



Governing Body

347th Session, Geneva, 13–23 March 2023

Institutional Section

INS

Date: 24 February 2023

Original: English

Third item on the agenda

Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022

Purpose of the document

The Governing Body is invited to take note of the information submitted under the Annual Review for the period from January to December 2022 and to provide guidance on key issues and priorities to help Member States respect, promote and realize fundamental principles and rights at work (see the draft decision in paragraph 125).

Relevant strategic objective: Fundamental principles and rights at work.

Main relevant outcome: Outcome 2: International labour standards and authoritative and effective supervision.

Policy implications: Subject to the guidance of the Governing Body.

Legal implications: None.

Financial implications: None.

Follow-up action required: Subject to the guidance and decisions of the Governing Body.

Author unit: International Labour Standards Department (NORMES).

Related documents: None.

NB.: The information in this report is based on the statements contained in government reports and comments submitted to the Office by national and international employers' and workers' organizations. The Office has not verified the accuracy of the information received.

► Table of contents

| | Page |
|---|-------------|
| Executive summary | 5 |
| I. Introduction: Context of the annual Review 2022 | 7 |
| II. Developments and trends concerning the four categories of fundamental principles and rights at work under the 2022 Review | 8 |
| A. Freedom of association and the effective recognition of the right to collective bargaining..... | 8 |
| 1. Ratifications | 8 |
| 2. Changes in legislation | 11 |
| 3. Promotional activities | 11 |
| 4. Challenges | 12 |
| 5. Requests for technical assistance | 12 |
| B. The elimination of all forms of forced or compulsory labour..... | 13 |
| B.I. Conventions Nos 29 and 105..... | 13 |
| 1. Ratifications | 13 |
| 2. Promotional activities | 14 |
| 3. Challenges | 14 |
| 4. Requests for technical assistance | 14 |
| B.II. The Protocol of 2014 to the Forced Labour Convention, 1930..... | 14 |
| 1. Ratifications | 14 |
| 2. Relevant national policies and plans of action, legislation and judicial decisions..... | 16 |
| 3. Information and data collection..... | 18 |
| 4. Prevention/monitoring, enforcement and sanctions mechanisms | 18 |
| 5. Victim identification, release, protection, recovery and rehabilitation, and access to remedies | 20 |
| 6. International cooperation and initiatives | 20 |
| 7. Challenges | 21 |
| 8. Requests for technical assistance | 23 |
| C. The effective abolition of child labour | 24 |
| 1. Ratifications | 24 |
| 2. Promotional activities | 25 |
| 3. Policy and legal developments | 26 |

| | | |
|------|--|----|
| 4. | Challenges | 26 |
| 5. | Requests for technical assistance | 26 |
| D. | The elimination of discrimination in respect of employment and occupation | 27 |
| 1. | Ratifications | 27 |
| 2. | Promotional activities | 29 |
| 3. | Policy and legal developments | 29 |
| 4. | Challenges | 30 |
| 5. | Requests for technical assistance | 30 |
| III. | Conclusions | 30 |
| | Draft decision | 31 |
| | Appendix: List of reporting States under the Annual Review as at 31 January 2023 | 33 |
| A. | List of Member States that have not ratified all eight fundamental Conventions and the Conventions not yet ratified by each of them | 33 |
| B. | List of Member States that have not ratified the Protocol of 2014 to the Forced Labour Convention, 1930 | 34 |
| C. | List of Member States that have not ratified the Protocol of 2014 to the Forced Labour Convention, 1930, by region | 35 |
| D. | List of Member States that have reported on the Protocol of 2014 to the Forced Labour Convention, 1930, and on the fundamental Conventions during the 2022 Review period | 36 |

► Executive summary

This document provides an overview of developments and trends concerning the fundamental principles and rights at work in countries that have not yet ratified the relevant fundamental Conventions and the Protocol of 2014 to the Forced Labour Convention, 1930 (the Protocol).¹ The present Review does not cover the Occupational Safety and Health Convention, 1981 (No. 155), or the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), which are now considered fundamental Conventions within the meaning of the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022. The reporting obligations under the follow-up to the Declaration concerning the above-mentioned Conventions will not be implemented in the Annual Review until 2024.

The Office has incorporated into the present Review under the follow-up to the 1998 ILO Declaration all updated reports and information received from governments and from employers' and workers' organizations for 2022.

As at 31 January 2023, 59 Member States (**Antigua and Barbuda, Argentina, Australia, Austria, Bangladesh, Belgium, Bosnia and Herzegovina, Canada, Chile, Comoros, Costa Rica, Côte d'Ivoire, Cyprus, Czechia, Denmark, Djibouti, Estonia, Finland, France, Germany, Iceland, Ireland, Israel, Jamaica, Kyrgyzstan, Latvia, Lesotho, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mozambique, Namibia, Netherlands, New Zealand, Niger, Norway, Panama, Peru, Poland, Portugal, Russian Federation, Saudi Arabia, Sierra Leone, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Tajikistan, Thailand, United Kingdom of Great Britain and Northern Ireland, Uzbekistan and Zimbabwe**) had ratified the Protocol, leaving 128 Member States with a continuing obligation to report under the framework of the Annual Review. The reporting rate for the Protocol alone under this Review is still below 40 per cent, as in 2021. It is heartening to note, however, that 24 Member States (representing 48 per cent of those reporting) indicated their intention to ratify the Protocol.

Some States provided reports under the Protocol but did not update their information in relation to the other fundamental Conventions, and vice versa.

A number of States (around 23 per cent of the reporting countries) indicated or confirmed their intention to ratify one or more of the fundamental Conventions. As at 31 January 2023, **six** new ratifications of these instruments were registered (**Bangladesh** (the Minimum Age Convention, 1973 (No. 138); **China** (the Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105); **Japan** (Convention No. 105); **Liberia** (the Equal Remuneration Convention (No. 100) and Convention No. 138)). Apart from the Protocol, a further 104 ratifications covering 38 Member States are still required before the goal of universal ratification of all fundamental Conventions is attained.

Most reports from governments have provided useful information regarding their intentions, the challenges faced, and the actions taken in realizing fundamental principles and rights at work. This is particularly the case in relation to the Protocol, for which governments are still asked to fill in a detailed report form (as opposed to replying to simplified reports for the other principles).

¹ A list of reporting States and the corresponding unratified fundamental Conventions is provided in the appendix.

Member States were requested to report online using the new e-questionnaire tool. The aim of the new tool is to facilitate reporting for Member States and to enable the compilation of responses received with a view to undertaking further analysis. Only a few Member States did not submit their report online. The contributions of the social partners are also to be welcomed to complete the present Review.

In response to the interest expressed in the ratification of one or more of the fundamental instruments and the Protocol in particular, the Office should further intensify its technical assistance. Further action to campaign for the universal ratification of all fundamental Conventions is still required in the light of the resolution concerning the second recurrent discussion on fundamental principles and rights at work adopted by the International Labour Conference at its 106th Session (2017), as well as the ILO Centenary Declaration for the Future of Work, 2019.

► I. Introduction: Context of the Annual Review 2022

1. The Annual Review process provides an opportunity for tripartite dialogue in the reporting States and can guide ILO technical assistance to those Member States to achieve fuller realization of the fundamental principles and rights at work. This process is of heightened importance since the adoption of the Protocol of 2014 to the Forced Labour Convention, 1930 (the Protocol), as it provides a key opportunity for governments and their social partners to determine appropriate steps for achieving the effective and sustained suppression of forced or compulsory labour, including trafficking in persons.
2. This process will be further enhanced, as the Conference of the ILO, meeting at its 110th Session, 2022, adopted a Resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights. According to the Resolution, the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), shall be considered as fundamental Conventions within the meaning of the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022. However, the reporting obligations under the follow-up to the Declaration concerning the above-mentioned Conventions will not be implemented in the Annual Review until 2024 (see GB.347/LILS/6).
3. As of 31 January 2023, two more countries ratified the Protocol (**Australia** and **Malaysia**), bringing the total number of ratifications to 59, and six new ratifications of the fundamental Conventions were registered (**Bangladesh** (the Minimum Age Convention, 1973 (No. 138)), **China** (the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105)), **Japan** (Convention No. 105) and **Liberia** (the Equal Remuneration Convention, 1951 (No. 100) and Convention No. 138)).
4. On 4 August 2020, the Worst Forms of Child Labour Convention, 1999 (No. 182), became the first ILO Convention in history to achieve universal ratification. With regard to the other fundamental Conventions, Convention No. 29 remains the most ratified, closely followed by Convention No. 105, the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), Convention No. 138) and Convention No. 100. The Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), remain the least ratified of the fundamental Conventions. The Annual Review therefore focuses on the implementation of the principles in countries and regions where the relevant Conventions are not ratified. The commitment of social partners is particularly important for the realization of the fundamental principles and also in relation to the issue of ratifications. In this regard, it is interesting to recall that the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), is still the most ratified Convention outside the category of fundamental Conventions. This momentum could help to ensure that the prospect of further ratifications of fundamental Conventions is based on a solid social dialogue foundation.
5. In 2022, the Member States concerned were asked to report online for the second time using the new e-questionnaire tool. The aim of the new online reporting system is to facilitate reporting for Member States and to enable the compilation of responses received with a view to undertaking further analysis. This year, 58 reports were received, as against 67 in 2021, and 45 in 2019, representing a global reporting rate of 44 per cent, as against 50 per cent in 2021. In addition, a few Member States began to fill in the e-questionnaire but did not submit the

completed report. They were therefore not included but follow-up is being undertaken with these governments to identify any problems encountered and facilitate solutions. Nearly all the replying countries submitted their report online.

6. In August 2022, a communication requesting online reports was transmitted to the governments concerned, followed by the communication of a username and password for each government. The online reporting tool comprises the questions contained in the detailed report form on subjects covered by the Protocol (the second half of the report form on the elimination of all forms of forced or compulsory labour) and the simplified reports that had been used in previous years for those countries for which baselines had already been established (covering freedom of association and collective bargaining, child labour, equality and non-discrimination, and forced labour).
7. The online questionnaire requested information on the consultations undertaken with the most representative employers' and workers' organizations and enabled the insertion (or attachment) of responses and comments from the organizations. The online reporting tool also has the necessary features to facilitate the circulation of the draft report to the social partners – respondents were able to export the completed questionnaire (prior to submission) in pdf format or Excel for circulation. In addition, instructions were provided so that any workers' or employers' organization wishing to complete a blank e-questionnaire could request their own login information. During the reporting period, 15 employers' organizations, as against 12 in 2021, and 16 workers' organizations, as against 14 in 2021, commented on the governments' reports. In four cases, the Office received information directly from employers' and/or workers' organizations.
8. Once again, the online reporting system turned out to present some difficulties for some Member States. In several cases, the electronic correspondence that was based on a distribution list established in accordance with protocol indications by Member States, did not reach the official or officials responsible for reporting under the annual follow-up, and had to be re-forwarded. Some governments reported technical difficulties with respect to logging in and navigating the online reporting system and were provided with the necessary assistance from the Office. Further efforts will be made to effectively address these challenges and facilitate the use of the e-questionnaire.

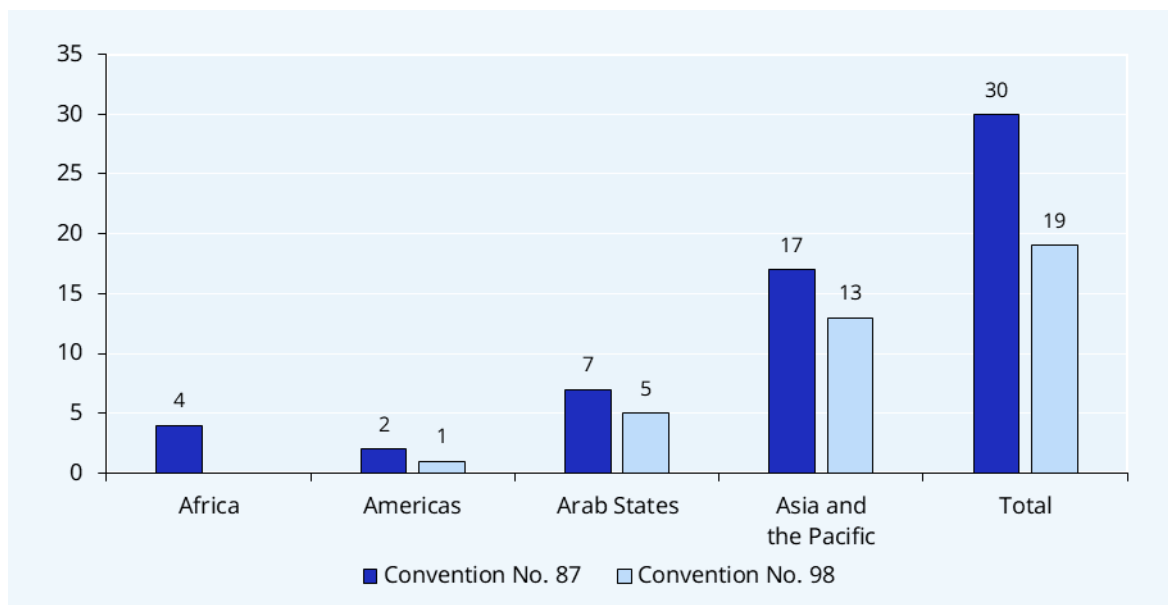
► II. Developments and trends concerning the four categories of fundamental principles and rights at work under the 2022 Review

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

1. Ratifications

9. A total of 30 Member States have yet to ratify Convention No. 87, and 19 have yet to ratify Convention No. 98 (see figure 1). There has been no new ratification of Conventions Nos 87 and 98 since 31 January 2022.

► **Figure 1. Number of Member States, by region, that have not ratified Convention No. 87 and/or Convention No. 98 (as at 31 January 2023)**

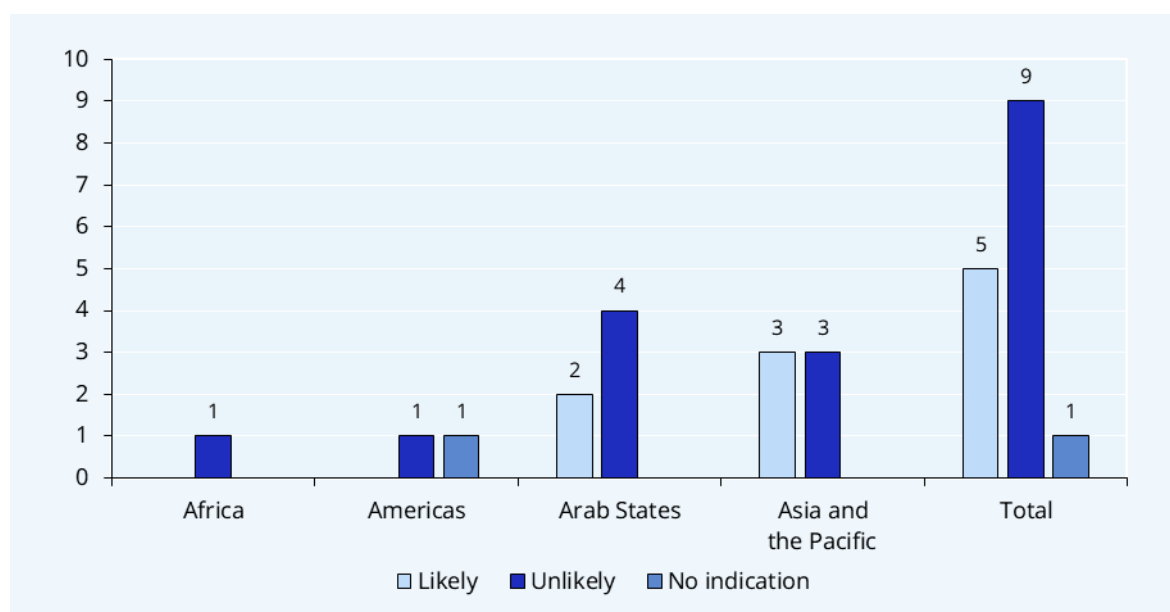


10. At the regional level, all countries in Europe have ratified both Conventions, while in Africa all countries have ratified Convention No. 98. Asia and the Pacific has the largest number of reporting States that have ratified neither Convention No. 87 nor Convention No. 98, followed by the Arab States. In the Americas, there are two Member States that have not yet ratified Convention No. 87 and one that has not ratified Convention No. 98. Four African States have not ratified Convention No. 87.
11. In Africa, **Guinea-Bissau, Kenya, Morocco** and **South Sudan** have not yet ratified Convention No. 87.
12. In the Americas, **Brazil** has ratified Convention No. 98 but not Convention No. 87, while the **United States of America** has not ratified either of the Conventions.
13. In the Arab States, **Bahrain, Oman, Qatar, Saudi Arabia** and the **United Arab Emirates** have ratified neither Convention No. 87 nor Convention No. 98. **Jordan** and **Lebanon** have not ratified Convention No. 87.
14. In Asia and the Pacific, **Afghanistan, Brunei Darussalam, China, Cook Islands, India, Islamic Republic of Iran, Lao People's Democratic Republic, Marshall Islands, Palau, Thailand, Tonga** and **Tuvalu** have ratified neither Convention No. 87 nor Convention No. 98. **Malaysia, Nepal, New Zealand, Singapore** and **Viet Nam** have not yet ratified Convention No. 87, while **Myanmar** has not ratified Convention No. 98.
15. The reporting rate for Convention No. 87 was higher this year with 50 per cent, as compared to 43 per cent in 2021 and 31 per cent in 2019. During the reporting period, 15 Member States (**Bahrain, Brazil, Brunei Darussalam, China, Islamic Republic of Iran, Jordan, Malaysia, Morocco, New Zealand, Oman, Qatar, Saudi Arabia, Thailand, United Arab Emirates** and the **United States**) reported on Convention No. 87.
16. **Jordan, Malaysia, New Zealand, Oman** and **Thailand** reported that the ratification of Convention No. 87 is likely, whereas **Bahrain, Brazil, Brunei Darussalam, China, Islamic Republic of Iran, Morocco, Qatar, Saudi Arabia** and the **United Arab Emirates** indicated that

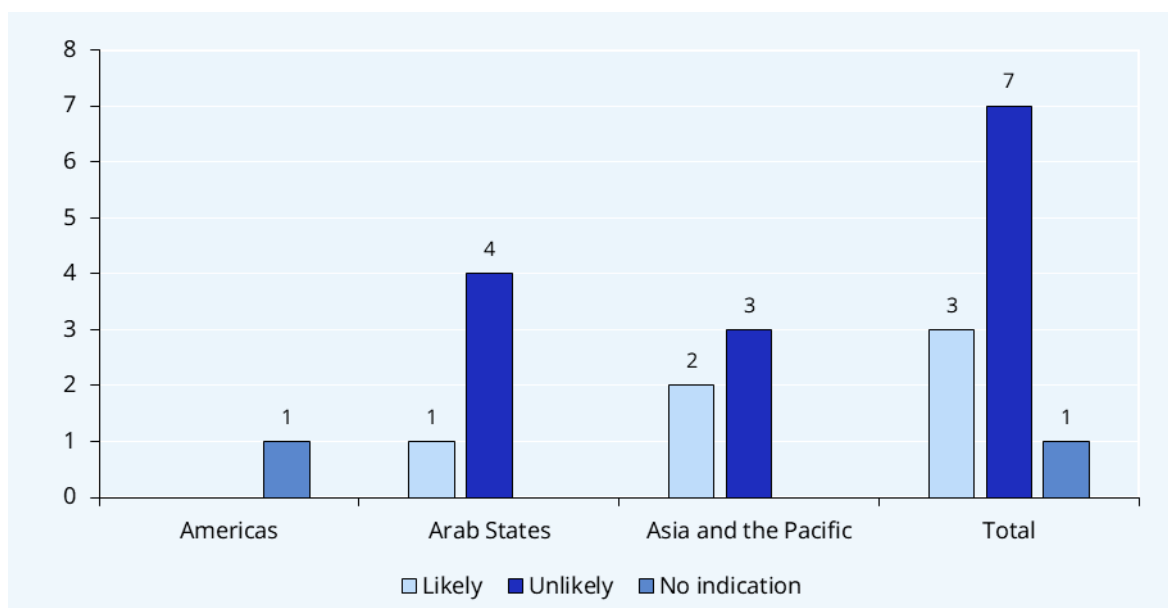
ratification is unlikely. The **United States** did not indicate their intentions concerning the ratification of the Convention (see figure 2).

17. The Government of **New Zealand** stated that eventual ratification of Convention No. 87 is more likely than unlikely given the commitments contained in the recently settled (but not yet ratified) Free Trade Agreement between New Zealand and the European Union to work towards ratification of unratified fundamental Conventions. However, there are still issues that will need to be worked through and resolved concerning the inconsistency, also highlighted by Business New Zealand (BusinessNZ), between New Zealand's approach to lawful and protected strike action and that taken by the supervisory bodies of the ILO.

► **Figure 2. Ratification intentions for Convention No. 87, number of Member States by region**



18. The reporting rate for Convention No. 98 this year was higher at 58 per cent, as compared to 47 per cent in 2021 and 45 per cent in 2019. Eleven countries reported on the Convention (**Bahrain, Brunei Darussalam, China, Islamic Republic of Iran, Myanmar, Oman, Qatar, Saudi Arabia, Thailand, United Arab Emirates** and the **United States**).
19. The **Islamic Republic of Iran, Oman** and **Thailand** indicated that the ratification of Convention No. 98 is likely. **Bahrain, Brunei Darussalam, China, Myanmar, Qatar, Saudi Arabia** and the **United Arab Emirates** reported that ratification is unlikely. The **United States** did not indicate their intentions concerning the ratification of the Convention (see figure 3).

► **Figure 3. Ratification intentions for Convention No. 98, number of Member States by region**

2. Changes in legislation

20. Various changes were reported by different governments in the area of: policy initiatives (**China, New Zealand** and the **United States**); legislative developments (**Brazil, China, Jordan, Malaysia, Thailand** and the **United States**); labour inspection and monitoring (**New Zealand** and **Oman**); and judicial decisions (**Brazil** and the **United States**).
21. The Government of **China** recalled that the Trade Union Law, which was revised in 2021, strengthens the protection of workers, for instance in new forms of employment. Local legislation on collective bargaining has evolved, with 42 local regulations and rules promulgated in 30 provinces, autonomous regions and municipalities.
22. According to the Government of **Jordan**, agricultural workers are now subject to the provisions of the Labour Law with regard to the right to union organization and collective bargaining. The decision to classify industries and economic activities in which workers may establish unions includes domestic workers.
23. In **Malaysia**, the Trade Unions Act 1959 (Act 262) is under review in Parliament.
24. The Government of **Thailand** indicated that the draft Labour Relations Act and the draft Labour Relations in State Enterprise Act were being processed for consideration.
25. On its part, the International Trade Union Confederation (ITUC) pointed out that many national legislations contain, to different levels and degrees, limitations and challenges to the exercise of the right to freedom of association and/or the right to organize and collective bargaining, specifically in **Brazil, China, India, Islamic Republic of Iran, Jordan, Kenya, Lebanon, Malaysia, Morocco, Myanmar, Nepal, South Sudan, Thailand** and the **United Arab Emirates**.

3. Promotional activities

26. Different promotional activities and initiatives have been carried out including information and data compilation and dissemination (**China, Jordan, New Zealand, Thailand** and the **United States**); provision of training (**China, Jordan** and **Thailand**); and awareness-raising workshops and events (**Bahrain, China, Jordan, Malaysia, Myanmar, Oman** and the **United States**).

27. In **China**, the Ministry of Human Resources and Social Security, the China Enterprise Confederation, the All-China Federation of Trade Unions, and the All-China Federation of Industry and Commerce have respectively developed a variety of training materials, and the three parties at all levels have trained more than 890,000 worker representatives for collective negotiation and more than 380,000 collective negotiating representatives on the enterprise side. In 2022, they jointly launched a national campaign for establishing model enterprises and industrial parks for harmonious labour relations. They have also organized National Collective Negotiation Competitions for City-level Trade Unions.
28. The Government of the **United States** indicated that, in February 2022, the White House Task Force on Worker Organizing and Empowerment, established by Executive Order 14025 in 2021, released its report on how to empower workers to organize and successfully bargain with their employers.

4. Challenges

29. The Member States that reported during the current reporting period mainly indicated the following challenges: (i) lack of capacity of responsible government institutions (**Bahrain**); (ii) lack of public awareness (**Jordan**); (iii) lack of information and data (**China** and **Jordan**); (iv) social and economic circumstances (**Jordan**, **Myanmar**, **Saudi Arabia** and **Thailand**); (v) legal provisions (**Bahrain**, **Brazil**, **Jordan**, **New Zealand** and **Saudi Arabia**); (vi) political situation (**Malaysia**); and (vii) prevailing employment practices (**Jordan**). The effects of the COVID-19 pandemic have also been mentioned by several States.
30. In **China**, the All-China Federation of Trade Unions pointed challenges and difficulties in safeguarding the rights of workers, particularly in the context of new forms of employment.
31. The Government of the **United States** indicated that potential future challenges with respect to freedom of association and collective bargaining may involve consideration of the effects of some changing conditions relevant to the world of work. This may include the advent of new technologies, legislation regarding union membership, joint employment, workplace automation, the status of contingent workers, and the ongoing effects of the COVID-19 pandemic.
32. Among the major challenges reported, the ITUC pointed out that the foundations of a favourable framework for the development of freedom of association and collective bargaining are seriously lacking or have been undermined, as in **Afghanistan** and **Myanmar**, where carrying out trade union activities has become extremely dangerous for trade unionists who remained in the country. In other countries, such as **South Sudan**, the unstable political situation has a direct negative impact on the capacity of workers and their representatives to exercise freely their right to organize. The ITUC also reports in detail on violent anti-union climate, alarming infringements of civil liberties and arbitrary arrests of trade unionists and workers (**Brazil**, **China**, **India**, **Islamic Republic of Iran** and **Myanmar**), as well as anti-union discrimination practices of various kinds (**Guinea-Bissau**, **Kenya**, **Malaysia** and **Thailand**).

5. Requests for technical assistance

33. Requests for technical assistance were made in respect of: (i) assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the principle (**Jordan**); (ii) awareness-raising, legal literacy and advocacy (**Jordan**); (iii) sharing of experiences across countries and regions (**Brunei Darussalam**, **Jordan**, **Malaysia** and **Thailand**); (iv) reform of labour law and other relevant legislation (**Brazil**); (v) capacity-building of responsible government institutions (**Brunei Darussalam** and **Malaysia**); training of other officials (**Brunei Darussalam**, **Jordan** and **Myanmar**); (vi) strengthening the capacity of employers'

organizations (**Malaysia** and **Morocco**); (vii) strengthening the capacity of workers' organizations (**Malaysia**, **Morocco** and **Thailand**); and (viii) strengthening tripartite social dialogue (**Qatar** and **Thailand**).

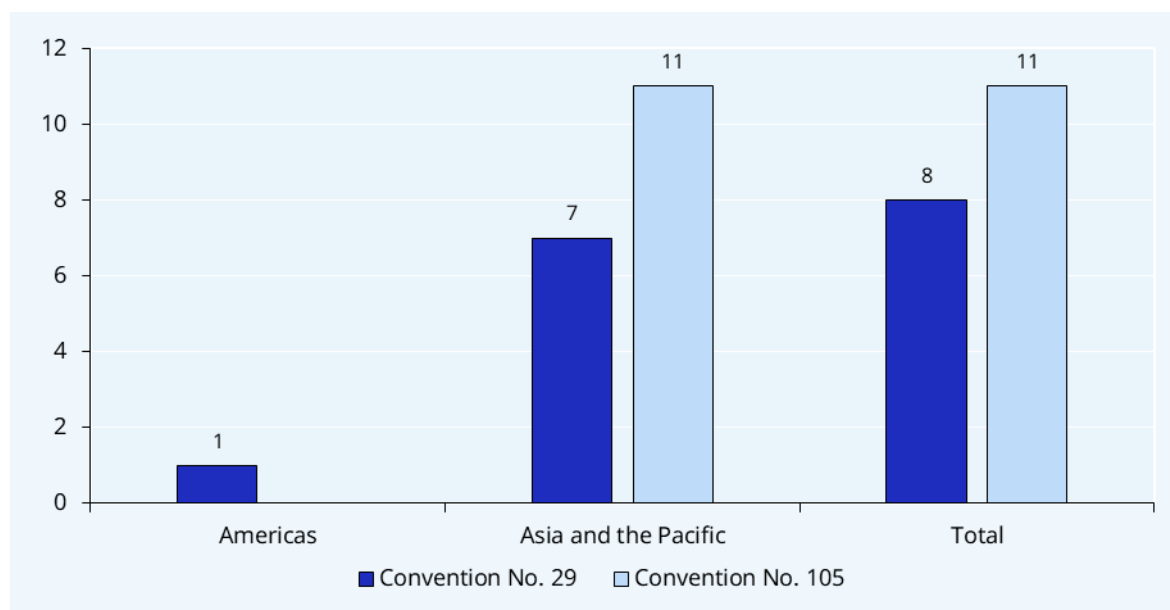
B. The elimination of all forms of forced or compulsory labour

B.I. Conventions Nos 29 and 105

1. Ratifications

34. **Japan** ratified Convention No. 105 in July 2022 and **China** ratified Conventions Nos 29 and 105 in August 2022. All countries in Africa, the Arab States and Europe have ratified both Conventions.
35. Seven countries have yet to ratify Convention No. 29, while 11 have yet to ratify Convention No. 105 (including **Malaysia** and **Singapore**, which have denounced the Convention). At the regional level, Asia and the Pacific has the largest number of reporting States that have ratified neither of the Conventions (see figure 4).

► **Figure 4. Number of Member States, by region, that have not ratified Convention No. 29 and/or Convention No. 105 (as at 31 January 2023)**



36. The **United States** is the only Member State from the Americas that has not ratified Convention No. 29.
37. In the Asia and the Pacific region, **Brunei Darussalam**, **Marshall Islands**, **Palau**, **Tonga** and **Tuvalu** have ratified neither Convention No. 29 nor Convention No. 105. **Afghanistan** has not ratified Convention No. 29, and **Lao People's Democratic Republic**, **Myanmar**, **Republic of Korea** and **Timor-Leste** have not ratified Convention No. 105. Convention No. 105 is not in force in **Malaysia** and **Singapore** (see paragraph 35 above).
38. In the period under review, the reporting rate for Convention No. 29 was 29 per cent, as compared to 38 per cent in 2021 and 33 per cent in 2019, with only two Member States reporting (**Brunei Darussalam** and the **United States**). The Government of **Brunei Darussalam** indicated its intention to ratify Convention No. 29, while the **United States** did not indicate their intention to ratify.

39. The reporting rate for Convention No. 105 was 44 per cent as compared to 55 per cent in 2021 and 29 per cent in 2019, with four Member States from the Asia and the Pacific region reporting. One Member State indicated that the ratification of the instrument was likely (**Brunei Darussalam**), while three Member States (**Malaysia, Myanmar and Republic of Korea**) indicated that the ratification was unlikely.

2. Promotional activities

40. Four countries emphasized that they had conducted promotional activities through awareness-raising campaigns, capacity-building activities and training (**Brunei Darussalam, Malaysia, Myanmar and the Republic of Korea**), with no further indication. In other cases, the information does not relate specifically to the period covered by this report.
41. The Government of the **United States** provided information on the Department of Homeland Security Center for Countering Human Trafficking (DHS-CCHT) that was established in 2020, which is the first unified, interdepartmental coordination center that integrates the efforts of 16 DHS agencies and offices to counter human trafficking and the importation of goods produced with forced labour. The CCHT publicly issued the first-ever Continued Presence Resource Guide to assist law enforcement agencies, civil attorneys, service providers, human trafficking victims and survivors, and others to better understand this tool as part of a victim-centered approach to combat human trafficking.

3. Challenges

42. The following challenges have been reported: (i) lack of public awareness and/or support and the lack of information and data (**Malaysia**); (ii) social and economic circumstances (**Myanmar and Republic of Korea**); and (iii) legal provisions (**Republic of Korea**). The Government of the **Republic of Korea** has again raised political and legal issues concerning the feasibility of ratifying Convention No. 105, while the Korean Confederation of Trade Unions still considers that there is a lack of political will.

4. Requests for technical assistance

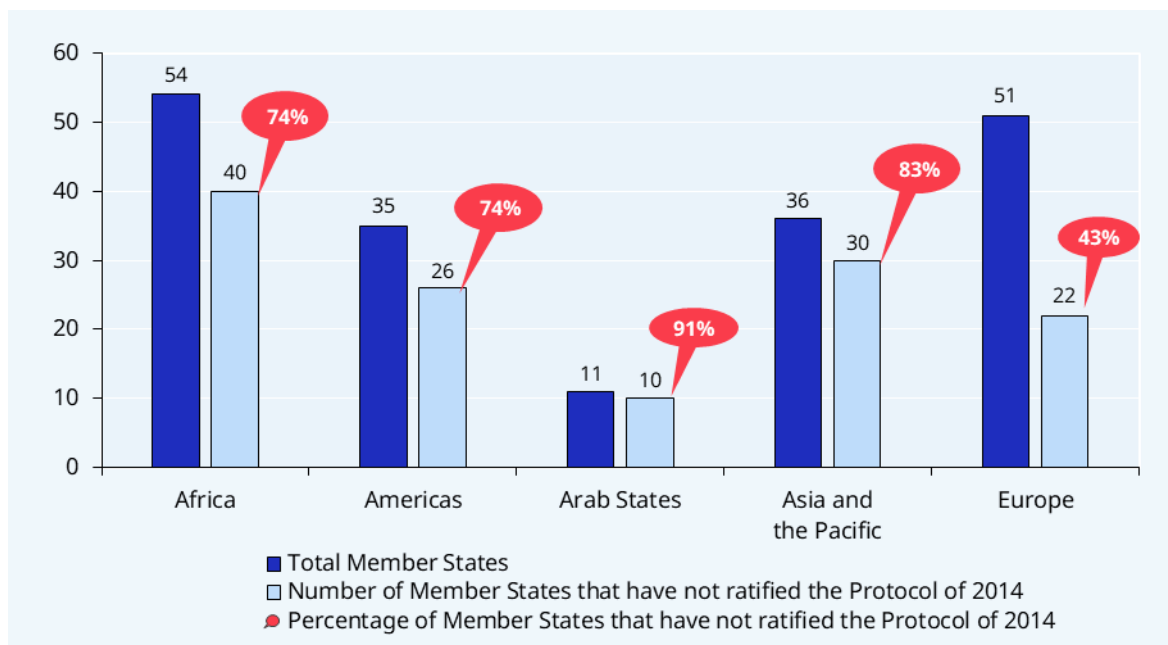
43. **Brunei Darussalam and Myanmar** emphasized the need for ILO technical assistance, in the following areas: (i) capacity-building of responsible government institutions and (ii) training of officials (e.g. police, judiciary, social workers, teachers); **Myanmar** also indicated the following areas: (i) strengthening the capacity of employers' and workers' organizations; (ii) employment creation, skills training and income generation for vulnerable workers; and (iii) development of social protection systems.

B.II. The Protocol of 2014 to the Forced Labour Convention, 1930

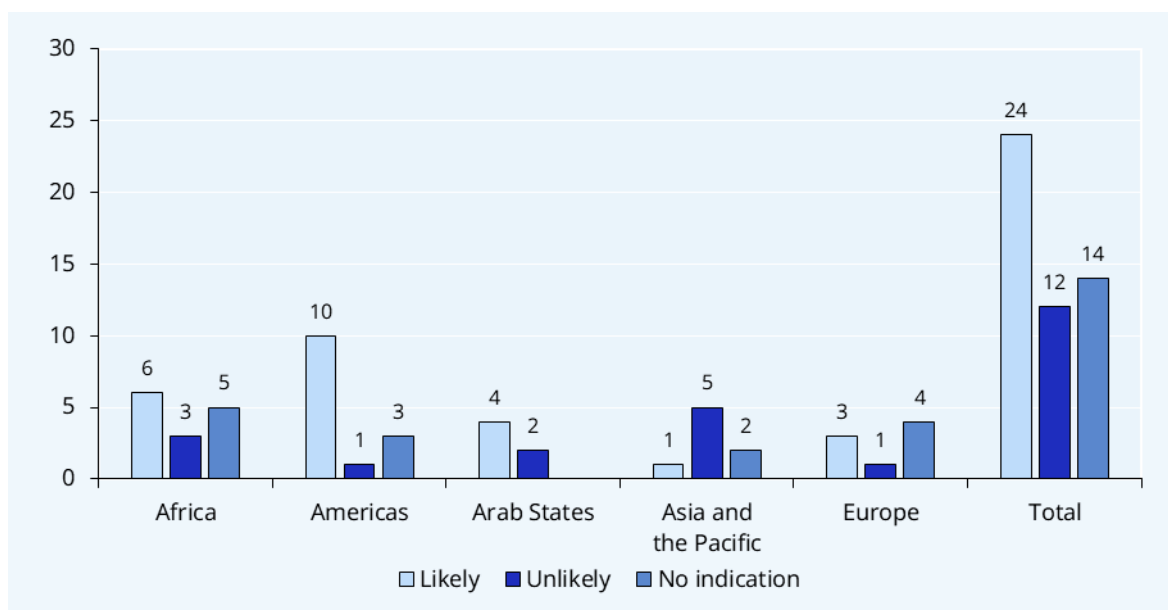
1. Ratifications

44. As of 31 January 2023, two more countries ratified the Protocol (**Australia and Malaysia**), bringing the total number of ratifications to 59. Accordingly, 128 Member States have yet to ratify the Protocol, out of which seven still have to ratify Convention No. 29. Figure 5 provides an overview of the number and percentage of Member States that have not ratified the Protocol, by region.

► **Figure 5. Number and percentage of Member States, by region, that have not ratified the Protocol of 2014 (as at 31 January 2023)**



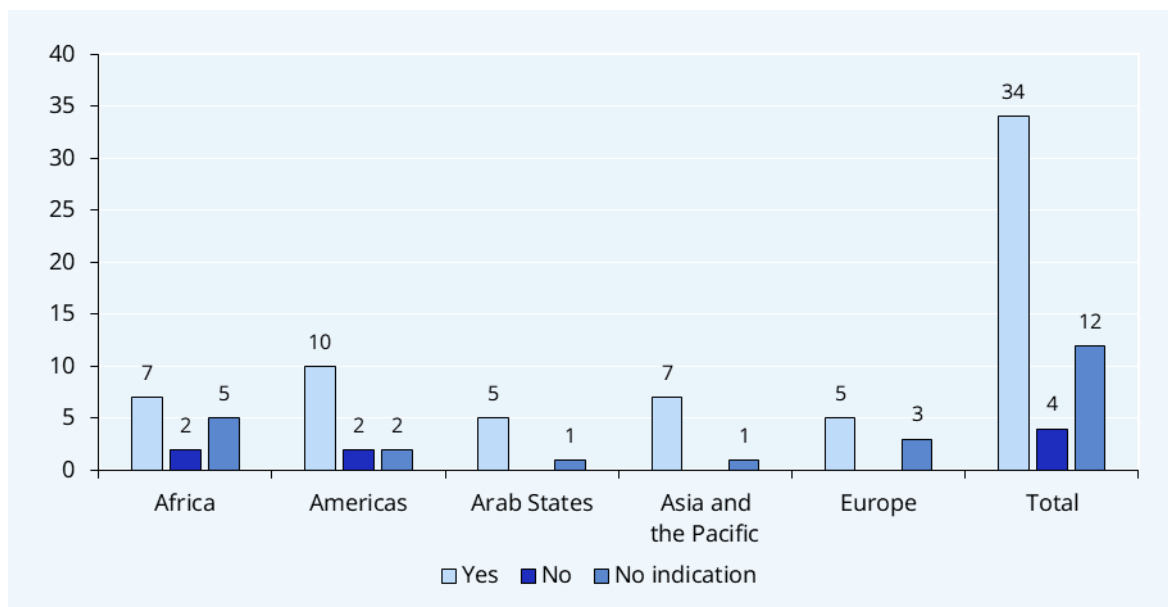
45. A list of Member States from each region that have not ratified the Protocol is provided in Part C of the appendix.
46. During the reporting period, 50 Member States reported on the Protocol (39 per cent as compared to 38 per cent in 2021 and 30 per cent in 2019). A list of these Member States is provided in Part D of the appendix. In total, 24 Member States (48 per cent of those that reported) indicated their intention to ratify the instrument (**Angola, Botswana, Bulgaria, Burkina Faso, Colombia, Cuba, Dominican Republic, Ecuador, Greece, Guyana, Jordan, Kuwait, Mexico, Morocco, Oman, Paraguay, Philippines, Qatar, Senegal, Slovakia, Trinidad and Tobago, United Republic of Tanzania, Uruguay and Bolivarian Republic of Venezuela**). Twelve Member States indicated that it is unlikely that the Protocol will be ratified soon (**Azerbaijan, Bahrain, Brunei Darussalam, Egypt, Guatemala, Indonesia, Japan, Mauritius, Myanmar, Republic of Korea, South Africa and the United Arab Emirates**). The remaining 14 Member States did not indicate their intentions concerning the ratification of the Protocol (**Armenia, Bahamas, Benin, Brazil, Cameroon, China, Croatia, Gabon, Gambia, Hungary, Islamic Republic of Iran, Serbia, Togo and the United States**) (see figure 6). Of the countries that reported, 14 are from Africa, 14 from the Americas, 6 from the Arab States, 8 from Asia and the Pacific, and 8 from Europe.

► **Figure 6. Ratification intentions for the Protocol of 2014, by region**

2. Relevant national policies and plans of action, legislation and judicial decisions

(i) National policies and plans of action

47. Figure 7 provides an overview by region of the availability of a national policy and plan of action for the suppression of all forms of forced labour in each of the Member States that reported during the period under review.

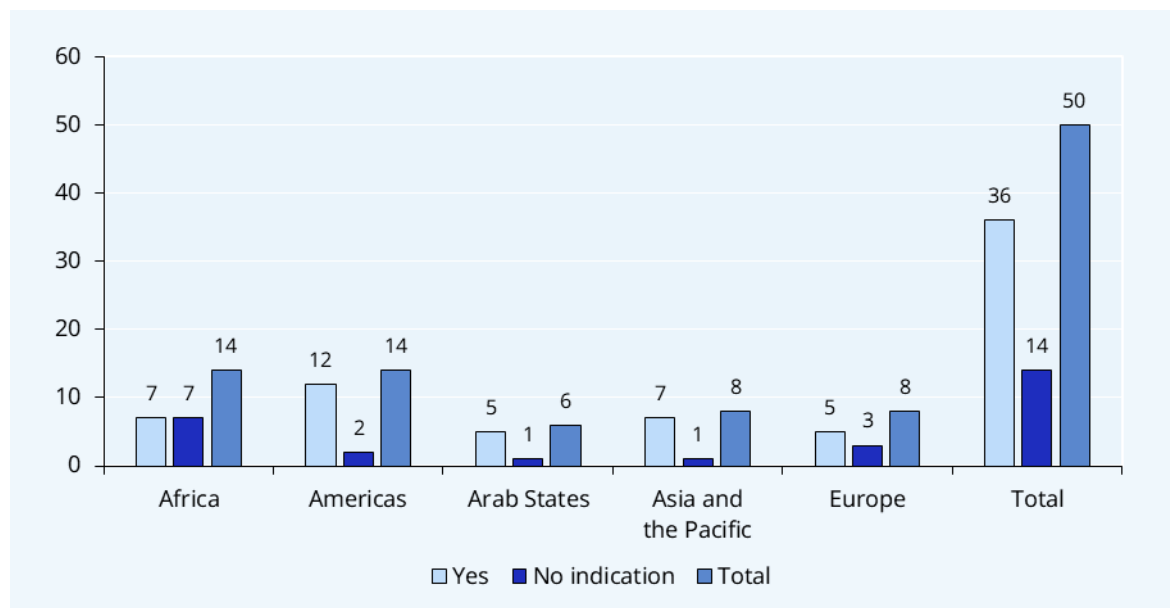
► **Figure 7. Number of Member States, by region, reporting the availability of a national policy and plan of action for the suppression of all forms of forced labour**

48. Sixty-eight per cent of the reporting Member States, as compared to 80 per cent in 2021 and 70 per cent in 2019, indicate having a national policy or plan of action to combat all forms of forced labour. A total of 8 per cent of the countries that reported indicated that they do not

have such a policy and plan of action. About 24 per cent of the responding countries did not provide any indication.

49. The responses of Member States with regard to the availability of a national policy and plan of action for combating trafficking in persons are summarized in figure 8.

► **Figure 8. Number of Member States, by region, reporting the availability of a national policy and plan of action to combat trafficking in persons**



50. About 72 per cent, as compared to 88 per cent in 2021 and 74 per cent in 2019, of the countries that reported stated that they have a national policy and plan of action to combat trafficking in persons. The remaining 28 per cent provided no indication as to the availability of a policy and plan.
51. In some cases, governments that indicated that they have a national policy to combat all forms of forced labour were actually referring to policies aimed at combating the phenomenon of trafficking in persons. According to the information provided, when taking measures to address the suppression of all forms of forced or compulsory labour, several governments therefore place special emphasis on combating trafficking in persons.
52. The Government of **Algeria** indicated that in the framework of the national action plan, measures have been taken by the National Commission for the Prevention and Suppression of Trafficking in Persons, in particular the setting up of a working group for the preparation of a draft law on human trafficking.
53. The Government of **Azerbaijan** provided information on the national action plan on combating human trafficking for 2020-2024, with specific emphasis on the authorities responsible for its implementation, including the Ministry of Labour and Social Protection of Population (MLSPP), the State Labour Inspectorate Service and the Social Services Agency, respectively under the MLSPP, the General Prosecutor's Office, the Ministry of Internal Affairs, the Ministry of Justice, and the State Migration Service.
54. In **China**, the Government issued in August 2022 the Implementation Rules of the China Plan of Action against Human Trafficking 2021-2030, which has further clarified the goals of combating trafficking, highlighted the responsibilities of anti-trafficking actors and ensured the synergies of anti-trafficking efforts.

55. In **Greece**, the Government pointed out recent initiatives of the Office of the National Rapporteur on Trafficking in Human Beings (ONR) concerning the implementation of National Action Plan 2019-2023. These initiatives include: the setting up, by the Ministry of Justice and the ONR, of a permanent working group of experts for monitoring the implementation of the current legislation regarding trafficking in human beings (THB); the inclusion of the victims of THB in the existing employment and training skills programmes for vulnerable social groups; emphasis on partnerships with the private sector to pursue anti-THB objectives and due diligence on private sector supply chains and public procurements.

(ii) Legislative provisions

56. Most of the reporting countries referred to existing provisions that criminalize practices of forced labour and/or trafficking in persons (constitutional provisions and general and/or specific legislation). A number of other governments referred to the adoption of national action plans. Others indicated that the relevant information can also be found in their reports on the application of Conventions Nos 29 or 105 under article 22 of the ILO Constitution (**Colombia** and **Uruguay**).²
57. The Government of the **Bolivarian Republic of Venezuela** indicated that on 30 November 2021 the reform of the Organic Law on the Right of Women to a Life Free of Violence was approved, which specifies and strengthens actions against trafficking in women, girls and adolescents.
58. In the **Republic of Korea**, the Act on the Prevention of Human Trafficking was legislated in April 2021. The new legislation sets the standards for the prevention of forced labour involving human trafficking and for the protection of victims and is expected to enter into force as of January 2023.

3. Information and data collection

Mechanisms for data collection

59. As in previous years, most countries reported that they collect and analyse statistical data and other information on the nature and extent of forced or compulsory labour. A few other reporting States (**Burkina Faso, Cuba, Ecuador, Morocco, Paraguay, Republic of Korea, South Africa, United Republic of Tanzania** and **Uruguay**) indicated that they do not currently collect and analyse data.

4. Prevention/monitoring, enforcement and sanctions mechanisms

60. The information received in this regard shows again that most actions undertaken by Member States to combat forced labour practices actually take place in the context of the fight against trafficking in persons, where education and awareness-raising measures are most often cited. A few Member States indicated that detailed information has already been given in their reports on the application of ILO Conventions Nos 29 or 105 (**Azerbaijan** and **Uruguay**).
61. In **Colombia**, the Office of the Attorney-General of the Nation through the Directorate of Higher Studies virtually trained the entity's officials on crimes of trafficking in persons with a

² In their art. 22 reports on the application of Convention No. 29, most countries provide detailed information in reply to the CEACR's comments on the legislative framework to combat forced labour, as well as on prevention measures and victims' protection. This information is summarized in the CEACR's comments which are available on the NORMLEX database.

perspective of gender violence, investigation and prosecution. This training was carried out in 2022 in three sessions of 60 hours each.

62. In **Greece**, it is worth noting that in the context of informing seasonal workers about their rights and on the occasion of the joint action days for combating labour exploitation in the agricultural sector, the labour inspectors distributed information leaflets (translated into the national languages of seasonal workers from countries such as Albania, Bangladesh, Pakistan, Ukraine) on their labour rights, in accordance with Greek labour legislation. These leaflets had already been prepared by the Labour Inspectorate in cooperation with the European Labour Authority, which translated them, and were sent to the local Labour Inspection Authorities. The labour inspectors had these leaflets during the inspection for distribution to the workers.
63. In **Guatemala**, the Government addressed the question of prevention of trafficking in persons through two specific large-scale awareness-raising campaigns. Special attention is also given to the development of cybertools as well as to vulnerable categories of workers, (prioritizing groups in rural areas, indigenous people, contexts of poverty, with high migrant flows).
64. The Government of **Indonesia** particularly pointed out the role of the Agency for the Protection of Indonesian Migrant Workers with a view to increasing awareness and protecting prospective Indonesian migrant workers from the dangers of illegal placement.
65. The Government of **Japan** recalled that every year since 2005, the National Police Agency has produced leaflets in several languages calling for people to report cases of trafficking in persons to the police, with the aim of discovering latent victims. These leaflets are distributed to the relevant ministries and agencies, embassies in Tokyo, and NGOs, and placed in places that can easily catch the eyes of the victims and made available online. The leaflet was revised from the perspective of victims in a significantly compact form for portability and an understandable design with key words and illustrations. In 2022, about 290,000 leaflets in ten languages were prepared and distributed. In addition, digital signage using the leaflet data is displayed at multiple international airports in Japan.
66. In **Jordan**, the Government laid the emphasis on the role of the Anti-Human Trafficking Unit which conducted training programmes on human trafficking for labour inspectors, in cooperation with international organizations and civil institutions.
67. The Government of the **Philippines** indicated that the second course of Trafficking in Persons (TIP) Training Module for prosecutors took place in 2022. This course is a five-day intensive training programme designed to provide prosecutors with knowledge and skills-based training. For judges, the Supreme Court continues to build the capacity of judges including review of Competency Enhancement Training (CET) and Advanced Competency Enhancement Training (ACET) modules. The CET and ACET are intensive live-in and multi-disciplinary training programs designed to improve the competencies of judges, prosecutors, social workers, police investigators and court legal researchers in handling TIP cases
68. In the **Republic of Korea**, the Government indicated that it continues to conduct labour inspections and awareness-raising campaigns to ensure essential working conditions, such as minimum wage compliance, the ban on overdue wages and the prohibition of forced labour. However, according to the Korean Confederation of Trade Unions, the prohibition of forced labour under the Labour Standard Act lacks effectivity, particularly in the case of maritime crew.

5. Victim identification, release, protection, recovery and rehabilitation, and access to remedies

69. The various measures indicated by the reporting governments include: (i) workshops, training and information campaigns; (ii) legal protection of victims and provision of legal aid; (iii) medical and psychological assistance for victims; (iv) appropriate accommodation; as well as (v) protection of privacy and identity, and measures for specific groups (children, women, migrants). Many governments referred to the information previously reported.
70. In **Bulgaria**, the activities under the National Programme for the Prevention and Counteraction of Human Trafficking and Protection of Victims for 2022, include increasing the effectiveness of coordination in cases of victims of human trafficking by applying the procedures and measures laid down in the National Referral and Support Mechanism for Victims of Trafficking in Human Beings (NRM); providing support in specialized temporary accommodation services and counselling centres for victims of human trafficking at the National Commission for Combating Human Trafficking; inclusion of victims of human trafficking in training and employment programmes and measures. Targeted actions are also taken for labour market integration and reintegration support for victims. Access to justice is provided to all victims of forced or compulsory labour. However, the possibility for financial compensations of all victims of forced labour is not regulated in the Bulgarian legislation.
71. The Government of **Greece** referred to the Standard Operating Procedures (SOPs) of the National Referral Mechanism (NRM) for the Protection of THB victims integrated in the actors' mandate and operation protocols – which constitute proper referral pathway for identified victims of trafficking, focusing on the protection of their human rights and their overall well-being. Specialized SOPs were created for health actors (public hospitals etc.) as well as for the public service of the Reception and Identification Centres of Greece (on the islands and mainland) adapted to their internal specific circumstances. The NRM support team of the National Centre for Social Solidarity has been delivering inter-agency trainings in person and via e-seminars to strengthen the capacity of front-line professionals to detect and protect presumed THB victims.
72. In **Jordan**, it is worth noting that the Prevention of Human Trafficking Law, as amended by Law No. 10 of 2021, includes, in addition to an increase in penalties and new provisions regarding the nomination of judges specialized in human trafficking, the establishment of a fund to assist victims of human trafficking in article 14 of the law.
73. The Government of the **Republic of Korea** indicated that the Act on the Prevention of Human Trafficking was set to come into force as of 1 January 2023. Article 23 of the Act grants a victim special exception with regard to an investigation and judicial proceedings, including hiring a lawyer, conducting an investigation away from the public eye.
74. The Government of **South Africa** indicated that the Department of Social Development is developing directives to guide all counter-trafficking in persons service providers and law enforcement officials on how to deal effectively with victims of trafficking to avoid re-traumatization or secondary victimization.

6. International cooperation and initiatives

75. Most reporting governments indicated that they cooperate with international and regional organizations to combat forced or compulsory labour.

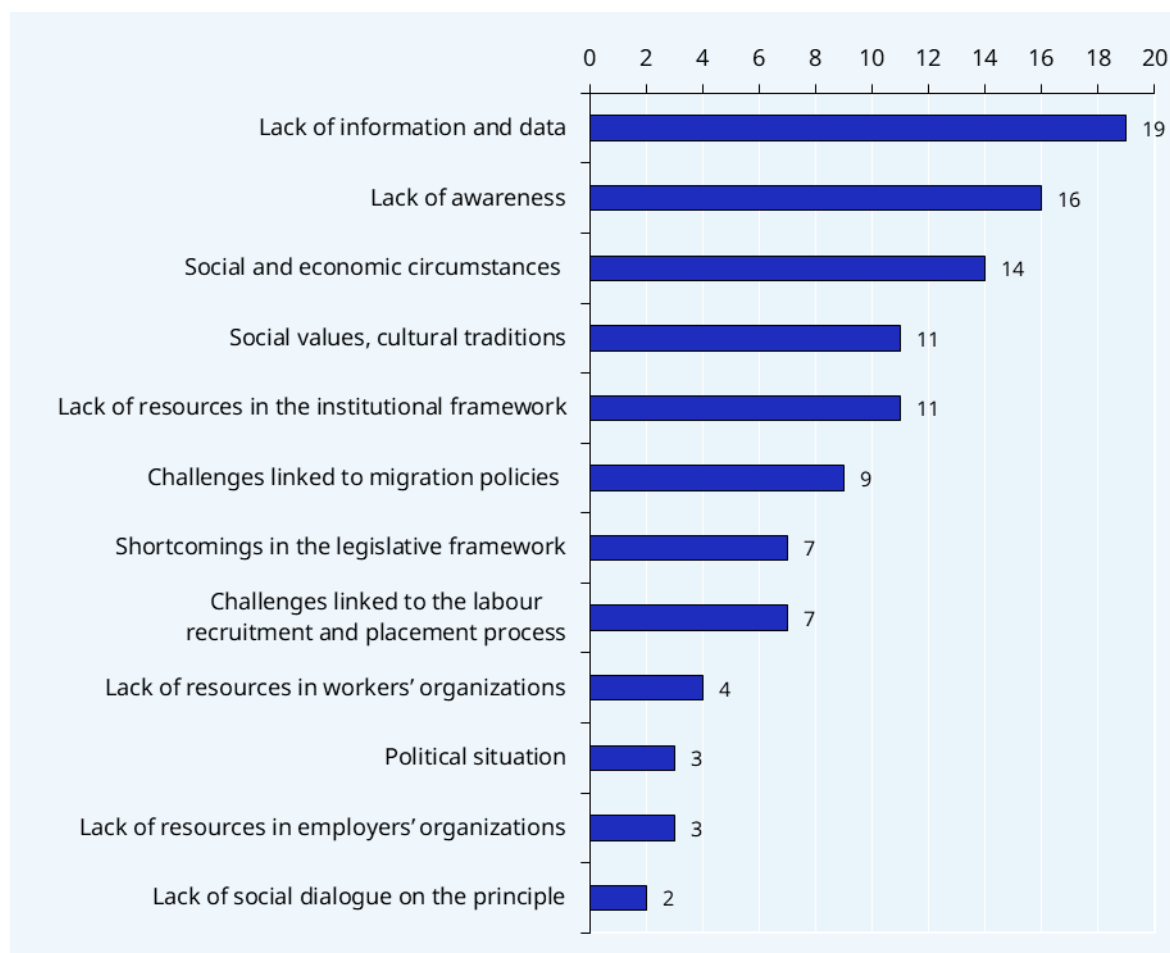
76. The Government of **Azerbaijan** indicated that the Prosecutor's General Office and the MLSPP participated in a study visit to the United States (Washington DC) organized in September 2022 by the Open World Program on Judicial Sector's Role in Combatting Human Trafficking.
77. The Government of **Bulgaria** pointed out that within the European Network of National Rapporteurs and equivalent mechanisms on human trafficking four virtual consultative meetings were held during the reporting period with a view to implement a new EU Strategy for Combatting Trafficking in Human Beings 2021-2025.
78. In **China**, through mechanisms such as the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), the Government has promoted anti-trafficking cooperation with countries in the Greater Mekong subregion.
79. The Government of **Hungary** referred to the above-mentioned new EU Strategy on Combatting Trafficking in Human Beings 2021-2025 and the joint anti-trafficking plan to address the risks of human trafficking and support potential victims among those fleeing the war in Ukraine. The Government also mentioned the implementation of a comprehensive Anti-Trafficking Programme with Switzerland for 2023-2025.
80. The Government of the **Philippines** made specific reference to the Philippine-United Arab Emirates (PH-UAE) Memorandum of Understanding (MOU) on Cooperation in Combating Human Trafficking, as well as to implementation measures of the ASEAN-Australia Counter Trafficking (ASEAN-ACT) Program.

7. Challenges

81. The Government of the **United States** referred to the Department of State 2022 Trafficking in Persons Report, which describes challenges around the globe in preventing and addressing trafficking in persons, including for forced labour. The report makes specific recommendations to address the challenges in preventing trafficking for forced labour in the countries.
82. The various challenges reported by Member States in relation to the Protocol are summarized in table 1 and in figure 9.

► Table 1. Challenges reported in relation to the Protocol of 2014, by region and country

| | Africa | Americas | Arab States | Asia and the Pacific | Europe |
|--|---|---|--------------------------|---|-------------------------------|
| Lack of awareness | Angola Botswana United Republic of Tanzania | Brazil Colombia Guatemala Mexico Paraguay | Jordan Kuwait Oman | Indonesia Philippines | Bulgaria Greece Hungary |
| Lack of information and data | Angola Botswana Morocco Senegal United Republic of Tanzania | Brazil Colombia Dominican Republic Guatemala Guyana Mexico | Jordan | Indonesia Malaysia Republic of Korea Philippines | Bulgaria Greece Hungary |
| Social values, cultural traditions | Angola Botswana Senegal United Republic of Tanzania | Guatemala Paraguay | Jordan | Indonesia Myanmar Philippines | Bulgaria |
| Social and economic circumstances | Angola Botswana Burkina Faso Senegal South Africa | Brazil Guatemala Mexico Paraguay | Jordan | Myanmar Philippines | Bulgaria Hungary |
| Political situation | | Guatemala | | Malaysia Philippines | |
| Shortcomings in the legislative framework | Botswana Mauritius Senegal | Colombia Guatemala Guyana | | Philippines | |
| Lack of resources in the institutional framework | Botswana Burkina Faso Mauritius United Republic of Tanzania | Colombia Guatemala Guyana | Jordan | Indonesia Malaysia Republic of Korea | |
| Challenges linked to the labour recruitment and placement process | Botswana | Colombia Guatemala Mexico | | Brunei Darussalam Indonesia | Bulgaria |
| Challenges linked to migration policies | Botswana South Africa | Dominican Republic Guatemala Guyana | Jordan | Indonesia Philippines | Bulgaria |
| Lack of social dialogue on the principle | Botswana | | Qatar | | |
| Lack of resources in employers' organizations | Botswana United Republic of Tanzania | | Jordan | | |
| Lack of resources in workers' organizations | Angola Botswana United Republic of Tanzania | | Jordan | | |

► **Figure 9. Number of Member States that have reported challenges in relation to the Protocol of 2014**

8. Requests for technical assistance

83. With a view to overcoming the above challenges in their fight against trafficking in persons, a number of States have expressed the need for ILO technical assistance, as summarized in table 2.

► **Table 2. Technical assistance needs, by region and country**

| | Africa | Americas | Arab States | Asia and the Pacific | Europe |
|--|---|---|--------------------------|---|-------------------------------|
| Assessment, in cooperation with the ILO, of the obstacles identified and their impact on the realization of the principle | Angola Botswana United Republic of Tanzania | Brazil Colombia Guatemala Mexico Paraguay | Jordan Kuwait Oman | Indonesia Philippines | Bulgaria Greece Hungary |
| Awareness-raising and mobilization activities | Angola Botswana Morocco Senegal United Republic of Tanzania | Brazil Colombia Dominican Republic Guatemala Guyana Mexico | Jordan | Indonesia Philippines Republic of Korea | Bulgaria Greece Hungary |

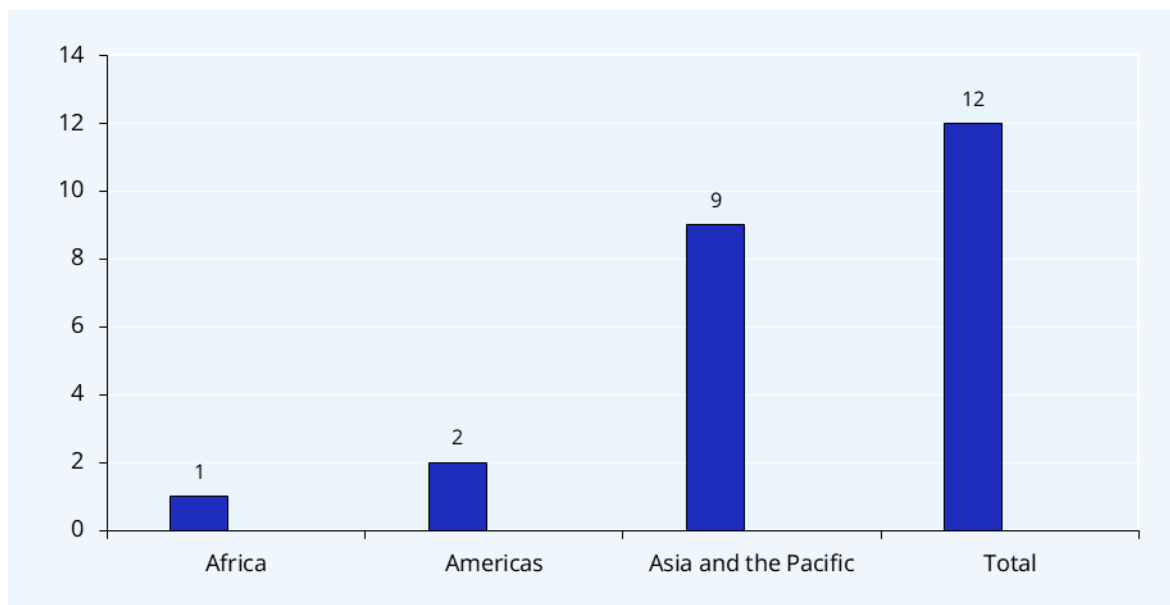
| | Africa | Americas | Arab States | Asia and the Pacific | Europe |
|---|--|---|-------------|-------------------------------------|---------------------|
| Collection and analysis of data and information | Angola Botswana Senegal United Republic of Tanzania | Guatemala Paraguay | Jordan | Indonesia Myanmar Philippines | Bulgaria |
| Guidance on the development of the national policy and plan of action | Angola Botswana Burkina Faso Senegal South Africa | Brazil Guatemala Mexico Paraguay | Jordan | Myanmar Philippines | Bulgaria Hungary |
| Strengthening the legal framework | | Guatemala | | Philippines | |
| Capacity-building for the competent authorities | Botswana Mauritius Senegal | Colombia Guatemala Guyana | | Philippines | |
| Inter-institutional coordination | Botswana Burkina Faso Mauritius United Republic of Tanzania | Colombia Guatemala Guyana | Jordan | Indonesia Republic of Korea | |
| Promotion of fair recruitment and placement practices | Botswana | Colombia Guatemala Mexico | | Brunei Darussalam Indonesia | Bulgaria |
| Promotion of fair migration policies | Botswana South Africa | Dominican Republic Guatemala Guyana | Jordan | Indonesia Philippines | Bulgaria |
| Vocational training, job-creation and income-generation programmes for at-risk populations | Botswana | | Qatar | | |
| Basic social security guarantees | Botswana United Republic of Tanzania | | Jordan | | |
| Guidance on supporting due diligence | Angola Botswana United Republic of Tanzania | | Jordan | | |
| Capacity-building for employers' and workers' organizations | Burkina Faso | | | | |
| Other | | Ecuador Venezuela (Bolivarian Republic of) | | Japan | Slovakia |

C. The effective abolition of child labour

1. Ratifications

84. Convention No. 182 has achieved universal ratification, while there is still a total of 12 Member States that have yet to ratify Convention No. 138. **Bangladesh** and **Liberia** ratified Convention No. 138 in March and June 2022 respectively.

► **Figure 10. Number of Member States, by region, that have not ratified Convention No. 138 (as at 31 January 2023)**



85. At the regional level, all countries in Europe and the Arab States have ratified both Conventions. Asia and the Pacific has the largest number of States that have not ratified Convention No. 138.
86. In Africa, **Somalia** has not ratified Convention No. 138.
87. In the Americas, **Saint Lucia** and the **United States** have not ratified Convention No. 138.
88. In Asia and the Pacific, **Australia, Cook Islands, Islamic Republic of Iran, Marshall Islands, New Zealand, Palau, Timor-Leste, Tonga** and **Tuvalu** have not ratified Convention No. 138.
89. The reporting rate for Convention No. 138 has been 33 per cent, as compared to 43 per cent in 2021 and 34 per cent in 2019. In the period under review, four Member States (**Australia, the Islamic Republic of Iran, New Zealand** and the **United States**) reported on Convention No. 138. **Australia, the Islamic Republic of Iran** and **New Zealand** indicated their intention to ratify the Convention, whereas the **United States** did not indicate their intention.
90. The Government of **Australia** indicated that Convention No. 138 was tabled in Australian Parliament on 26 September 2022, which is a significant step towards ratification.
91. The Government of **New Zealand** stated that eventual ratification was more likely than unlikely given commitments contained in the recently settled (but not yet ratified) Free Trade Agreement between New Zealand and the European Union to work towards ratification of unratified fundamental Conventions. New Zealand currently has a range of legal protections and restrictions for children's employment, but the legislation still needs to be reviewed and amended in order to meet the specific requirements of the Convention. For its part, Business New Zealand (BusinessNZ) indicated their concern about the prescriptive nature of Convention No. 138 regarding minimum age.

2. Promotional activities

92. The Governments of **Australia, Islamic Republic of Iran, New Zealand** and the **United States** indicated that awareness-raising activities had been carried out in their countries.

93. The Government of the **United States** emphasized the continued engagement of the Department of Labor's Wage and Hour Division (WHD) and the Occupational Safety and Health Administration (OSHA) in providing awareness-raising activities. It stated that between June 2021 and September 2022, OSHA conducted more than 7,345 outreach activities, out of which 802 were aimed at young workers. WHD followed up on the efforts of the Department of Labor's Office of Compliance Initiatives (OCI) with a media campaign of its own from May–July 2022. This WHD campaign included a news release as well as social media posts in English and Spanish on Twitter, Facebook, LinkedIn and Instagram. The news release was covered by several McClatchy news publications throughout the United States. Campaign materials were shared with WHD's outreach specialists across the country, who then shared those resources with local stakeholders. One of those resources was a new WHD web page, *Seven Child Labor Best Practices for Employers*.

3. Policy and legal developments

94. The Government of **Australia** stated that in 2021, WorkSafe ACT launched its Young Workers Strategy 2021-2023 which provides an overview of the organization's approach to ensuring compliance with the management of work-related issues affecting young workers in the ACT. WorkSafe ACT has particularly focused on identified priority workgroups and industries to support legislative compliance with work health and safety laws. In the creation of the strategy, WorkSafe ACT engaged with young workers and conducted research to understand the key issues facing young workers. The key actions that came out of this work will help to ensure employer obligations are met in the employment of children and young people, including the restrictions around this employment regarding minimum age.
95. The Government of the **United States** stated that in January 2022, the WHD amended federal regulations to adjust for inflation the civil monetary penalties assessed for violations of the child labour provisions of the Fair Labor Standards Act (FLSA).

4. Challenges

96. According to the Government of **New Zealand**, one challenge has been the lack of a single complete and comprehensive source of information on harm experienced by young persons at work. A new Youth and Wellbeing Survey "Whataboutme?" has replaced a previous survey and has been developed to collect health and well-being data on up to 14,000 young people in secondary schools, alternative education units, and kura kaupapa. The survey is to be conducted every three years, and data collected will be used to inform policies, programmes, and services, and measure progress on 15 indicators under New Zealand's Child and Youth Wellbeing Strategy.
97. The **United States** reiterated that there is a continuing need to educate children, parents and employers about the dangers of child labour and the relevant protective provisions.

5. Requests for technical assistance

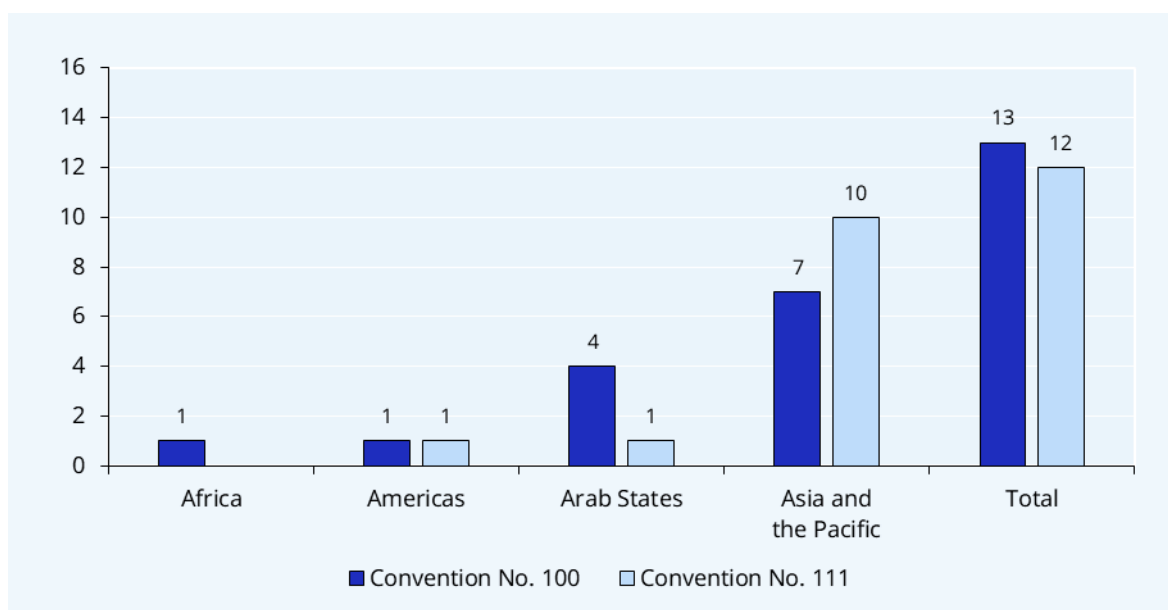
98. The reporting governments did not request technical assistance from the ILO.

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

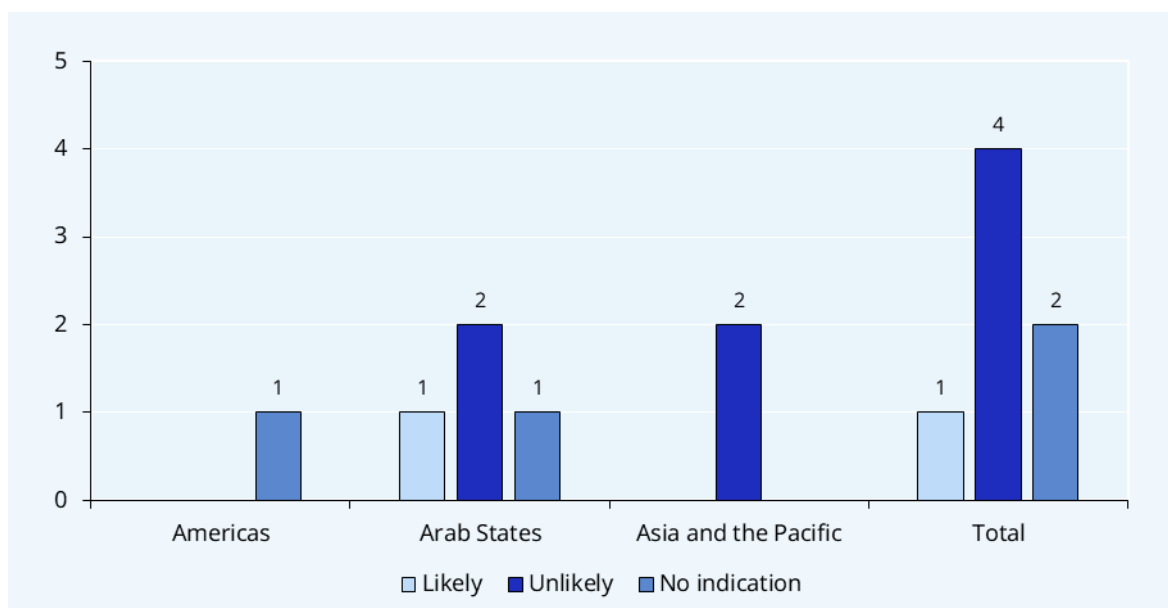
1. Ratifications

99. **Liberia** ratified Convention No. 100 in June 2022, whereas no new ratification of Convention No. 111 has been registered during the current reporting cycle. In total, there remain 16 countries that have not yet ratified either or both of the Conventions. A total of 13 countries have yet to ratify Convention No. 100 and 12 have yet to ratify Convention No. 111 (see figure 11).

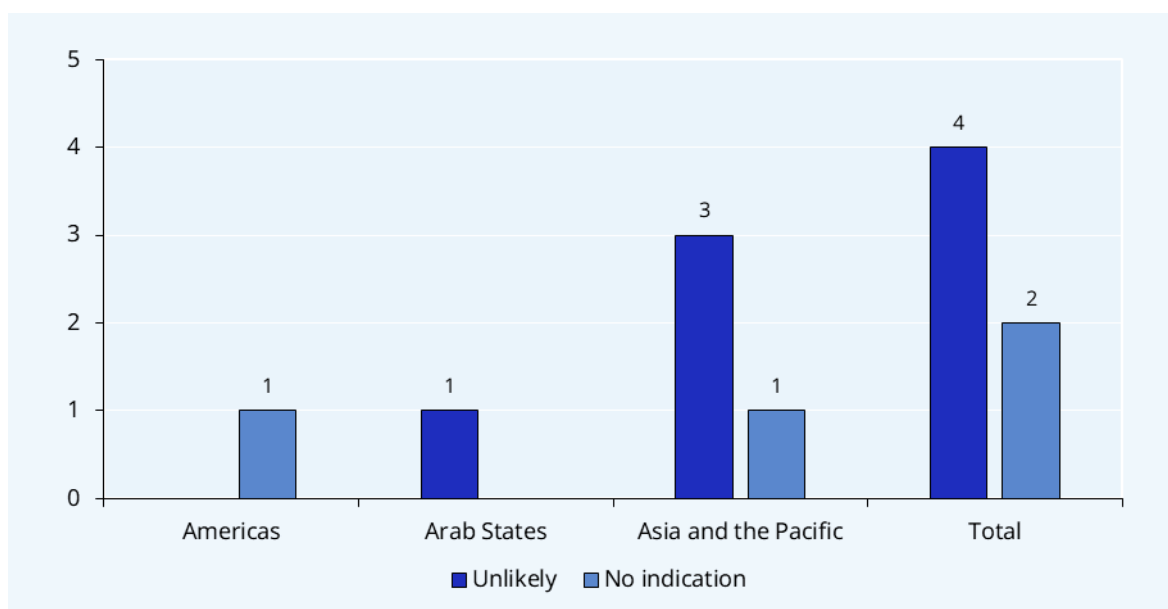
► **Figure 11. Number of Member States, by region, that have not ratified Convention No. 100 and/or Convention No. 111 (as at 31 January 2023)**



100. At the regional level, all countries in Europe have ratified both Conventions. Asia and the Pacific has the largest number of reporting States that have not ratified either or both of the Conventions, followed by the Arab States, the African region and the Americas.
101. In Africa, **Somalia** has not ratified Convention No. 100.
102. In the Americas, the **United States** has ratified neither Convention No. 100 nor Convention No. 111.
103. In the Arab States region, **Oman** has ratified neither Convention No. 100 nor Convention No. 111, and **Bahrain, Kuwait** and **Qatar** have not ratified Convention No. 100.
104. In Asia and the Pacific, **Brunei Darussalam, Cook Islands, Marshall Islands, Myanmar, Palau, Tonga** and **Tuvalu** have ratified neither Convention, and **Japan, Malaysia** and **Singapore** have not ratified Convention No. 111.
105. The reporting rate for Convention No. 100 was higher at a level of 54 per cent, as compared to 43 per cent in 2021 and 2019. Seven countries (**Bahrain, Brunei Darussalam, Kuwait, Myanmar, Oman, Qatar** and the **United States**) reported on Convention No. 100. **Kuwait** indicated that the ratification of the Convention is likely, whereas **Bahrain, Brunei Darussalam, Myanmar** and **Oman** stated that the ratification of the Convention is unlikely (see figure 12). **Qatar** and the **United States** did not provide any indication.

► **Figure 12. Ratification intentions for Convention No. 100, number of Member States by region**

106. The reporting rate for Convention No. 111 was 50 per cent, as compared to 58 per cent in 2021 and 34 per cent in 2019. Six Member States (**Brunei Darussalam, Japan, Malaysia, Myanmar, Oman and the United States**) reported on Convention No. 111. **Brunei Darussalam, Malaysia, Myanmar and Oman** indicated that the ratification is unlikely, while **Japan and the United States** did not indicate their intentions concerning the ratification of the Convention (see figure 13).³

► **Figure 13. Ratification intentions for Convention No. 111, number of Member States by region**

³ A number of governments provided useful information on their ratification prospects and challenges of Convention No. 111 in the 2023 General Survey on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Workers with Family Responsibilities Convention, 1981 (No. 156), the Maternity Protection Convention, 2000 (No. 183), the Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111), the Workers with Family Responsibilities Recommendation, 1981 (No. 165) and the Maternity Protection Recommendation, 2000 (No. 191).

- 107. The Government of **Bahrain** pointed out the incompatibility of some provisions with the national legislations.
- 108. According to the Government of **Brunei Darussalam** further review is needed on the relevance of the Conventions to national conditions.
- 109. The Government of **Japan** reiterated that it held discussions with social partners on ratifying ILO Convention No. 111. Further study is still needed, however, concerning the consistency between Convention No. 111 and national laws and regulations. The Japanese Trade Union Confederation (JTUC-RENGO) deeply regrets the absence of concrete actions towards the ratification of Convention No. 111.
- 110. The Government of **Kuwait** indicated that there is no obstacle to the ratification of Convention No. 100.

2. Promotional activities

- 111. Most of the reporting States did not mention specific promotional activities under the 2022 period in addition to their previous reports.
- 112. The Government of the **United States** provided detailed information on the actions carried out under the leadership of the Office of Federal Contract Compliance Programs (OFCCP), the Equal Employment Opportunity Commission (EEOC), the Immigrant and Employee Rights Section of the Department of Justice's Civil Rights Division (DOJ IER) and the Disability Rights Section of the Civil Rights Division of the Department of Justice (DOJ DRS). In October 2022, OFCCP, EEOC, and DOJ published a new "Know Your Rights-Discrimination is Illegal" poster, which replaces the previous "EEO is the Law" poster. The "Know Your Rights-Discrimination is Illegal" poster, which employers are required to post, summarizes the Federal laws prohibiting job discrimination and explains how employees or applicants can file a complaint if they believe they have experienced discrimination. The OFCCP and EEOC are working together to reimagine hiring and recruitment practices in ways that advance equal employment opportunities and help provide access to good jobs for workers. In January 2022 the agencies launched the Hiring Initiative to Reimagine Equity (HIRE), a multi-year collaborative effort that will engage a broad array of stakeholders to expand access to good jobs for workers from under-represented communities and help address key hiring and recruiting challenges.

3. Policy and legal developments

- 113. The Government of **Bahrain** reiterated the information provided concerning the amendment in 2021 of the 2012 Labour Law in Bahrain's private sector, establishing wages equality between male and female workers.
- 114. The Government of **Kuwait** referred to Ministerial Resolution No. 156 of 2022 regarding the list of rules and procedures for granting permission to work, as well as Ministerial Resolution No. 177 of 2021 regarding the prohibition of discrimination in the private sector and the prohibition of sexual harassment in the workplace.
- 115. The Government of **Malaysia** mentioned new provisions on discrimination under the amendment of Employment Act 1955 to take effect on 1 January 2023. Under Section 69F of the new amendments, the Director-General may inquire into and decide any dispute between an employer and an employee regarding discrimination in employment.
- 116. The Government of the **United States** stated that in March 2022, President Biden signed into law the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act. The Act allows

individuals to invalidate pre-dispute arbitration agreements for disputes involving allegations of sexual assault or sexual harassment. The Government also reported changes in legislation aimed at discovering and preventing racial bias in the use of artificial intelligence systems in recruitment processes (Illinois). In January 2022, New York City amended its Human Rights Law to require employers to include minimum and maximum salaries in job postings, to reduce pay inequity for historically marginalized groups.

4. Challenges

117. Challenges were specified by five reporting States (**Bahrain, Brunei Darussalam, Malaysia, Myanmar** and **Oman**), concerning: (i) lack of public awareness and social and economic circumstances (**Malaysia**); (ii) lack of capacity of responsible government institutions (**Bahrain**); (iii) lack of capacities of employers' and workers' organizations (**Malaysia**); (iv) legal provisions and prevailing employment practices (**Brunei Darussalam**); (v) social values and cultural traditions and social economic circumstances (**Myanmar**); and (vi) lack of information and data (**Oman**).

5. Requests for technical assistance

118. With a view to overcoming challenges, seven governments requested ILO technical support. The Government of **Japan** has reiterated its interest in experience-sharing with countries which have ratified Convention No. 111. **Kuwait** has expressed the same request about Convention No. 100. **Brunei Darussalam** expressed need for assistance regarding legal reform (labour law and other relevant legislation), and training of other officials (police, judiciary, social workers, teachers).

► III. Conclusions

119. Although not always of equal quality, most of the reports received under the present Review were quite detailed, indicating the interest and commitment of governments in many countries to respect, promote and realize the fundamental principles and rights at work through continued awareness-raising initiatives, development of new policies and laws and improved implementation of these as well as in undertaking steps, in some cases, towards ratification of the fundamental Conventions and the Protocol. The contributions of social partners on specific fundamental principles and rights at work are also to be welcomed to complete the present Review. The information provided will be used to update the country baseline tables concerning the relevant category of principles and rights. In some cases, interesting information has been provided, for example regarding significant changes in legislation, but refers to Conventions that have already been ratified and is therefore not reflected in the present report.
120. The reporting rate overall for the period under Review did not cross the 50 per cent threshold, unlike last year. Some Member States still encountered technical difficulties with the new online reporting tool, despite the assistance provided by the Office. On many occasions, it appeared that the login information had not been forwarded by the permanent missions in a timely manner to the reporting officials concerned. It should be highlighted once again that at a time when communication with Member States is almost exclusively done electronically, it is important for all permanent missions to ensure that the Office has a fully up-to-date address file.

121. Although some challenges were reported by governments in relation to the online questionnaire, and that a few of them may consider that the online form is not adapted to their national procedures, it can be observed that most reporting States submitted their reports via the new tool, albeit not always on time. The Office continues to reflect on the most effective way to analyse the information received and produce adequate baselines, as well as to further facilitate the reporting exercise by Members States. The e-questionnaire will also be adapted as a result of the Conference 2022 resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights (see GB.347/LILS/6).
122. Considering the particular nature of the Protocol that supplements Convention No. 29 and their interrelated scopes of application, as already indicated in previous reports and in the light of the indications of some governments reporting this year, the Member States concerned are encouraged, when reporting under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work to: (i) concentrate on the specific measures to be taken under the Protocol (such as, for example, the protection of victims and their access to remedies irrespective of their presence or legal status in the national territory; protection from abusive practices during the recruitment and placement processes; the strengthening of labour inspection; and non-prosecution of victims for their involvement in unlawful activities which they have been compelled to commit); and (ii) avail themselves of the technical assistance of the Office, if necessary.
123. Regarding the production of baselines on the Protocol, mention should be made of the [Forced Labour Observatory](#) (FLO), which was officially launched in December 2022. FLO was developed in response to the request of constituents to develop “a global data warehouse on forced labour and trafficking”. The website provides comprehensive country profiles on forced labour which include national laws and policies and measures relating to enforcement, prevention, protection, access to justice and remedies and development cooperation. The FLO platform uses a wide range of reliable and whenever possible, primary sources, including information received from Member States and the social partners in the context of the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. This entails that a selection of country responses under the follow-up to the Declaration are also publicly available through FLO.
124. In response to the interest expressed in the ratification of one or more of the fundamental instruments and the Protocol in particular, the Office should further intensify its technical assistance. In this regard, it is essential that Member States requesting technical assistance make their requests as specific as possible, so that the Office can provide, or continue to provide, an adequate and targeted response with a view to overcoming challenges, strengthening tripartite capacities and promoting social dialogue.

► Draft decision

125. The Governing Body:

- (a) **took note of the information presented in the Annual Review under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work for the 2022 period;**
- (b) **invited the Office to continue its support to Member States to ensure timely reporting on all unratified fundamental Conventions and the Protocol of 2014 to the Forced Labour Convention, 1930, and to ensure priority follow-up to requests for**

technical assistance to address obstacles to ratification and realization of the fundamental principles and rights at work;

- (c) reiterated its support for the mobilization of resources with a view to further assisting Member States in their efforts to respect, promote and realize fundamental principles and rights at work, including through universal ratification of all fundamental Conventions and the Protocol of 2014 to the Forced Labour Convention, 1930.**

► **Appendix****List of reporting States under the Annual Review as at 31 January 2023****A. List of Member 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 |
|-----|----------------------------------|--|----------------------|---------------------|--|
| 1. | Afghanistan | C.87 and 98 | C.29 | | |
| 2. | Australia | | | C.138 | |
| 3. | Bahrain | C.87 and 98 | | | C.100 |
| 4. | Brazil | C.87 | | | |
| 5. | Brunei Darussalam | C.87 and 98 | C.29 and 105 | | C.100 and 111 |
| 6. | China | C.87 and 98 | | | |
| 7. | Cook Islands | C.87 and 98 | | C.138 | C.100 and 111 |
| 8. | Guinea-Bissau | C.87 | | | |
| 9. | India | C.87 and 98 | | | |
| 10. | Iran (Islamic Republic of) | C.87 and 98 | | C.138 | |
| 11. | Japan | | | | C.111 |
| 12. | Jordan | C.87 | | | |
| 13. | Kenya | C.87 | | | |
| 14. | Kuwait | | | | C.100 |
| 15. | Lao People's Democratic Republic | C.87 and 98 | C.105 | | |
| 16. | Lebanon | C.87 | | | |
| 17. | Malaysia | C.87 | | | C.111 |
| 18. | Marshall Islands | C.87 and 98 | C.29 and 105 | C.138 | C.100 and 111 |
| 19. | Morocco | C.87 | | | |
| 20. | Myanmar | C.98 | C.105 | | C.100 and 111 |
| 21. | Nepal | C.87 | | | |
| 22. | New Zealand | C.87 | | C.138 | |
| 23. | Oman | C.87 and 98 | | | C.100 and 111 |
| 24. | Palau | C.87 and 98 | C.29 and 105 | C.138 | C.100 and 111 |
| 25. | Qatar | C.87 and 98 | | | C.100 |
| 26. | Republic of Korea | | C.105 | | |
| 27. | Saint Lucia | | | C.138 | |
| 28. | Saudi Arabia | C.87 and 98 | | | |
| 29. | Singapore | C.87 | | | C.111 |
| 30. | Somalia | | | C.138 | C.100 |
| 31. | South Sudan | C.87 | | | |
| 32. | Thailand | C.87 and 98 | | | |
| 33. | Timor-Leste | | C.105 | C.138 | |
| 34. | Tonga | C.87 and 98 | C.29 and 105 | C.138 | C.100 and 111 |
| 35. | Tuvalu | C.87 and 98 | C.29 and 105 | C.138 | C.100 and 111 |
| 36. | United Arab Emirates | C.87 and 98 | | | |
| 37. | United States | C.87 and 98 | C.29 | C.138 | C.100 and 111 |
| 38. | Viet Nam | C.87 | | | |

B. List of Member States that have not ratified the Protocol of 2014 to the Forced Labour Convention, 1930

| | | |
|--------------------------------------|--------------------------------------|---|
| 1. Afghanistan | 44. Georgia | 87. Philippines |
| 2. Albania | 45. Ghana | 88. Qatar |
| 3. Algeria | 46. Greece | 89. Republic of Korea |
| 4. Angola | 47. Grenada | 90. Republic of Moldova |
| 5. Armenia | 48. Guatemala | 91. Romania |
| 6. Azerbaijan | 49. Guinea | 92. Rwanda |
| 7. Bahamas | 50. Guinea-Bissau | 93. Saint Kitts and Nevis |
| 8. Bahrain | 51. Guyana | 94. Saint Lucia |
| 9. Barbados | 52. Haiti | 95. Saint Vincent and the Grenadines |
| 10. Belarus | 53. Honduras | 96. Samoa |
| 11. Belize | 54. Hungary | 97. San Marino |
| 12. Benin | 55. India | 98. Sao Tome and Principe |
| 13. Bolivia (Plurinational State of) | 56. Indonesia | 99. Senegal |
| 14. Botswana | 57. Iran (Islamic Republic of) | 100. Serbia |
| 15. Brazil | 58. Iraq | 101. Seychelles |
| 16. Brunei Darussalam | 59. Italy | 102. Singapore |
| 17. Bulgaria | 60. Japan | 103. Slovakia |
| 18. Burkina Faso | 61. Jordan | 104. Slovenia |
| 19. Burundi | 62. Kazakhstan | 105. Solomon Islands |
| 20. Cabo Verde | 63. Kenya | 106. Somalia |
| 21. Cambodia | 64. Kiribati | 107. South Africa |
| 22. Cameroon | 65. Kuwait | 108. South Sudan |
| 23. Central African Republic | 66. Lao People's Democratic Republic | 109. Syrian Arab Republic |
| 24. Chad | 67. Lebanon | 110. Timor-Leste |
| 25. China | 68. Liberia | 111. Togo |
| 26. Colombia | 69. Libya | 112. Tonga |
| 27. Congo | 70. Maldives | 113. Trinidad and Tobago |
| 28. Cook Islands | 71. Marshall Islands | 114. Tunisia |
| 29. Croatia | 72. Mauritius | 115. Türkiye |
| 30. Cuba | 73. Mexico | 116. Turkmenistan |
| 31. Democratic Republic of the Congo | 74. Mongolia | 117. Tuvalu |
| 32. Dominica | 75. Montenegro | 118. Uganda |
| 33. Dominican Republic | 76. Morocco | 119. Ukraine |
| 34. Ecuador | 77. Myanmar | 120. United Arab Emirates |
| 35. Egypt | 78. Nepal | 121. United Republic of Tanzania |
| 36. El Salvador | 79. Nicaragua | 122. United States |
| 37. Equatorial Guinea | 80. Nigeria | 123. Uruguay |
| 38. Eritrea | 81. North Macedonia | 124. Vanuatu |
| 39. Eswatini | 82. Oman | 125. Venezuela (Bolivarian Republic of) |
| 40. Ethiopia | 83. Pakistan | 126. Viet Nam |
| 41. Fiji | 84. Palau | 127. Yemen |
| 42. Gabon | 85. Papua New Guinea | 128. Zambia |
| 43. Gambia | 86. Paraguay | |

C. List of Member States that have not ratified the Protocol of 2014 to the Forced Labour Convention, 1930, by region

| Africa | Americas | Arab States | Asia and the Pacific | Europe |
|--------------------------------------|--|-------------------------|--------------------------------------|---------------------------|
| 1. Algeria | 1. Bahamas | 1. Bahrain | 1. Afghanistan | 1. Albania |
| 2. Angola | 2. Barbados | 2. Iraq | 2. Brunei Darussalam | 2. Armenia |
| 3. Benin | 3. Belize | 3. Jordan | 3. Cambodia | 3. Azerbaijan |
| 4. Botswana | 4. Bolivia (Plurinational State of) | 4. Kuwait | 4. China | 4. Belarus |
| 5. Burkina Faso | 5. Brazil | 5. Lebanon | 5. Cook Islands | 5. Bulgaria |
| 6. Burundi | 6. Colombia | 6. Oman | 6. Fiji | 6. Croatia |
| 7. Cabo Verde | 7. Cuba | 7. Qatar | 7. India | 7. Georgia |
| 8. Cameroon | 8. Dominica | 8. Syrian Arab Republic | 8. Indonesia | 8. Greece |
| 9. Central African Republic | 9. Dominican Republic | 9. United Arab Emirates | 9. Iran (Islamic Republic of) | 9. Hungary |
| 10. Chad | 10. Ecuador | 10. Yemen | 10. Japan | 10. Italy |
| 11. Congo | 11. El Salvador | | 11. Kiribati | 11. Kazakhstan |
| 12. Democratic Republic of the Congo | 12. Grenada | | 12. Lao People's Democratic Republic | 12. Moldova (Republic of) |
| 13. Egypt | 13. Guatemala | | 13. Maldives | 13. Montenegro |
| 14. Equatorial Guinea | 14. Guyana | | 14. Marshall Islands | 14. North Macedonia |
| 15. Eritrea | 15. Haiti | | 15. Mongolia | 15. Romania |
| 16. Eswatini | 16. Honduras | | 16. Myanmar | 16. San Marino |
| 17. Ethiopia | 17. Mexico | | 17. Nepal | 17. Serbia |
| 18. Gabon | 18. Nicaragua | | 18. Pakistan | 18. Slovakia |
| 19. Gambia | 19. Paraguay | | 19. Palau | 19. Slovenia |
| 20. Ghana | 20. Saint Kitts and Nevis | | 20. Papua New Guinea | 20. Türkiye |
| 21. Guinea | 21. Saint Lucia | | 21. Philippines | 21. Turkmenistan |
| 22. Guinea-Bissau | 22. Saint Vincent and the Grenadines | | 22. Republic of Korea | 22. Ukraine |
| 23. Kenya | 23. Trinidad and Tobago | | 23. Samoa | |
| 24. Liberia | 24. United States | | 24. Singapore | |
| 25. Libya | 25. Uruguay | | 25. Solomon Islands | |
| 26. Mauritius | 26. Venezuela (Bolivarian Republic of) | | 26. Timor-Leste | |

| Africa | Americas | Arab States | Asia and the Pacific | Europe |
|---------------------------------|----------|-------------|----------------------|--------|
| 27. Morocco | | | 27. Tonga | |
| 28. Nigeria | | | 28. Tuvalu | |
| 29. Rwanda | | | 29. Vanuatu | |
| 30. Sao Tome and Principe | | | 30. Viet Nam | |
| 31. Senegal | | | | |
| 32. Seychelles | | | | |
| 33. Somalia | | | | |
| 34. South Africa | | | | |
| 35. South Sudan | | | | |
| 36. Togo | | | | |
| 37. Tunisia | | | | |
| 38. Uganda | | | | |
| 39. United Republic of Tanzania | | | | |
| 40. Zambia | | | | |

D. List of Member States that have reported on the Protocol of 2014 to the Forced Labour Convention, 1930, and on the fundamental Conventions during the 2022 Review period

| Protocol of 2014 to the Forced Labour Convention, 1930 | | | | | | |
|--|------------------------|--------------------------------|-----------------------|--|----------------------|----------------------|
| 1. Angola | 11. Burkina Faso | 21. Gambia | 31. Mauritius | 41. Serbia | | |
| 2. Armenia | 12. Cameroon | 22. Greece | 32. Mexico | 42. Slovakia | | |
| 3. Azerbaijan | 13. China | 23. Guatemala | 33. Morocco | 43. South Africa | | |
| 4. Bahamas | 14. Colombia | 24. Guyana | 34. Myanmar | 44. Togo | | |
| 5. Bahrain | 15. Croatia | 25. Hungary | 35. Oman | 45. Trinidad and Tobago | | |
| 6. Benin | 16. Cuba | 26. Indonesia | 36. Paraguay | 46. United Arab Emirates | | |
| 7. Botswana | 17. Dominican Republic | 27. Iran (Islamic Republic of) | 37. Philippines | 47. United Republic of Tanzania | | |
| 8. Brazil | 18. Ecuador | 28. Japan | 38. Qatar | 48. United States | | |
| 9. Brunei Darussalam | 19. Egypt | 29. Jordan | 39. Republic of Korea | 49. Uruguay | | |
| 10. Bulgaria | 20. Gabon | 30. Kuwait | 40. Senegal | 50. Venezuela (Bolivarian Republic of) | | |
| Fundamental Conventions | | | | | | |
| C.87 | C.98 | C.29 | C.105 | C.138 | C.100 | C.111 |
| 1. Bahrain | 1. Bahrain | 1. Brunei Darussalam | 1. Brunei Darussalam | 1. Australia | 1. Bahrain | 1. Brunei Darussalam |
| 2. Brazil | 2. Brunei Darussalam | 2. United States | 2. Malaysia | 2. Iran (Islamic Republic of) | 2. Brunei Darussalam | 2. Japan |
| 3. Brunei Darussalam | 3. China | | 3. Myanmar | 3. New Zealand | 3. Kuwait | 3. Malaysia |

| Fundamental Conventions | | | | | | |
|-------------------------------|-------------------------------|------|----------------------|------------------|------------------|------------------|
| C.87 | C.98 | C.29 | C.105 | C.138 | C.100 | C.111 |
| 4. China | 4. Iran (Islamic Republic of) | | 4. Republic of Korea | 4. United States | 4. Myanmar | 4. Myanmar |
| 5. Iran (Islamic Republic of) | 5. Myanmar | | | | 5. Oman | 5. Oman |
| 6. Jordan | 6. Oman | | | | 6. Qatar | 6. United States |
| 7. Malaysia | 7. Qatar | | | | 7. United States | |
| 8. Morocco | 8. Saudi Arabia | | | | | |
| 9. New Zealand | 9. Thailand | | | | | |
| 10. Oman | 10. United Arab Emirates | | | | | |
| 11. Qatar | 11. United States | | | | | |
| 12. Saudi Arabia | | | | | | |
| 13. Thailand | | | | | | |
| 14. United Arab Emirates | | | | | | |
| 15. United States | | | | | | |