



## FOURTH ITEM ON THE AGENDA

**Improvements in the standards-related activities of the ILO****Towards a final plan of action for the implementation of the standards strategy****Introduction**

1. The adoption by the Governing Body of a standards strategy in November 2005<sup>1</sup> and an interim plan of action for the implementation of the strategy in November 2007<sup>2</sup> were two important stages in its discussions on improvements in the standards-related activities of the ILO. The examination of the implications of the ILO Declaration on Social Justice for a Fair Globalization (the Social Justice Declaration) for the implementation of the standards strategy<sup>3</sup> marked the beginning of a third stage, to be completed with the adoption of a final plan of action. The Social Justice Declaration provides the framework within which the final plan of action is to be formulated.
2. The present document covers the four components of the standards strategy<sup>4</sup> and the progress made in the implementation of the interim plan of action. It should be noted that further elaboration is required for the parts of the interim plan of action covering the components of standards policy and the supervisory system with a view to the adoption of a finalized plan of action in 2010. The components relating to technical cooperation and information and communication were defined in November 2007.

<sup>1</sup> GB.294/LILS/4 and GB.294/9.

<sup>2</sup> GB.300/LILS/6 and GB.300/13.

<sup>3</sup> GB.303/LILS/4/1 and GB.304/LILS/4.

<sup>4</sup> The standards strategy covers four main components: (1) developing, keeping up to date and promoting ILO standards (standards policy); (2) enhancing the impact and strengthening the supervisory system; (3) improving the impact of the standards system through technical assistance and cooperation; and (4) enhancing the visibility of the ILO standards system (information and communication).

## Standards policy

### The progress achieved

3. The two main elements of the interim plan of action remain pertinent, namely: (a) the need for consultations to achieve consensus on the development of new and revised standards, and on review mechanisms for keeping the body of standards up to date, including possible consolidations, and the need for continued discussion on the Termination of Employment Convention, 1982 (No. 158), and Recommendation, 1982 (No. 166); and (b) the follow-up to the conclusions of the Working Party on Policy regarding the Revision of Standards (the Cartier Working Party), including the promotion of up to date and revised standards.
4. Tripartite consultations on standards policy began in March 2009 and consensus was reached on the following points: the Social Justice Declaration should be the framework for examining the ILO standards policy; keeping ILO standards up to date is important;<sup>5</sup> and the consultations should continue. With regard to Convention No. 158 and Recommendation No. 166, tripartite consultations were held in November 2008, and the Committee considered in March 2009 that the question should be examined by a tripartite working group of experts. It is therefore proposed that, subject to the availability of financing, this meeting take place in 2010.<sup>6</sup>
5. Concerning point (b), important progress is being made in mainstreaming the promotion of international labour standards in all ILO activities, including Decent Work Country Programmes. At the request of the Governing Body, a campaign to promote the governance Conventions has been launched (see paragraphs 7 and 8 below and GB.306/LILS/6). Other plans of action, including one for the occupational safety and health instruments, will be developed in 2010. The promotion of standards is also expected to become more effective as a result of better follow-up of the information regarding obstacles to ratification and implementation collected through the promotional campaigns on the fundamental and governance Conventions and the new format of report forms under article 19 of the Constitution (article 19 questionnaire).

### Ratification and effective implementation of the fundamental and governance instruments

6. The ratification and effective implementation of the fundamental Conventions has been a priority of Office action for many years. The Social Justice Declaration also endorses the four Conventions on tripartism, employment policy and labour inspection as the standards that are the “most significant from the viewpoint of governance”.<sup>7</sup> These are the Labour Inspection Convention, 1947 (No. 81), the Employment Policy Convention, 1964 (No. 122), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). The designation of the four Conventions as governance instruments is the culmination of constant recognition that they are priority instruments to be promoted alongside the eight

<sup>5</sup> GB.304/9/2, para. 74.

<sup>6</sup> A proposal for the financing of this meeting is submitted to the Programme, Financial and Administrative Committee at the present session (see GB.306/PFA/9).

<sup>7</sup> ILO: *Declaration on Social Justice for a Fair Globalization*, Geneva, 2008, Annex II, A(iv).

fundamental Conventions.<sup>8</sup> The importance of international labour standards on these subjects in times of crisis has recently been emphasized in the Global Jobs Pact adopted by the Conference in June 2009.

7. In response to the Governing Body's decision to launch a promotional campaign on these Conventions, the letters sent annually by the Director-General to member States that have not ratified the eight fundamental Conventions have since June 2009 also included the four governance instruments.<sup>9</sup> The Office has prepared a six-year plan of action focusing on the dual goal of rapid widespread ratification and effective national implementation of the four governance instruments. It is submitted to the Committee at its present session.<sup>10</sup> The aim is to assist member States, through tripartite collaboration, to build the institutions and capacities necessary to achieve sustained progress in the implementation of these instruments.
8. Subject to the availability of resources, the International Labour Standards Department (NORMES) will be responsible for the implementation of the plan of action in collaboration with the standards specialists in the field offices, the International Training Centre of the ILO (Turin Centre), and the relevant technical units, including the Bureaux for Employers' and for Workers' Activities. The plan of action will primarily be implemented in the framework of the technical cooperation proposal to strengthen the ratification and implementation of international labour standards (see paragraphs 50–53 below), in which the four governance instruments are one of the principal thematic priorities. The follow-up to the plan of action will be monitored and evaluated regularly by the Governing Body and implementation at the national level will be ensured on a tripartite basis. Monitoring and evaluation will take place in accordance with standard ILO procedures.
9. With regard to the eight fundamental Conventions, the Office is considering developing a plan of action with a view to achieving the goal of universal ratification by 2015<sup>11</sup> and promoting coherent and effective ILO action for the improved implementation of these Conventions. Accelerating the ratification and effective implementation of the fundamental Conventions is a priority, particularly in the light of the Strategic Policy Framework 2010–15 and the Programme and Budget for 2010–11, which identify separate outcomes related to freedom of association, child labour, forced labour and non-discrimination. The Committee may wish to discuss whether a plan of action should be developed regarding the ratification and effective implementation of all the fundamental Conventions, or whether priority should be given to one group of fundamental Conventions first. Consideration could be given to starting with the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) since universal ratification and effective implementation of these Conventions was identified as a priority by the Conference in 2009 in its Conclusions

<sup>8</sup> As early as 1976, the four Conventions were singled out by the Governing Body as being “key” or “priority” Conventions for which a shorter reporting cycle should apply, so that member States report more frequently on their application, in the same way as for the fundamental Conventions (see GB.258/LILS/6/1).

<sup>9</sup> A report on the replies received is presented in document GB.306/LILS/6.

<sup>10</sup> GB.306/LILS/6.

<sup>11</sup> See ILO: *Decent work: Some strategic challenges ahead*, Report of the Director-General, Report I(C), International Labour Conference, 97th Session, Geneva, 2008.

concerning gender equality at the heart of decent work<sup>12</sup> and in view of the multiple, persisting and newly emerging patterns of discrimination highlighted by the ILO supervisory bodies.

### **A plan of action for the ratification and effective implementation of the occupational safety and health instruments**

10. Occupational safety and health (OSH) is among the thematic priorities identified in the interim plan of action. The need to strengthen promotion of the OSH instruments, including through a specific plan of action, was approved by the Governing Body. In June 2009, the Conference Committee on the Application of Standards discussed a General Survey on the OSH instruments and unanimously concluded that the Organization should develop a plan of action to promote the ratification and effective implementation of the Occupational Safety and Health Convention, 1981 (No. 155), its 2002 Protocol and/or the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).<sup>13</sup> On that basis, and in the light of the developments since 2003, a plan of action is being drawn up and could be submitted to the Governing Body at its next session.
11. In conclusion, the priority actions to be carried out by the Office in relation to standards policy appear to be the following: the continuation, as soon as possible, of tripartite consultations on standards policy; the holding in 2010 of a tripartite working group of experts to examine Convention No. 158 and Recommendation No. 166, subject to the approval of the Programme, Financial and Administrative Committee; the elaboration of a plan of action for the ratification and effective implementation of standards in the area of occupational safety and health; pursuance of the promotional campaign for the ratification and effective implementation of the governance instruments; and the possible development of a plan of action for the universal ratification of all fundamental Conventions, or a group of them.

### **Increasing the coherence, integration and efficacy of the supervisory system**

12. In relation to this core component of the standards strategy, the interim plan of action includes two questions: the streamlining of the sending and processing of information and reports and the dynamics of the supervisory system. Concerning the dynamics of the supervisory system, it may be recalled that two papers were submitted to the Governing Body on the links between the various supervisory procedures.<sup>14</sup> In November 2008, the Governing Body asked the Office to prepare a study on the interpretation of international labour Conventions to complement these analyses.<sup>15</sup> The Office has undertaken substantive preparatory work to that end. In doing so, the Office felt that, given the importance of this subject, tripartite consultations would be important prior to any

<sup>12</sup> ILO: Resolution concerning gender equality at the heart of decent work, International Labour Conference, 98th Session, Geneva, 2009, para. 56(a).

<sup>13</sup> ILO: *Report of the Committee on the Application of Standards, Part One*, International Labour Conference, 98th Session, Geneva, 2009, para. 209(a).

<sup>14</sup> GB.301/LILS/6(Rev.) and GB.303/LILS/4/2.

<sup>15</sup> GB.303/PV, para. 254.

discussion of the matter by the Committee. The Office therefore proposes that arrangements be agreed upon for these consultations prior to the 307th (March 2010) Session of the Governing Body.

13. With reference to the streamlining of the sending and processing of information and reports, the interim plan of action calls for:
- an evaluation of the grouping of Conventions by subject for reporting purposes under article 22 of the Constitution, and new options for a global approach to the streamlining of reporting, taking into account the above evaluation and the follow-up to the Social Justice Declaration;
  - an assessment of the follow-up on compliance with reporting obligations undertaken by the Office; and
  - a review of report forms focusing, on a trial basis, on a group of Conventions.

### **Evaluation of the grouping of Conventions by subject for reporting purposes under article 22 of the Constitution**

14. In March 2009, the Committee reviewed the various adjustments to the reporting procedures adopted by the Governing Body since 1959. It began to discuss the evaluation of the grouping of Conventions for reporting purposes that was approved in November 2001 and March 2002,<sup>16</sup> and which has been in force since 2003. In terms of the improvements expected from this grouping of Conventions, governments had indicated that reporting in the same year on all, or at least a significant number of Conventions covering similar subjects, would ease their administrative burden and facilitate information gathering at the national level. They considered that ministries of labour could engage in more subject-specific consultations with other ministries, national institutions and authorities, and that it would therefore be possible to submit information to the Office in a more coordinated manner. It was further considered that the grouping of Conventions for reporting purposes would contribute to greater consistency in the analysis of reports and provide a more comprehensive view of the application of Conventions in a particular subject area.<sup>17</sup>
15. At the same session, in March 2009, the Governing Body approved the criteria for the evaluation of the grouping of Conventions for reporting purposes.<sup>18</sup> The tripartite constituents were associated with the evaluation through an informal electronic consultation. The members of the Committee of Experts on the Application of Conventions and Recommendations and standards specialists in the field were also consulted. A synthesis of the different views expressed is provided below.

### **Qualitative assessment**

16. On the *quality of the reports*, it is generally considered that technical assistance and capacity building of national administrations have more impact than the grouping of

<sup>16</sup> GB.282/LILS/5 and GB.283/LILS/6.

<sup>17</sup> See GB.282/LILS/5, para. 18.

<sup>18</sup> GB.304/LILS/4, para. 26; and GB.304/9/2.

Conventions in itself. However, in some cases, for example in the area of OSH and social security for countries which have ratified a large number of Conventions, the receipt of all the reports on the different Conventions at the same time offers a very complete picture of the situation in the country, which in turn allows trade unions to make relevant observations. The Committee of Experts is thus able to make well-structured and clear comments, distinguishing between general aspects and details. In addition, the following remarks were made by governments: the coherence of reports has been reinforced; a more complete and integrated vision of the application of Conventions has been obtained; the linking of reports that cover the same subject has led to a deeper understanding of the details of the Conventions.

17. Most of the governments that replied consider that the grouping of Conventions has facilitated the *task of national administrations*. They note that the gathering and use of information has become easier, even though some difficulties may remain when many national agencies are involved. From the point of view of the field specialists, technical assistance has a major role to play in this respect.
18. Concerning the *participation of the social partners (this criterion is both quantitative and qualitative)*, the number of observations communicated by workers' organizations in relation to article 22 and article 35 reports has doubled since 2003. However, there has been no great variation since 2003 in the numbers of observations communicated by employers' organizations.

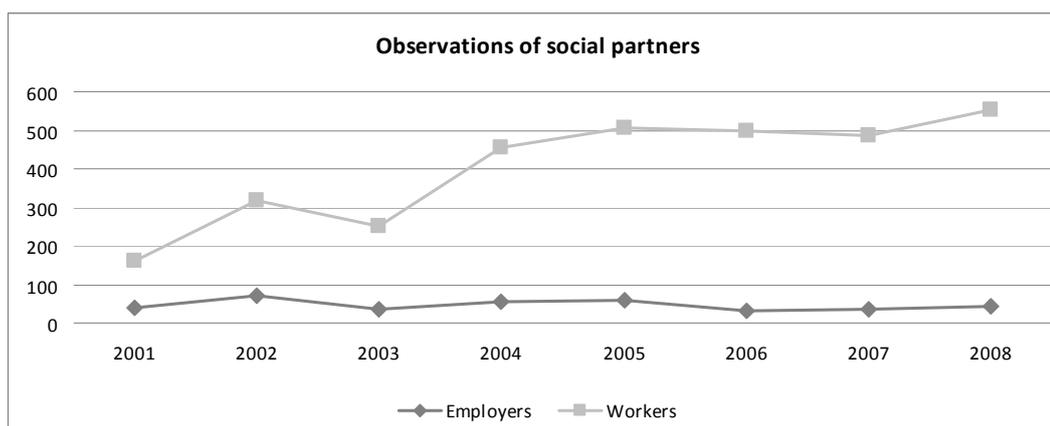


Table 1

Year	Employers	Workers	Total
2001	39	160	199
2002	69	317	386
2003	34	252	286
2004	54	454	508
2005	58	505	563
2006	32	499	531
2007	34	486	520
2008	42	554	596

19. It is difficult to assess the extent to which the grouping of Conventions has contributed to the increase in the observations received from the social partners. The Workers' group observes that there are some elements to indicate that the grouping of Conventions has facilitated the task of trade unions, as some issues and problems are cross-cutting and

correspond to two or more Conventions. It is easier to find the link between a problem and one or several Conventions when the whole group of instruments is considered. This has also been noted by the experts of the Committee of Experts. They emphasize the need for technical assistance to obtain real improvements. In the view of the Employers' group, there is no link between the grouping of Conventions and the participation of employers' organizations. The opinions of governments are divided. Some consider that the grouping has enabled the social partners to gain a better understanding of the links between different Conventions and a particular subject area, while others consider that there has been no impact.

20. With regard to the *efficiency of the Office*, it is considered that, where a country has ratified many Conventions in the same area, dealing with several files on one country and one subject at the same time offers an advantage as it provides an overall view of the situation in the country in the area under consideration. Research can be rationalized and knowledge of the most recent changes that is gleaned from one file can be used in the context of others. Because of the large amount of data received for a single country, the development of electronic tools to improve the sharing of the information received is essential. The field specialists emphasize that the work is simplified in relation to training activities, as standards can be dealt with in a logical manner. Some governments have noted improvements in the predictability of requests for article 22 reports.
21. Concerning the *coherence of the Committee of Experts' comments*, it is widely considered that the grouping of Conventions has contributed to some extent to greater coherence between comments on the application of the various Conventions on the same subject. When reports are dealt with at the same time, it is easier to carry out all the necessary cross-checking to ensure coherence. However, calls have also been made for the improvement of coherence between comments to a specific country on Conventions covering different subject areas. This point has been highlighted in particular by the Workers' group.
22. *Improvements in compliance with standards and the identification of gaps in law and practice* depend on many factors, and the importance of the role of the Committee of Experts is often emphasized in this respect. Nevertheless, the potential positive effect of the grouping of standards is generally recognized by governments which have ratified several Conventions pertaining to the same subject. Governments consider that the grouping of Conventions should have a positive effect in general on compliance and implementation in member States for the following reasons: the thematic linkages between Conventions should assist national policy-makers to address any implementation gaps comprehensively; the grouping of Conventions may make it easier to find inconsistencies and discrepancies in domestic legislation, thus improving implementation; it facilitates the identification of gaps in relation to certain themes, which in turn enables the government to take the necessary measures; it facilitates the identification of needs in relation to technical cooperation, normative activities and law-making, which helps member States and allows the Office to target its promotional and technical assistance activities more effectively. The Employers' group considers that the grouping of Conventions may have contributed to identifying real problems encountered by member States in the application of a Convention. In the view of the Workers' group, the impact of the grouping of Conventions on their implementation is difficult to assess, particularly as there are still serious gaps in the practical implementation of ratified Conventions and much still needs to be done by governments, the social partners and the Office in this regard. Some field specialists note that the grouping of Conventions makes it easier, in the context of training, to demonstrate that reporting, irrespective of the fact that it is an obligation, is a useful tool for good governance as it allows governments to assess the progress achieved and persisting problems.

**Quantitative assessment**

23. In November 2001, the evaluation of the changes introduced in 1993 found that, after a relative decline in 1996, the absolute numbers of reports received at each stage had grown steadily, with a few minor exceptions. The evaluation concluded that some further modifications should be envisaged to the reporting procedures to lighten the reporting workload. However, a lengthening of the cycle was not proposed and the two- and five-year reporting cycles were maintained for the same groups of Conventions. At the same time, certain specific measures were adopted, including the discontinuation of detailed reports on fundamental and priority Conventions, unless changes have occurred or such reports are requested by the supervisory bodies; the automatic requirement to send a detailed report if the government fails in its obligation to provide a simplified report; and the automatic requirement for detailed second “first” reports. As explained above, the improvements expected from the grouping of Conventions were related more to the process and substance of reporting than the actual number of reports provided. Even so, developments in the quality of reporting cannot be appreciated without an evaluation in terms of quantity.
24. In terms of the number of reports received in time for the meeting of the Committee of Experts, as shown below, the general trend has been for an increase in absolute numbers, with a few peaks and troughs, depending mainly on the number of reports requested for the year in question. In percentage terms, the variation is fairly small from one year to another. However, the year 2008 was marked by significant progress. Progress has also been noted since 2005 in the number of reports received at the date requested, with a relative decline in 2008. It should be noted in this respect that the technical assistance provided by the Office relating to reporting has been enhanced (see paragraphs 36–42 below).

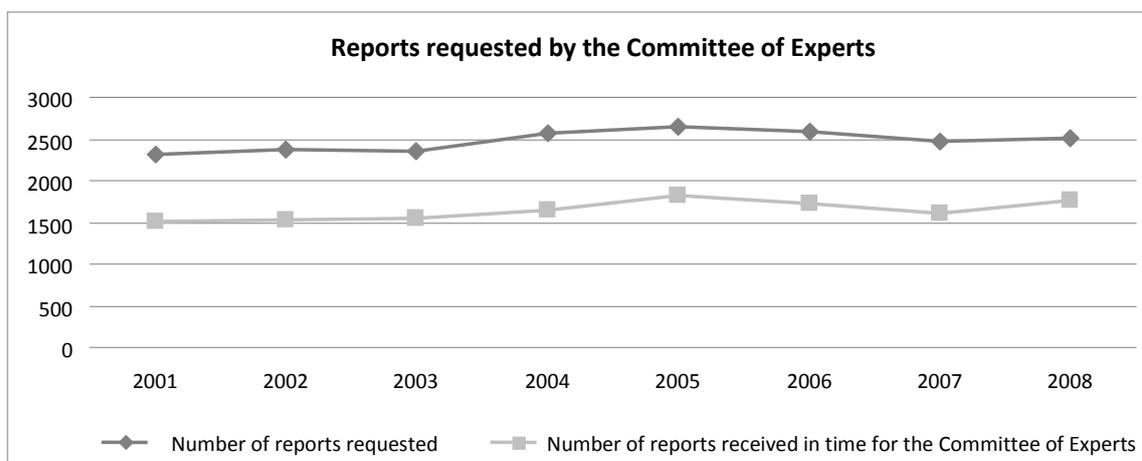


Table 2

Year	Reports requested	Reports received by the date requested		Reports received in time for the meeting of the Committee of Experts		Reports received in time for the Conference session (June of the following year)	
	Number	Number	Percentage	Number	Percentage	Number	Percentage
2001	2 313	598	25.90	1 513	65.40	1 672	72.20
2002	2 368	600	25.30	1 529	64.50	1 852	71.80
2003	2 344	568	24.20	1 544	65.90	1 701	72.60
2004	2 569	659	25.60	1 645	64.00	1 852	72.10
2005	2 638	696	26.40	1 820	69.00	2 065	78.30
2006	2 586	745	28.80	1 719	66.50	1 949	75.40
2007	2 478	845	34.10	1 611	65.00	1 812	73.20
2008	2 517	811	32.20	1 768	70.20	1 962	78.00

25. Reports that are due under the regular reporting cycle account for the largest proportion of the total number of reports due each year. Other reports include: additional reports requested by the supervisory bodies; first (and “second first” until 2002) reports following ratification, which are due one year after the entry into force of the Convention, regardless of the regular reporting cycle; and reports requested because of the failure to supply reports when they were due. Table 3 shows that, in absolute terms, the numbers of additional reports requested (with the exception of a peak in 2008) and of reports not received in the previous year are fairly stable. In percentage terms, there is a decrease in the latter figure in 2009, although it would seem to be too early to determine whether there is a new trend in this respect. On the other hand, the number of first reports requested since 2003 has considerably decreased. This is due both to the adjustment introduced in 2003 and the fall in the number of new ratifications, reflecting the fact that fundamental Conventions are now close to universal ratification. However, the very low figure in 2009 seems exceptional. Around 72 first reports will be requested under article 22 of the Constitution in 2010.

Table 3

Year	Total without additional requests	Additional reports requested	Reports not received in previous year	1st and 2nd reports	Total reports requested
2001	1 488	83	742	233	2 313
2002	1 494	80	794	297	2 368
As of 2003 the practice of automatically requesting a second detailed <i>first</i> report was discontinued.					
2003	1 427	95	822	177	2 344
2004	1 708	73	788	105	2 569
2005	1 652	97	889	101	2 638
2006	1 691	89	806	81	2 586
2007	1 534	93	851	96	2 478
2008	1 532	147	838	71	2 517
2009	1 893	96	740	31	2 729

26. The *balance in the workload of the Office and the Committee of Experts* in processing article 22 reports in the different years of the cycle was one of the challenges when the grouping was introduced in 2003. Indeed, because of the big difference in the number of

standards in the various groups, it was not easy to achieve this balance. It can now be said that no specific difficulty has been noted in this respect in relation to the grouping of Conventions. The relative variation in the number of regular reports requested from one year to another has not had a negative impact on the management of the work of the Department as a whole.

27. *In conclusion*, the evaluation shows that the grouping of Conventions by subject is a logical and valid step for reporting purposes. A comprehensive view of the application of Conventions by subject area is undoubtedly an improvement in comparison with the partial view obtained when their application is examined on an individual basis. Nevertheless, it also shows that the grouping of Conventions cannot produce all the positive effects expected for constituents without the provision of the necessary technical assistance.

### **New options for a global approach to the streamlining of reporting in the light of the follow-up to the Social Justice Declaration**

28. Under the follow-up to the Social Justice Declaration, a scheme of annual recurrent discussions by the Conference has been introduced to review each of the strategic objectives. In November 2008, the Governing Body considered that recurrent reports should benefit, *inter alia*, from the information on law and practice contained in General Surveys. The themes to be examined in the next two General Surveys have therefore been aligned with the strategic objectives to be covered by the recurrent reports in 2010 and 2011 (i.e. employment and social security, respectively). The Governing Body also considered that it would be useful to examine the possibilities of synchronizing the various reporting cycles (recurrent reviews and article 19 and article 22 reports) with a view to ensuring the best use of the information available to the Office and achieving reporting synergies.
29. In March 2009, the Governing Body decided that the cycle of recurrent reviews will be seven years. It was also clarified that after four years, the Conference will have reviewed the four strategic objectives totally or in part. The examination of a possible alignment of article 22 and article 19 reporting and the recurrent reviews involves consideration of two parameters: the classification of standards by strategic objective and the length of the article 22 reporting cycle. From a practical point of view, a third parameter also has to be taken into account: the total number of article 22 reports requested should, as far as possible, be balanced through the different years of the cycle. As illustrated in the tables in Appendix I, to ensure such a balance, requests for reports on Conventions related to one strategic objective would have to be spread over two or three years.

### **Classification of standards by strategic objective**

30. A classification of standards by strategic objective can be elaborated based on the present groups of Conventions by subject area by regrouping them under the broader strategic objectives. The main difficulty in this respect concerns the classification of the Conventions on specific categories of workers, which mostly deal with more than one strategic objective. One solution could be to attach these instruments, only for reporting purposes, to the main strategic objective to which they relate, it being understood that the Committee of Experts will continue to review the application of all the provisions of these Conventions.
31. The advantage of such a classification would be that it could constitute a basis for the choice of instruments to be examined in the context of General Surveys. It would also, to a certain extent, facilitate the use in General Surveys of the information on the application of

ratified Conventions contained in article 22 reports, with the caveat that this information could not be collected in one year, but probably over two or three years, for the reasons explained above. In addition, this classification could contribute to a better integration of international labour standards in all the ILO activities.

### ***Length of the reporting cycle***

32. With regard to the length of the reporting cycle, a total alignment of the article 22 reporting cycle with the present reporting cycles for article 19 and recurrent reviews would probably mean a cycle of three and then four years for the fundamental Conventions, alternately, and a cycle of seven years for most of the other Conventions. Such a cycle would not appear to be compatible with the Governing Body's decision since 1976 to consider the four governance Conventions as key instruments to which a shorter reporting cycle should apply. Furthermore, a four-year cycle for the fundamental Conventions and a seven-year cycle for the other Conventions would also appear to be too long to be compatible with the primary purpose of article 22 reporting, which is to facilitate supervision of the application of ratified Conventions.
33. It may also be recalled that in March 2007 the Governing Body started to discuss the possibility of extending the article 22 reporting cycle for fundamental and governance Conventions from two to three years to alleviate to some extent the burden on governments, the Office and the Committee of Experts. It was indicated that, during the interval between reports, any serious issues related to the application of standards could be raised by employers' and workers' organizations and, if need be, the supervisory bodies could request an early report on these issues.<sup>19</sup>
34. Against this background, the Governing Body could consider three options:
- Option 1: A grouping of Conventions by strategic objective for reporting purposes without changing the length of the cycles (two years for the fundamental and governance Conventions and five years for the technical Conventions).
  - Option 2: A grouping of Conventions by strategic objective for reporting purposes with a three-year cycle for fundamental and governance Conventions and five years for the technical Conventions.
  - Option 3: Maintaining the present situation (the grouping of Conventions by subject area and cycles of two years for the fundamental and governance Conventions and five years for the technical Conventions).
35. The simulations for options 1 and 2 in Appendix I start in 2011, as no new article 22 cycle could begin earlier for technical reasons. They are only indicative. Article 22 reports requested for 2010 correspond to the present cycle. As becomes clear from the simulations, a certain degree of synchronization can be achieved between the article 22 and article 19 cycles. However, due to the difference in the length of the cycles for article 22 reports on technical Conventions, on the one hand, and article 19 reports and recurrent reviews, on the other, this synchronization will inevitably fade with the start of the second cycle of recurrent reviews in 2017. In the case of the fundamental and governance Conventions, as article 22 reports are requested on a more frequent basis, the General Surveys and recurrent reviews can always benefit from the recent information contained in article 22 reports.

<sup>19</sup> See GB.298/LILS/4 and GB.298/9(Rev.).

**Assessment of follow-up in cases of serious failure to comply with reporting obligations**

36. At the initiative of the Committee on the Application of Standards during the 93rd Session of the Conference (June 2005), the Committee of Experts and the Conference Committee, with the assistance of the Office, have strengthened follow-up in cases of serious failure by member States to fulfil reporting and other standards-related obligations with a view to identifying appropriate solutions on a case-by-case basis. Reporting failures hinder the functioning of the supervisory system, which is based primarily on the information provided by governments. In cases where a report has not been submitted for a number of years, supervision of the application of ratified Conventions often cannot begin, is suspended or does not have the benefit of the government's views and explanations. It is therefore considered that cases of serious failure to fulfil reporting obligations deserve a similar level of attention to failures in the application of ratified Conventions. Each year, the report of the Conference Committee enumerates the following specific failures to comply with reporting obligations: failure to supply reports for the past two or more years on the application of ratified Conventions; failure to supply first reports on the application of ratified Conventions; failure to supply information in reply to comments made by the Committee of Experts; failure to submit to the competent authorities instruments adopted by the Conference for seven sessions at least; and failure to supply reports for the past five years on unratified Conventions and Recommendations.
37. On the basis of the report of the Conference Committee, the Office has sent out personalized follow-up letters to the member States concerned since 2005. In total, 53 letters were sent in 2005; 49 in 2006; 45 in 2007; 55 in 2008; and 44 in 2009. Such letters have been sent to a total of 92 member States since 2005. The letters draw attention to the specific failures and request the governments to identify in practical terms the difficulties that they are facing in fulfilling their reporting obligations, and their technical assistance needs in this respect. If the government has not yet specifically requested technical assistance, the letters also encourage it to examine this option. The letters are prepared in collaboration with the standards specialists in the subregional offices, who in turn contact the member States concerned and provide technical assistance.
38. The follow-up has contributed to the identification of specific problems encountered by member States in fulfilling their reporting obligations. These include: the lack of material and human resources, the need to train new staff members and administrative problems, including inadequate internal coordination. In a smaller number of cases, serious difficulties have persisted due to deep-rooted reasons relating to national circumstances.
39. Technical assistance activities have been developed through close cooperation between headquarters, the field, and the Turin Centre. Measures have also been taken, where appropriate, to include reporting issues in broader ILO technical cooperation programmes. The work of the Committee of Experts and the Conference Committee has accordingly contributed to determining the priorities of the technical assistance provided, which has taken a number of forms, including national and regional workshops on reporting obligations, technical advisory missions and participation in the distance training course on best practice in international labour standards reporting, developed by the Office in collaboration with the Turin Centre, as well as other training programmes on international labour standards at the Turin Centre. Of the 92 member States that have received letters, over 55 have benefited, or will soon benefit from technical assistance with their reporting obligations. In addition, of the 30 Decent Work Country Programmes existing for the countries concerned, all of them include international labour standards, but only one third

make a specific reference to reporting obligations. Another 33 Decent Work Country Programmes are in development for these countries.<sup>20</sup>

40. Since 2008, the Office has reinforced its action in this field and has undertaken a second round of follow-up for countries that had still not submitted their reports by the deadline of 1 September, or which had not replied to the offer of assistance. In addition, a third round of follow-up was undertaken in February 2009 on the basis of the Committee of Experts' report to encourage governments to fulfil their obligations before the June 2009 session of the Conference.
41. It appears that the strengthened and systemized provision of technical assistance has had a significant impact on the submission of reports. For example, with respect to the number of first reports due, 26 countries have received letters concerning the failure to supply first reports on ratified Conventions since 2005. In total, 117 first reports were noted as being late, 82 of which have since been supplied. Letters have been sent to 76 countries for not replying to the comments of the Committee of Experts. In the case of 47 of these countries, replies have since been provided, and of the remaining 29 countries where the problem has not been resolved, 16 have received three or more letters reminding them of their obligation. With respect to reports on ratified Conventions, 27 countries have received letters on this subject. The reports have since been received from 18 of these countries. Concerning the issue of failure to submit reports on unratified Conventions and Recommendations under article 19 of the Constitution, letters have been sent to 42 countries, in 22 of which the issue has since been resolved. Four or more letters on the subject have been sent to 14 of these countries.
42. It would therefore seem essential for the Office to pursue and step up its action to ensure the personalized follow-up of instances of serious failure to fulfil reporting or other standards-related obligations. A special effort should also be made to improve the integration of reporting obligations in Decent Work Country Programmes.

### **Review of the report forms for the fundamental Conventions**

43. Since the adoption of the interim plan of action, the Committee of Experts, in particular its Subcommittee on Working Methods, has examined the question of reviewing article 22 report forms. In November 2008, the Committee started reviewing the report forms for the fundamental Conventions. The experts responsible for these Conventions were involved in the exercise, the purpose of which is to examine the relevance of the questions contained in the report forms and the simplicity and clarity of the language used.
44. The conclusion of this review was that the report forms for the fundamental Conventions (with the exception of the forced labour Conventions) were globally accessible and comprehensible, not only to constituents, but also to readers with basic linguistic and legal knowledge. Two important improvements that could be made would be to develop electronically friendly report forms and to add, where it is not already included, a question on the use and impact of ILO technical assistance/cooperation in addressing outstanding concerns.
45. However, important modifications were proposed for the report form on the Forced Labour Convention, 1930 (No. 29), due to the obsolete nature of its transitional provisions (Articles 1(2), (3) and 3–24). The Committee of Experts has considered that, since the

<sup>20</sup> According to the information available on the ILO web site.

Convention adopted in 1930 calls for the suppression of forced labour within the shortest possible period, it does not appear possible any longer to refer to these transitional provisions to the detriment of its main purpose. To invoke at present that certain forms of forced or compulsory labour may comply with the requirements of these transitional provisions would mean to disregard their transitional function and contradict the spirit of the Convention.<sup>21</sup> Consequently, the transitional provisions are considered no longer applicable and it is therefore proposed to print them in small characters and to delete all the questions relating to them in the revised report form. In addition, the questions that have been added under Articles 1, 2 and 25 of Convention No. 29 and under Articles 1 and 2 of Convention No. 105 were already included in the report forms adopted in 2005 by the Governing Body for the preparation of the General Survey on the forced labour Conventions.<sup>22</sup>

46. The article 22 report forms concerning Conventions Nos 29 and 105, as revised, are submitted to the Committee for its approval (see Appendices II and III).
47. In view of the importance for the functioning of the supervisory system of obtaining high-quality information on the application of standards and of the role of the report forms in this respect, it is proposed to continue this exercise and to consider OSH as the next subject area for review.

## **Enhancing the impact of the standards system through technical cooperation**

48. With reference to technical cooperation, the interim plan of action focuses on three main objectives:
  - strategic interventions to address thematic priorities for the promotion, ratification and implementation of standards at the international, regional and national levels;
  - the development of standards-related technical cooperation interventions within the Decent Work Country Programme framework; and
  - the mainstreaming of standards in the country-level programming of technical cooperation beyond the ILO.
49. Since the adoption of the Strategic Policy Framework for 2010–15 and the Programme and Budget for 2010–11, the technical cooperation activities and plans of action carried out by NORMES have increasingly been aligned with the overarching strategic focus on contributing to the attainment of the specified targets and indicators for the various outcomes. In addition, extra-budgetary resources are being mobilized for technical cooperation projects to promote and facilitate the ratification and implementation of international labour standards.

<sup>21</sup> See ILO: *General Survey on the eradication of forced labour*, Report III (Part 1B), International Labour Conference, 96th Session, Geneva, 2007, para. 10.

<sup>22</sup> See GB.292/LILS/9 and GB.292/10(Rev.).

## Development of a technical cooperation programme proposal

50. As a core element in this respect, a technical cooperation programme proposal has been elaborated to address ratification gaps and strengthen the impact of the supervisory bodies' comments on the implementation of international labour standards. Subject to the availability of resources, it is planned that the programme will cover a six-year period, beginning in January 2010, with the aim of achieving progress in the ratification and effective implementation of the targeted Conventions in 25 countries.
51. The proposed programme would act as the framework for NORMES technical cooperation activities. It will be a central task of NORMES to work with the Partnerships and Development Cooperation Department to mobilize the necessary resources for its implementation. In particular, the programme will constantly be linked with the promotional campaign for the ratification and effective implementation of the governance instruments and the various plans of action that are implemented, and their time frames will be aligned for purposes of synergy.
52. The primary goals of the programme can be summed up as follows:
- strengthen the capacity of constituents in 25 countries to ratify and implement international labour standards effectively;
  - include and mainstream international labour standards in national and international programming processes, including the human rights-based approach and the United Nations Development Assistance Frameworks and Common Country Assessments;
  - facilitate the sharing of experience, lessons learned and good practices for the implementation of labour standards; and
  - provide access to high-quality information resources and online reporting on international labour standards and their implementation.
53. The ultimate objective is to expand considerably NORMES capacity to provide technical assistance to member States to build the institutions and capacities necessary to achieve continued and sustained progress in the promotion and implementation of the fundamental, governance and other up to date standards identified by the Governing Body. This will eventually lead to improvements in achieving the goals of the Decent Work Agenda and securing basic human rights.

### Other recent activities

54. In addition to the above technical cooperation programme, as well as ongoing technical cooperation projects and programmes, and particularly the Programme to Promote the Indigenous and Tribal Peoples Convention, 1989 (No. 169), the following recent activities will be of great significance in the efforts made by NORMES to promote standards through technical cooperation:
- the initiation, implementation and supervision of the technical cooperation project on rapid widespread ratification and effective implementation of the Maritime Labour Convention, 2006, recently approved for external donor funding;
  - the initiation, implementation and supervision of the technical cooperation project on the implementation of 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), recently approved for external donor funding, which will be managed in cooperation with the Programme for the Promotion of the (1998) Declaration and the Bureaux for Employers' and Workers' Activities;

- the contribution to the Office-wide process of developing outcome-based workplans, including an assessment of the technical cooperation resource gaps in NORMES that would hinder the attainment of these outcomes; and
- the identification of resource gaps for the implementation of the campaign for the widespread ratification and effective implementation of the fundamental and governance instruments.

## **Enhanced access to the standards system and broader visibility**

55. With regard to the implementation of the fourth pillar of the standards strategy on enhancing the visibility of the standards system, three objectives are identified in the interim plan of action:

- streamlining the supply of reports from governments through an innovative use of information technology;
- providing enhanced access to information on international labour standards stored in a reliable and up to date knowledge base; and
- improving the visibility of international labour standards by reaching out to the ILO's tripartite constituents and the broader public.

## **Streamlining the supply of reports from governments through an innovative use of information technology**

56. The development of an online reporting system, which was described in detail in the paper submitted to the Governing Body in March 2008,<sup>23</sup> will, once completed, include:

- information related to reporting obligations;
- the collection of data and storage of reports for member States;
- the availability of all report forms and the possibility to complete them online; and
- all the comments of the supervisory bodies, as well as historical data for each country.

57. The first phase of this project was launched in August 2009 and should be completed by the end of 2009. This phase focuses on the unification of the NORMES databases and applications and the design of a unified data model. The second phase should include the specifications for a new unified application and the migration of the data contained in three of the current NORMES databases, while the third phase will focus on the development of a comprehensive online reporting system. The whole project should be completed during the course of 2011. It should be recalled that the Office has already made some electronic

<sup>23</sup> GB.301/LILS/6(Rev.), paras 88–93.

reporting facilities available for the 2009 reporting cycle and that the report forms of all ILO Conventions are available online on the NORMES web site in PDF format in English, French and Spanish. Furthermore, some facilities have been made available for the article 19 questionnaires for the new generation of General Surveys in the context of the follow-up to the Social Justice Declaration. The article 19 questionnaire on the employment instruments was available on the ILO web site, and member States could download and complete the questionnaire and send it to the Office electronically. Other materials relevant to the General Survey were also accessible on the same web site. The same facilities are now available for the next article 19 questionnaire on social security instruments.

58. However, a significant number of the 183 member States do not at present have a reliable Internet connection. As this number decreases over time, access to online reporting facilities will be further extended. When testing the first phase of the system, countries with a poor Internet connection will be encouraged to submit comments on whether the use of the system is feasible. The possibility of sending paper reports will of course always be available if countries wish to do so.

### **Enhanced access to information on international labour standards through a reliable and up to date knowledge base**

59. NORMES has a well developed web site and currently manages four databases: APPLIS, ILOLEX, NATLEX and LIBSYND. The scope of these databases is broad; they are technologically diverse and complex and are the most visited department-specific information products in the ILO (the NATLEX database reached a peak of 2.9 million queries in July 2009). Although they constitute the core of the knowledge base on international labour standards and are important information dissemination tools, the existence of four different databases has led to data duplication and high maintenance costs. The migration of these databases to a new and unified platform will offer better search facilities and lower maintenance costs. It will also enable the Department to provide a dynamic picture of the situation in relation to international labour standards by country. The unified application and data migration should be completed at the end of 2010.

### **Reaching the ILO's tripartite constituents and the broader public**

60. NORMES has continued its strategy of reaching out to the widest possible audience for the dissemination of information on standards. Since the adoption of the interim plan of action, coordination between NORMES and other departments, such as the Bureaux for Workers' and Employers' Activities, the Department of Communication and Public Information, the Programme for the Promotion of the 1998 Declaration, and the International Programme on the Elimination of Child Labour, has increased, and the harmonization of the respective web sites and the creation of direct links on common themes has been further developed. Cooperation with the Turin Centre and the standards specialists in the field has become more effective, particularly in the context of training activities. Several publications directly linked to international labour standards are disseminated every year. For instance, the key NORMES publication *Rules of the game: A brief introduction to international labour standards* (revised edition, 2009), which takes into account standards-related developments in recent years, as well as the social impact of the economic and financial crisis, was published during the 2009 June Conference. Another recent publication

prepared by NORMES and the Turin Centre is a training manual for judges, jurists and law instructors, entitled: “Derecho internacional del trabajo y derecho interno”.<sup>24</sup>

## Conclusions

61. Against this background, it is proposed that the Office take into account the elements described below for each component of the standards strategy, as well as other guidance that this Committee may wish to provide, with a view to the elaboration of a final plan of action for the implementation of the strategy.

## Standards policy

62. In addition to the follow-up to the conclusions of the Cartier Working Party, the priority actions for the Office in relation to standards policy would appear to be the following:
- the continuation, as soon as possible, of tripartite consultations on standards policy;
  - subject to funding approval, the convening of a tripartite working group of experts to examine Convention No. 158 and Recommendation No. 166, to be held in 2010;
  - the pursuance of the promotional campaign for the ratification and effective implementation of the fundamental and governance instruments;
  - the elaboration of a plan of action for the ratification and effective implementation of Convention No. 155, its 2002 Protocol and/or Convention No. 187, and for the other recent instruments; and
  - the possibility of developing a plan of action for the ratification and effective implementation of all the fundamental Conventions, or a group of them.

## Increasing the coherence, integration and efficacy of the supervisory system

63. As regards the interpretation of international labour Conventions, it is proposed that consultations be undertaken prior to the session of the Governing Body of March 2010.
64. Concerning the streamlining of reporting, the linkage between the General Surveys – and the related article 19 questionnaires – and the recurrent reports constitutes a first improvement. Further proposals and orientations are included in this document:
- in relation with the article 22 reporting cycle, three options outlined in paragraph 34 above are submitted to the Committee (see the tables in Appendix I);
  - article 22 report forms concerning Conventions Nos 29 and 105, as revised, are also submitted to the Committee (see Appendices II and III);
  - the exercise of review of report forms should continue for other subject areas; and

<sup>24</sup> Available only in Spanish for the moment.

- technical assistance to improve compliance with reporting obligations should be further enhanced and strengthened and a special effort should be made to improve the integration of reporting obligations in Decent Work Country Programmes.

### **Enhancing the impact of the standards system through technical cooperation**

65. Technical cooperation should continue to be provided through three main types of intervention:
- strategic interventions to address thematic priorities for the promotion, ratification and implementation of standards at the international, regional and national levels;
  - the development of standards-related technical cooperation interventions within the Decent Work Country Programme framework; and
  - the mainstreaming of standards in country-level programming of technical cooperation beyond the ILO.
66. Subject to the availability of resources, the proposed technical cooperation programme described above should become a core element of the standards strategy.

### **Enhanced access to the standards system and broader visibility**

67. In accordance with the respective objectives of the interim plan of action (see paragraph 55 above), the following actions are called for:
- the finalization and implementation of a comprehensive online reporting system, which includes access to a consolidated application to facilitate reporting by member States;
  - the unification of the three databases on international labour standards (ILOLEX, APPLIS and LIBSYND) in one user-friendly application and the maintenance of the database on national legislation (NATLEX) and the new NATLEX country profiles portal as major tools for a reliable and up to date knowledge base on the standards system; and
  - the continuation of activities, in cooperation with the Turin Centre and the standards specialists in the field, to enhance the visibility of the standards system within the framework of current training activities and the dissemination of the standards-related information through specific actions adequately targeting the desired audience.
68. *The Committee may wish to take note of the information and discuss the issues contained in this document, and recommend that the Governing Body:*
- (a) *provide the Office with guidance with a view to the finalization of the plan of action for the implementation of the standards strategy, taking into account the elements contained in the above conclusions, and in particular:*
    - (i) *invite the Office to make every effort to facilitate the continuation of the consultations on standards policy, and to start consultations on the issue of the interpretation of international labour Conventions;*

- (ii) subject to the approval by the Programme, Financial and Administrative Committee, invite the Office to make the necessary arrangements for the organization in 2010 of a meeting of a tripartite working group of experts to examine Convention No. 158 and Recommendation No. 166;*
  - (iii) invite the Office to submit in March 2010 a plan of action for the promotion of the occupational safety and health instruments (Convention No. 155, its 2002 Protocol and/or Convention No. 187);*
  - (iv) express its views on whether a plan of action should be developed for the ratification and effective implementation of all the fundamental Conventions, or whether priority should be given to one group of fundamental Conventions first; and*
  - (v) provide guidance with regard to the three options for the article 22 reporting cycle indicated in paragraph 34; and*
- (b) approve the revised article 22 report forms concerning Conventions Nos 29 and 105, contained in Appendices II and III.*

Geneva, 20 October 2009.

*Point for decision:* Paragraph 68.

## Appendix I

### Simulations of article 22 reporting cycles with a grouping of Conventions by strategic objective

1. The simulations presented in this appendix are based on the hypothesis of the following sequence of recurrent reviews: employment (2010), social protection (social security) (2011), fundamental principles and rights at work (2012), social dialogue (2013), employment (2014), social protection (labour protection) (2015) and fundamental principles and rights at work (2016).<sup>1</sup> They are only indicative. Two options are presented:
  - Option 1: A cycle of two years for article 22 reports on fundamental and governance Conventions and five years for “technical Conventions”.
  - Option 2: A cycle of three years for article 22 reports on fundamental and governance Conventions and five years for “technical Conventions”.
2. In option 1, the situation would not change for the article 22 reports for Conventions on fundamental principles and rights at work, i.e. they would be requested in 2011 from countries A to J (English alphabetic order) on Conventions 87, 98, 100 and 111 (group 1), and from countries K to Z on Conventions 29, 105, 138 and 182 (group 2); and in 2012, from countries K to Z on group 1 and from countries A to J on group 2.
3. In option 2, article 22 reports for Conventions on fundamental principles and rights at work would be requested the first year from countries A to F on Conventions 87, 98, 138 and 182 (group 1), from countries G to N on Conventions 29 and 105 (group 2), and from countries O to Z on Conventions 100 and 111 (group 3). The second year, reports would be requested as follows: group 1 – countries G to N; group 2 – countries O to Z; group 3 – countries A to F. The third year: group 1 – countries O to Z; group 2 – countries A to F; group 3 – countries G to N.
4. The group “other instruments related to fundamental principles and rights at work” covers the Conventions on the four subjects concerned other than the fundamental Conventions.
5. The tables also reflect the cycles of the General Surveys and recurrent reports, starting in 2010. In this context it should be noted that a General Survey on employment will be prepared this year by the Committee of Experts and will contribute to the 2010 recurrent report. The two different groups of “technical” Conventions on employment that are mentioned for 2012 and 2014 take into account the selection of instruments that was made for this General Survey.
6. To allow, as far as possible, for a balance in the workload between the different years of the cycle, requests for reports on the application of Conventions related to one strategic objective have been split over two or three years.

<sup>1</sup> The Governing Body has already taken decisions on the agenda of the International Labour Conference for 2010 and 2011. Discussions will start at its present session on the agenda for 2012.

**OPTION 1 – Two-year cycle for the fundamental and governance Conventions and five years for the technical Conventions (same length)**

	[2010]	2011	2012	2013	2014	2015	2016
<i>Article 22 reports</i>	<b>Two-year cycle (fundamental and governance Conventions)</b>						
	FPRW Group 1 (countries K-Z) Group 2 (countries A-J)	FPRW Group 1 (countries A-J) Group 2 (countries K-Z)	FPRW Group 1 (countries K-Z) Group 2 (countries A-J)	FPRW Group 1 (countries A-J) Group 2 (countries K-Z)	FPRW Group 1 (countries K-Z) Group 2 (countries A-J)	FPRW Group 1 (countries A-J) Group 2 (countries K-Z)	FPRW Group 1 (countries K-Z) Group 2 (countries A-J)
	Employment policy (K-Z)	Employment (C122)	Social dialogue (C81, C129)	Employment (C122)	Social dialogue (C81, C129)	Employment (C122)	Social Dialogue (C81, C129)
	Labour inspection (A-J)	Social dialogue (C144)		Social dialogue (C144)		Social dialogue(C144)	
	Tripartite consultations (K-Z)						
<i>Article 22 reports</i>	<b>Five-year cycle (“technical Conventions”)</b>						
	OSH (A-J)	Social protection (social security K-Z)	Social protection (social security A-J)	Social protection – Labour protection (wages)	Employment (C88, C96, C142, C181)	Other instruments related to FPRW	Social protection (social security K-Z)
	Seafarers (K-Z)	Specific categories of workers (linked to social security)	Employment (C2, C140, C158, C159)	Social protection – Labour protection (OSH K-Z)	Social protection – Labour protection (working time K-Z)	Specific categories of workers (linked to FPRW)	Specific categories of workers (linked to social security)
	Employment promotion (A-J)	Social dialogue	Specific categories of workers (linked to social protection – labour protection)	Social protection – Labour protection (working time A-J)	Social protection – Labour protection (OSH A-J)	Specific categories of workers (linked to employment)	Social dialogue
	Labour administration (K-Z)	Specific categories of workers (linked to social dialogue)		Specific categories of workers (linked to social protection – labour protection)	Social protection – Labour protection (maternity)		Specific categories of workers (linked to social dialogue)
		Specific categories of workers (linked to FPRW)			Social protection – Labour protection (social policy)		Specific categories of workers (linked to FPRW)
					Specific categories of workers (linked to social protection – labour protection)		
					Specific categories of workers (linked to FPRW)		
<i>General Surveys (year of preparation)</i>	<b>Seven-year cycle (general surveys and recurrent reports)</b>						
	Social protection – Social security	FPRW	Social dialogue	Employment	Social protection – Labour protection	FPRW	Employment
<i>Recurrent reports (ILC)</i>	Employment	Social protection – Social security	FPRW	Social dialogue	Employment	Social protection – Labour protection	FPRW

FPRW = Fundamental principles and rights at work;  
OSH = Occupational safety and health

Group 1: C87, C98, C100, C111

Group 2: C29, C105, C182, C138

**OPTION 2 – Three-year cycle for the fundamental and governance Conventions and five years for the technical Conventions**

	[2010]	2011	2012	2013	2014	2015	2016
<i>Article 22 reports</i>	<b>Three-year cycle (fundamental and governance Conventions)</b>						
	FPRW C87,C98,C100,C111 (K-Z); C29,C105,C182,C138 (A-J)	FPRW Group 1 (countries A-F) Group 2 (countries G-N) Group 3 (countries O-Z)	FPRW Group 1(countries G-N) Group 2 (countries O-Z) Group 3 (countries A-F)	FPRW Group 1(countries O-Z) Group 2 (countries A-F) Group 3 (countries G-N)	FPRW Group 1 (countries A-F) Group 2 (countries G-N) Group 3 (countries O-Z)	FPRW Group 1(countries G-N) Group 2 (countries O-Z) Group 3 (countries A-F)	FPRW Group 1(countries O-Z) Group 2 (countries A-F) Group 3 (countries G-N)
	Employment policy (K-Z)	Social dialogue (C144)	Social dialogue (C81 and C129)	Employment (C122)	Social dialogue (C144)	Social dialogue (C81 and C129)	Employment (C122)
	Labour inspection (A-J)						
	Tripartite consultations (K-Z)						
<i>Article 22 reports</i>	<b>Five-year cycle (“technical Conventions”)</b>						
	OSH (A-J)	Social protection (social security K-Z)	Social protection (social security A-J)	Social protection – Labour protection (wages)	Employment (C88, C96, C142, C181)	Other instruments related to FPRW	Social protection (social security K-Z)
	Seafarers (K-Z)	Specific categories of workers (linked to social security)	Employment (C2, C140, C158, C159)	Social protection – Labour protection (OSH K-Z)	Social protection – Labour protection (working time K-Z)	Specific categories of workers (linked to FPRW)	Specific categories of workers (linked to social security)
	Employment promotion (A-J)	Social dialogue	Specific categories of workers (linked to social protection – labour protection)	Social protection – Labour protection (working time A-J)	Social protection – Labour protection (OSH A-J)	Specific categories of workers (linked to employment)	Social dialogue
	Labour administration (K-Z)	Specific categories of workers (linked to social dialogue)		Specific categories of workers (linked to social protection – labour protection)	Social protection – Labour protection (maternity)		Specific categories of workers (linked to social dialogue)
		Specific categories of workers (linked to FPRW)			Social protection – Labour protection (social policy)		Specific categories of workers (linked to FPRW)
					Specific categories of workers (linked to social protection – labour protection)		
					Specific categories of workers (linked to FPRW)		
<i>General Surveys (year of preparation)</i>	<b>Seven-year cycle (general surveys and recurrent reports)</b>						
	Social protection – Social security	FPRW	Social dialogue	Employment	Social protection – Labour protection	FPRW	Employment
<i>Recurrent reports (ILC)</i>	Employment	Social protection – Social security	FPRW	Social dialogue	Employment	Social protection – Labour protection	FPRW

FPRW = Fundamental principles and rights at work;  
OSH = Occupational safety and health

Group 1: C87, C98, C182, C138

Group 2: C29, C105

Group 3: C100, C111

## Appendix II

Appl. 22.29

### 29. Forced Labour, 1930

INTERNATIONAL LABOUR OFFICE GENEVA

#### REPORT FORM

FOR THE

#### FORCED LABOUR CONVENTION, 1930 (No. 29)

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of the Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

#### PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

##### *First report*

If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and on each of the questions set out in the report form.

##### *Subsequent reports*

In subsequent reports, information need normally be given only on the following points:

- (a) any new legislative or other measures affecting the application of the Convention;
- (b) replies to the questions in the report form on the practical application of the Convention (for example, statistics, results of

inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;

- (c) **replies to comments by the supervisory bodies.** The report must contain replies to any comments regarding the application of the Convention in your country which have been addressed to your Government by the Committee of Experts on the Application of Conventions and Recommendations or by the Conference Committee on the Application of Standards.

## Article 22 of the Constitution of the ILO

Report for the period from \_\_\_\_\_ to \_\_\_\_\_

made by the Government of \_\_\_\_\_

on the

### FORCED LABOUR CONVENTION, 1930 (No. 29)\*

(ratification registered on \_\_\_\_\_ )

- I. Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.**

**Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit, or as a result of, ratification.**

- II. Please indicate in detail *for each of the following Articles of the Convention* the provisions of the legislation and administrative regulations, and the measures taken by the competent authorities, which ensure the application of the various provisions of the Convention. In addition, please provide any indication specifically requested below under individual Articles.**

**If in your country ratification of the Convention gives the force of national law to its terms, please indicate by virtue of what constitutional provisions the ratification has had this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take certain specific steps for its implementation, such as measures to define the exact scope of the Convention and the extent to which advantage may be taken of permissive exceptions provided for in it, measures to draw the attention of the parties concerned to its provisions, and arrangements for adequate inspection and penalties.**

**If the Committee of Experts on the Application of Conventions and Recommendations or the Conference Committee on the Application of Standards has requested additional information or has made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.**

\* Articles 1(2), (3) and 3-24 (transitional provisions) are no longer applicable and printed in small characters. The Committee of Experts on the Application of Conventions and Recommendations has considered that, since the Convention adopted in 1930 calls for the suppression of forced labour within the shortest possible period, it does not appear possible any longer to refer to these transitional provisions to the detriment of its main purpose. To invoke at present that certain forms of forced or compulsory labour may comply with the requirements of these transitional provisions would mean to disregard their transitional function and contradict the spirit of the Convention. Moreover, the status of the abolition of forced or compulsory labour in general international law as a peremptory norm from which no derogation is permitted, would make any such attempt contrary to the international standards (General Survey on the eradication of forced labour, Report III (Part 1B), International Labour Conference, 96th Session, 2007, paragraph 10).

### Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.

2. With a view to this complete suppression, recourse to forced or compulsory labour may be had, during the transitional period, for public purposes only and as an exceptional measure, subject to the conditions and guarantees hereinafter provided.

3. At the expiration of a period of five years after the coming into force of this Convention, and when the Governing Body of the International Labour Office prepares the report provided for in Article 31 below, the said Governing Body shall consider the possibility of the suppression of forced or compulsory labour in all its forms without a further transitional period and the desirability of placing this question on the agenda of the Conference.

*Please indicate the provisions of the National Constitution, penal or labour law, or specific laws, that prohibit the exaction of forced or compulsory labour.*

*Please indicate whether in your country practices have been identified that constitute or could constitute cases of forced labour within the meaning of the Convention.*

*Please indicate whether national legislation expressly prohibits trafficking in human beings and indicate the provisions defining this crime, as well as any measures intended to encourage victims to report such cases (protection from reprisals, authorization to remain in the country, etc.).*

*Please indicate any restrictions placed on the freedom of workers to leave their employment, subject to a reasonable period of notice, in particular in the public service and in essential services.*

*Please indicate whether national legislation includes provisions concerning any obligation to perform work as a condition for the payment of unemployment benefits.*

### Article 2

1. For the purposes of this Convention the term “forced or compulsory labour” shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

2. Nevertheless, for the purposes of this Convention, the term “forced or compulsory labour” shall not include:

- (a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character;
- (b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;
- (c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations;
- (d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population;

- (e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

*Please indicate the provisions of the national legislation concerning compulsory military service, civic obligations, compulsory work in cases of emergency, and communal services.*

*Please state what guarantees are provided to ensure that services exacted under compulsory military service laws are used for purely military purposes.*

*Please provide information on law and practice with regard to prison labour:*

- *please indicate whether legislation provides for compulsory prison labour and whether such labour is required of persons convicted by a court of law or in accordance with an administrative decision;*
- *please describe the organization of and arrangements for prison labour used by private individuals or enterprises, including:*
  - (i) *work performed by prisoners for private individuals or enterprises established within prison premises;*
  - (ii) *work performed by prisoners for private enterprises outside prison premises;*
  - (iii) *work performed by prisoners in prisons administered by private enterprises, or outside prisons under the authority of the enterprises in question or other private enterprises;*
  - (iv) *the conditions of employment in any of the forms indicated above, with regard to the consent of the prisoner, remuneration, safety and health, and social security.*

*Please indicate whether laws or regulations provide for sentences involving work in the general interest, community work, etc., (in particular, as an alternative to imprisonment), whether the consent of the person concerned to perform such work is required, and what are the bodies for which such work is performed.*

*Please state what guarantees are provided to ensure that work exacted in case of emergency shall cease as soon as the circumstances that endanger the population or its normal living conditions no longer exist.*

*Please state whether “minor communal services” may be exacted. In the affirmative, please indicate the nature of such services and whether the members of the communities concerned or their direct representatives are consulted in regard to the need for such services.*

### *Article 3*

For the purposes of this Convention the term “competent authority” shall mean either an authority of the metropolitan country or the highest central authority in the territory concerned.

### *Article 4*

1. The competent authority shall not impose or permit the imposition of forced or compulsory labour for the benefit of private individuals, companies or associations.

2. Where such forced or compulsory labour for the benefit of private individuals, companies or associations exists at the date on which a Member’s ratification of this

Convention is registered by the Director-General of the International Labour Office, the Member shall completely suppress such forced or compulsory labour from the date on which this Convention comes into force for that Member.

#### *Article 5*

1. No concession granted to private individuals, companies or associations shall involve any form of forced or compulsory labour for the production or the collection of products which such private individuals, companies or associations utilise or in which they trade.

2. Where concessions exist containing provisions involving such forced or compulsory labour, such provisions shall be rescinded as soon as possible, in order to comply with Article 1 of this Convention.

#### *Article 6*

Officials of the administration, even when they have the duty of encouraging the populations under their charge to engage in some form of labour, shall not put constraint upon the said populations or upon any individual members thereof to work for private individuals, companies or associations.

#### *Article 7*

1. Chiefs who do not exercise administrative functions shall not have recourse to forced or compulsory labour.

2. Chiefs who exercise administrative functions may, with the express permission of the competent authority, have recourse to forced or compulsory labour, subject to the provisions of Article 10 of this Convention.

3. Chiefs who are duly recognised and who do not receive adequate remuneration in other forms may have the enjoyment of personal services, subject to due regulation and provided that all necessary measures are taken to prevent abuses.

#### *Article 8*

1. The responsibility for every decision to have recourse to forced or compulsory labour shall rest with the highest civil authority in the territory concerned.

2. Nevertheless, that authority may delegate powers to the highest local authorities to exact forced or compulsory labour which does not involve the removal of the workers from their place of habitual residence. That authority may also delegate, for such periods and subject to such conditions as may be laid down in the regulations provided for in Article 23 of this Convention, powers to the highest local authorities to exact forced or compulsory labour which involves the removal of the workers from their place of habitual residence for the purpose of facilitating the movement of officials of the administration, when on duty, and for the transport of government stores.

#### *Article 9*

Except as otherwise provided for in Article 10 of this Convention, any authority competent to exact forced or compulsory labour shall, before deciding to have recourse to such labour, satisfy itself:

- (a) that the work to be done or the service to be rendered is of important direct interest for the community called upon to do the work or render the service;
- (b) that the work or service is of present or imminent necessity;
- (c) that it has been impossible to obtain voluntary labour for carrying out the work or rendering the service by the offer of rates of wages and conditions of labour not less favourable than those prevailing in the area concerned for similar work or service; and
- (d) that the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work.

#### *Article 10*

1. Forced or compulsory labour exacted as a tax and forced or compulsory labour to which recourse is had for the execution of public works by chiefs who exercise administrative functions shall be progressively abolished.

2. Meanwhile, where forced or compulsory labour is exacted as a tax, and where recourse is had to forced or compulsory labour for the execution of public works by chiefs who exercise administrative functions, the authority concerned shall first satisfy itself:

- (a) that the work to be done or the service to be rendered is of important direct interest for the community called upon to do the work or render the service;
- (b) that the work or the service is of present or imminent necessity;
- (c) that the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work;
- (d) that the work or service will not entail the removal of the workers from their place of habitual residence;
- (e) that the execution of the work or the rendering of the service will be directed in accordance with the exigencies of religion, social life and agriculture.

#### *Article 11*

1. Only adult able-bodied males who are of an apparent age of not less than 18 and not more than 45 years may be called upon for forced or compulsory labour. Except in respect of the kinds of labour provided for in Article 10 of this Convention, the following limitations and conditions shall apply:

- (a) whenever possible prior determination by a medical officer appointed by the administration that the persons concerned are not suffering from any infectious or contagious disease and that they are physically fit for the work required and for the conditions under which it is to be carried out;
- (b) exemption of school teachers and pupils and of officials of the administration in general;
- (c) the maintenance in each community of the number of adult able-bodied men indispensable for family and social life;
- (d) respect for conjugal and family ties.

2. For the purposes of subparagraph (c) of the preceding paragraph, the regulations provided for in Article 23 of this Convention shall fix the proportion of the resident adult able-bodied males who may be taken at any one time for forced or compulsory labour, provided always that this proportion shall in no case exceed 25 per cent. In fixing this proportion the competent authority shall take account of the density of the population, of

its social and physical development, of the seasons, and of the work which must be done by the persons concerned on their own behalf in their locality, and, generally, shall have regard to the economic and social necessities of the normal life of the community concerned.

#### *Article 12*

1. The maximum period for which any person may be taken for forced or compulsory labour of all kinds in any one period of twelve months shall not exceed sixty days, including the time spent in going to and from the place of work.

2. Every person from whom forced or compulsory labour is exacted shall be furnished with a certificate indicating the periods of such labour which he has completed.

#### *Article 13*

1. The normal working hours of any person from whom forced or compulsory labour is exacted shall be the same as those prevailing in the case of voluntary labour, and the hours worked in excess of the normal working hours shall be remunerated at the rates prevailing in the case of overtime for voluntary labour.

2. A weekly day of rest shall be granted to all persons from whom forced or compulsory labour of any kind is exacted and this day shall coincide as far as possible with the day fixed by tradition or custom in the territories or regions concerned.

#### *Article 14*

1. With the exception of the forced or compulsory labour provided for in Article 10 of this Convention, forced or compulsory labour of all kinds shall be remunerated in cash at rates not less than those prevailing for similar kinds of work either in the district in which the labour is employed or in the district from which the labour is recruited, whichever may be the higher.

2. In the case of labour to which recourse is had by chiefs in the exercise of their administrative functions, payment of wages in accordance with the provisions of the preceding paragraph shall be introduced as soon as possible.

3. The wages shall be paid to each worker individually and not to his tribal chief or to any other authority.

4. For the purpose of payment of wages the days spent in travelling to and from the place of work shall be counted as working days.

5. Nothing in this Article shall prevent ordinary rations being given as a part of wages, such rations to be at least equivalent in value to the money payment they are taken to represent, but deductions from wages shall not be made either for the payment of taxes or for special food, clothing or accommodation supplied to a worker for the purpose of maintaining him in a fit condition to carry on his work under the special conditions of any employment, or for the supply of tools.

#### *Article 15*

1. Any laws or regulations relating to workmen's compensation for accidents or sickness arising out of the employment of the worker and any laws or regulations providing compensation for the dependants of deceased or incapacitated workers which are or shall be in force in the territory concerned shall be equally applicable to persons from whom forced or compulsory labour is exacted and to voluntary workers.

2. In any case it shall be an obligation on any authority employing any worker on forced or compulsory labour to ensure the subsistence of any such worker who, by accident or sickness arising out of his employment, is rendered wholly or partially incapable of providing for himself, and to take measures to ensure the maintenance of any persons actually dependent upon such a worker in the event of his incapacity or decease arising out of his employment.

#### *Article 16*

1. Except in cases of special necessity, persons from whom forced or compulsory labour is exacted shall not be transferred to districts where the food and climate differ so considerably from those to which they have been accustomed as to endanger their health.

2. In no case shall the transfer of such workers be permitted unless all measures relating to hygiene and accommodation which are necessary to adapt such workers to the conditions and to safeguard their health can be strictly applied.

3. When such transfer cannot be avoided, measures of gradual habituation to the new conditions of diet and of climate shall be adopted on competent medical advice.

4. In cases where such workers are required to perform regular work to which they are not accustomed, measures shall be taken to ensure their habituation to it, especially as regards progressive training, the hours of work and the provision of rest intervals, and any increase or amelioration of diet which may be necessary.

#### *Article 17*

Before permitting recourse to forced or compulsory labour for works of construction or maintenance which entail the workers remaining at the workplaces for considerable periods, the competent authority shall satisfy itself:

- (1) that all necessary measures are taken to safeguard the health of the workers and to guarantee the necessary medical care, and, in particular, (a) that the workers are medically examined before commencing the work and at fixed intervals during the period of service, (b) that there is an adequate medical staff, provided with the dispensaries, infirmaries, hospitals and equipment necessary to meet all requirements, and (c) that the sanitary conditions of the workplaces, the supply of drinking water, food, fuel, and cooking utensils, and, where necessary, of housing and clothing, are satisfactory;
- (2) that definite arrangements are made to ensure the subsistence of the families of the workers, in particular by facilitating the remittance, by a safe method, of part of the wages to the family, at the request or with the consent of the workers;
- (3) that the journeys of the workers to and from the workplaces are made at the expense and under the responsibility of the administration, which shall facilitate such journeys by making the fullest use of all available means of transport;
- (4) that, in case of illness or accident causing incapacity to work of a certain duration, the worker is repatriated at the expense of the administration;
- (5) that any worker who may wish to remain as a voluntary worker at the end of his period of forced or compulsory labour is permitted to do so without, for a period of two years, losing his right to repatriation free of expense to himself.

*Article 18*

1. Forced or compulsory labour for the transport of persons or goods, such as the labour of porters or boatmen, shall be abolished within the shortest possible period. Meanwhile the competent authority shall promulgate regulations determining, inter alia, (a) that such labour shall only be employed for the purpose of facilitating the movement of officials of the administration, when on duty, or for the transport of government stores, or, in cases of very urgent necessity, the transport of persons other than officials, (b) that the workers so employed shall be medically certified to be physically fit, where medical examination is possible, and that where such medical examination is not practicable the person employing such workers shall be held responsible for ensuring that they are physically fit and not suffering from any infectious or contagious disease, (c) the maximum load which these workers may carry, (d) the maximum distance from their homes to which they may be taken, (e) the maximum number of days per month or other period for which they may be taken, including the days spent in returning to their homes, and (f) the persons entitled to demand this form of forced or compulsory labour and the extent to which they are entitled to demand it.

2. In fixing the maxima referred to under (c), (d) and (e) in the foregoing paragraph, the competent authority shall have regard to all relevant factors, including the physical development of the population from which the workers are recruited, the nature of the country through which they must travel and the climatic conditions.

3. The competent authority shall further provide that the normal daily journey of such workers shall not exceed a distance corresponding to an average working day of eight hours, it being understood that account shall be taken not only of the weight to be carried and the distance to be covered, but also of the nature of the road, the season and all other relevant factors, and that, where hours of journey in excess of the normal daily journey are exacted, they shall be remunerated at rates higher than the normal rates.

*Article 19*

1. The competent authority shall only authorise recourse to compulsory cultivation as a method of precaution against famine or a deficiency of food supplies and always under the condition that the food or produce shall remain the property of the individuals or the community producing it.

2. Nothing in this Article shall be construed as abrogating the obligation on members of a community, where production is organised on a communal basis by virtue of law or custom and where the produce or any profit accruing from the sale thereof remain the property of the community, to perform the work demanded by the community by virtue of law or custom.

*Article 20*

Collective punishment laws under which a community may be punished for crimes committed by any of its members shall not contain provisions for forced or compulsory labour by the community as one of the methods of punishment.

*Article 21*

Forced or compulsory labour shall not be used for work underground in mines.

*Article 22*

The annual reports that Members which ratify this Convention agree to make to the International Labour Office, pursuant to the provisions of article 22 of the Constitution of the International Labour Organisation, on the measures they have taken to give effect to the provisions of this Convention, shall contain as full information as possible, in respect of each territory concerned, regarding the extent to which recourse has been had to forced or compulsory labour in that territory, the purposes for which it has been employed, the sickness and death rates, hours of work, methods of payment of wages and rates of wages, and any other relevant information.

*Article 23*

1. To give effect to the provisions of this Convention the competent authority shall issue complete and precise regulations governing the use of forced or compulsory labour.

2. These regulations shall contain, inter alia, rules permitting any person from whom forced or compulsory labour is exacted to forward all complaints relative to the conditions of labour to the authorities and ensuring that such complaints will be examined and taken into consideration.

*Article 24*

Adequate measures shall in all cases be taken to ensure that the regulations governing the employment of forced or compulsory labour are strictly applied, either by extending the duties of any existing labour inspectorate which has been established for the inspection of voluntary labour to cover the inspection of forced or compulsory labour or in some other appropriate manner. Measures shall also be taken to ensure that the regulations are brought to the knowledge of persons from whom such labour is exacted.

*Article 25*

The illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced.

*Please indicate the provisions of the national legislation punishing the illegal exaction of forced or compulsory labour as a penal offence. Please furnish information on any legal proceedings which have been instituted as a consequence of the application of this Article and on any penalties imposed.*

*Article 26*

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to apply it to the territories placed under its sovereignty, jurisdiction, protection, suzerainty, tutelage or authority, so far as it has the right to accept obligations affecting matters of internal jurisdiction; provided that, if such Member may desire to take advantage of the provisions of article 35 of the Constitution of the International Labour Organisation, it shall append to its ratification a declaration stating:

- (1) the territories to which it intends to apply the provisions of this Convention without modification;
- (2) the territories to which it intends to apply the provisions of this Convention with modifications, together with details of the said modifications;
- (3) the territories in respect of which it reserves its decision.

2. The aforesaid declaration shall be deemed to be an integral part of the ratification and shall have the force of ratification. It shall be open to any Member, by a subsequent declaration, to cancel in whole or in part the reservations made, in pursuance of the provisions of subparagraphs (2) and (3) of this Article, in the original declaration.

- III. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions, unless this has already been done in connection with Article 25.**
- IV. Please add a general appreciation of the manner in which the Convention is applied, for example by giving extracts from official reports, and information on any practical difficulties encountered in the application of the Convention or in the suppression of forced or compulsory labour.**
- V. Please indicate whether there has been any request for policy support or technical cooperation support provided by the ILO to give effect to the Convention. If this is the case, please indicate, what has been the effect of this support. Please also state what are the future policy advisory support and technical cooperation needs of your country to give effect to the objectives of the Convention.**
- VI. Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organisation.<sup>1</sup> If copies of the report have not been communicated to representative organizations of employers and/or workers, or if they have been communicated to bodies other than such organizations, please supply information on any particular circumstances existing in your country which explain the procedure followed.**

**Please indicate whether you have received from the organizations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention or the application of the legislation or other measures implementing the Convention. If so, please communicate the observations received, together with any comments that you consider useful.**

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<sup>1</sup> Article 23, paragraph 2, of the Constitution reads as follows: "Each Member shall communicate to the representative organisations recognised for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22."

## Appendix III

Appl. 22.105

105. Abolition of forced labour, 1957

INTERNATIONAL LABOUR OFFICE GENEVA

### REPORT FORM

FOR THE

ABOLITION OF FORCED LABOUR CONVENTION, 1957 (No. 105)

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of the Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

#### PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

##### *First reports*

If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and on each of the questions set out in the report form.

##### *Subsequent reports*

In subsequent reports, information need normally be given only:

- (a) on any new legislative or other measures affecting the application of the Convention;
- (b) in reply to the questions in the report form on the practical application of the

Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;

- (c) **in reply to comments by the supervisory bodies:** the report must contain replies to any comments regarding the application of the Convention in your country which have been made by the Committee of Experts on the Application of Conventions and Recommendations or by the Conference Committee on the Application of Standards.

## Article 22 of the Constitution of the ILO

Report for the period from \_\_\_\_\_ to \_\_\_\_\_

made by the Government of \_\_\_\_\_

on the

### ABOLITION OF FORCED LABOUR CONVENTION, 1957 (No. 105)

(ratification registered on \_\_\_\_\_ )

- I. Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.**

**Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit, or as a result of, ratification.**

- II. Please indicate in detail *for each of the following Articles of the Convention* the provisions of the abovementioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.**

**If in your country ratification of the Convention gives the force of national law to its terms, please indicate by virtue of what constitutional provisions the ratification has this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take certain specific steps for its implementation, such as measures to define its exact scope, measures to draw the attention of the parties concerned to its provisions, and arrangements for adequate inspection and penalties.**

**If the Committee of Experts or the Conference Committee on the Application of Standards has requested additional information or has made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.**

#### *Article 1*

Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour –

- (a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
- (b) as a method of mobilising and using labour for purposes of economic development;
- (c) as a means of labour discipline;
- (d) as a punishment for having participated in strikes;
- (e) as a means of racial, social, national or religious discrimination.

*A. (a) Please indicate the provisions of the national legislation governing the rights and freedoms of expression, assembly and association, including any provisions of law limiting these rights and freedoms that are enforceable with penal sanctions involving penal labour, deprivation of liberty, and re-education through labour.*

(b) Please indicate the provisions of the national legislation governing national service obligations (civil and military); please indicate whether in your country use has been made of forced or compulsory labour as a method of mobilizing and using labour for purposes of economic development and, if so, please indicate any measures which have been taken in practice in this connection (particularly as regards the manner in which the workers in question have been recruited, the period for which they have been engaged, etc.).

(c) Please indicate the provisions of the national legislation governing labour discipline, including specific provisions concerning public servants, essential services and seafarers.

(d) Please indicate the provisions of the national legislation governing the right to participate in a strike action; please indicate whether participation in a strike, or in certain strikes (such as e.g. strikes declared unlawful), may be punished by penal sanctions involving compulsory labour.

(e) Please indicate the provisions of administrative or penal law involving an obligation to perform work or service, or enforceable with sanctions involving such an obligation, that establish a distinction on the basis of racial, social, national or religious criteria and therefore create a possibility of exacting forced or compulsory labour from members of certain racial, social, national or religious groups.

B. Please indicate the provisions governing the performance of penal or prison labour and any provisions exempting specific categories of convicted prisoners from the obligation to perform prison labour.

## Article 2

Each Member of the International Labour Organisation which ratifies this Convention undertakes to take effective measures to secure the immediate and complete abolition of forced or compulsory labour as specified in Article 1 of this Convention.

*Please indicate what measures, if any, have been taken with a view to giving effect to this Article.*

*Please indicate, in particular, what penal provisions and sanctions are applicable in cases of illegal exaction of forced or compulsory labour: (i) by a public official or body; (ii) by private individuals or associations.*

**III. Please state to what authority or authorities the application of the abovementioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced. In particular, please supply information on the organization and working of inspection.**

**IV. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.**

**V. Please give a general appreciation of the manner in which the Convention is applied in your country and supply copies of the reports of the competent services, such as the judicial administrations, etc. Please supply also all available statistics concerning the number of persons on whom forced or compulsory labour has been imposed, the nature of the work carried out by the persons in question, the reasons for which the said persons have been subjected to such work, the number of working hours effected during the period under review, and the wages paid to these persons. Please state also whether the persons in question enjoy the same conditions of work as free workers and, if not, indicate in what respects their conditions differ.**

- VI. Please indicate whether there has been any request for policy support or technical cooperation support provided by the ILO to give effect to the Convention. If this is the case, please indicate, what has been the effect of this support. Please also state what are the future policy advisory support and technical cooperation needs of your country to give effect to the objectives of the Convention.**
- VII. Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organization.<sup>1</sup> If copies of the report have not been communicated to representative organizations of employers and/or workers, or if they have been communicated to bodies other than such organizations, please supply information on any particular circumstances existing in your country which explain the procedure followed.**

**Please indicate whether you have received from the organizations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention or the application of the legislation or other measures implementing the Convention. If so, please communicate the observations received, together with any comments that you consider useful.**

<sup>1</sup> Article 23, paragraph 2, of the Constitution reads as follows: "Each Member shall communicate to the representative organisations recognised for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22."