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

Purpose of the document

In the present document, the Governing Body is invited to take note of the information submitted under the Annual Review for the period 2012–13 and to provide guidance on key issues and priorities for helping member States to respect, promote and realize fundamental principles and rights at work (see the draft decision in paragraph 127).

Relevant strategic objective: Promote and realize standards and fundamental principles and rights at work.

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

Legal implications: None.

Financial implications: None.

Follow-up action required: The paper is submitted to the Governing Body for debate and guidance.

Related documents: ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up (1998, annex revised 2010); ILO Declaration on Social Justice for a Fair Globalization (2008); resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (2010); Report VI *(Fundamental principles and rights at work: From commitment to action)* submitted to the International Labour Conference (ILC), 101st Session (2012) and resolution concerning the recurrent discussion on fundamental principles and rights at work, ILC, 101st Session (2012); General Survey on the fundamental Conventions concerning rights at work in light of the ILO Declaration on Social Justice for a Fair Globalization, 2008: *Giving globalization a human face* (2012).

NB: The information in this report is a summary of the statements contained in government reports, country baselines and comments submitted to the Office by national and international employers' and workers' organizations for the Annual Review 2013. The Office has not verified the accuracy of the information received and reproduced.

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Executive summary

This document provides an overview of developments and trends concerning fundamental principles and rights in the countries that have not yet ratified the relevant fundamental Conventions.

This year again, all the 48 reporting governments have fulfilled their reporting obligations, resulting in a 100 per cent reporting rate for the second consecutive year. The participation of employers' and workers' organizations has also increased considerably. In the same vein, as a result of the Office follow-up to ratification intentions, the number of new ratifications of fundamental Conventions has reached 15 in 2012, as compared to only six in 2011. [1]

As regards the content of reports, the momentum to achieve progress towards the fuller realization of fundamental principles and rights at work is still strong, as zero "no change" reports were again registered. This confirms the general commitment by member States to promote or implement these principles and rights.

Yet challenges remain and more must be done at the national and international levels. The ILO must assist its member States in their efforts to respect, promote and realize fundamental principles and rights at work. A further 115 ratifications are still required to meet the objective of universal ratification of all the fundamental Conventions. Continued assistance to member States in realizing fundamental principles and rights at work and facilitating the ratification process of the fundamental Conventions will get us nearer to this goal.

The approval by the Governing Body, in its November 2012 session, of the ILO plan of action on fundamental principles and rights at work (2012–16) and the implementation of this plan will certainly give a new impetus to ILO action in following up both the ILO Declaration on Fundamental Principles and Rights at Work, 1998, and the ILO Declaration on Social Justice for a Fair Globalization, 2008, and help better realize the fundamental principles and rights at work in the world.

[1] The number of reporting governments has decreased to 47 following the ratification of all ILO fundamental Conventions (Conventions Nos 29, 87, 98, 100, 105, 111, 138 and 182) by the Republic of Maldives on 4 January 2013. This brought the number of new ratifications of ILO fundamental Conventions in this reporting period to 23.

I. Introduction: Context of the Annual Review 2013

1. The Annual Review process provides an opportunity for tripartite dialogue in the reporting States [1] and can guide ILO technical cooperation with those member States with a view to achieving fuller realization of fundamental principles and rights at work (FPRW). It is therefore encouraging that this dialogue is further strengthened, with a 100 per cent government reporting rate for the second consecutive year, together with an increased and significant number of observations received from employers' and workers' organizations. [2] A general observation by the International Organisation of Employers (IOE) covering all FPRW was also received by the Office.

2. This momentum in the reporting process was facilitated by the Office through separate informal tripartite consultations to update baseline information for various countries during the 101st Session of the International Labour Conference, but also in the framework of technical assistance missions in the field or during the May–June course on international labour standards held at the International Training Centre of the ILO in Turin (the Turin Centre).

3. As a result of the Office follow-up to ratification intentions or requests for assistance in this process, the number of new ratifications of fundamental Conventions has reached 15 in 2012, as compared to six in 2011. In this regard, following a field mission in Honiara, **Solomon Islands** ratified the following six fundamental Conventions on 13 April 2012: (i) the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); (ii) the Right to Organise and Collective Bargaining Convention, 1949 (No. 98); (iii) the Equal Remuneration Convention, 1951 (No. 100); (iv) the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); (v) the Abolition of Forced Labour Convention, 1957 (No. 105); and (vi) the Worst Forms of Child Labour Convention, 1999 (No. 182). Similarly, following two missions in Juba, **South Sudan** ratified the following seven fundamental Conventions through state succession on 29 April 2012, date of its ILO membership: the Forced Labour Convention, 1930 (No. 29), the Minimum Age Convention, 1973 (No. 138), and Conventions Nos 98, 100, 105, 111 and 182. Moreover, Convention No. 138 was ratified by Bahrain and Turkmenistan in March 2012.

4. With these new ratifications, Conventions Nos 29 and 182 register the highest number of ratifications, while Conventions Nos 87 and 98 remain the fundamental Conventions with the least ratifications. [3]

[1] The list of the 48 States under the 2013 Annual Review (and the Conventions not yet ratified by each) can be found in Appendix I. Updated baseline tables summarizing the reports received under the Annual Review process can be consulted at: http://www.ilo.org/declaration/lang--en/index.htm. For the number of reporting States since the start of the Annual Review process, see Appendix II.

[2] 64 per cent and 107 per cent, respectively, as compared to the number of government reports that have been received by the Office.

[3] As at 31 December 2012 Conventions Nos 29 and 182 had received 176 ratifications each, while Conventions Nos 87 and 98 had received 151 and 162 ratifications, respectively (see Appendix IV).

5. A further 115 ratifications of fundamental Conventions are still required to meet the goal of universal ratification of ILO core Conventions. [4] The adoption by the ILC of a resolution including a framework for action for the effective and universal respect, promotion and realization of the FPRW for the period 2012–16 [5] and the Governing Body's decision requesting the Director-General to take full account of this plan of action and to allocate the necessary resources for its implementation [6] will certainly give a new impetus to ILO action in realizing the FPRW at global level and coming closer to universal ratification of the fundamental Conventions.

II. Developments and trends concerning the four categories of fundamental principles and rights at work under the Annual Review 2013

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

Ratifications

6. Thirty-three countries are still to ratify Convention No. 87, and 22 to ratify Convention No. 98.

7. For the first time since 2009, three ratifications have been registered in 2012 under this principle and right: from **Solomon Islands** for Conventions Nos 87 and 98 and **South Sudan** for Convention No. 98 following technical assistance by the Office. These two instruments continue to remain the least ratified fundamental Conventions, in particular Convention No. 87, which continues to gather by far the lowest number of ratifications among the fundamental Conventions. [7] More than half of the world's working population lives in countries that have not ratified either one or both of these fundamental instruments.

8. As a new member State, **South Sudan** sent its first report and baseline on this principle and right, following a national workshop on reporting issues organized in cooperation with the Office.

9. The Governments of **Afghanistan, Brunei Darussalam, Guinea-Bissau, Iraq, Islamic Republic of Iran, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Republic of Maldives, Marshall Islands, Morocco, Myanmar, Nepal, Oman, Qatar, Somalia, South Sudan, Sudan, Thailand, Tuvalu, United Arab Emirates, Uzbekistan** and **Viet Nam** either reiterated their intention to seek ratification of Convention No. 87 and/or No. 98 or stated that they are considering their ratification. The Government of

[4] Following the ratification of all eight fundamental Conventions by the **Republic of Maldives** on 4 January 2013.

[5] ILO: Resolution concerning the recurrent discussion on fundamental principles and rights at work, International Labour Conference, 101st Session, Geneva, June 2012.

[6] GB.316/INS/5/3.

[7] For the number of ratifications of ILO fundamental Conventions, see Appendix IV.

Bahrain has moved forward in its process of considering ratification by indicating under the current review its intention to ratify both Conventions Nos 87 and 98. **China** continues to be the only country that has not yet indicated its position in regard to ratification.

10. The Governments of **Brazil, Canada, India, Republic of Korea, Malaysia, Mexico, New Zealand, Saudi Arabia, Singapore** and **United States** have stated that they do not intend to ratify either one or both of these Conventions or that they are unable to ratify owing to legal incompatibility or for contextual reasons.

11. Under the last year's review, some countries stated that they were in the final steps of the ratification process. One year on, the status has essentially remained the same. In **Iraq**, ratification of Convention No. 87 has passed the Council of Ministers and is now pending approval by Parliament. The Government of **Guinea-Bissau** indicated that formalities remain in the ratification of this instrument. While the Government of **Nepal** under the previous review cycle indicated that it was considering finalizing the ratification process in the near future, the status update now indicates that ratification of Convention No. 87 is pending until the next general elections and the establishment of a new Parliament.

12. **Iraq, Republic of Maldives** and **Thailand** have all stated that tripartite consultations have been held throughout the consideration or preparation of ratification. Equally encouraging has been the reporting of the practice of social dialogue in States that are not in the final steps of ratification (**Afghanistan, Brunei Darussalam, India, Islamic Republic of Iran, Jordan, Kenya, Lao People's Democratic Republic, Malaysia, Morocco, Myanmar, Republic of Korea, Singapore, Sudan, Uzbekistan** and **Viet Nam**). The Government of **Bahrain** reported that a tripartite structure had been established and was operating, while the General Federation of Bahrain Trade Unions (GFBTU) on the contrary indicated that social dialogue had not been practised in the country since the beginning of the uprising in February 2011. In **Myanmar**, the Ceramic Industrial Labour Organization (CILO) indicated that despite some employers being reluctant to collaborate with workers' organizations, social dialogue has started to be practised during 2011. In the **Republic of Korea**, the Korean Confederation of Trade Unions (KCTU) has reported that the Government strategy is aimed at dividing the trade union movement by only recognizing the Federation of Korean Trade Unions (FKTU) as a tripartite participant, excluding the KCTU from most social dialogue practices. The Government has, however, pointed out that the KCTU itself has turned down the opportunity to participate in the Commissions concerned.

13. In **Malaysia**, the Malaysian Employers Federation (MEF) indicated that divergences between the Ministry of International Trade and Industry and the Ministry of Human Resources have emerged concerning the ratification of Convention No. 87, following the adoption by the Ministry of International Trade and Industry of a favourable approach towards the ratification of Convention No. 87 with a view to attracting more foreign investors and in order for Malaysia to be in line with the provisions of a Free Trade Agreement which has been signed between several Asian countries. According to the MEF, the position of the Government remains the same and there is no immediate prospect of ratification of Convention No. 87.

14. The Government of **Uzbekistan** reported jointly with the Chamber of Commerce and Industry of Uzbekistan (CCIU) and the Federation of Trade Unions of Uzbekistan (FTUU) that substantial progress has been made in the process of consideration of ratification of Convention No. 87 over the last year. Ratification of Convention No. 87 has been evaluated at expert level including representatives from Parliament and workers' and employers' organizations and through an assessment outlining alternative steps forward in the ratification process.

15. Most workers' and employers' organizations support the ratification of Convention No. 87 and/or No. 98 in their respective countries. However, some employers' organizations are taking more reserved or opposing positions. While the Bahrain Chamber of Commerce and Industry (BCCI) and the United Arab Emirates Federation of Chambers of Commerce and Industry (UAE FCCI) indicated only that they had no objections to ratification, the MEF reiterated that, under current circumstances, it is still against the ratification of Convention No. 87. According to the MEF, the domestic regulations create well-functioning industrial relations and make unions stronger than they would be under Convention No. 87. In **New Zealand**, Business New Zealand (BusinessNZ) maintained the same line as under the previous review cycles, stating that while it supports freedom of association, it does not support the ratification of Convention No. 87. According to BusinessNZ, freedom of association is unchallenged in the country, and the problem related to the ratification of Convention No. 87 stems from the way in which the Convention has been interpreted by the ILO's Committee of Experts, especially as regards the right to strike.

16. The Government of **Kenya** has reported that its intention to ratify Convention No. 87 has been hampered by a lack of full endorsement by the social partners. The Central Organization of Trade Unions (COTU–Kenya) continued to express its concern that ratification of Convention No. 87 would weaken trade unions in relation to employers with regard to collective bargaining, but stated its openness to participate in social dialogue to determine possible steps forward in the ratification process. However, COTU–Kenya emphasized that the country fully complies with the provisions of Convention No. 87, as the Constitution of Kenya, 2010, provides for the right to associate freely. The Federation of Kenya Employers (FKE) expressed its willingness to participate in social dialogue and to take the necessary steps in order to identify a way forward concerning the ratification of Convention No. 87. As last year, the FKE has yet to formulate a clear position, as it is waiting for all parties to adopt a joint national position. The Government of Kenya has requested ILO technical support in organizing a national tripartite workshop on FPRW, with a focus on Convention No. 87.

Changes in legislation

17. A number of reporting States (**Brazil, Guinea-Bissau, Islamic Republic of Iran, Jordan, Lao People's Democratic Republic, Lebanon, Morocco, Myanmar, Oman, Singapore, South Sudan, Sudan, Thailand, Uzbekistan** and **Viet Nam**) referred to newly enacted laws or regulations, or expressed their intention to introduce them in the near future in order to advance the realization of this principle and right or facilitate the ratification process of Convention No. 87 and/or No. 98.

18. Most notable in terms of legal changes during 2012 were the developments in **Myanmar** and in **South Sudan**. In **Myanmar**, several new laws related to this principle and right were adopted in 2011 and 2012. The CILO in **Myanmar** indicated that following the legal changes, small groups of workers have started to organize and to collectively bring forward demands. The CILO indicated that although the two new laws provide substantial improvements in terms of workers' rights, the new Labour Organization Law is problematic, as it does not provide workers' representatives with the necessary conditions for representation, such as protection against dismissal due to absence during representational activities. In **South Sudan**, a Labour Bill was introduced in 2012 which ensures freedom of association as well as the right to collective bargaining. In addition, a Workers' Trade Union Federation Bill was introduced in 2012, providing for registration conditions concerning the establishment of trade unions.

19. In **Malaysia**, the MEF reported that changes related to regulations for labour contractors have been made to the Employment Act 1955, and are effective as of April 2012. While the MEF states that the changes are meant to protect workers, as they oblige contractors to

register with the Department of Labour, trade unions have criticized the legal amendments, arguing that they will lead to more outsourcing, less control and threats to working conditions. According to the New Zealand Council of Trade Unions (NZCTU), challenges have occurred in **New Zealand** following the amendments of the Employment Relations Act which came into effect in 2011. The Act enables employers to define certain workers as contractors instead of employees, and subsequently workers who are regarded as contractors are encountering hostility when attempting to unionize.

20. The adoption of legal amendments to existing legislation in **Bahrain** has been a reason for concern for GFBTU. It reported that the Government of **Bahrain**, contrary to introducing legal amendments in line with the principle and right, had issued three articles changing the Trade Union Law, providing the Minister of Labour with the right to select which federation should represent workers in collective bargaining and representation at international level. The legal amendments also established the principle that workers have the right to establish more than one trade union in the same workplace. While the GFBTU supports this principle, it underlines the risk that it opens up in practice for the creation of yellow unions, which consequently poses the risk of a yellow federation becoming the main workers' federation in the country.

21. Similarly, the KCTU has raised concern over the amendments to the Trade Union and Labour Relations Adjustment Act (TULRAA) in the **Republic of Korea**, which entered into force in July 2012. According to the KCTU, the revisions introduced a new system for collective bargaining in a multiple-union system which will allow employers to create yellow unions and use the pretext of having unified collective bargaining between the real union and the yellow union. Cases where employers have created yellow unions to take control over strike situations have already been reported. In response, the KCTU has prepared a Bill to amend the national labour laws to ensure compliance with Conventions Nos 87 and 98.

Promotional activities

22. Promotional activities regarding this principle and right have been carried out by governments and/or by social partners in many of the reporting States, including **Afghanistan, Bahrain, Brunei Darussalam, Canada, China, Guinea-Bissau, India, Iraq, Islamic Republic of Iran, Jordan, Kenya, Republic of Korea, Lebanon, Malaysia, Republic of Maldives, Mexico, Morocco, Myanmar, Nepal, New Zealand, Qatar, Saudi Arabia, Singapore, South Sudan, Sudan, Thailand, United Arab Emirates, United States, Uzbekistan** and **Viet Nam**. Promotional activities include consultation processes, training activities and workshops, awareness-raising activities, preparation and promotion of legal change, capacity-building activities for social partners and dissemination of information, as well as research and data collection.

23. The increase that was recorded under the previous review cycle concerning promotional activities reported by workers' and employers' organizations seems to have stagnated or lost its momentum to some extent. It should, however, be noted that this does not necessarily entail a decrease in actual activities, but might be partly or fully related to reporting. Activities carried out by workers' organizations in the current review cycle include training activities for trade union leaders and members, participation in social dialogue, policy initiatives and involvement in legislative developments, information and data collection and public awareness-raising activities. The IOE continued to stress its key priority to stand up for employers' organizations in all regions that do not fully enjoy their right to freedom of association and to provide assistance, guidance, support and representation. It emphasized that while freedom for employers prevails in many countries of the world and is largely taken for granted, developments in other parts of the world continue to threaten those rights and require the attention of the ILO and the IOE.

Statistical information

24. Statistics reported by governments and employers' and workers' organizations shed light on a number of situations. They cover workforce characteristics, membership rates, conflicts, and mediation and conciliation efforts. The Government of **Myanmar** reported that there are currently 196 registered workers' organizations, one workers' federation, 12 employers' organizations and one employers' federation in Myanmar, which have been created since the adoption of the Labour Organization Law in August 2012. In **South Sudan**, the South Sudan Employers' Association (SSEA) indicated that it had 25 members among companies and private training institutions. In **Sudan**, the Sudan Workers' Trade Union Federation (SWTUF) reported an estimated 44,000 members. According to the Government of **Uzbekistan**, 1,525 new trade unions were established in enterprises of the non-state sector during the first seven months of 2012, with a total of over 31,000 members. In **Singapore**, the Singapore National Trades Union Congress (NTUC) indicated that it had seen a steady growth in membership made up of professionals, managers and executives (PMEs), from 130,000 in 2010 to over 160,000 in 2012. According to the All-China Federation of Trade Unions (ACFTU), the trade union membership rate in **China** showed a 7.9 per cent increase between 2010 and 2011, reaching a rate of 80.6 per cent. Women workers account for 37.7 per cent of all trade union members, and rural migrant workers make up 37.3 per cent.

25. The Governments of **Malaysia** and **New Zealand** reported a decline in trade union membership rates. According to the Government of **Malaysia**, the rates continue to show a decrease from 2011 to 2012, with a loss of 1,001 trade union members, corresponding to 0.1 percentage points of the total number of trade union members. Although the change is minor, it might indicate a trend, as the rates have been declining each year since 2009 in Malaysia. In **New Zealand**, the total number of trade union members declined by 0.9 percentage points between March 2010 and March 2011. Trade union membership currently stands at 17.4 per cent of the total employed labour force, and 20.9 per cent of wage earners.

26. As regards conciliation and mediation efforts, the Federal Mediation and Conciliation Service in **Canada** indicated that it had provided conciliation and mediation assistance in 293 collective bargaining disputes during the period 2011–12. The Government of **Mexico** sent statistics that revealed the lowest number of strikes in over 20 years, indicating that it was a result of conciliation efforts and social dialogue. For fiscal year 2011, the **United States** National Labor Relations Board (NLRB) General Counsel reported a 93 per cent settlement rate in regional offices concerning cases referred to as "meritorious unfair labour practice cases". During the same period, unfair labour practice and compliance decisions by the NLRB recovered US$60,514,922 on behalf of employees as back pay or as reimbursement of fees, dues and fines, with 1,644 employees being offered reinstatement, which is a slight decline in comparison to 2010.

New initiatives and progress made in advancing the principle and right

27. In 2012, there was a decline in reported promotional activities and in reported progress. Nevertheless, governments and workers' organizations, along with a few employers' organizations, continue to report new actions initiated with a view to improved realization of this principle and right.

28. The Government of **China** reported that the ACFTU had made substantive progress in establishing trade unions in the top 500 global corporations operating in China and in concluding collective agreements.

29. The Government of the **Islamic Republic of Iran** mentioned the adoption of the Fifth National Economic Development Plan (2011–15) as supporting the creation of more favourable conditions for realizing the FPRW and decent work and referred to the activities of existing three confederations in the country.

30. The Government of **Mexico** stated that for the first time collective agreements have been established in the federal jurisdiction, issued through the Federal Conciliation and Arbitration Commission.

31. The Omani Chamber of Commerce and Industry (OCCI) reported that as a result of successful tripartite discussions, working conditions have been considerably improved by reducing the number of working days from six to five days a week and by increasing the minimum wage by 70 per cent in **Oman**.

32. Impressive progress in terms of ratification of the ILO core Conventions in **South Sudan** was preceded in May 2011 by the first tripartite resolution adopted in the country in cooperation with ILO. The resolution called for ratification of all ILO core Conventions by state succession, except for Convention No. 87, which would be ratified soon through a normal process. Although Convention No. 87 has yet to be ratified, the new labour legislation has been drafted in consultation with the employers' and workers' organizations and the ILO, and provides for freedom of association of all workers and employers.

33. In **Sudan**, the Government has reported progress with a new draft law which is expected to facilitate the ratification of Convention No. 87. Furthermore, the SWTUF indicated that a union bank was helping to promote the principle and right through the development of microfinance programmes for trade unions and workers.

34. The Government of **Viet Nam** reported that, in consultation with the social partners and related organizations, a national ratification plan for the period 2012–20 covering the unratified core Conventions has been approved by the Prime Minister. However, ratification of Convention No. 87 is not in the roadmap for the period 2012–15.

Challenges

35. Although progress has been recorded, challenges in moving ahead with ratification processes and in realizing the principle and right have essentially remained the same since the previous year. They continue to relate mainly to national legal incompatibilities with Convention No. 87 and/or No. 98 (**Iraq, India, Islamic Republic of Iran, Jordan, Republic of Korea, Lao People's Democratic Republic, Republic of Maldives, Mexico, Morocco, Sudan** and **United States**). The Governments of **China, Jordan, Republic of Maldives, Nepal** and **Somalia** reported that factors related to political, social or economic circumstances had interrupted or hampered ratification processes or the realization of the principle and right. Additional difficulties included: lack of public awareness and/or support (**Lao People's Democratic Republic** and **South Sudan**); prevailing employment practices (**Guinea-Bissau, Qatar** and **United States**); lack of capacity and resources of responsible government institutions (**Marshall Islands, Somalia, South Sudan** and **Tuvalu**); lack of capacity of employers' or workers' organizations (**Jordan, Lao People's Democratic Republic, Oman, Somalia** and **South Sudan**); and lack of social dialogue on this principle and right (**Afghanistan, Kenya** and **South Sudan**).

36. Under the previous review cycle, two-thirds of the States reported challenges in the ratification processes and in realizing the principle and right. This year, only just over half of the States (19 of 36) have reported challenges. This is a considerably lower level, which does not necessarily mean that challenges in the respective countries have eased or vanished.

37. Workers' organizations in **Islamic Republic of Iran, Republic of Korea, Malaysia, Republic of Maldives, Myanmar, Nepal, New Zealand, Somalia, Thailand** and **United Arab Emirates** pointed out that there are legal incompatibilities or insufficient provisions in the national legislation to ensure the principle and right. While legal provisions continue to constitute significant obstacles identified by workers' and employers' organizations, this year's review shows a tendency towards greater emphasis on the challenges posed by contextual factors, such as political, economic and/or social circumstances. This is particularly the case for workers' organizations in **Afghanistan, India, Islamic Republic of Iran, Iraq, Kenya, Republic of Maldives, Malaysia, Myanmar, Nepal, Somalia, South Sudan, Sudan, Thailand, United Arab Emirates** and **Viet Nam**.

38. Workers' and employers' organizations in **Afghanistan** specifically emphasized economic and political challenges, such as high levels of unemployment, a large informal economy, widespread corruption, lack of good governance and lack of political will. The High Council of Workers' Syndicates in the **Islamic Republic of Iran** emphasized that the economic sanctions on the country have worsened the workers' situation in terms of decreasing salaries, working conditions and an increase in lay-offs. These conditions are making it more difficult to realize the principle and right and delay ratification of Conventions Nos 87 and 98. The Lao Federation of Trade Unions (LFTU) indicated that pressure by international multinational companies on the Government to delay the implementation of the principle and right is hampering any progress in terms of ratification of Conventions Nos 87 and 98 by **Lao People's Democratic Republic**. In **Sudan**, the SWTUF reported that the crisis which has deepened following political instability and a rise in petrol prices have obstructed trade unions' collective bargaining attempts and postponed demands of wage increase. Employers' organizations also identified contextual factors as challenging in **Afghanistan, Iraq, Lebanon** and **South Sudan**. In **Saudi Arabia**, the Jeddah Chamber of Commerce and Industry (JCCI) indicated that societal values contradict this principle and right.

39. In **Bahrain**, the GFBTU expressed concern over the political situation in the country. According to the GFBTU, ratification of Conventions Nos 87 and 98 has become a non-issue for the Government and tripartite discussions concerning ratification have ended.

40. Workers' organizations in **Thailand** indicated that the Government and the employers have taken a joint position against the ratification of Conventions Nos 87 and 98. They emphasized that the power imbalance between them and the employers seriously hampers attempts to realize the principle and right.

41. In **Somalia**, the Federation of Somali Trade Unions (FESTU) and the National Union of Somali Journalists (NUSOJ) observed that no progress in the ratification processes of Conventions Nos 87 and 98 has been made over the last year. Freedom of association has been challenged by denying recognition of trade union leaders as representatives of their members. According to FESTU and NUSOJ, the Ministry of Labour has shown a tendency to recognize neither trade unions nor employers' organizations.

42. Owing to legislative amendments taking place in **New Zealand**, the NZCTU observed that the ratification of Convention No. 87 at the current stage appears less likely than it was before 2009. In response to the challenges identified by the NZCTU, the Government of New Zealand reported that it considers that there are no challenges or difficulties faced with regard to the promotion and realization of freedom of association.

43. Similarly, the KCTU expressed concern over forms of employment that result in violations of this principle and right in the **Republic of Korea**. The KCTU indicated that many workers are now being employed by employment agencies and are therefore considered as self-employed. Regulations forbid self-employed workers to form unions and to bargain

collectively, and trade unions attempting to organize self-employed workers risk having their trade union registration withdrawn. Another problematic form of employment is the "in-house subcontracted worker", who works alongside permanent workers but is paid half of the salary for the same amount of work. In-house subcontracted workers are left without any protection to ensure their freedom of association, and in cases where they have tried to organize the employer has responded with dismissals. Ensuring the right to collective bargaining is equally challenging, as the companies hiring subcontracted workers in general refuse to engage in collective bargaining with them, arguing that they do not have a direct employment relationship. In response to the KCTU's observations, the Government of the Republic of Korea emphasized that it respects the judicial decisions in regard to whether or not workers are to be regarded as employees.

44. Several workers' organizations also continue to identify prevailing employment practices as challenging in realizing the principle and right, including workers' organizations in **Republic of Korea, Lao People's Democratic Republic** and **Myanmar**. Realizing the principle and right is more challenging in some sectors. In **Sudan**, for example, the SWTUF observed that this is the case for the private sector, and small enterprises in particular are more difficult in terms of realizing freedom of association.

45. Several workers' and employers' organizations indicated that lack of capacity of the social partners seriously restricts the realization of this principle and right. Workers' organizations in **Afghanistan, Kenya, Saudi Arabia** and **Viet Nam** emphasized this challenge, as did the employers' organizations in Afghanistan. Employers' organizations in **Kenya** and **Lao People's Democratic Republic** pointed rather to the social partners' lack of familiarity with the content of the Conventions as an issue.

46. While under last year's review, seven governments identified lack of capacity of responsible public institutions as challenging in realizing the principle and right, only three governments identified this challenge under the current review. As regards workers' organizations, the opposite development has occurred: more workers' organizations identified lack of capacity of responsible government institutions as challenging, and, particularly, lack of law enforcement. This includes workers' organizations in **Afghanistan, Kenya, Lao People's Democratic Republic, Republic of Maldives, Marshall Islands, Nepal, Somalia** and **Sudan**, as well as employers' organizations in **Afghanistan, Republic of Maldives** and **Saudi Arabia**.

47. For the first time under the Declaration follow-up, a trade union from **Myanmar** shared its perspective on challenges concerning the ratification and realization of Convention No. 98. The CILO reported that serious challenges remain in ensuring the implementation of the provisions of Convention No. 98 in Myanmar. Despite the adoption of new legislation, the persistence of social norms and employment culture remains a challenge to the realization of this principle and right in Myanmar. While some employers are starting to recognize workers' organizations as their counterparts, many others are not willing to participate in collective bargaining. The CILO indicated that, although legal changes have provided for the right of workers to form a union, individual agreements are still the norm. Challenges are also related to the economic situation and low wage levels in Myanmar, with high unemployment rates, especially for youth, which put further strain on the labour market and hamper development. Strikes in May 2012 aimed to increase wage levels and ensure the effective recognition of the right to collective bargaining. The CILO indicated that, during these strikes, a number of workers were subjected to dismissals.

Requests for technical assistance

48. Governments and/or employers' and workers' organizations in **Afghanistan, Bahrain, Brunei Darussalam, China, India, Iraq, Islamic Republic of Iran, Guinea-Bissau, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Republic of Maldives, Marshall Islands, Mexico, Myanmar, Nepal, Oman, Saudi Arabia, Somalia, South Sudan, Sudan, Thailand, Tuvalu, Uzbekistan** and **Viet Nam** requested ILO technical cooperation to overcome the challenges facing them and to facilitate the ratification process. In general terms, technical cooperation needs included one or more of the following: (i) assessment of the difficulties identified and their implications; (ii) awareness raising, legal literacy and advocacy in local languages as needed; (iii) capacity building for governments; (iv) data collection, analysis and research; (v) establishment or strengthening of specialized institutional machinery; (vi) policy advice; (vii) legal reform; (viii) strengthening tripartism and social dialogue; (ix) strengthening the capacity of employers' and workers' organizations; (x) training of officials (e.g. police, judiciary, social workers, teachers); (xi) sharing of experience across countries and regions; and (xii) support through Decent Work Country Programmes. As in previous years, the urgent need to strengthen the capacity of workers' and employers' organizations was emphasized jointly by many governments and social partners. In addition, some expressed a need for targeted sensitization of Parliamentarians to allow for ratifications to be passed by Parliament.

49. FESTU also requested support from the ILO in increasing international exposure in order to achieve recognition from the international community on the situation of workers' rights and the difficulties for trade unions of operating in **Somalia**.

50. Governments and/or employers' and workers' organizations from **Afghanistan, Kenya, Myanmar, Somalia, Sudan** and **Thailand** also requested long-term technical cooperation to address contextual factors and improve political, economic or social circumstances in their respective countries. Support was specifically requested to reduce unemployment so as to address challenges related to the informal economy, to fight corruption and to target specific sectors which have shown particular challenges in realizing the principle and right.

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

Ratifications

51. Only eight countries are still to ratify Convention No. 29, and 13 to ratify Convention No. 105. In 2012 **Solomon Islands** ratified Convention No. 29 and **South Sudan** ratified both Conventions Nos 29 and 105. Meanwhile, **Afghanistan, Marshall Islands** and **Tuvalu** have indicated a strong intention to ratify and implement one or both of these instruments in the near future.

52. The **Lao People's Democratic Republic** indicated its willingness to ratify Convention No. 105, which should be possible after the adoption of a new decree on skills development for prisoners. **Viet Nam** indicated that Convention No. 105 was expected to be ratified in the period 2012–15.

53. The Governments of **Malaysia** and **Singapore** were reconsidering the re-ratification of Convention No. 105, which they had previously denounced. **Singapore** expressed the hope that the ILO would provide it with more information on examples of how other countries have implemented Convention No. 105 through their legislation; this would allow Singapore to review more comprehensively the re-ratification of this instrument.

Myanmar indicated that it was in the process of amending its new laws, and that ratification of Convention No. 105 would be considered in appropriate time. **Timor-Leste** stated that a labour law review process would be necessary before Convention No. 105 could be ratified. **Brunei Darussalam** indicated that it was still reviewing the possibility of ratifying Conventions Nos 29 and 105, in consultation with the social partners.

54. **China** did not indicate its position as regards the ratification of these Conventions. The **Republic of Korea, Japan** and **United States** stated that they are currently unable to ratify either of the Conventions. According to the Government of the **Republic of Korea**, it would be difficult for its country to ratify Convention No. 29 if the ILO does not consider military service under the mandatory conscription as being one of a purely military character.

Changes in legislation and judicial decisions

55. Few countries indicated that they had revised their national laws or regulations or were in the process of doing so.

56. The Government of the **United States** mentioned that in September 2012, the President of the country issued Executive Order No. 13627 to strengthen protections against trafficking in persons in federal contracts and the efficacy of the zero-tolerance government policy on trafficking in persons.

57. Some other Governments (**China, Timor-Leste** and **Viet Nam**) are in the process of revising their laws with a view to complying with this principle and right or fighting against trafficking in persons.

58. Concerning judicial decisions, the Government of the **United States** referred to sentences in trafficking cases. [8]

Promotional activities

59. Promotional activities were carried out in various countries through awareness-raising campaigns (**Afghanistan, China, Myanmar, Singapore** and **United States**), or media programmes and sport competitions (**Brunei Darussalam, China** and **Republic of Maldives**). Some countries cooperated with the ILO to improve familiarity with the content of this principle and right or to exchange views on the conformity of their national laws (**Republic of Korea, Malaysia, Myanmar** and **Viet Nam**).

60. The IOE mentioned that it has continued to strengthen its partnership with the ILO Special Action Programme to Combat Forced Labour (SAP–FL) and will update and disseminate in 2013 a joint handbook on combating forced labour prepared for employers and business.

New initiatives and progress made in advancing this principle and right

61. The Government of **Brunei Darussalam** has established a Human Trafficking Investigation Unit under the Prime Minister's Office in order to investigate trafficking in persons offences in accordance with the Trafficking and Smuggling of Persons Order 2004.

[8] Cf. http://www.justice.gov/crt/about/crm/htpu.php.

62. **China** stated that the National Action Plan to Combat Trafficking has a focus on women, children and women migrants, in particular through a national campaign on prevention of trafficking, in cooperation with the All-China Women's Federation, the ILO and UNICEF. This activity also involves hotline services and direct contacts in places where target groups are usually concentrated, and has reached several millions of women and children in six provinces. Moreover, at the end of June 2012, a national employment creation project granted important financial loans to over 1.9 million women. In this exercise, more than 6 million women started their own businesses and created employment, hence reducing the risk of women falling into compulsory labour.

63. The Government of the **Republic of Maldives** indicated that it was currently in the process of drafting a Human Trafficking Act with the help of the Australian Government. This Act includes the criminalization of smuggling and trafficking of human beings and forced labour in relation to trafficking. A nationwide action plan is also being created with the participation of related governmental agencies.

64. In **Myanmar**, a Memorandum of Understanding (MoU) on eradication of forced labour signed between the Government and the ILO in March 2012 has drawn up a plan of action for the elimination of forced labour in the country by 2015.

65. The Government of **Singapore** indicated that an Inter-Agency Taskforce on Trafficking in Persons was set up to reduce the incidence of trafficking in persons by detecting potential cases and carrying out prevention activities among key stakeholders.

66. The **United States** reported that it is engaging in additional efforts to combat forced labour through both national and international prevention. [9] The Government continues to update and release the *List of Goods Produced by Child Labour or Forced Labour*, produced since 2005. [10] Moreover, the Government mentioned that early in his Presidency, President Obama has declared January as National Slavery and Human Trafficking Prevention Month, calling on the country to acknowledge the existence of modern-day slavery and to recommit to stopping and preventing human trafficking. In response to that call, the United States has undertaken significant efforts to promote this principle and right.

67. In **Viet Nam**, in the process of drafting the Labour Code, the Government and the National Assembly committees have cooperated with the employers' and workers' organizations and worked jointly with the ILO. ILO comments and recommendations were subsequently taken into consideration.

Challenges

68. The main challenges mentioned by reporting States (**Afghanistan, Lao People's Democratic Republic** and **Timor-Leste**) in realizing this principle and right include: (i) lack of public awareness; (ii) lack of information and data; (iii) legal provisions; (iv) lack of capacity of responsible public institutions; (v) lack of capacity of employers' and workers' organizations; and (vi) lack of social dialogue.

69. In **Japan**, the Japanese Trade Union Confederation (JTUC–RENGO) called upon the Government to take immediate steps to list the laws and practices that must be changed and collect good examples from other countries on how to ensure consistency with Convention No. 105.

[9] See http://www.dol.gov/ILAB/programs/ocft/tvpra.htm.

[10] See http://www.dol.gov/ILAB/regs/eo13126/main.htm.

70. In **Malaysia**, after careful deliberation with the ILO, it has been suggested that the Government may take action to bring the prisons framework into line with provisions of Convention No. 105 in accordance with the ILO's suggestions concerning the introduction of two regimes, i.e. one for prisoners who have been charged and sentenced for "expressing political views or views ideologically opposed to the established political, social or economic system", who will not be required to work, and another for all other prisoners, who are required to work. The Government is also considering amending Regulation 72(1) of the Prisons Regulations to replace the word "shall" with the word "may" to indicate that all prisoners will be given the option to be employed while in prison.

71. The weakness of investigation procedures, together with the lack of coordination between government agencies and the lack of cooperation by employers, are challenges in dealing with forced labour issues in the **Republic of Maldives**.

72. In **Singapore**, the NTUC reiterated that the Government should consider ratifying Convention No. 105 as soon as possible and explore the removal of any obstacle(s) related to such ratification.

73. According to the Government of the **United States**, the 2012 *Trafficking in Persons Report* discusses challenges for countries around the globe in addressing trafficking in persons and forced labour.

Requests for technical assistance

74. Governments or employers' and workers' organizations in **Afghanistan, Republic of Korea, Lao People's Democratic Republic, Republic of Maldives, Marshall Islands, Myanmar, Timor-Leste, Tuvalu** and **Viet Nam** have requested ILO technical assistance to combat forced labour. The requests cover many areas, including assessment of difficulties, awareness raising and legal literacy and advocacy, capacity building for governments, data collection and analysis/research, developing policies regarding equal remuneration, policy advice, legal reform and interpretation, strengthening specialized institutional machinery, tripartite social dialogue and capacity of employers' and workers' organizations, training of other officials, sharing of experience across countries, employment creation, skills training, income generation and poverty alleviation, and Decent Work Country Programmes.

C. The effective abolition of child labour

Ratifications

75. Twenty countries are still to ratify Convention No. 138, and only eight to ratify Convention No. 182.

76. In 2012, Convention No. 138 registered three additional ratifications by **Bahrain, South Sudan** and **Turkmenistan**, while Convention No. 182 registered two new ratifications by **Solomon Islands** and **South Sudan**.

77. Several countries have indicated that they are in the last stage of ratification of Convention No. 138 and/or No. 182 (**Liberia, Republic of Maldives, Saudi Arabia** and **Suriname**) and/or reiterated their intention to do so (**Bangladesh, Eritrea, India, Myanmar, Saint Lucia** and **Somalia**) or requested ILO support in this process.

78. The Governments of **Canada, Myanmar, New Zealand** and **United States** have stated that they do not intend to ratify one or both of these Conventions or that they are unable to ratify them owing to legal incompatibility or for contextual reasons.

79. Most employers' and workers' organizations expressed their support for the ratification of Convention No. 138 and/or No. 182 and tripartite consultations and social dialogue on the topic.

Promotional activities

80. Only a few promotional activities were mentioned by the countries reporting on this principle and right. They include, in particular, public awareness campaigns and/or online services (**Liberia, New Zealand, Timor-Leste** and **United States**). For example, United States embassies and consulates provide information on United States labour laws, including protection for children.

Statistical information

81. Compared to the last review, the number of observations by national employers' and workers' organizations for all principles and rights remains the same but the information provided was less extensive. **Liberia, New Zealand** and **Suriname** indicated that data on the occurrence of child labour has been collected through a national labour force survey.

82. In **New Zealand**, the NZCTU referred to a recent study showing that: (i) the estimated number of secondary students in part-time work is assessed at over 100,000; (ii) 46 per cent of those in the surveys aged 13 are in some form of paid work and there is evidence of 6-year-olds working; (iii) 50 per cent of children do not have written employment agreements as required by law; and (iv) 7 per cent of children below 16 years of age work between 10 p.m. and 6 a.m.

83. The **United States** stated that in 2011, investigations revealed 729 child labour violations involving penalties that amounted to over $2 million.

Policy and legal developments

84. In **Suriname**, a tripartite committee for the elimination of child labour was established to advise the Government on policies and programmes regarding the principle and right and the adoption of a comprehensive strategy to eliminate child labour in the country.

85. In **Liberia**, the Government reported that the new Decent Work Bill sets the minimum age for light work (13 years) and the general minimum age at 15 years, while compulsory education ends at 16 years.

86. The National Workers' Committee (NWC) in **Saudi Arabia** mentioned that an important debate is under way in Parliament concerning the setting of the minimum age for admission to employment or work. Once these legal changes are made in line with international labour standards, ratification of Convention No. 138 will be imminent.

New initiatives and progress made in advancing this principle and right

87. Many reporting States have indicated progress toward the respect, promotion and implementation of the principle and right in their respective countries. In **Bangladesh**, the

Bangladesh Employers' Federation (BEF) asserted that as a result of the implementation of the national ILO–IPEC programme, there is no child labour in the ready-made garment sector and child labour in the formal economy is insignificant. In addition, the Bangladesh Steel and Engineering Corporation (BSEC) indicated that the Government has been providing free tuition fees and many other stipends to children in order to encourage school attendance.

88. In the same vein, in **Liberia**, a successful government scholarship programme is being implemented by the Government to encourage school attendance. Furthermore, the General Agriculture and Allied Unions of Liberia (GAAWUL) mentioned that a country-wide awareness-raising campaign was successfully carried out in 2011, with a positive impact on the challenge of parents bringing their children along to work in the agricultural sector.

89. The Government of **India** stated that the Central Civil Services (Conduct) Rules have been amended to prohibit employment in hazardous sectors for children under 14 years old.

90. According to the Maldivian Association of Construction Industry (MACI) and the Maldives Port Workers' Union (MPWU), progress has been achieved in the **Republic of Maldives** in respecting, promoting and realizing the FPRW through an assessment of the economic and social implications of the ratification of the eight core Conventions, including Conventions Nos 138 and 182. The MACI indicated that translation into local languages is an important step for the local population to understand the FPRW.

91. In **Myanmar**, the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI) mentioned that the suspension of the international embargo will help foster better implementation of international labour standards, including this principle and right.

92. **Saint Lucia** amended its labour law to bring the minimum age into compliance with Convention No. 138.

93. The Government of **Saudi Arabia** reported that a programme, in close collaboration with other countries in the region, has been set up to provide support to migrant children through the establishment of a centre assisting their return back home.

94. A list of hazardous work has been drafted in **Timor-Leste** jointly by the social partners and will be submitted to the Government, the Council of Ministers and the Parliament for approval in order to obtain legal status to start its implementation.

Challenges

95. Despite the successful initiatives and progress indicated by reporting States, many challenges still exist in the realization of this principle and right, such as the lack of capacity of government institutions and social partners **(Eritrea, Liberia, Marshall Islands, Tuvalu)**, traditional and cultural barriers (**Liberia** and **Suriname**) or contextual factors (**Bangladesh, India, Republic of Maldives, Somalia** and **Suriname**).

96. A number of employers' and workers' organizations from **Bangladesh, India, Republic of Maldives, Suriname** and **Timor-Leste** mentioned the lack of public awareness as a major obstacle to the elimination of child labour in their respective countries.

97. In **India**, the All India Trade Union Congress (AITUC), the Indian National Trade Union Congress (INTUC) and the Labour Progressive Federation (LPF) indicated that special attention should be given to migrants in some provinces who are most likely to suffer from the worst forms of child labour.

98. While most workers' and employers' organizations support the promotion of Convention No. 138 and/or No. 182 in their respective countries, the NWC of **Saudi Arabia** indicated that owing to the early stage of its organization, child labour is less prioritized as it is not a widespread problem in the country.

Requests for technical assistance

99. To overcome these challenges, governments and/or employers' and workers' organizations from **Bangladesh, Eritrea, India, Liberia, Republic of Maldives, Marshall Islands, Myanmar, Saint Lucia, Saudi Arabia, Somalia, Suriname, Timor-Leste** and **Tuvalu** have requested ILO technical cooperation to facilitate the ratification process of the unratified relevant Conventions and the elimination of child labour through awareness raising, capacity building of labour administrations, data collection and research, strengthening tripartism and social dialogue, and strengthening the capacity of employers' and workers' organizations.

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

Ratifications

100. Fourteen countries are still to ratify Convention No. 100, and 13 to ratify Convention No. 111.

101. In 2012, **Solomon Islands** and **South Sudan** ratified both Conventions Nos 100 and 111.

102. Most other governments have either expressed or reiterated their intention to ratify one or both of these instruments, or have reported an already existing process giving consideration to their ratification (**Bahrain, Brunei Darussalam, Japan, Kuwait, Liberia, Republic of Maldives, Marshall Islands, Myanmar, Oman, Qatar, Singapore, Somalia, Suriname, Thailand, Timor-Leste, Tuvalu** and **United States**).

103. The **United States** mentioned that there are no immediate plans to address the ratification of Convention No. 100. **Malaysia** was previously planning to ratify Convention No. 111. However, following a review, the Government stated that it was unable to ratify this instrument, owing to its national legal framework regarding employment in the public sector. Ratification of Convention No. 111 would involve amendments to article 153 of the Federal Constitution.

104. Most employers' and workers' organizations have expressed full support for the ratification of Convention No. 100 and/or No. 111 by their countries.

Changes in legislation and judicial decisions

105. Most reporting States indicate the recognition of this principle and right in their constitutions and/or relevant national laws. Some States are undertaking legal amendments to comply with the principle and right (**Bahrain, Kuwait, Liberia, Malaysia, Thailand** and **Timor-Leste**), in many cases in cooperation with the Office.

106. Regarding judicial decisions, the **United States** Government reports that US courts have addressed a broad array of issues relating to discrimination in employment during the reporting period.

Promotional activities

107. Several governments and employers' and workers' organizations report that they have undertaken promotional activities concerning discrimination and equality (**Bahrain, Kuwait, Liberia, Malaysia, Republic of Maldives, Myanmar, Qatar, Singapore, Thailand, Timor-Leste** and **United States**). For example, **Thailand** is promoting cooperation on labour protection between government agencies and enterprises employing migrant workers.

108. The IOE is actively involved both directly and indirectly in addressing various forms of discrimination, including the critical issue of HIV and AIDS in the world of work. It released a new publication on response to HIV and AIDS in the workplace in Africa for its members in 2012.

New initiatives and progress made in advancing this principle and right

109. **Liberia** has organized a workshop on the drafting of the Decent Work Bill in cooperation with the ILO in May 2012.

110. The Government of **Malaysia** is currently reviewing the Employment Act 1955 with a view to amending it to fight discrimination against women concerning night work, and to make legal changes related to maternity benefits and sexual harassment.

111. In **Myanmar**, the UMFCCI indicated that, through their corporate social responsibility, private companies are directly involved in the promotion and better implementation of Conventions Nos 100 and 111 by subscribing to a business charter to combat discrimination at work, including HIV and AIDS discrimination.

112. **Singapore** reports that in April 2012, over 1,900 firms had signed the Employers' Pledge of Fair Employment Practices introduced in 2007.

113. According to the Government of the **United States**, President Obama has set out a goal to hire 100,000 people with disabilities by 2015.

Challenges

114. Some countries have indicated legal challenges concerning equal remuneration for work of equal value between men and women, or between nationals and migrant workers (Bahrain, Liberia, Malaysia and Republic of Maldives). In Japan, the JTUC–RENGO noted that some domestic laws should be amended and new laws be enacted before Convention No. 111 is ratified.

115. Other countries refer to social norms or lack of public awareness as obstacles to the realization of the principle and right (**Bahrain, Kuwait, Republic of Maldives, Oman, Suriname, Thailand** and **Timor-Leste**). In the **Republic of Maldives**, the Tourism Employees Association of Maldives (TEAM) indicated that it had filed many complaints regarding discrimination affecting migrant workers in the tourism industry, but regretted that nothing was done to promote Convention No. 111 in this sector of activity. In response to TEAM's observations, the Government stated that there is a lack of technical knowledge in identifying discrimination cases and how to carry out investigations in relation to such cases.

116. Similarly, according to the Airports of Thailand State Enterprise Workers' Federation (AEROTHAI SEWF) migrant workers are the worst off in terms of discrimination and equal remuneration for work of equal value in **Thailand**. They are also subject to police repression, including confiscation of their salaries. Moreover, private sector workers generally work under less favourable conditions as compared to those in the public sector.

117. Further challenges in realizing this principle and right include: (i) political instability **(Somalia)**; (ii) lack of capacity of government institutions (**Republic of Maldives, Suriname** and **Timor-Leste**); (iii) lack of capacity of workers' and employers' organizations (**Republic of Maldives, Oman** and **Somalia**); (iv) prevailing employment practices **(Qatar)**; and (v) economic contextual factors **(Suriname)**.

118. According to the Government of **Somalia**, the lack of a sustainable peaceful situation in the country is a challenge to the implementation of the FPRW in Somalia. The FESTU and NUSOJ observed that discrimination particularly affects women and minority clans. Although FESTU recognizes the seriousness of discrimination, and that it is widespread, the union is not able to prioritize the issue owing to the current political and security situation in the country, as well as lack of capacity among the trade unions.

119. According to the Government of **Suriname**, the trade and industry association Vereniging Surinaams Bedrijfsleven (VSB) and the labour federation Progressieve Vakcentrale C-47 (C-47), the lack of a minimum wage system is a major obstacle to realizing this principle and right in Suriname.

120. According to the Chamber of Commerce and Industry of **Timor-Leste** (CCI-TL), challenges related to equal remuneration and discrimination in respect of employment and occupation mainly persist in rural areas, while in larger industries in urban areas employers' and workers' organizations collaborate to eliminate the occurrence of discrimination. Discrimination is to a large extent connected to cultural differences creating discrimination against certain ethnic groups.

121. The **United States** pursues the elimination of discrimination in respect of employment and occupation through a combination of law enforcement, administrative action and public outreach.

Requests for technical assistance

122. With a view to overcoming these challenges, **Bahrain, Brunei Darussalam, Kuwait, Liberia, Malaysia, Republic of Maldives, Marshall Islands, Myanmar, Oman, Somalia, Suriname, Thailand, Timor-Leste** and **Tuvalu** requested ILO technical cooperation to assist them in realizing the principle and right.

III. Conclusions

123. The reports received under the Annual Review have been rich in content, indicating the interest and commitment of governments, employers and workers in many countries to promote and realize fundamental principles and rights at work and to move towards ratification of the fundamental Conventions. For the second consecutive year, all the 48 reporting governments have fulfilled their reporting obligations, resulting again in a 100 per cent reporting rate.

124. The participation of employers' and workers' organizations in the reporting process has also increased considerably, and this has also enriched the dialogue on the realization of the FPRW within reporting States and enhanced the quality and the content of reports.

125. In the same vein, as a result of the Office follow-up to ratification intentions, the number of new ratifications of fundamental Conventions has increased in 2012 as compared to the previous year.

126. Nonetheless, challenges remain and efforts are needed to tackle them. This task should be guided by the ILC resolution concerning the recurrent discussion on fundamental principles and rights at work and facilitated by the implementation of the ILO plan of action on fundamental principles and rights at work (2012–16), with the allocation of the necessary resources.

Draft decision

127. ***The Governing Body takes note of the information presented in this review and invites the Director-General to take into account its guidance on key issues and priorities with regard to assisting member States in their efforts to respect, promote and realize fundamental principles and rights at work.***

Appendix I

List of the 48 States still remaining under the Annual Review as at 31 December 2012

(States that have not ratified all eight fundamental Conventions and the Conventions not yet ratified by each of them)

Countries	Freedom of association/ collective bargaining	Forced labour	Child labour	Discrimination in employment and occupation
Afghanistan	C. 87 and 98	C. 29		
Australia			C. 138	
Bahrain	C. 87 and 98			C. 100
Bangladesh			C. 138	
Brazil	C. 87			
Brunei Darussalam	C. 87 and 98	C. 29 and 105		C. 100 and 111
Canada	C. 98	C. 29	C. 138	
China	C. 87 and 98	C. 29 and 105		
Cuba			C. 182	
Eritrea			C. 182	
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, Rep. of [1]	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

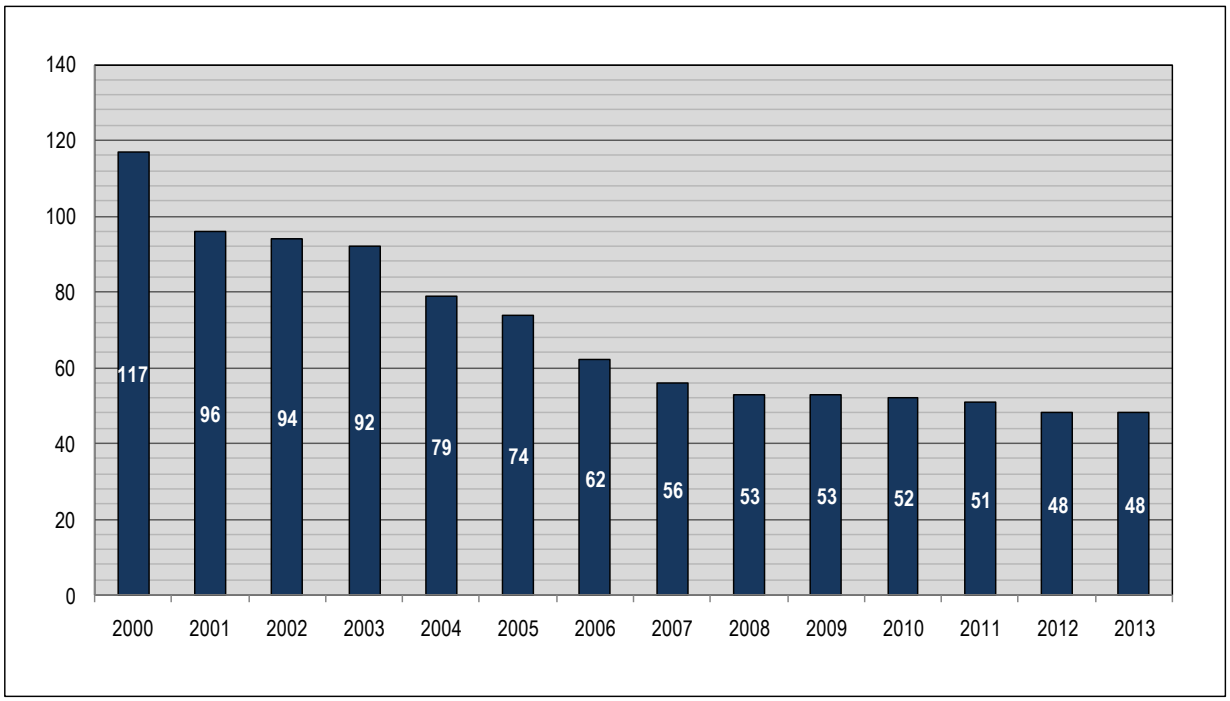
[1] The Republic of Maldives subsequently ratified all eight fundamental Conventions on 4 January 2013.

Countries	Freedom of association/ collective bargaining	Forced labour	Child labour	Discrimination in employment and occupation
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
Saint Lucia			C. 138	
Saudi Arabia	C. 87 and 98		C. 138	
Singapore	C. 87	C. 105		C. 111
Solomon Islands			C. 138	
Somalia	C. 87 and 98		C. 138 and 182	C. 100
South Sudan	C. 87			
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
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		

Appendix II

Number of reporting States under the ILO Declaration on Fundamental Principles and Rights at Work as at 31 December 2012

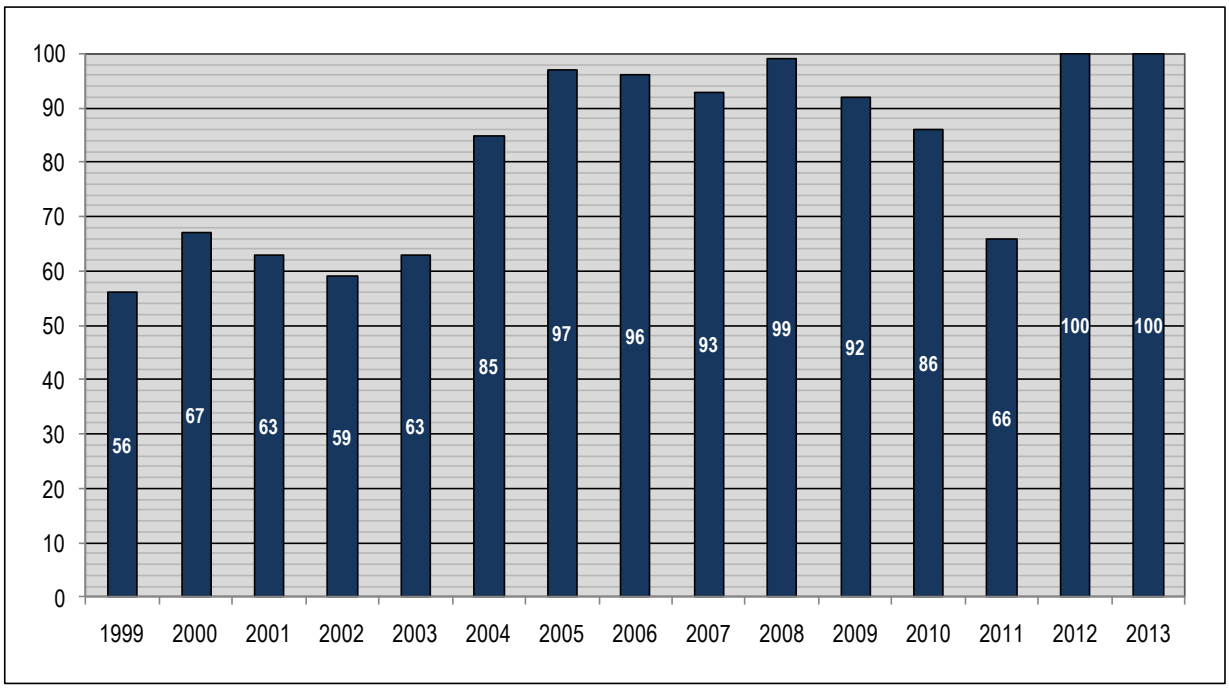
(Annual Reviews 2000–13)



Note: The number of reporting States has decreased to 47 following the ratification of all fundamental Conventions by the Republic of Maldives as at 4 January 2013.

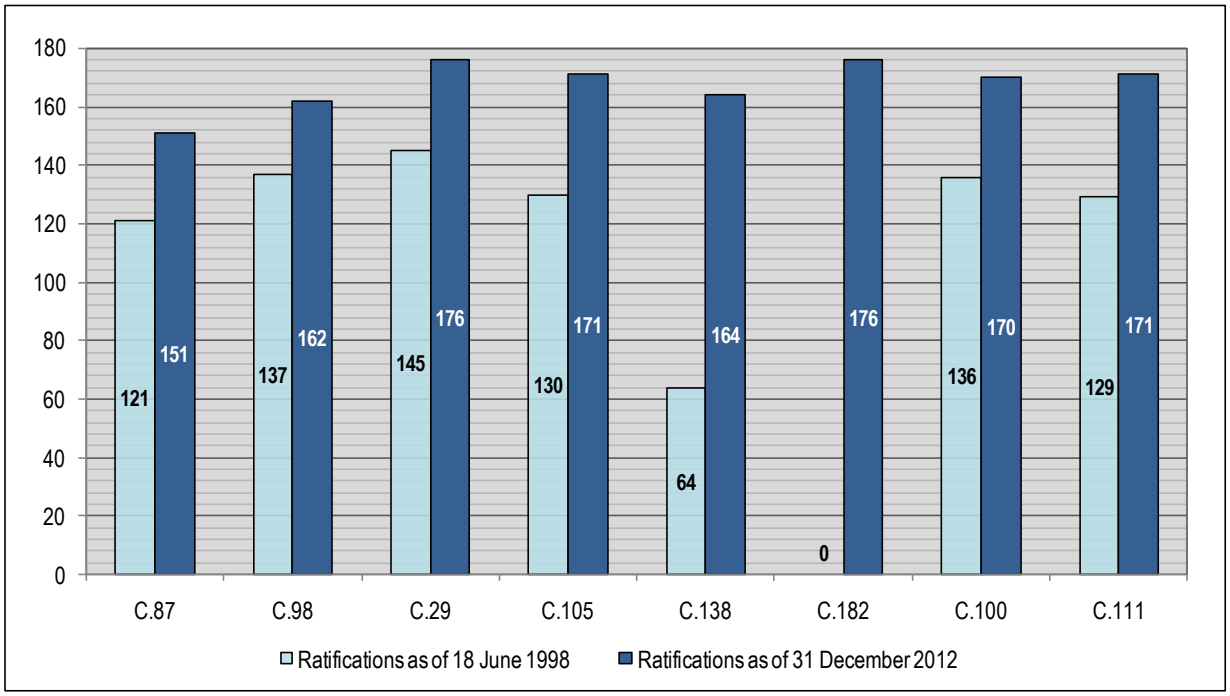
Appendix III

Reporting rates under the Annual Reviews 2000–13 (percentages)



Appendix IV

Number of ratifications of ILO fundamental Conventions at the time of the adoption of the ILO Declaration on Fundamental Principles and Rights at Work (18 June 1998) and as at 31 December 2012



Note: The number of new ratifications of all fundamental Conventions has increased by one each following the ratification by the Republic of Maldives as at 4 January 2013.