. 34 *Recruitment for employment abroad: law, policies and current practice in Romania*, by Catalin Ghinararu, September 2004.
- No. 35 *Methodology for estimating labour costs by sex*, by Laís Abramo, Silvia Berger, Héctor Szretter and Rosalba Todaro, September 2004.
- No. 36 *The labour dimensions of irregular migration and human trafficking in Turkey*, by Prof. Ahmet İçduygu and Şhebnem Koşar Akçapar, September 2004.
- No. 37 *Forced labour and trafficking into labour exploitation of foreign migrant workers in contemporary Germany*, by Norbert Cyrus, September 2004.

Annex 1

Number of ratifications of ILO fundamental Conventions (by Convention) (1 July 1992-30 June 1998)

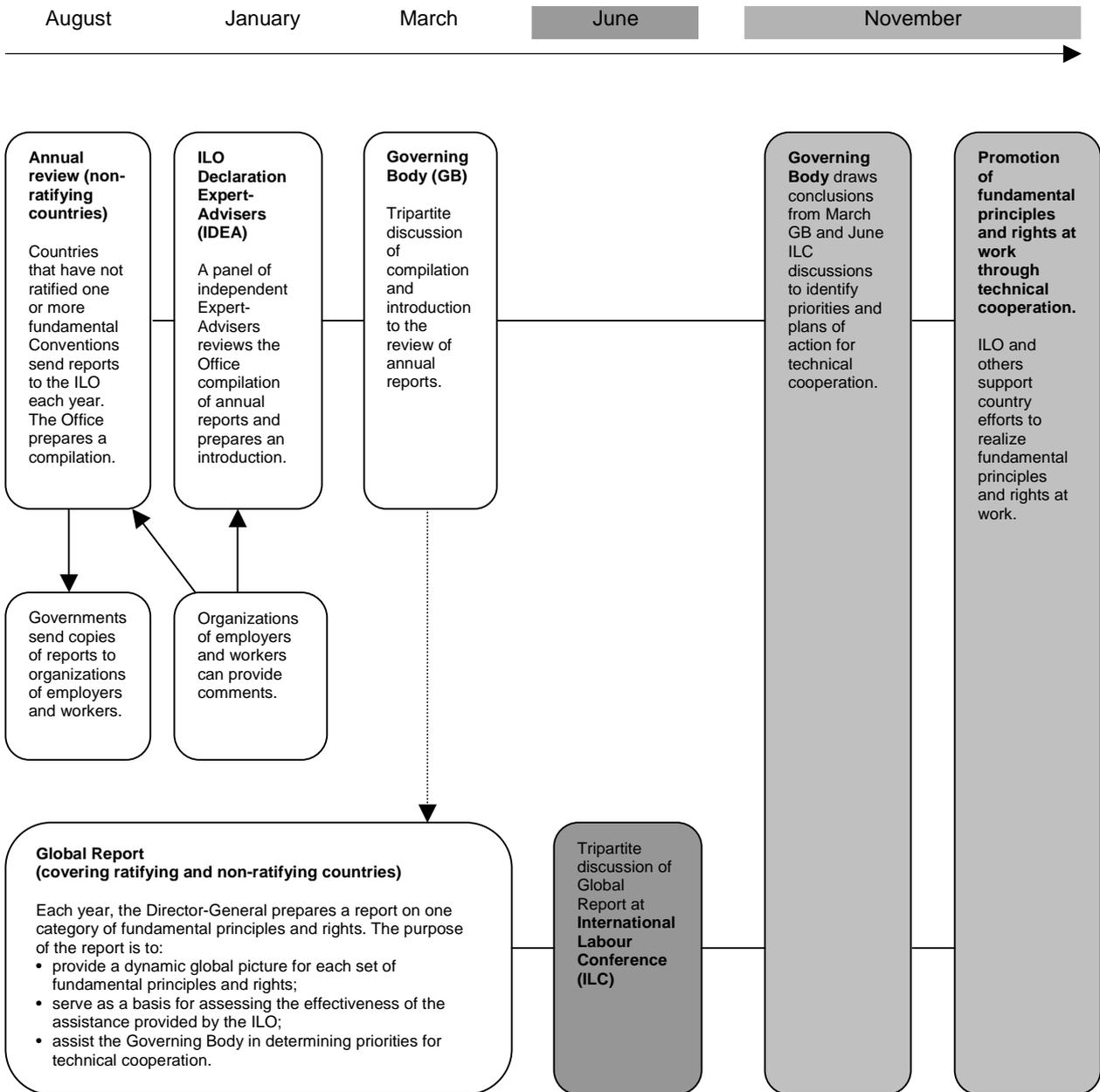


Number of ratifications of ILO fundamental Conventions (by Convention) (1 July 1998-30 June 2004)



Annex 2

Flow chart of the follow-up reporting procedures



Annex 3

ILO Declaration Expert-Advisers

Ms. Thelma Awori (Uganda-Liberia)

International consultant on development issues; former positions: Assistant Secretary-General and Director of the Regional Bureau for Africa of the United Nations Development Programme (UNDP); Deputy Assistant Administrator, Bureau for Policy and Programme Support, UNDP; United Nations Resident Coordinator and Resident Representative, UNDP (Zimbabwe); Deputy Director, United Nations Development Fund for Women (UNIFEM); Chief of the Africa Section of UNIFEM; Lecturer in Continuing Education and Director of the Diploma in Adult Education Course at the University of Nairobi, Kenya; Senior tutor, Centre for Continuing Education, Makerere University, Kampala, Uganda. She is the author of several publications on gender, development and adult education. Degrees: Bachelor of Arts (Hons. cum laude) in Social Relations and Cultural Anthropology, Harvard University, Cambridge, Massachusetts, United States (US); Master of Arts in Adult Education and Humanistic Psychology, University of California, Berkley, US; Doctoral candidate, Columbia University, New York, US.

Ms. Maria Cristina Cacciamali (Brazil)

Professor of Labour Economics, Faculty of Economics, Business and Accounting and President of the Graduate Programme on Integration in Latin America at the University of São Paulo, São Paulo, Brazil. President of the Curator Council of the Institute of Economic Research Foundation, affiliate at the University of São Paulo. Member of the University's Mercosur Forum and representative of the University in UDUAL (Unión de las Universidades Latino Americanas). Visiting Professor at a number of universities both in Brazil and other countries. President of the Brazilian Association for Labour Studies (2001-03), Member of the Regional Economic Council (1998-2004), and Coordinator of several international cooperation projects. Author of publications on labour markets, public policy, the informal sector and themes related with the fundamental principles and rights at work (child labour, forced labour, unionism and discrimination in the labour market). Consultant to the Brazilian Ministry of Labour and Ministry of Planning, to ILO and other public and private institutions. Degrees: Master and Doctorate in Economics; Livre-docência in Development and Labour Economics, University of São Paulo, Brazil.

Ms. Maria Nieves Confesor (Philippines)

Professor at the Asian Institute of Management for Public and Social Policy, Management, Conflict Resolution and Negotiation; 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 UNDP, ILO and ALO. Author of books and articles in Arabic and French on labour law and labour administration. Degrees: Licence en Droit, University of Cairo; D.E.S. and Doctorat d'Etat (public law), University of Rennes (France).

Mr. Jean-Jacques Oechslin (France)

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

Mr. Robert White (Canada)

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

Annex 4

Table of contents of the compilation of annual reports by the International Labour Office (Geneva, March 2005)

Introductory note: *The information gathered in this compilation¹ reflects the governments' replies to and the social partners' comments on the 2002 report forms of the ILO Governing Body as part of the annual follow-up to the 1998 ILO Declaration. It does not represent the views of the ILO.*

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

Afghanistan	Government
Armenia	Government
Bahrain	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's observations on ICFTU's comments
Brazil	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)
Canada	Government
China	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)
El Salvador	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's observations on ICFTU's comments
Guinea-Bissau	Government
India	Government Observations submitted to the Office by the All India Trade Union Congress (AITUC) Observations submitted to the Office by Hind Mazdoor Sabha (HMS) Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)
Iran, Islamic Republic of	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)
Iraq	Note from the Office Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)

¹ The government and the comments by national and international organizations are presented in their original versions in English, French or Spanish. Original versions in other languages have been translated into English. These texts can be found at www.ilo.org/declaration.

Jordan	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's observations on ICFTU's comments
Kenya	Government Observations submitted to the Office by the Federation of Kenya Employers (FKE) through the Government Observations submitted to the Office by the Central Organization of Trade Unions Kenya (COTU-K) through the Government Government's observations on FKE's and COTU-K's comments
Korea, Republic of	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's observations on ICFTU's comments
Kuwait	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)
Lao People's Democratic Republic	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)
Lebanon	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's observations on ICFTU's comments
Malaysia	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)
Mauritius	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's observations on ICFTU's comments
Mexico	Government Observations submitted to the Office by the Confederation of Chambers of Industry (CONCAMIN) Observations submitted to the Office by the Confederation of Mexican Workers (CTM) Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)
Morocco	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's observations on ICFTU's comments
Myanmar	Government
Nepal	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)
New Zealand	Government Observations submitted to the Office by Business New Zealand (BNZ) through the Government Observations submitted to the Office by the New Zealand Confederation of Trade Unions (NZCTU) through the Government Government's observations on BNZ's and NZCTU's comments

Oman	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's observations on ICFTU's comments
Qatar	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's observations on ICFTU's comments
Saudi Arabia	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's observations on ICFTU's comments
Singapore	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)
Solomon Islands	Note from the Office
Somalia	Note from the Office
Sudan	Government Observations submitted to the Office by the Sudan Workers' Trade Union Federation (SWTUF) through the Government Government's observations on the SWTUF comments Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)
Thailand	Government Observations submitted to the Office by the National Congress of Thai Labour (NCTL) through the Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's observation on ICFTU's comments
Democratic Republic of Timor-Leste	Note from the Office
Uganda	Government Observations submitted to the Office by the Federation of Uganda Employers (FUE) Observations submitted to the Office by the National Organization of Trade Unions (NOTU) Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)
United Arab Emirates	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)
United States	Government Observations submitted to the Office by the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) through the Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)
Uzbekistan	Government
Vanuatu	Note from the Office
Viet Nam	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU) Government's observations on ICFTU's comments
	Observations submitted to the Office by the International Organisation of Employers (IOE)

The elimination of all forms of forced or compulsory labour

Afghanistan	Government
Armenia	Government
Bolivia	Government
Canada	Government
China	Government
Japan	Government Observation submitted to the Office by the Japanese Trade Union Confederation (JTUC-RENGO) Government's observations on JTUC-RENGO's comments
Korea, Republic of	Government
Lao People's Democratic Republic	Government
Latvia	Government
Madagascar	Government
Malaysia	Government
Mongolia	Government
Myanmar	Government
Nepal	Government
Oman	Government
Philippines	Government
Qatar	Government
Sao Tome and Principe	Note from the Office
Singapore	Government
Solomon Islands	Note from the Office
Democratic Republic of Timor-Leste	Note from the Office
United States	Government Observations submitted to the Office by the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) through the Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)
Vanuatu	Note from the Office
Viet Nam	Government
	Observations submitted to the Office by the International Organisation of Employers (IOE)

The effective abolition of child labour

Afghanistan	Government
Armenia	Government
Australia	Government
Bahrain	Government
Bangladesh	Government

	Observations submitted to the Office by Bangladesh Mukto Sramic Federation (BMSF)
Cambodia	Government
Canada	Government
Cape Verde	Note from the Office
Chad	Government
Colombia	Government
Cuba	Government
Czech Republic	Government
Djibouti	Government Observations submitted to the Office by the Djibouti Workers' Union (UDT) Observations submitted to the Office by the General Union of Djibouti Workers (UGTD)
Eritrea	Government
Estonia	Government
Gabon	Government Observations submitted to the Office by the Confederation of Gabonese Employers (CPG) Observations submitted to the Office by the Gabonese Confederation of Free Trade Unions (CGSL) Observations submitted to the Office by the Gabonese Trade Union Confederation (COSYGA)
Ghana	Government Observations submitted to the Office by the Ghana Employers' Association (GEA) Observations submitted to the Office by the Ghana Trade Union Congress (GTUC) Government's observations on Ghana Employers' Association (GEA)'s and Ghana Trade Union Congress (GTUC)'s comments
Guinea-Bissau	Government
Haiti	Government Observations submitted to the Office by the Association of Industries of Haiti Observations submitted to the Office by the Trade Union Coordination of Haiti (CSH) Observations submitted to the Office by the Trade Union Movement of Haiti (MSH) Observations submitted to the Office by the Trade Union Sector of Haiti (SSH) Government's observations on ADIH's, CSH's, MSH's and SSH's comments
India	Government
Iran, Islamic Republic of	Government
Israel	Government
Kiribati	Government Observations submitted to the Office by the Kiribati Chamber of Commerce (KCC) through the Government Observations submitted to the Office by the Kiribati Trade Union Congress (KTUC) through the Government Government's observations on KCC's and KTUC's comments

Lao People's Democratic Republic	Government
Latvia	Government
Liberia	Government Observations submitted to the Office by the United Seamen Ports and General Workers' Union of Liberia/the Federation of Labour Unions (USPOGUL/LFLU)'s Government's observations on USPOGUL/LFLU's comments
Mexico	Government Observations submitted to the Office by the Confederation of Chambers of Industry (CONCAMIN) Observations submitted to the Office by the Confederation of Mexican Workers (CTM)
Myanmar	Government
New Zealand	Government Observations submitted to the Office by Business New Zealand (BNZ) through the Government Observations submitted to the Office by the New Zealand Confederation of Trade Unions (NZCTU) through the Government Government's observations on BNZ's and NZCTU's comments
Oman	Government
Pakistan	Government Observations submitted to the Office by the Employers' Federation of Pakistan (EFP) Government's observations on EFP's comments
Qatar	Government
Saint Kitts and Nevis	Government
Saint Lucia	Government
Saint Vincent and the Grenadines	Government
Sao Tome and Principe	Note from the Office
Saudi Arabia	Government
Sierra Leone	Government Observations submitted to the Office by the Sierra Leone Employers' Federation (SLEF) Observations submitted to the Office by the Sierra Leone Labour Congress (SLCC)
Singapore	Government
Solomon Islands	Note from the Office
Somalia	Note from the Office
Suriname	Government
Tajikistan	Government
Democratic Republic of Timor-Leste	Note from the Office
Trinidad and Tobago	Government
Turkmenistan	Note from the Office
United States	Government Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)

Uzbekistan	Government
Vanuatu	Note from the Office
Venezuela	Government

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

The elimination of discrimination in respect of employment and occupation

Bahrain	Government
China	Government
Djibouti	Government Observations submitted to the Office by the Djibouti Workers' Union (UDT) Observations submitted to the Office by the General Union of Djibouti Workers (UGTD)
Estonia	Government
Japan	Government Observations submitted to the Office by the Japanese Trade Union Confederation (JTUC-RENGO) Government's observations on JTUC-RENGO's comments
Kiribati	Government Observations submitted to the Office by the Kiribati Chamber of Commerce (KCC) through the Government Observations submitted to the Office by the Kiribati Trade Union Congress (KTUC) through the Government Government's observations on KCC's and KTUC's comments
Kuwait	Government
Lao People's Democratic Republic	Government
Liberia	Government Observations submitted to the Office by the United Seamen Ports and General Workers' Union of Liberia/the Federation of Labour Unions (USPOGUL/LFLU)'s Government's observations on USPOGUL/LFLU's comments
Malaysia	Government
Myanmar	Government
Namibia	Government
Oman	Government
Qatar	Government
Singapore	Government
Solomon Islands	Note from the Office
Somalia	Note from the Office
Suriname	Government
Thailand	Government Observations submitted to the Office by the National Congress of Thai Labour (NCTL) through the Government
Democratic Republic of Timor-Leste	Note from the Office
Uganda	Government

