



Governing Body

310th Session, Geneva, March 2011

GB.310/3

FOR DEBATE AND GUIDANCE

THIRD ITEM ON THE AGENDA

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

Overview

Issues covered

An overview of how the fundamental principles and rights at work are promoted and realized in the countries that have not yet ratified the relevant core Conventions.

Policy implications

Based on the lessons learned, the follow-up with the countries under the Annual Review can further develop in three priority areas: (1) ILO's effective response to outstanding requests for technical assistance; (2) dialogue and sharing of experiences in realizing the fundamental principles and rights at work; and (3) the launch of further country-specific programmes on fundamental principles and rights at work.

Legal implications

None.

Financial implications

None.

Action required

The paper is submitted to the Governing Body for debate and guidance.

References to other Governing Body documents and ILO instruments

ILO Declaration of Fundamental Principles and Rights at Work.

ILO Declaration on Social Justice for a Fair Globalization.

Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.

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I. Introduction: Context of the Annual Review 2011

1. Following a recommendation by the Governing Body at its March 2009 session, the International Labour Conference (ILC) at its 99th Session (2010) set up a committee to review the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work.
2. The Conference considered the need to align the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work with the follow-up to the ILO Declaration on Social Justice for a Fair Globalization, and decided to adjust the functioning of the follow-up to the 1998 ILO Declaration through the unanimous adoption of a resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010.¹
3. The resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure”.
4. The text appended to this resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is cited as “Annex to the 1998 Declaration (Revised)”.
5. In accordance with this text, the aim of the revised follow-up, which is of a strictly promotional nature, is to encourage the efforts made by the Members of the Organization to promote the fundamental principles and rights enshrined in the Constitution of the ILO and the Declaration of Philadelphia and reaffirmed in the 1998 Declaration.
6. The follow-up will allow the identification of areas in which the assistance of the Organization through its technical cooperation activities may prove useful to its Members to help them implement these fundamental principles and rights. It is not a substitute for the established supervisory mechanisms, nor shall it impede their functioning; consequently, specific situations within the purview of those mechanisms shall not be examined or re-examined within the framework of this follow-up.
7. The two aspects of this follow-up are based on existing procedures: (i) the annual follow-up concerning non-ratified fundamental Conventions, also known as the “Annual Review”; and (ii) the Global Report on the effect given to the promotion of the fundamental principles and rights at work that will serve to inform the recurrent discussion at the Conference on the needs of the Members, the ILO action undertaken, and the results achieved in the promotion of the fundamental principles and rights at work.
8. Regarding the Annual Review in particular, its purpose remains to provide an opportunity to review each year, by means of simplified procedures, the efforts made in accordance with the Declaration by Members which have not yet ratified all the fundamental Conventions. The follow-up will cover the four categories of fundamental principles and rights specified in the Declaration.
9. This review is based on reports requested from Members under article 19, paragraph 5(e), (and under paragraph 7(b)(iv) in the case of federal States) of the Constitution so as to

¹ This resolution is appended as Appendix X. See also www.ilo.org/declaration.

obtain information from governments which have not ratified one or more of the fundamental Conventions, on any changes which may have taken place in their law and practice, taking due account of article 23 of the Constitution and established practice.

10. Following the adoption of the resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010, the Annual Review 2011 cycle was launched in July 2010. This late launch of the Annual Review has entailed a lower government reporting rate of 66 per cent as compared to an average of 92 per cent during the last three cycles. The decrease is also reflected in the rates of observations by employers' and workers' organizations (essentially focused on freedom of association and collective bargaining issues) that have been 23 and 27 per cent respectively, compared to averages of 41 and 45 per cent respectively under the last three cycles.
11. Meanwhile, due to an increase by 53 per cent in the total number of ratifications of fundamental Conventions under the Declaration's follow-up from 862 at the time of the adoption of the Declaration in 1998 to 1,322 as of 31 December 2010,² which is a 90 per cent ratification rate, it should be noted that the number of reporting States has dropped by 60 per cent from 117 at the start of the Annual Review reporting cycle in 2000 to 51³ under the current 2011 review. During the same period, the number of reports due has decreased by 57 per cent from 228 to 98.
12. In the light of these positive developments in the ratification of core labour standards, there should exist good prospects of advancing further to the goal of universal ratification and the possibility of targeting Office technical assistance more effectively on the fewer cases of non-ratification.
13. The objective of this paper is to provide the Governing Body with an overview of how the fundamental principles and rights have been promoted and realized in each of the cases of non-ratification, in particular by analysing the developments and trends concerning each of the four categories of fundamental principles and rights at work reported under the Annual Review 2011 cycle; and presenting a summary of the information obtained under this review.

II. Developments and trends concerning the four categories of fundamental principles and rights at work under the Annual Review 2011

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

14. While the Office has recorded a large number of ratifications of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the

² See Appendix I on the number of ratifications of ILO fundamental Conventions at the time of the adoption of the 1998 ILO Declaration (as of 18 June 1998) and as of 31 December 2010.

³ For further information on the number of reporting States under the Declaration's Annual Review (2000–11), and the list of reporting States under the current review (and the Conventions not ratified by each reporting State), see Appendices II and III.

Right to Organise and Collective Bargaining Convention, 1949 (No. 98), many categories of workers do not yet enjoy full freedom of association and right to collective bargaining, in particular those in the public service, agricultural workers, workers in export processing zones (EPZs), self-employed workers, temporary workers, those on precarious contracts, workers in the informal economy, domestic workers and migrant workers.

15. At the global level, more than half the world's labour force work in countries that have not ratified both of these instruments. Thus, even though governments may consider that their law and practice are sufficient, millions of workers and employers do not enjoy the protection offered by international law.
16. The reporting rate under this principle and right has been at 69 per cent for the current review. The **Maldives**, which was the latest State to become an ILO Member in May 2009, sent its first report under the principle. However, the **Marshall Islands** and **Tuvalu**, which joined the ILO in 2007 and 2008 respectively, have not yet provided a single report under the Annual Review, which makes it difficult to establish baseline information for these two countries. Technical assistance can be provided to respond to their requests, in particular to sensitize them to the ILO and its Declarations and by developing their reporting capacities. Capacity building on reporting issues can also be developed for **Solomon Islands** that has not sent reports for several years. The Governments of **Afghanistan, Bahrain, Brunei Darussalam, Guinea-Bissau, Lao People's Democratic Republic, Nepal, United Arab Emirates** and **Uzbekistan** also failed in their reporting obligations under the 2011 Annual Review.⁴ In addition to the low reporting rate, some reporting governments including **China, India, Oman, Qatar, Saudi Arabia, Singapore** and **Viet Nam** have sent "no change" reports or reiterated their previous statements.
17. Compared to the last review, the number of observations by national employers' organizations for all principles and rights fell from 32 to 15 under the 2011 Annual Review. During the same period, the number of observations by workers' organizations fell from 55 to 18. These organizations need also to be encouraged and helped in their crucial role in championing the Declaration's follow-up in their respective countries.⁵
18. At international level, a general observation covering all fundamental principles and rights at work has been received from the International Organisation of Employers (IOE).
19. No ratifications of Conventions Nos 87 and 98 were registered in 2010. This is all the more regrettable because, despite their primary importance, these two Conventions related to the principle of freedom of association and the effective recognition of the right to collective bargaining have together the lowest number of ratifications (310) compared to other categories of fundamental principles and rights. Convention No. 87, with only 150 ratifications, is still the least ratified fundamental Convention.
20. Advocacy and capacity-building activities should be carried out in this regard, especially among the following reporting States that have expressed their intention to ratify one or both of these instruments: **Islamic Republic of Iran, Iraq, Jordan, Kenya, Lebanon, Maldives, Myanmar, Oman, Somalia** and **Sudan**. Many of these States have referred to this intention for several years but have not been able to realize it, while others have requested the Office's technical support in the ratification or labour law review process.

⁴ For further information on the fulfilment of reporting obligations by category of principle and right, see Appendix IV.

⁵ Appendix V provides information on observations by employers' and workers' organizations by category of principle and right.

21. The Governments of the **Republic of Korea, Morocco, Thailand** and **Viet Nam** state that they are considering ratification of Conventions Nos 87 and/or 98, while **China** has yet to indicate its position regarding their ratification. **Brazil, Canada, India, Malaysia, Mexico, New Zealand, Singapore** and the **United States** have indicated their current impossibility to ratify one or both of these instruments due to legal incompatibility or contextual reasons. After an initial stage where it expressed its intention to ratify the remaining unratified fundamental Conventions, the Government of **Saudi Arabia** indicates, under the current review cycle, that it is no longer considering the ratification of Convention No. 87.⁶
22. On a positive note, **Maldives** has stated that it is in the process of finalizing the ratification of all ILO fundamental Conventions, including Conventions Nos 87 and 98.
23. Many employers' and workers' organizations are continuing to promote the ratification of Conventions Nos 87 and/or 98 by their respective governments (examples were cited in **Bahrain, India, Jordan, Mexico** and **Sudan**). However, Business New Zealand (BNZ) indicates that although it supports the concept of freedom of association, it does not support the ratification of Convention No. 87 by **New Zealand**. Furthermore, despite the intention of the Government of **Kenya** to ratify Convention No. 87, the Central Organization of Trade Unions (COTU–Kenya) considers that the weakening of trade unions through the formation of splinter unions is a challenge.
24. Most reporting States (**Brazil, Canada, China, India, Islamic Republic of Iran, Jordan, Republic of Korea, Lebanon, Malaysia, Mexico, Morocco, Oman, Saudi Arabia, Somalia, Sudan, Thailand, United States** and **Viet Nam**) mention that they recognize the principle and right in their national Constitutions, laws or regulations. The Government of **Kenya** reports that a new national Constitution that integrates this principle and right has been recently adopted.
25. A number of States (**Islamic Republic of Iran, Iraq, Jordan, Lebanon, Oman, Sudan, Thailand** and the **United States**) have enacted new laws, or are in the process of doing so, or intend to do so, to further support the realization of the principle and right in their country or even facilitate the ratification process of Conventions Nos 87 and/or 98. However, some other States (**Brazil, Canada, India, Republic of Korea, Mexico, Morocco, New Zealand** and **Thailand**) have indicated that their national legislation is not in full compliance with the provisions of Conventions Nos 87 and/or 98 – and that this is an obstacle to the ratification of these instruments.
26. Promotional activities regarding the principle and right have been carried out in several countries, including **Canada, China, Islamic Republic of Iran, Jordan, Kenya, Republic of Korea, New Zealand, Somalia, Sudan, Thailand, United States** and **Viet Nam**.⁷ The IOE has reported its assistance, guidance and support, through close collaboration with Employer members of the Governing Body Committee on Freedom of Association, to ensure that this principle and right is fully enjoyed. It supports the promotion of the principle and right by targeted technical cooperation.
27. As regards new initiatives or developments in realizing this principle and right, the Government of the **Islamic Republic of Iran** indicates that free elections were organized for the establishment of an employers' confederation following an agreement to settle

⁶ For further information on the number of ratifications and statements under the Annual Review concerning the ratification of fundamental Conventions, see Appendix VI.

⁷ For further information on reported promotional activities by category of principle and right, see Appendix VII.

differences between two employers' organizations. In **Kenya**, a national study on the gaps in law and practice concerning the principle and right has been launched in the rural sector in cooperation with the Office. The Government of **Lebanon** states that workers in the public sector now enjoy the right to organize in associations. In **Somalia**, the Government reports that the Somalia Federation of Trade Unions (SFTU), composed of 16 trade unions, was established in 2010. The Government of **Thailand** indicates that it took several promotional measures to encourage enterprises to comply with national laws and promote this principle and right. The **United States** indicates that the National Council on Federal Labor–Management Relations approved plans for six federal agencies to engage in collective bargaining over “permissive topics” with unions, also known as “b(1) bargaining”, which includes the numbers, types, and grades of employees and the technology, means and methods to perform agency work. At the state level, a recent law took effect in October 2010 in New York (S 7451) granting childcare workers the right to organize and negotiate salaries, benefits, working conditions and certain other items, including “the stability, funding, and operation” of childcare programmes with the State. The new law covers about 50,000 childcare workers who are currently represented by the Civil Service Employees Association (CSEA) and the United Federation of Teachers. In New Zealand, according to data provided by the Government, union membership has increased by 3.9 per cent in one year, between March 2008 and March 2009.

28. Nevertheless, several reporting States also mention challenges in the respect, promotion, and/or realization of this principle and right, namely: (i) lack of public awareness; (ii) lack of information and data; (iii) social and cultural traditions; (iv) social and economic circumstances; (v) political situation; (vi) legal provisions; (vii) prevailing employment practices; (viii) lack of capacity of responsible government institutions; (ix) lack of capacity of employers' and workers' organizations; and (x) lack of social dialogue.⁸
29. For example, various governments or employers' or workers' organizations point to legal provisions as an obstacle (**Jordan, Lebanon, Mexico and Thailand**). In **Lebanon**, the draft amendment of the Labour Code grants the Minister of Labour a grace period of three months to accept or decline a request to establish an employers' or workers' organization. The Government indicates that the refusal must be justified and is subject to appeal before the competent courts. In **New Zealand**, the New Zealand Council of Trade Unions (NZCTU) observes that a new Bill to restrict the access of union officials into the workplace provides that employers will not be able to unreasonably withhold their consent to allow union officials into the workplace, but they will be able to slow the process down. It considers that such restriction is not compliant with Convention No. 87 and this could frustrate and at times isolate and intimidate union members or potential union members. Preventing speedy resolution would in many instances mean that some workers would be denied assistance when they need it most. Moreover, the NZCTU observed that the Government's decision to extend the Employment Relations Act 2000 provisions to workers at any workplace regardless of the size is a negative move. The NZCTU is opposed to the removal of employment rights during a worker's first 90 days of employment given that short-term employment decreases the likelihood of workers joining a union.
30. In response to these observations, the Government indicates that New Zealand's amended Employment Relations Act 2000 provides more flexibility, greater choice, and ensures a balance of fairness for both employers and workers. It further states that if the employer declines a request, s/he must provide reasons in writing within two working days and where an employer denies consent but does not provide a written explanation on the grounds for refusal s/he would be subject to penalty action.

⁸ For further information on reported challenges by category of principle and right, see Appendix VIII.

31. Other reported challenges mentioned by workers' organizations concern **Kenya**, where the COTU considers that one of the major challenges in the country has been the fact that trade unions are registered on the basis of industry rather than craft. As regards prevailing employment practices, in **Mexico** the Workers' Confederation of Mexico (CTM) indicates that employers are interfering in union activities.
32. To overcome these challenges a variety of technical cooperation needs have been indicated in the reports received from governments, and employers' and workers' organizations: (i) assessment of the difficulties identified and their implication; (ii) awareness raising, legal literacy and advocacy; (iii) capacity building of labour administrations; (iv) data collection and research; (v) policy advice; (vi) legal reform; (vii) strengthening tripartism and social dialogue; (viii) strengthening the capacity of employers' and workers' organizations; (ix) training of other officials (e.g. police, judiciary, social workers, teachers); and (x) sharing of experience across countries/regions. In this regard, further ILO technical cooperation should be made available to respond to numerous and long-standing requests so as to facilitate the full realization of freedom of association and the right to collective bargaining.
33. In this regard, it is noteworthy that **Canada** has requested ILO technical cooperation with respect to interpretation and application of Convention No. 98. It has stated that it intends to include this topic in the relevant workshops and tripartite discussions at the federal, provincial or territorial levels. **Myanmar** has also requested ILO technical cooperation to strengthen the capacity of the Government and the employers' and workers' organizations in promoting and realizing this principle and right. Moreover, the **United States** reiterated that it would welcome ILO recommendations on relevant forms of tripartite technical cooperation.⁹

The elimination of all forms of forced or compulsory labour

34. Under the 2011 Annual Review, the reporting rate under this principle and right has been at 65 per cent. As a new member State, the **Maldives** sent its first report under this principle and right. However, no first reports have been received so far from the **Marshall Islands** and **Tuvalu**, which makes it difficult to establish a baseline for these countries. Similarly, the **Solomon Islands** has not sent reports for several years. The Governments of **Afghanistan**, **Brunei Darussalam** and **Lao People's Democratic Republic** did not report during the current review. **Malaysia** and **Viet Nam** sent "no change" reports.¹⁰
35. No new ratifications regarding the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105), were registered in 2010. However, the **Maldives** has indicated that it was in the process of ratifying both of these instruments. The same applies to **Timor-Leste** for Convention No. 105. **Canada** and **Malaysia** are considering ratification of Conventions Nos 29 and 105 respectively. **China** has not yet expressed its intention as to whether it intends or not to ratify Conventions Nos 29 and 105. The **Republic of Korea** has referred to its current inability to ratify both of these instruments by reporting that: "It is inevitable to maintain mandatory conscription as long as the confrontation on the Korean peninsula continues. If the ILO does not consider military service under this system as one of a purely military character, it would

⁹ For further information on the reported needs/requests for technical cooperation by category of principle and right, see Appendix IX.

¹⁰ For further information concerning the fulfilment of reporting obligations by category and principle and right, see Appendix IV.

be difficult to ratify Convention No. 29.” The **United States** has indicated that there are no current plans to ratify Convention No. 29.

36. The Office can provide technical assistance to these countries who want to review their position, in consultation with their social partners. The dialogue between the Office and **Malaysia** and **Singapore** that have denounced Convention No. 105 should also continue.¹¹
37. **Canada, China, Republic of Korea, Malaysia, Maldives, Myanmar, Timor-Leste** and **Viet Nam** mention that they recognize this principle and right in their national Constitution, policies, laws or regulations. **Malaysia** indicates that it has made comprehensive amendments to the Anti-Trafficking in Persons Act 2007 (ATIP) to define trafficking in persons as the recruiting, transporting, transferring, providing or receiving of a person for the purpose of exploitation. In this regard, exploitation covers all forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, any illegal activity or the removal of human organs. **Timor-Leste** states that the draft Labour Code, approved by the Government in 2010, contains the main principles provided for in Convention No. 105. It has been submitted to the Parliament for approval and should become law in 2011.
38. Promotional activities have been reported by governments or employers’ or workers’ organizations in the following countries: **China, Myanmar, United States** and **Viet Nam**.¹² Furthermore, the IOE has continued to strengthen its partnership with the Special Action Programme to combat Forced Labour (SAP-FL), namely through the publication of *Combating forced labour: A handbook for employers and business*, and the development of various activities and products for employers on addressing forced labour. The IOE has also published a paper entitled *Forced labour: Why it is an issue for employers* with a view to clarifying some of the issues surrounding forced labour. This provides guidance to IOE members and their affiliates on how to identify and prevent situations of forced labour and how to address them.
39. Various new initiatives have been undertaken and progress achieved in 2010 among reporting States. In **Canada**, a number of jurisdictions have increased protections for temporary foreign workers by adopting stricter regulations for recruitment and enforcement measures. The Government of **Malaysia** reports that bilateral cooperation with other countries is being undertaken to combat trafficking in persons. **Timor-Leste** has established a new General Labour Inspectorate that has, among other things, the mandate to monitor and enforce the application of this principle and right. The Government of the **United States** indicates that the Trafficking in Persons Report (2010), issued by the US Department of State, outlines the challenges for countries across the globe in addressing trafficking in persons and forced labour. For the first time, this report includes a section on the **United States** itself and also includes special recommendations for improving law enforcement data collection on human trafficking cases at the state and local levels in the country. In its efforts to better realize this principle and right, **Viet Nam** mentions that the Ordinance on Community Services was repealed by the National Assembly Standing Committee in 2007.
40. Some reporting States have mentioned challenges in realizing this principle and right, including (i) lack of public awareness; (ii) lack of information and data; (iii) legal

¹¹ For further information on the number of ratifications and statements under the Annual Review concerning the ratification of fundamental Conventions, see Appendix VI.

¹² For further information on reported promotional activities by category of principle and right, see Appendix VII.

provisions; (iv) prevailing employment practices; (v) lack of capacity of responsible government institutions; (vi) lack of capacity of employers' and workers' organizations; and (vii) lack of social dialogue on this principle. The Government of the **Republic of Korea** indicates the following challenges: (i) the military service system; (ii) the current public interest service system; and (iii) the fact that the punishment of criminals in some cases includes forced prison labour. In **Timor-Leste**, the Government considers that the lack of capacity of its officials is for the time being one of its major challenges. As mentioned above, the Government of the **United States** has raised challenges regarding trafficking in persons and forced labour.¹³

41. With a view to overcoming these challenges, various reporting countries have requested ILO technical support in the following areas: (i) assessment of difficulties identified and their implications for realizing the principle; (ii) capacity building of labour inspections and administrations; (iii) legal reforms; (iv) strengthening data collection and capacity for statistical analysis; (v) strengthening capacity of employers' and workers' organizations; (vi) capacity building of responsible government institutions; (vii) cross-border cooperation mechanisms; and (viii) training activities. In particular, the Government of the **Republic of Korea** has stated that the ILO's technical support concerning the conformity of the current military system with this principle and right may be needed and would be requested in due course.¹⁴

The effective abolition of child labour

42. The reporting rate under this principle and right is at 68 per cent for the current review. As a new member State, the **Maldives** sent its first report under this principle and right. However, no first reports have been received so far from the **Marshall Islands** and **Tuvalu**, making it difficult to establish baseline information. **Saint Lucia**, **Solomon Islands** and **Turkmenistan** have not sent any reports for several years. Also, the Governments of **Bahrain**, **Brunei Darussalam**, **Liberia** and **Suriname** did not meet their reporting obligation under the current review.¹⁵
43. Despite some "no change" reports (**Cuba**, **Eritrea**, **Saudi Arabia** and **Somalia**), valuable information regarding legislative changes, challenges, prevention, monitoring, enforcement and sanction mechanisms, as well as other promotional activities and new initiatives, has been provided in most reports, and in particular by **Australia**, **Bangladesh**, **India**, **Islamic Republic of Iran**, **Maldives**, **Mexico**, **Myanmar**, **New Zealand**, **Timor-Leste** and the **United States**.
44. Four ratifications were registered in 2010 under this principle and right. Ratification of the Minimum Age Convention, 1973 (No. 138), by **Afghanistan** and **Gabon**, brings the total number of ratifications of this instrument to 157, and the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), by **Afghanistan** and **Turkmenistan** brings the total number of its ratifications to 173.

¹³ For further information on reported challenges by category of principle and right, see Appendix VIII.

¹⁴ For further information on the reported needs/requests for technical cooperation by category of principle and right, see Appendix IX.

¹⁵ For further information on the fulfilment of reporting obligations by category and principle, see Appendix IV.

45. Several countries have expressed their intention to ratify Conventions Nos 138 or 182 or are in the process of doing so (**Cape Verde, Ghana, Islamic Republic of Iran, Maldives, Sierra Leone, Timor-Leste** and **Vanuatu**). A few other countries state that they are considering ratification of one or both of these instruments (**Bangladesh, Canada, India, Myanmar** and **New Zealand**). However, **Australia** and **Mexico** state that they are unable to ratify Convention No. 138 at this time. The **United States** is the only country to indicate that there are no current plans to ratify Convention No. 138.¹⁶
46. Some workers' and employers' organizations have requested their governments to ratify or speed up the ratification process of Conventions Nos 138 or 182 (the General Federation of Bahrain Trade Unions (GFBTU) for **Bahrain**; the Business, Industrial and Agricultural Association of Barlavento (ACIAB) and the National Union of Workers of Cape Verde–Trade Union Confederation (UNTC–CS) for **Cape Verde**; the All India Organisation of Employers (AIOE), the Council of Indian Employers (CIE) and the Indian National Trade Union Congress (INTUC) for **India**; and the Vanuatu Chamber of Commerce and Industry (VCCI) and the Vanuatu National Workers' Union (VNWU) for **Vanuatu**).¹⁷
47. Some States do not make reference to this principle and right in their Constitution, but almost all of them recognize it in their policy, legislative and/or regulatory provisions, through the establishment of a compulsory and free education system and minimum ages for admission to employment and work.
48. Various promotional activities have been reported by several governments and employers' and workers' organizations in the following countries: **Australia, Bangladesh, India, Islamic Republic of Iran, Maldives, Mexico, Myanmar, New Zealand, Timor-Leste** and the **United States**.¹⁸ The IOE has mentioned in particular its participation in the May 2010 Hague Conference organized by the Dutch Ministry of Social Affairs and Employment in cooperation with the ILO International Programme on the Elimination of Child Labour (ILO–IPEC).
49. Concerning new initiatives and positive developments, in **Australia** the *Education Act 1990* was amended by the *Education Amendment Act 2009* to increase the effective school-leaving age to 17 (as of 1 January 2010). The minimum school leaving age is the age at which the child completes year ten of secondary education, or the age of 17, whichever first occurs. However, if a child completes year ten but is not yet 17, the child must participate on a full-time basis in approved education or training or, if the child is above the age of 15, in paid work or a combination of work and education/training, until the age of 17.
50. In **Bangladesh**, the Government has formulated a policy for free and compulsory primary education where education for every child up to age 14 has been ensured. A special Code of conduct for domestic workers is also being initiated.
51. In **India**, the AIOE and the CIE indicate that the 22 informal sector organizations of India came together and founded one umbrella organization (*CEASE* Child Labour) to withdraw

¹⁶ For further information on the number of ratifications and statements under the Annual Review concerning the ratification of fundamental Conventions, see Appendix VI.

¹⁷ Appendix V provides information on observations by employers' and workers' organizations by category of principle and right.

¹⁸ For further information on reported promotional activities by category of principle and right, see Appendix VII.

children from the informal sector and put them into education, as an alternative to child labour.

52. In the **Islamic Republic of Iran**, changes in law and practice include increasing compulsory education to age 15.
53. In **Mexico**, the Ministry of Social Development (SEDESOL) is implementing the Opportunity Programme to promote the elimination of child labour through registration and the provision of educational grants, with special attention to rural areas, in cooperation with ILO–IPEC.
54. The Government of **Myanmar** indicates that under the School Registration Week Programme, the Government is striving to increase pupils’ registration in schools in cooperation with the persons directly responsible, the Department of Education, NGOs and the social partners.
55. In **New Zealand**, the Department of Labour has developed a new online resource, *My first job*, which promotes the rights of children and young people in relation to work by combining information from across government departments relating to common issues concerning young people’s experience in the workplace. It also provides advice for parents, guardians, and employers. Bridge schools have helped withdraw children from work to attend school instead.
56. In **Timor-Leste**, through the Child Labour Project sponsored by the Government of **Brazil** and ILO–IPEC, the Government has started the process for the establishment of a Tripartite Child Labour Commission, and has also submitted to the National Parliament the draft Labour Code in 2011. Moreover, in October 2010, the tripartite Child Labour Commission participated in a meeting sponsored by ILO–IPEC in **Mozambique** to discuss further support and actions regarding the implementation of Convention No. 182 and technical support for ratification of Convention No. 138. These activities are being developed under the Decent Work Country Programme (DWCP) and in the framework of the national plan for ratification of all the eight ILO fundamental Conventions by 2013.
57. Finally, in the **United States**, the Wage and Hour Division (WHD) of the Department of Labor has embarked on an agricultural initiative aimed at protecting the rights of farm workers, including children, under the Fair Labor Standards Act and the Migrant and Seasonal Worker Protection Act. Agricultural sector inspectors and child labour inspectors are working in concert to inspect agricultural workplaces at times that children are more likely to be present, in particular after school and on weekends.
58. Regarding the general challenges faced in the implementation of this principle and right, the following issues have been reported: (i) social and cultural traditions; (ii) social and economic circumstances (illiteracy, informal economy, lack of school infrastructures); (iii) legal provisions; (iv) lack of capacity of responsible government institutions; (v) lack of capacity of employers’ and workers’ organizations; and (vi) lack of social dialogue.¹⁹
59. Technical cooperation requests were made for: (i) assessment of the difficulties identified and their implication for elimination of child labour; (ii) awareness raising, legal literacy and advocacy; (iii) capacity building of labour inspections and administrations; (iv) development of income-generating activities to support poor families; (v) data collection and research; (vi) expert and policy advice; (vii) establishing a labour market

¹⁹ For further information on reported challenges by category of principle and right, see Appendix VIII.

information system (LMIS) for data collection and analysis; (viii) legal reform; (ix) rehabilitation programmes; (x) strengthening tripartism and social dialogue; (xi) strengthening government institutions, employers' and workers' organizations in their capacity to fight against child labour; (xii) training of other officials (e.g. police, judiciary, social workers, teachers); (xiii) social protection systems; (xiv) school infrastructure development; (xv) sharing of experience across countries/regions; (xvi) inter-institutional coordination; (xvii) employment creation, skills training and income generation for parents; (xviii) special programmes for the elimination of the worst forms of child labour; and (xix) launch of a Decent Work Country Programme.²⁰

60. In this regard, ILO–IPEC has continued to provide technical cooperation to reporting States on ratification issues, especially through various subregional workshops that have involved the **Marshall Islands, Solomon Islands** and **Tuvalu** for Pacific countries, and also **Cape Verde** and **Timor-Leste** for Portuguese-speaking countries. This assistance needs to be strengthened to respond to outstanding requests by the reporting States. As noted in the 2010 Global Report on the abolition of child labour, it is hoped that the major OECD countries (**Australia, Canada, Mexico, New Zealand** and the **United States**) will also join others in ratifying Convention No. 138.
61. With a view to meeting child labour challenges, some important initiatives were developed during the year 2010, namely the publication of the Global Report on child labour and the Global Child Labour Conference held in The Hague in May 2010. Further to the discussion of the Global Report at the International Labour Conference in June, the Governing Body in November 2010 endorsed the Global Plan of Action, which incorporated also the roadmap adopted by The Hague Conference for achieving the elimination of the worst forms of child labour by 2016 – the goal originally proposed in the 2006 Global Report on child labour and now reconfirmed. The 2010 Global Action Plan provides a strategic agenda for the ILO in the years to 2016.

The elimination of discrimination in respect of employment and occupation

62. The reporting rate under this principle is at 58 per cent. Among new member States, the **Maldives** sent its first report under this principle and right, but no reports have been received so far from the **Marshall Islands** and **Tuvalu**. The **Solomon Islands** has not sent reports for several years. The Governments of **Bahrain, Brunei Darussalam, Kuwait, Liberia** and **Suriname** did not report during the current review.²¹ **Malaysia** and **Somalia** sent “no change” reports.
63. Except for **Singapore, Thailand** and the **United States**, most information received in the reports is legalistic or concise. This has left a need for more substantial information on the realities of complex situations so as to allow an adequate assessment of discrimination at work, including challenges and progress or lack thereof.
64. Under this principle and right, only one new ratification by **Namibia** concerning the Equal Remuneration Convention, 1951 (No. 100), has been registered in 2010. However, the **Maldives** is in the process of ratifying both this instrument and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), while several other reporting

²⁰ For further information on the reported needs/requests for technical cooperation by category of principle and right, see Appendix IX.

²¹ For further information on the fulfilment of reporting obligations by category and principle, see Appendix IV.

States have expressed their intention to do so for one or both of these instruments. **Japan, Oman, Singapore, Thailand, Timor-Leste** and the **United States** are considering ratification of at least one of these instruments, and **Myanmar** plans to do so in due course. **Malaysia** is the only country that has indicated that it has no intention to ratify Convention No. 111, while the **United States** indicates that there are no immediate plans to address the ratification of Convention No. 100.²²

65. The Japanese Trade Union Confederation (JTUC–RENGO) has reiterated its appeal to the Government of **Japan** to ratify Convention No. 111. It believed that it would be necessary for the Government to raise the importance of a core Convention such as Convention No. 111 with the Diet Members so as to activate discussion towards ratification of this instrument.
66. Ratification processes should be supported by the Office, especially for countries that have requested such assistance (**Thailand** and **Timor-Leste**).
67. Almost all reporting States indicate that they recognize this principle and right in their Constitution and/or national policies, laws and regulations. The **Maldives** plans to design a national policy on discrimination at work. **Timor-Leste** is in the process of amending its laws to better reflect this principle and right.
68. Promotional activities concerning discrimination and equality at work have been reported by various governments and employers' and workers' organizations, especially with respect to sensitization and training activities, legislative amendments, special attention to women, or establishment of institutions to promote equality (**Japan, Maldives, Myanmar, Oman, Thailand, Timor-Leste** and the **United States**).²³ Moreover, the IOE has indicated examples of its direct and indirect involvement in addressing various forms of discrimination, including those related to HIV/AIDS and youth employment.
69. As new initiatives, the Government of **Singapore** reports that more than 1,300 employers have signed in April 2010 the Employers' pledge of fair employment practices. Recently, the Tripartite Alliance for Fair Employment Practices (TAFEP) also recognized employers that have effectively implemented progressive and fair employment practices through the TAFEP exemplary employer award. Moreover, the tripartite partners issued a set of guidelines on the employment of older workers to help guide employers and workers in adopting re-employment measures. Both these guidelines and the upcoming re-employment legislation (to be enacted in early 2011 and to enter into force in January 2012) were formulated incorporating feedback gathered from public consultation. Partly as a result of this effort, the employment rate for older residents rose to a 59 per cent high.
70. In **Thailand**, the government ministries and the Office of Women's Affairs and Family Development have combined their efforts to strengthen knowledge of their officials in terms of gender, women's rights and reproductive health so as to prohibit and eliminate unfair treatment. Moreover, the Fund for the Empowerment of Persons with Disabilities has been established for protection and empowerment of persons with disabilities and promotion of welfare services. Self-employed persons with disabilities or those who would like to become entrepreneurs are entitled to an interest-free loan with a five-year payback period.

²² For further information on the number of ratifications and statements under the Annual Review concerning the ratification of fundamental Conventions, see Appendix VI.

²³ For further information on reported promotional activities by category of principle and right, see Appendix VII.

71. In **Timor-Leste**, the establishment of the new General Labour Inspectorate has resulted in an increase from 12.5 to 22.22 per cent of women working as labour inspectors as part of the government initiative to promote gender balance in its departments and institutions.
72. In the **United States**, as a consequence of the first meeting in ten years of the President's Committee on the ILO (PC-ILO) in May 2010, work is proceeding to update the law and practice report for US Senate consideration of the ratification of Convention No. 111. Moreover, the Equal Employment Opportunity Commission (EEOC) continues to implement its five-year E-RACE initiative (Eradicating racism and colorism from employment). The five main goals of E-RACE, to be achieved by 2013, are to: (i) improve data collection and data analysis in order to identify, track, investigate and prosecute allegations of discrimination; (ii) improve quality and consistency in EEOC's charge processing and litigation programme, and improve federal sector systems; (iii) develop strategies, legal theories, and training modules to address emerging issues of race and colour discrimination; (iv) enhance visibility of EEOC's enforcement efforts in eradicating race and colour discrimination; and (v) engage the public, employers, and stakeholders to promote voluntary compliance in eradicating race and colour discrimination.²⁴ The EEOC also continues to implement a separate initiative to address the declining number of employees with targeted disabilities in the federal workforce. The goal for this initiative is to significantly increase the employment of individuals with severe disabilities in the federal government, in part by educating federal hiring officials and applicants about how to use special hiring authorities for disabled workers, and increasing awareness of programmes that provide technology and services to people with disabilities throughout the federal government.²⁵ Finally, while being a key driver for US economic recovery and its sustained economic stability, green jobs are mostly in male-dominated occupations where wages are higher than in jobs where women are now clustered. The US Department of Labor is working to ensure that women have access to these high-paying and highly demanded green jobs.
73. The challenges mentioned in some of the reports cover the following areas: (i) lack of public awareness and/or support; (ii) lack of information and data; (iii) social and economic circumstances; (iv) legal provisions; (v) prevailing employment practices; (vi) lack of capacity of responsible government institutions; (vii) lack of capacity of employers' and workers' organizations; and (viii) lack of social dialogue. In particular, the Government of the **Maldives** has indicated its inability to formulate any adequate policies for the elimination of discrimination in respect of employment and occupation due to lack of qualified staff and data. According to the National Congress of Thai Labour (NCTL), the problem of unfair treatment and discrimination of migrant workers in **Thailand** should be solved. It also noted that further research needs to be carried out on gender equality, sexual harassment, disability, and the ageing society.²⁶
74. To overcome these challenges requests are made for ILO technical assistance in respect of: (i) assessment of the difficulties identified and their implications for realizing the principle and right; (ii) research on the implementation of Convention No. 111, including analysis of the situation in the country; (iii) technical support in the area of gender mainstreaming in labour policies, plans and practices; (iv) capacity building of responsible government institutions; (v) strengthening data collection and capacity for statistical analysis;

²⁴ See <http://www.eeoc.gov/eeoc/initiatives/e-race/goals.cfm>.

²⁵ See <http://www.eeoc.gov/eeoc/initiatives/lead/index.cfm>.

²⁶ For further information on reported challenges by category of principle and right, see Appendix VIII.

(vi) developing policies regarding equal remuneration; and (vii) establishing or strengthening specialized institutional machinery.²⁷

III. Conclusions: The way forward

75. A decade of Annual Reviews under the follow-up to the Declaration on Fundamental Principles and Rights at Work has underlined significant progress among ILO member States in promoting and realizing the fundamental principles and rights at work and in the increased ratifications of the fundamental Conventions supporting these principles and rights.
76. The second round of Annual Reviews should, as a priority, maintain and strengthen this momentum through a regular and promotional dialogue between the ILO and its constituents to better realize the fundamental principles and rights.
77. At present, only four reporting States need to either send their first reports (the **Marshall Islands** and **Tuvalu**) or to confirm (the **Solomon Islands** and **Turkmenistan**) their baseline information.
78. Apart from these four countries, the Office has been able to collect valuable information from the reporting States through the Annual Reviews boosted by high reporting rates and participation of employers' and workers' organizations.
79. This information is compiled and updated every year in the form of individual country baselines that allow an assessment of each country's situation, current status and future plans as regards the respect, promotion and realization of each of the fundamental principles and rights under the review.
80. The baseline for each reporting country also includes information on the efforts and progress they make, the challenges they face, the technical cooperation they need or receive, and possible measures for moving forward on the realization of fundamental principles and rights.²⁸
81. Now that such information is available, it is time for closer follow-up and more proactive action to support reporting States and to accompany them effectively in their efforts to make the fundamental principles and rights a reality – a reality that can be translated into ratification of the relevant Conventions but can go beyond ratifications to include the various means by which the States are promoting the fundamental principles and rights at work.
82. Several technical cooperation requests are made by reporting governments and employers' and workers' organizations which are still outstanding due to the lack of resources. However, when technical assistance was provided, experience has shown the efficiency of such ILO technical support in terms of labour law reform, solutions to pending legal or practical issues, and also in securing the ratification of fundamental Conventions.
83. Based on the lessons learned, the follow-up with the countries under the Annual Review can further develop in three priority areas: (1) effective response by the ILO to outstanding

²⁷ For further information on the reported needs/requests for technical cooperation by category of principle and right, see Appendix IX.

²⁸ Country baseline information can be accessed at www.ilo.org/declaration.

requests for technical assistance; (2) dialogue and sharing of experiences in realizing the fundamental principles and rights at work; and (3) the launch of country-specific programmes on fundamental principles and rights at work.

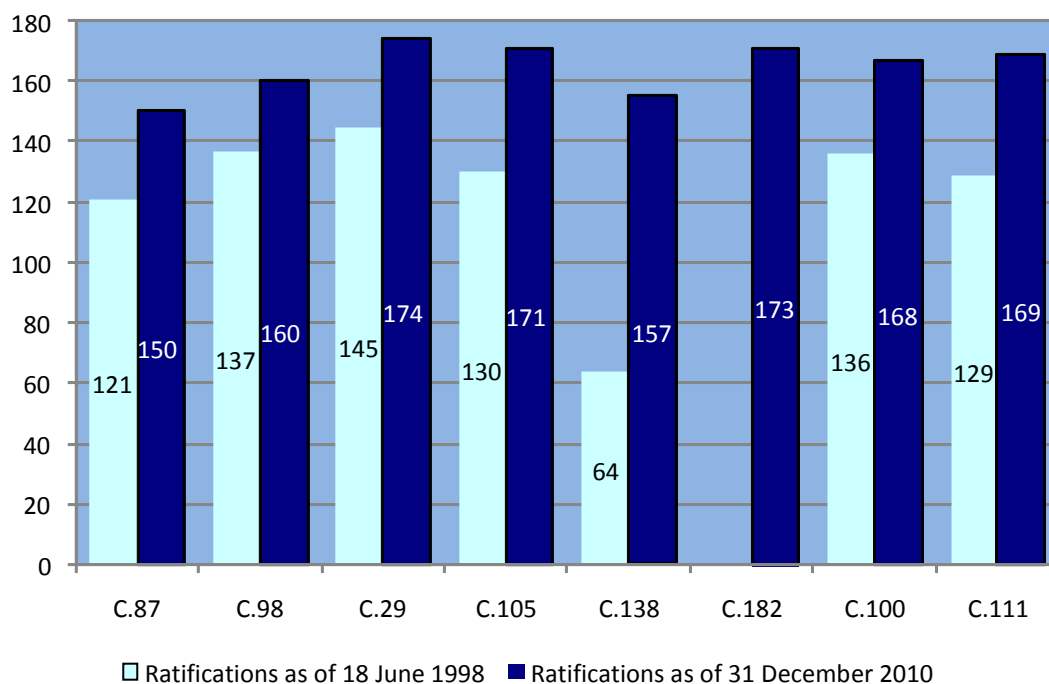
84. As far as each reporting State is willing to do so, a tailored follow-up on the promotion and realization of the fundamental principles and rights can be adopted to help the reporting State move further in terms of ratifications, labour law review, surveys, promotional activities, and addressing obstacles to better implementation of the principles and rights concerned.
85. This action may take the form of direct technical advice and assistance to selected countries that have requested help in the ratification process. Considering this type of pending requests, some additional ratification of fundamental Conventions can be reasonably expected in the medium term.
86. Another type of action is assistance to selected countries that have requested it in assessing the legal and practical challenges they face in promoting and realizing the fundamental principles and rights at work. This can be done through a national survey, together with recommendations, prepared with ILO assistance and in consultations with tripartite constituents. Once completed, the survey can be discussed in a national tripartite forum/workshop with a view to defining a national strategy to promote and realize the principles and rights concerned.
87. This national strategy should be result-oriented and involve a plan of action with targets, objectives, time frame, and list of required actions. If needed, donor support could be sought for its implementation.
88. At the regional or subregional levels, through a series of workshops, and with the support of ILO expertise, a closer promotional dialogue and sharing of experiences on how to better promote the fundamental principles and rights at work can be developed between selected countries sharing similar concerns and objectives.
89. Such activities would involve the relevant field offices and technical departments, and should be integrated into the Decent Work Country Programmes where synergy with other activities can be targeted. Efforts would be made to promote awareness of such ILO action among donors and to secure their support. The results of country-specific initiatives will also be used to further develop tool kits to promote good practices on fundamental principles and rights at work.
90. Further progress is needed in order to achieve the target of universal ratification of the fundamental Conventions by 2015 under the UN Millennium Development Goal No.1.

Geneva, 2 March 2011

Submitted for debate and guidance

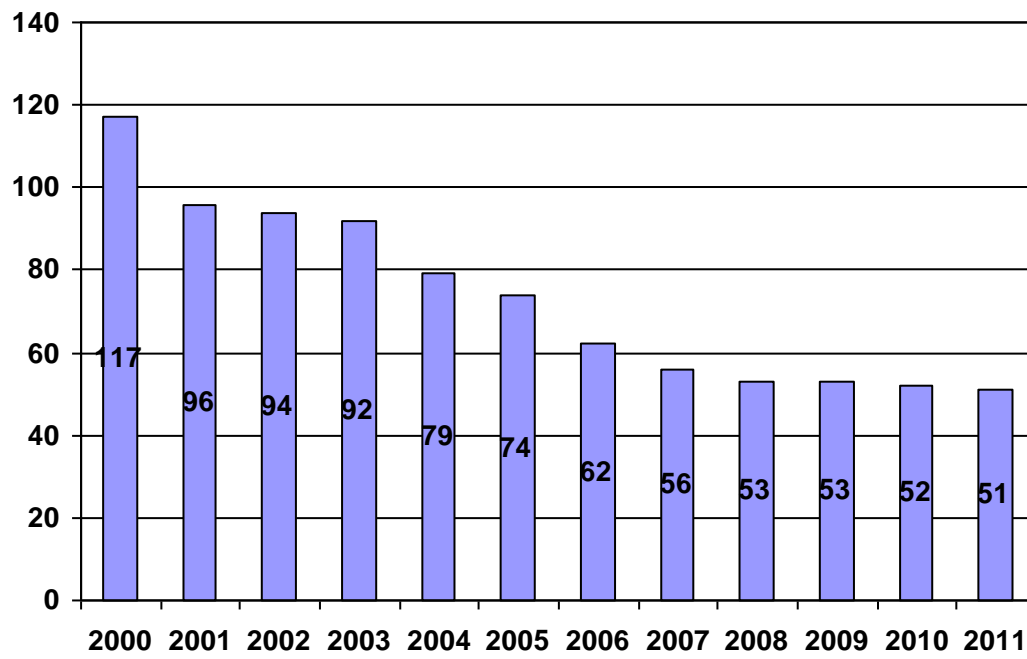
Appendix I

Number of ratifications of ILO fundamental Conventions, at the time of the adoption of the 1998 Declaration (18 June 1998) and as of 31 December 2010



Appendix II

Number of reporting States under the 1998 Declaration Annual Review (2000–11)



Appendix III

List of the 51 reporting States under the Annual Review 2011 (and the Conventions not yet ratified by each) *

Countries	Freedom of association/ collective bargaining	Forced labour	Child labour	Discrimination in employment and occupation
Afghanistan	C.87 and 98	C.29	–	–
Australia	–	–	C.138	–
Bahrain	C.87 and 98	–	C.138	C.100
Bangladesh	–	–	C.138	–
Brazil	C.87	–	–	–
Brunei Darussalam	C.87 and 98	C.29 and 105	C.138	C.100 and 111
Canada	C.98	C.29	C.138	–
Cape Verde	–	–	C.138	–
China	C.87 and 98	C.29 and 105	–	–
Cuba	–	–	C.182	–
Eritrea	–	–	C.182	–
Ghana	–	–	C.138	–
Guinea-Bissau	C.87	–	–	–
India	C.87 and 98	–	C.138 and 182	–
Iran, Islamic Rep. of	C.87 and 98	–	C.138	–
Iraq	C.87	–	–	–
Japan	–	C.105	–	C.111
Jordan	C.87	–	–	–
Kenya	C.87	–	–	–
Korea, Rep. of	C.87 and 98	C.29 and 105	–	–
Kuwait	–	–	–	C.100
Lao People's Dem. Rep.	C.87 and 98	C.105	–	–
Lebanon	C.87	–	–	–
Liberia	–	–	C.138	C.100
Malaysia	C.87	C.105	–	C.111
Maldives	C.87 and 98	C.29 and 105	C.138 and 182	C.100 and 111
Marshall Islands	C.87 and 98	C.29 and 105	C.138 and 182	C.100 and 111
Mexico	C.98	–	C.138	–
Morocco	C.87	–	–	–
Myanmar	C.98	C.105	C.138 and 182	C.100 and 111
Nepal	C.87	–	–	–
New Zealand	C.87	–	C.138	–
Oman	C.87 and 98	–	–	C.100 and 111
Qatar	C.87 and 98	–	–	C.100

Countries	Freedom of association/ collective bargaining	Forced labour	Child labour	Discrimination in employment and occupation
Saint Lucia	–	–	C.138	–
Saudi Arabia	C.87 and 98	–	C.138	–
Sierra Leone	–	–	C.138 and 182	–
Singapore	C.87	C.105	–	C.111
Solomon Islands	C.87 and 98	C.105	C.138 and 182	C.100 and 111
Somalia	C.87 and 98	–	C.138 and 182	C.100
Sudan	C.87	–	–	–
Suriname	–	–	C.138	C.100 and 111
Thailand	C.87 and 98	–	–	C.111
Timor-Leste	–	C.105	C.138	C.100 and 111
Turkmenistan	–	–	C.138	–
Tuvalu	C.87 and 98	C.29 and 105	C.138 and 182	C.100 and 111
United Arab Emirates	C.87 and 98	–	–	–
United States	C.87 and 98	C.29	C.138	C.100 and 111
Uzbekistan	C.87	–	–	–
Vanuatu	–	–	C.138	–
Viet Nam	C.87 and 98	C.105	–	–

* This table concerns the situation of member States that have not ratified all the eight ILO fundamental Conventions.

Appendix IV

Fulfilment of reporting obligations by category of principle and right

1. Governments that fulfilled their reporting obligations under the 2011 Annual Review, by category of principle and right

Freedom of association and the effective recognition of the right to collective bargaining (25 countries): **Brazil, Canada, China, India, Islamic Republic of Iran, Iraq, Jordan, Kenya, Republic of Korea, Lebanon, Malaysia, Maldives, Mexico, Morocco, Myanmar, New Zealand, Oman, Qatar, Saudi Arabia, Singapore, Somalia, Sudan, Thailand, United States, Viet Nam.**

Elimination of all forms of forced or compulsory labour (11 countries): **Canada, China, Japan, Republic of Korea, Malaysia, Maldives, Myanmar, Singapore, Timor-Leste, United States, Viet Nam.**

Effective abolition of child labour (19 countries): **Australia, Bangladesh, Canada, Cape Verde, Cuba, Eritrea, Ghana, India, Islamic Republic of Iran, Maldives, Mexico, Myanmar, New Zealand, Saudi Arabia, Sierra Leone, Somalia, Timor-Leste, United States, Vanuatu.**

Elimination of discrimination in respect of employment and occupation (11 countries): **Japan, Malaysia, Maldives, Myanmar, Oman, Qatar, Singapore, Somalia, Thailand, Timor-Leste, United States.**

2. Governments that did not meet their reporting obligations under the 2011 Annual Review, by category of principle and right

Freedom of association and the effective recognition of the right to collective bargaining (11 countries): **Afghanistan, Bahrain, Brunei Darussalam, Guinea-Bissau, Lao People's Democratic Republic, Marshall Islands, Nepal, Solomon Islands, Tuvalu, United Arab Emirates, Uzbekistan.**

Elimination of all forms of forced or compulsory labour (six countries): **Afghanistan, Brunei Darussalam, Lao People's Democratic Republic, Marshall Islands, Solomon Islands, Tuvalu.**

Effective abolition of child labour (nine countries): **Bahrain, Brunei Darussalam, Liberia, Marshall Islands, Saint Lucia, Solomon Islands, Suriname, Turkmenistan, Tuvalu.**

Elimination of discrimination in respect of employment and occupation (eight countries): **Bahrain, Brunei Darussalam, Kuwait, Liberia, Marshall Islands, Solomon Islands, Suriname, Tuvalu.**

Appendix V

Observations by employers' and workers' organizations by category of principle and right and by country

Country	Observations by national employers' organizations ¹	Observations by national workers' organizations
Bahrain		General Federation of Bahrain Trade Unions – GFBTU (FACB, CL, DISC)
China	China Enterprise Confederation – CEC (FACB, FL)	All China Federation of Trade Unions – ACFTU (FACB, FL)
India	All India Organisation of Employers – AIOE (FACB, CL); Council of Indian Employers – CIE (FACB, CL)	Indian National Trade Union Congress – INTUC (FACB, CL)
Japan		Japanese Trade Union Confederation – JTUC–RENGO (CL)
Jordan		General Federation of Jordanian Trade Unions – GFJTU (FACB)
Kenya		Central Organization of Trade Unions – COTU–KENYA (FACB)
Mexico	Confederación de Cámaras Industriales de los Estados Unidos Mexicanos –CONCAMIN (FACB); Confederación Patronal de la República Mexicana – COPARMEX (FACB)	Confederación de Trabajadores de México – CTM (FACB, CL)
Myanmar	Union of Myanmar Federation of Chambers of Commerce and Industry – UMFCCI (FACB, FL)	
New Zealand	Business New Zealand – BNZ (FACB, CL)	New Zealand Council of Trade Unions – NZCTU (FACB, CL)
Sudan	Sudan Businessmen and Employers' Federation – SBEF (FACB)	Sudan Workers' Trade Union Federation – SWTUF (FACB)
Thailand		National Congress of Thai Labour – NCTL (FACB, DISC)
Vanuatu	Vanuatu Chamber of Commerce and Industry – VCCI (CL)	Vanuatu National Workers' Union – VNWU (CL)
Viet Nam	Viet Nam Chamber of Commerce and Industry – VCCI (FACB, FL); Viet Nam Cooperative Alliance – VCA (FACB, FL)	Viet Nam General Confederation of Labour – VGCL (FACB, FL)

¹ The IOE also made a general statement containing information on its efforts to promote the 1998 Declaration in cooperation with the Office and its action in the context of the Global Reports, corporate social responsibility and the Global Compact, as well as on initiatives to promote and support the realization of the fundamental principles.

Notes: FACB: Freedom of association and the effective recognition of the right to collective bargaining; FL: Elimination of all forms of forced or compulsory labour; CL: Effective abolition of child labour; DISC: Elimination of discrimination in employment and occupation.

Appendix VI

Number of ratifications and statements under the Annual Review concerning the ratification of fundamental Conventions

ILO fundamental Convention	Ratifications before adoption of the Declaration (as of 17.06.1998)	Number of ratifications on 31.01.2011	Ratification intentions	Ratification under consideration	Ratification position not indicated	Unable to ratify or no intention to ratify at present
No. 87	121	150 (No ratifications in 2010)	Afghanistan, Bahrain, Guinea-Bissau, Islamic Republic of Iran, Iraq, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Maldives, Myanmar, Nepal, Oman, Qatar, Solomon Islands, Somalia, United Arab Emirates	Brazil, Brunei Darussalam, Republic of Korea, Morocco, Sudan, Thailand, Uzbekistan, Viet Nam	China	India, Malaysia, New Zealand, Saudi Arabia, Singapore, United States
No. 98	137	160 (No ratifications in 2010)	Afghanistan, Bahrain, Islamic Republic of Iran, Lao People's Democratic Republic, Maldives, Myanmar, Oman, Qatar, Solomon Islands, Somalia, United Arab Emirates	Brunei Darussalam, Republic of Korea, Thailand, Viet Nam	China	Canada, India, Mexico, Saudi Arabia, United States
No. 29	145	174 (No ratifications in 2010)	Afghanistan, Maldives	Brunei Darussalam, Canada	China	Republic of Korea, United States
No. 105	130	171 (No ratifications in 2010)	Lao People's Democratic Republic, Maldives, Myanmar, Solomon Islands, Timor-Leste, Viet Nam	Brunei Darussalam, Malaysia, Singapore	China	Japan, Republic of Korea
No. 138	64	157 (including two ratifications in 2010: Afghanistan and Gabon)	Afghanistan, Bangladesh, Cape Verde, Ghana, Islamic Republic of Iran, Liberia, Maldives, Saint Lucia, Saudi Arabia, Sierra Leone, Solomon Islands, Somalia, Suriname, Timor-Leste, Vanuatu	Brunei Darussalam, Bahrain, Canada, Myanmar, New Zealand	Turkmenistan	Australia, India, Mexico, United States

ILO fundamental Convention	Ratifications before adoption of the Declaration (as of 17.06.1998)	Number of ratifications on 31.01.2011	Ratification intentions	Ratification under consideration	Ratification position not indicated	Unable to ratify or no intention to ratify at present
No. 182	0	173 (including two ratifications in 2010: Afghanistan and Turkmenistan)	Afghanistan, Bangladesh, Cape Verde, Cuba, Eritrea, Maldives, Sierra Leone, Solomon Islands, Somalia, Vanuatu	India, Myanmar		
No. 100	136	168 (including one ratification in 2010: Namibia)	Bahrain, Kuwait, Liberia, Maldives, Myanmar, Oman, Solomon Islands, Somalia, Suriname, Thailand, Timor-Leste			United States
No. 111	129	169 (No ratifications in 2010)	Maldives, Myanmar, Oman, Solomon Islands, Somalia, Suriname, Thailand, Timor-Leste, United States	Japan, Singapore		Malaysia

Appendix VII

Reported promotional activities by category of principle and right

Types of promotional efforts	Governments	Employers' organizations ¹	Workers' organizations
Training activities	Canada (FACB, FL) China (FACB, FL) Kenya (FACB) Maldives (CL) Myanmar (FL) Thailand (FACB, CL, DISC) United States (DISC) Viet Nam (FACB, FL)		General Federation of Bahrain Trade Unions – GFBTU (FACB) Central Organisation of Trade Unions – COTU–KENYA (FACB) New Zealand Council of Trade Unions – NZCTU (FACB)
Consultation process	China (FACB) Republic of Korea (FACB) Timor-Leste (CL) United States (DISC)	China Enterprise Confederation – CEC (FACB)	All China Federation of Trade Unions – ACFTU (FACB) Confederación de Trabajadores de México – CTM (FACB)
Policy initiatives/ legislative developments	Australia (CL) Bangladesh (CL, DISC) Islamic Republic of Iran (CL) Japan (DISC) Lebanon (FACB) Maldives (CL, DISC) Myanmar (CL, DISC) Mexico (CL) New Zealand (CL) Sudan (FACB) Thailand (FACB, CL, DISC) Timor-Leste (FL, CL) United States (FACB, CL)		
Labour inspection/ monitoring	Bangladesh (DISC) Malaysia (FL) Mexico (CL) Myanmar (CL, DISC) Timor-Leste (FL, CL, DISC)		
Judicial decisions	Canada (CL) Thailand (CL) Timor-Leste (DISC) United States (DISC)		
Research	Cape Verde (CL) Cuba (CL) Gabon (CL) Islamic Republic of Iran (CL)		
Information/data	Bangladesh (DISC) Islamic Republic of Iran (CL) Lebanon (FACB) Mexico (FACB, CL) Myanmar (FL, DISC) New Zealand (FACB, CL) United States (FL, CL, DISC)		New Zealand Council of Trade Unions – NZCTU (CL)

Types of promotional efforts	Governments	Employers' organizations ¹	Workers' organizations
Public awareness-raising and related practical activities	Australia (CL) Bangladesh (DISC) Canada (FACB) China (FL) India (CL) Kenya (FACB) Maldives (FACB, FL, CL, DISC) Myanmar (FL, CL) New Zealand (FACB) Sudan (FACB) Thailand (FACB, FL) Timor-Leste (FL, CL) United States (DISC)	China Enterprise Confederation – CEC (FL) All India Organisation of Employers – AIOE (CL) Council of Indian Employers – CIE (CL)	General Federation of Bahrain Trade Unions – GFBTU (FACB) All China Federation of Trade Unions – ACFTU (FACB, FL) General Federation of Jordanian Trade Unions – GFJTU (FACB) Central Organisation of Trade Unions – COTU–KENYA (FACB)
Institutions to promote equality	Singapore (DISC) Thailand (DISC) United States (DISC)		
Special attention to particular situations/problems (sectors of activities, categories of workers, etc.)	Australia (CL) Bangladesh (CL) Bahrain (DISC) Islamic Republic of Iran (CL) Kenya (FACB) Malaysia (FL) Myanmar (FL, CL) Mexico (CL) New Zealand (CL) Thailand (CL, DISC) Timor-Leste (DISC) Oman (DISC) Singapore (DISC) United States (FL, CL, DISC)	All India Organisation of Employers – AIOE (CL) Council of Indian Employers – CIE (CL)	General Federation of Bahrain Trade Unions – GFBTU (FACB)
Other initiatives	Australia (CL) Bangladesh (CL) India (CL) Maldives (DISC) Myanmar (DISC) Morocco (FACB) Mexico (CL) New Zealand (CL) Oman (DISC) Sudan (FACB) Timor-Leste (FL, DISC) United States (FL, DISC)	Sudan Businessmen and Employers' Federation – SBEF (FACB)	General Federation of Bahrain Trade Unions – GFBTU (FACB, CL, DISC) Sudan Workers' Trade Union Federation – SWTUF (FACB)

¹ The IOE has sent also general information concerning promotional activities regarding all categories of principles and rights.

Abbreviations: FACB: Freedom of association and the effective recognition of the right to collective bargaining; FL: Elimination of all forms of forced or compulsory labour; CL: Effective abolition of child labour; DISC: Elimination of discrimination in employment and occupation.

Source: ILO: Country reports and baselines under the Annual Review 2011.

Appendix VIII

Reported challenges by category of principle and right

Types of difficulties	Governments	Employers' organizations	Workers' organizations
Lack of public awareness and/or support	Maldives (FACB, FL, DISC) Thailand (CL)		Japanese Trade Union Confederation – JTUC–RENGO (CL)
Lack of information and data	Maldives (FACB, FL, CL, DISC) Japan (DISC) New Zealand (CL) Thailand (DISC)		
Social values, cultural traditions	Maldives (CL) Mexico (CL) New Zealand (CL) Thailand (CL, DISC) Saudi Arabia (CL)		National Congress of Thai Labour (CL, DISC)
Social and economic circumstances	Lebanon (FACB) Maldives (CL) Mexico (CL) Myanmar (FACB, FL, DISC) New Zealand (CL) Timor-Leste (FL, DISC) Thailand (FACB, CL) United States (CL)	Business New Zealand – BNZ (CL) Union of Myanmar Federation of Chambers of Commerce and Industry – UMFCCI (FACB, FL)	New Zealand Council of Trade Unions – NZCTU (CL)
Legal provisions	Australia (CL) Canada (CL) Jordan (FACB) Republic of Korea (FACB) Maldives (FACB, FL, CL, DISC) Morocco (FACB) New Zealand (CL) Oman (FACB) Thailand (FACB) United States (DISC)		Central Organisation of Trade Unions – COTU–KENYA (FACB) New Zealand Council of Trade Unions – NZCTU (FACB) Sudan Workers' Trade Union Federation – SWTUF (FACB)
Prevailing employment practices	Australia (CL) Kenya (FACB) Lebanon (FACB) Maldives (FACB, FL, CL, DISC) New Zealand (CL) Oman (FACB) United States (CL, DISC)	Sudan Businessmen and Employers' Federation – SBEF (FACB)	Confederación de Trabajadores de México – CTM (FACB) New Zealand Council of Trade Unions – NZCTU (FACB, CL)
Lack of capacity of responsible public institutions	Islamic Republic of Iran (FACB) Maldives (FACB, FL, DISC) Oman (FACB) Timor-Leste (CL, DISC)		Sudan Workers' Trade Union Federation – SWTUF (FACB)

Types of difficulties	Governments	Employers' organizations	Workers' organizations
Lack of capacity of employers' and workers' organizations	Islamic Republic of Iran (FACB) Jordan (FACB) Maldives (FACB, FL, DISC) Oman (FACB)		
Lack of social dialogue	Iran (FACB) Maldives (FACB, FL, DISC)		New Zealand Council of Trade Unions – NZCTU (FACB)

Abbreviations: FACB: Freedom of association and the effective recognition of the right to collective bargaining; FL: Elimination of all forms of forced or compulsory labour; CL: Effective abolition of child labour; DISC: Elimination of discrimination in employment and occupation.

Appendix IX

Reported needs/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
Assessment of the difficulties identified and their implication for realizing the principles and rights	Kenya (COTU–Kenya only), Malaysia, United States	Republic of Korea	Canada	Maldives, Thailand
Awareness raising, legal literacy and advocacy	Canada, Jordan, Lebanon, Maldives, Oman, Sudan	Maldives, Viet Nam	Islamic Republic of Iran	Japan (JTUC–RENGO only), Oman
Capacity building for governments	Republic of Iran, Iraq, Jordan, Kenya, Lebanon, Maldives, Myanmar, Thailand	Myanmar, Timor-Leste	Maldives, Myanmar, Timor-Leste	Maldives, Oman, Timor-Leste
Data collection and analysis/research	Kenya, Maldives	Maldives, Viet Nam		
Developing policies regarding equal remuneration				Maldives
Establishing or strengthening specialized institutional machinery		Timor-Leste	Timor-Leste	Maldives, Timor-Leste
Policy advice	Iraq, Jordan, Republic of Korea, Malaysia		Islamic Republic of Iran, Maldives	Japan (JTUC–RENGO only), Thailand
Legal reform	Maldives, Viet Nam		Cape Verde, Islamic Republic of Iran	
Rehabilitation programmes				
Strengthening tripartite social dialogue	Islamic Republic of Iran	Maldives	Canada, Islamic Republic of Iran, Maldives	
Strengthening capacity of employers' and workers' organizations	Bahrain (GFBTU only), Islamic Republic of Iran, Iraq, Jordan, Lebanon, Maldives, Myanmar, Oman, Thailand (NCTL only)	Maldives, Timor-Leste	Islamic Republic of Iran, Maldives	
Training of other officials (e.g. police, judiciary, social workers, teachers)	China, Islamic Republic of Iran, Sudan, Thailand	China, Malaysia, Myanmar, Viet Nam	Maldives, Myanmar, Timor-Leste	Myanmar, Oman
Social protection systems			Myanmar, New Zealand	Timor-Leste
School infrastructures development			India	
Sharing of experience across countries/ regions		Maldives		

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Type of technical cooperation	Freedom of association/ collective bargaining	Forced or compulsory labour	Effective abolition of child labour	Elimination of discrimination
Inter-institutional coordination			Cape Verde, Mexico	
Employment creation, skills training and income generation				
Special programme for the elimination of child labour or the worst forms of child labour			India, Mexico, Vanuatu, Sierra Leone	
Decent Work Country Programme	Mexico (CTM only), Somalia (when possible), Thailand		Bahrain, Republic of Iran	

Note: For further information on technical cooperation needs or requests, refer to each country baseline table under the 1998 Declaration Annual Review, available at www.ilo.org/declaration.

Appendix X

Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work ¹

The General Conference of the International Labour Organization, meeting in its 99th Session, 2010,

Recalling the adoption at its 86th Session, 1998, of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up,

Recalling the adoption at its 97th Session, 2008, of the ILO Declaration on Social Justice for a Fair Globalization,

Noting the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure,

Recalling that the implementation of the ILO Declaration on Social Justice for a Fair Globalization should not lead to an increase in the reporting obligations of member States,

Considering the need to align the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work with the follow-up to the Declaration on Social Justice for a Fair Globalization,

Decides to adjust the functioning of the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work,

Adopts, therefore, this fifteenth day of June of the year two thousand and ten, the text appended to the present resolution, which supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and which shall be cited as the “Annex to the 1998 Declaration (Revised)”.

Follow-up to the Declaration

I. OVERALL PURPOSE

1. The aim of the follow-up described below is to encourage the efforts made by the Members of the Organization to promote the fundamental principles and rights enshrined in the Constitution of the ILO and the Declaration of Philadelphia and reaffirmed in this Declaration.

2. In line with this objective, which is of a strictly promotional nature, this follow-up will allow the identification of areas in which the assistance of the Organization through its technical cooperation activities may prove useful to its Members to help them implement these fundamental principles and rights. It is not a substitute for the established supervisory mechanisms, nor shall it impede their functioning; consequently, specific situations within the purview of those mechanisms shall not be examined or re-examined within the framework of this follow-up.

3. The two aspects of this follow-up, described below, are based on existing procedures: the annual follow-up concerning non-ratified fundamental Conventions will

¹ Adopted on 15 June 2010.

entail merely some adaptation of the present modalities of application of article 19, paragraph 5(e), of the Constitution; and the Global Report on the effect given to the promotion of the fundamental principles and rights at work that will serve to inform the recurrent discussion at the Conference on the needs of the Members, the ILO action undertaken, and the results achieved in the promotion of the fundamental principles and rights at work.

II. ANNUAL FOLLOW-UP CONCERNING NON-RATIFIED FUNDAMENTAL CONVENTIONS

A. Purpose and scope

1. The purpose is to provide an opportunity to review each year, by means of simplified procedures, the efforts made in accordance with the Declaration by Members which have not yet ratified all the fundamental Conventions.

2. The follow-up will cover the four categories of fundamental principles and rights specified in the Declaration.

B. Modalities

1. The follow-up will be based on reports requested from Members under article 19, paragraph 5(e), of the Constitution. The report forms will be drawn up so as to obtain information from governments which have not ratified one or more of the fundamental Conventions, on any changes which may have taken place in their law and practice, taking due account of article 23 of the Constitution and established practice.

2. These reports, as compiled by the Office, will be reviewed by the Governing Body.

3. Adjustments to the Governing Body's existing procedures should be examined to allow Members which are not represented on the Governing Body to provide, in the most appropriate way, clarifications which might prove necessary or useful during Governing Body discussions to supplement the information contained in their reports.

III. GLOBAL REPORT ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK

A. Purpose and scope

1. The purpose of the Global Report is to provide a dynamic global picture relating to the four categories of fundamental principles and rights at work noted during the preceding period, and to serve as a basis for assessing the effectiveness of the assistance provided by the Organization, and for determining priorities for the following period, including in the form of action plans for technical cooperation designed in particular to mobilize the internal and external resources necessary to carry them out.

B. Modalities

1. The report will be drawn up under the responsibility of the Director-General on the basis of official information, or information gathered and assessed in accordance with established procedures. In the case of States which have not ratified the fundamental

Conventions, it will be based in particular on the findings of the aforementioned annual follow-up. In the case of Members which have ratified the Conventions concerned, the report will be based in particular on reports as dealt with pursuant to article 22 of the Constitution. It will also refer to the experience gained from technical cooperation and other relevant activities of the ILO.

2. This report will be submitted to the Conference for a recurrent discussion on the strategic objective of fundamental principles and rights at work based on the modalities agreed by the Governing Body. It will then be for the Conference to draw conclusions from this discussion on all available ILO means of action, including the priorities and plans of action for technical cooperation to be implemented for the following period, and to guide the Governing Body and the Office in their responsibilities.

IV. IT IS UNDERSTOOD THAT:

1. The Conference shall, in due course, review the operation of this follow-up in the light of the experience acquired to assess whether it has adequately fulfilled the overall purpose articulated in Part I.