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

Purpose of the document

The Governing Body is invited to take note of the information submitted under the Annual Review for the period from January to 31 December 2017 and to provide guidance on key issues and priorities for helping member States to respect, promote and realize fundamental principles and rights at work (see the draft decision in paragraph 152).

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

Main relevant outcome/cross-cutting policy driver: Outcome 2: Ratification and application of international labour standards.

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

Legal implications: None.

Financial implications: None.

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

Author unit: International Labour Standards Department (NORMES).

Related documents:

NB: *The information in this report is a summary of the statements contained in government reports, country baselines and comments submitted to the Office by national and international employers' and workers' organizations for the Annual Review 2017. The Office has not verified the accuracy of the information received and reproduced.*

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Executive summary

This document provides an overview of developments and trends concerning the fundamental principles and rights at work in countries that have not yet ratified the relevant fundamental Conventions and the Protocol of 2014 to the Forced Labour Convention, 1930 (the Protocol).¹

In view of the timelines for the preparation of Governing Body papers, the Office has integrated into this Annual Review under the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted in 1998 (the 1998 Declaration), all updated reports and information received from governments and from employers' and workers' organizations during the period from January to 31 December 2017.

As at 15 January 2018, 22 member States (**Argentina, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Iceland, Jamaica, Latvia, Mali, Mauritania, Namibia, Netherlands, Niger, Norway, Panama, Poland, Spain, Sweden, Switzerland and United Kingdom**) had ratified the Protocol, leaving 165 member States with a continuing obligation to report under the framework of the Annual Review. The reporting rate for the Protocol alone under this review is 36 per cent. It is heartening to note that 35 member States (representing 59 per cent of those reporting) have indicated their intention to ratify the Protocol.

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

Many States have indicated or confirmed their intention to ratify one or more of the fundamental Conventions, while seven new ratifications [**Canada** (Convention No. 98), **India** (Convention No. 138 and Convention No. 182), **Thailand** (Convention No. 111), and **Suriname** (Convention No. 100, Convention No. 111 and Convention No. 138)] of these instruments were registered as at 15 January 2018. With these new ratifications, **Canada** and **Suriname** have now ratified the eight fundamental conventions. Not including the Protocol, a further 126 ratifications covering 45 member States are still required before the goal of universal ratification of all fundamental Conventions is attained.

Most reports from governments have provided substantial information regarding intentions, challenges and actions taken in realizing fundamental principles and rights at work.² This information on challenges, initiatives and efforts undertaken through promotional activities, labour law reform, tripartite dialogue and international cooperation, together with technical assistance requests, will enrich the dialogue at national and international levels on how to better achieve progress in promoting and realizing the principles and rights set out in the 1998 Declaration.

In 2017, on a pilot basis, member States were given the option of reporting online using an e-questionnaire tool. The pilot was launched with a view to facilitating reporting for member States, and to enable the compilation of responses received with a view to further analysis. Thirty-six member States of a total of 59 countries that submitted a report opted to submit their report online. In addition, it has been observed that a number of governments

¹ For the list of reporting States and the corresponding unratified fundamental Conventions, see the appendix.

² For further information, refer to each country baseline table under the 1998 Declaration Annual Review, available at: <https://www.ilo.org/intranet/english/support/lib/resource/ilodatabases.htm>.

began to fill in the e-questionnaire, but did not submit the completed report (nine member States).

Although a number of steps have been taken to meet the outstanding requests of reporting States under the Annual Review, more action is required. Further efforts to refresh the universal ratification campaign by establishing ambitious, clear and achievable targets could be considered, especially bearing in mind that this year marks the 20th anniversary of the 1998 Declaration. Moreover, the “50 for Freedom” campaign to end modern slavery, launched by the International Labour Organization (ILO) in collaboration with the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC), has raised awareness of the call to ratify the Protocol and these efforts should be pursued

I. Introduction: Context of the Annual Review 2017

1. The Annual Review process provides an opportunity for tripartite dialogue in the reporting States and can guide ILO technical assistance to those member States to achieve fuller realization of the fundamental principles and rights at work. This process is of heightened importance since the adoption of the Protocol of 2014 to the Forced Labour Convention, 1930, providing a key occasion for governments and their social partners to determine appropriate steps for achieving the effective and sustained suppression of forced or compulsory labour, including trafficking.
2. During the reporting cycle, since 31 January 2017, 11 more countries have ratified the Protocol (**Cyprus, Denmark, Iceland, Jamaica, Latvia, Namibia, Netherlands, Poland, Spain, Sweden and Switzerland**), leading to a total of 22 ratifications, while seven new ratifications of the fundamental Conventions were registered: [**Canada** (Convention No. 98), **India** (Convention No. 138 and Convention No. 182), **Thailand** (Convention No. 111), and **Suriname** (Convention No. 100, Convention No. 111 and Convention No. 138)], as of 15 January 2018. **Canada** and **Suriname** have now ratified all fundamental Conventions.
3. With these new ratifications, the Worst Forms of Child Labour Convention, 1999 (No. 182), remains the most ratified fundamental Convention, closely followed by the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Equal Remuneration Convention, 1951 (No. 100) and the Minimum Age Convention, 1973 (No. 138). Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), remain the least ratified fundamental Conventions.
4. In 2017, on a pilot basis, member States were given the option of reporting online using an e-questionnaire tool, while the report forms in pdf format were shared at that same time should there be a preference to continue reporting in a hard copy version. The pilot was launched with a view to facilitating reporting for member States, and to enable the compilation of responses received with a view to further analysis. Thirty-six member States of a total of 59 countries that submitted a report opted to submit their report online. In addition, a number of governments began to fill in the e-questionnaire, but did not submit the completed report (nine member States).
5. In August 2017, a communication requesting reports and announcing the possibility of reporting online was transmitted to the governments concerned, followed by the communication of each government's username and password. The online reporting tool comprised the questions contained in the report form on subjects covered by the Protocol (the second half of the report form on the elimination of all forms of forced or compulsory labour) as well as the country baseline update questions that had been used in previous years for those countries for which baselines had already been established (covering freedom of association and collective bargaining, child labour, equality and non-discrimination, and forced labour). Respondents indicated which instruments had been ratified, and the questions concerning the subjects covered by those instruments were then hidden in the e-questionnaire.
6. As in previous years, the online questionnaire requested information on the consultations undertaken with the most representative employers' and workers' organizations and enabled the insertion (or attachment) of responses and comments from the organizations. The online reporting tool also had the necessary features for the circulation of the draft report to the

social partners – respondents were able to export the completed questionnaire (prior to submission) in pdf or Excel for circulation. A communication containing login information was also transmitted to the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC). In addition, necessary steps to request their own login information were communicated for any workers' or employers' organization wishing to complete a blank e-questionnaire.

7. The online reporting presented a number of challenges and opportunities. Certain governments provided positive feedback indicating that: they appreciated being able to report directly online; the online reporting was easy to use; and the specific reporting obligations were clearer. However, the pilot also had a number of difficulties. The login information for each government was sent to the distribution list used for electronic communications by the Official Meetings, Documentation and Relations Department (RELMEETINGS). For most countries, this was the email address for the respective missions in Geneva, in accordance with protocol indications by member States. In a number of cases, the login information was not transmitted to the official(s) responsible for reporting under the Annual Follow-up, and had to be re-forwarded. There were a number of requests that, for any future online reporting, a different email address be used, copied to the missions. Governments that reported technical difficulties with respect to logging in and navigating the online reporting system were provided the necessary assistance. In addition, while it was possible to export the entire blank questionnaire at the beginning (in Excel or pdf), as well as the completed questionnaire at the end (with the respective government's responses), this function did not appear to be apparent to many users, and a number of requests were received for a copy of the entire questionnaire. Furthermore, a number of governments indicated that the binary questions (normally yes/no) were too limiting. A text box accompanied many, but not all, of the binary questions, which limited responses. Lastly, certain governments indicated that the online system was not suited to their internal governmental processes for preparing reports which required multiple stages of clearance.

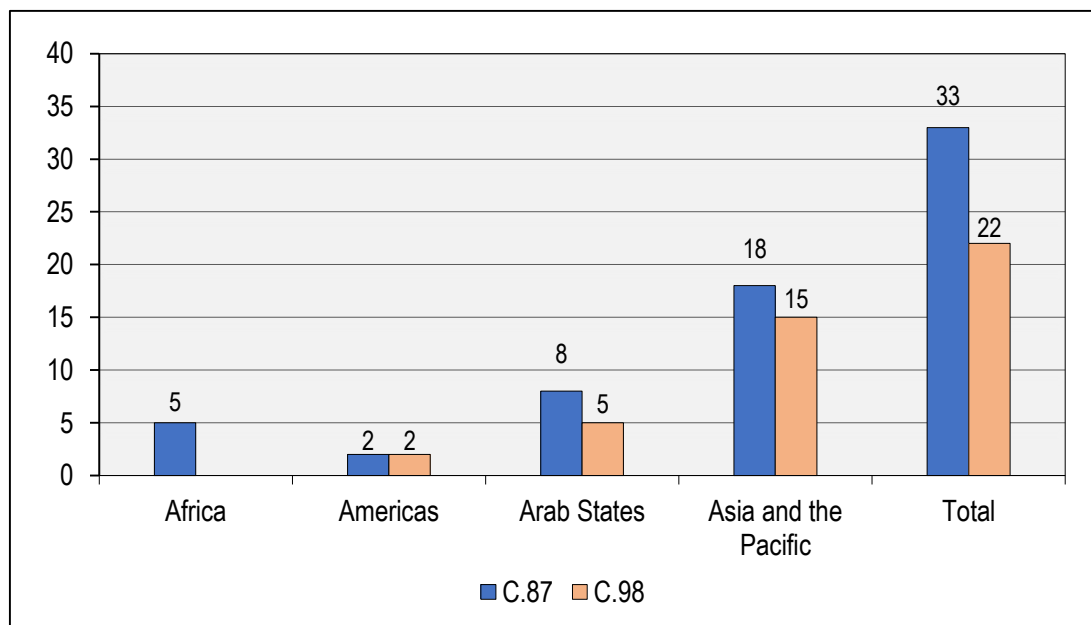
II. Developments and trends concerning the four categories of fundamental principles and rights at work under the Annual Review 2017

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

1. *Ratifications*

8. While Conventions Nos 87 and 98 remain the least ratified fundamental Conventions, all countries in Europe have ratified both of these Conventions.

Figure 1. Number of member States that did not ratify C.87 and/or C98



9. Thirty-three member States have yet to ratify Convention No. 87, while 22 member States have yet to ratify Convention No. 98. **Canada** is the only country to ratify Convention No. 98 since last year's review. The Government of **Iraq** has reported the ratification of Convention No. 87 by its Parliament but the ratification instrument necessary for registration has yet to be received.
10. Regionally, the Asia and the Pacific region constitutes the largest number of reporting States that did not ratify both Conventions Nos 87 and 98, followed by the Arab States, and the Americas. Five African States have not ratified Convention No. 87.
11. In Africa, **Guinea-Bissau, Kenya, Morocco, South Sudan** and **Sudan** have not yet ratified Convention No. 87.
12. In the Americas, while **Brazil** and the **United States** have not ratified Convention No. 87, **Mexico** and the **United States** have not done so for Convention No. 98.
13. In the Arab States, **Bahrain, Iraq, Jordan, Lebanon, Oman, Qatar, Saudi Arabia** and **United Arab Emirates** have not ratified Convention No. 87, whereas **Bahrain, Oman, Qatar, Saudi Arabia** and the **United Arab Emirates** have not ratified Convention No. 98.
14. In Asia and the Pacific, **Afghanistan, Brunei Darussalam, China, Cook Islands, India, Islamic Republic of Iran, Republic of Korea, Lao People's Democratic Republic, Marshall Islands, Palau, Thailand, Tonga, Tuvalu, and Viet Nam** have not yet ratified both Conventions Nos 87 and 98. **Malaysia, Nepal, New Zealand** and **Singapore** have not yet ratified Convention No. 87, while **Mexico** and **Myanmar** have not ratified Convention No. 98.
15. During the current review, only 12 members States reported on Convention No. 87 and/or Convention No. 98, while **Bahrain, China, Cook Islands, India, Islamic Republic of Iran, Republic of Korea, Oman, and Saudi Arabia** reported on both Conventions Nos 87 and 98. **Iraq** and **New Zealand** reported on Convention No. 87, while **Mexico** and **Myanmar** reported on Convention No. 98. The reporting rate for Convention No. 87 has been 30 per cent and 45 per cent for Convention No. 98.

16. **Cook Islands, Islamic Republic of Iran and Oman** indicated that the ratification of Conventions Nos 87 and 98 are likely while **Bahrain and Saudi Arabia** indicated that ratification of the two Conventions is unlikely. **India** indicated no change from its previous position but specified that it was seeking ILO technical assistance on the matter. The other countries did not provide specific information in this regard.
17. The Government of **Bahrain** reported that it is always committed to freedom of association as it permits the right to strike and the formation of multiple trade unions and federations.
18. The Government of **China** reported that it has always attached importance to advancing the collective bargaining and collective contract system. The Labour Law, the Labour Contract Law and the Trade Union Law contain clear provisions concerning collective bargaining and collective agreements. Furthermore, the Regulations on Collective Contracts and the Interim Measures for Collective Wage Bargaining, adopted by the former Ministry of Labour and Social Security, have made specific stipulations in respect of collective bargaining and collective contracts. Local governments have also sought to improve the regulatory framework of collective bargaining.
19. The Government of the **Islamic Republic of Iran** reported that due to the existing social and economic conditions, there are some barriers for ratification of the abovementioned Conventions; however, the Government seeks to further strengthen social dialogue and empower the social partners in order to pave the way for the ratification of the Conventions.
20. The Government of the **Republic of Korea** reported that the incumbent administration included the ratification of Conventions Nos 87 and 98 as part of its agenda. However, the current laws are not yet in full conformity with the Conventions.
21. The New Zealand Council of Trade Unions (NZCTU) commented that the Government did not provide a response on the prospects for ratification and the impediments, if any, to ratification of Convention No. 87, and called on the Government to provide a full assessment of any barriers to ratification of the Convention and to provide a plan for overcoming the barriers and moving towards ratification.

2. *Changes in legislation*

22. The Government of the **Cook Islands** reported that in late 2016, the Tripartite Council was established and this has helped to strengthen dialogue between the social partners and can be a foundation for future bilateral relations between the employers and workers. In addition, the labour inspections began in 2017 and through these inspections, awareness raising on freedom of association and collective bargaining has been done.
23. In the **Islamic Republic of Iran**, the Government noted the adoption and amendment of by-laws and instructions by concerned executive departments through mechanisms required for the development of freedom of association and the right to negotiate and bargain collectively.
24. In the context of the reform process of the labour justice system, the Government of **Mexico** referred to the creation of a decentralized agency (the federal conciliation body) which will be responsible for registering all collective labour agreements and trade unions.
25. According to the Government of **Myanmar**, the employment contract included in the Employment and Skill Development Law was adopted on 29 July 2017 by holding social dialogues. Amendment of the Settlement of Labour Dispute Law was drafted and this would be discussed with the representatives of the government, employers and workers at the Tripartite Meeting on the Technical Working Group on Labour Law reform.

3. *Promotional activities*

26. According to the Government of **China**, in relation to freedom of association (Convention No. 87), the Chinese trade unions have taken it as one of their top priorities to organize trade unions and recruit new members, and have adopted effective measures to protect the rights of workers to join and form trade unions. They made continued efforts to organize the vast numbers of workers to the maximum extent by taking the new economic and social organizations as the key areas of unionization: scientists and technicians, young workers and rural migrant workers as the main targets for new recruits. The Chinese trade unions have actively promoted the establishment of regional (industrial) federations of trade unions in a number of sectors. As workers become frequent Internet users, the Chinese trade unions have explored innovative approaches to facilitate the admission of workers into unions, for example, by guiding and encouraging them to apply for membership online, through emails or mobile applications. As regards collective bargaining (Convention No. 98), all local governments have advanced the collective contract system and implemented the “Rainbow” programme and the “Storming” programme, with emphasis on promoting collective wage bargaining and focus on improving the quality of collective bargaining and the effectiveness of collective contracts. The Ministry of Human Resources and Social Security (MOHRSS) and the ILO reached a Memorandum of Understanding on Cooperation in Promoting the Collective Bargaining System and Building Harmonious Labour Relations.
27. The Government of **New Zealand** reiterated that it has continued to provide information about the right to join or not join a union, union membership and collective bargaining activities through various Ministry of Business, Innovation and Employment (MBIE) channels. These included the MBIE website and the Employment New Zealand website, and contact centre and mediation services. The NZCTU commented that the Government has not acknowledged or acted on its obligation to promote collective bargaining, and that recent changes to employment law are regressive and raise barriers to effective collective bargaining.

4. *Statistical information*

28. The Government of **China** recalled that by the end of September 2016, there had been 2,289,000 grassroots trade unions nationwide, with 302 million members. It also indicated that in 2016, the All-China Federation of Trade Unions (ACFTU) signed and renewed 133,500 dedicated collective contracts on work health and safety in high-risk industries, which cover 301,700 enterprises and 17.76 million workers.
29. The Government of **Mexico** indicated that from September 2016 to June 2017, 453 collective agreements were concluded.
30. In **Myanmar**, the Government reported that up until September 2017, a total of 2,677 employers’ and labour organizations comprised 2,477 basic organizations, 141 township labour organizations and 21 state/regional labour organizations. Eight labour federations, 27 basic employers’ organizations, one township employers’ organization and one employers’ federation have been formed systematically and independently under the 2011 Labour Organization Law.

5. *Challenges*

31. The member States that reported during the current review have indicated the following challenges: (i) lack of government capacity (**Bahrain** and **Cook Islands**); (ii) lack of trade union capacity (**Cook Islands** and **Oman**); (iii) lack of capacity of employers’ organizations (**Cook Islands** and **Islamic Republic of Iran**); (iv) legal incompatibilities with Convention

No. 87 and/or Convention No. 98 (**Bahrain, India, Islamic Republic of Iran, Oman, Republic of Korea and Saudi Arabia**); (v) lack of law enforcement/monitoring in general (**India**) and/or in specific sectors or categories of workers (**Bahrain, Brunei Darussalam and Republic of Korea**); (vi) lack of organizational resources or capacity, often in specific governance areas (**Bahrain and Oman**); (vii) lack of awareness of the principle and right and the benefits of the Conventions (**Cook Islands and Myanmar**); (viii) lack of social dialogue (**Cook Islands**); (ix) lack of information and data (**Cook Islands**); (x) lack of implementation of the Decent Work Country Programme (DWCP) (**Oman**); and (xi) social and economic circumstances (**Islamic Republic of Iran and Saudi Arabia**).

6. Requests for technical assistance

32. The requests for technical assistance cover the following: (i) legal reform and compliance (**Cook Islands, Islamic Republic of Iran and Republic of Korea**); (ii) awareness raising, better understanding of the principle and right and its implications (**Cook Islands, India, Islamic Republic of Iran, Republic of Korea, Oman and Saudi Arabia**); (iii) capacity building for governments (**Bahrain, Cook Islands, Islamic Republic of Iran and Oman**); (iv) strengthening the capacity of employers' and workers' organizations (**Bahrain, Cook Islands, Islamic Republic of Iran, Republic of Korea, Myanmar, Oman and Saudi Arabia**); (v) strengthening collective bargaining, tripartism and social dialogue (**Bahrain, China, Cook Islands, India, Islamic Republic of Iran, Republic of Korea and Oman**); (vi) training of other officials, such as members of the judiciary, Ministry of Justice officials and parliamentarians (**Cook Islands and Islamic Republic of Iran**); and (vii) support through DWCPs (**Bahrain and Oman**).

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

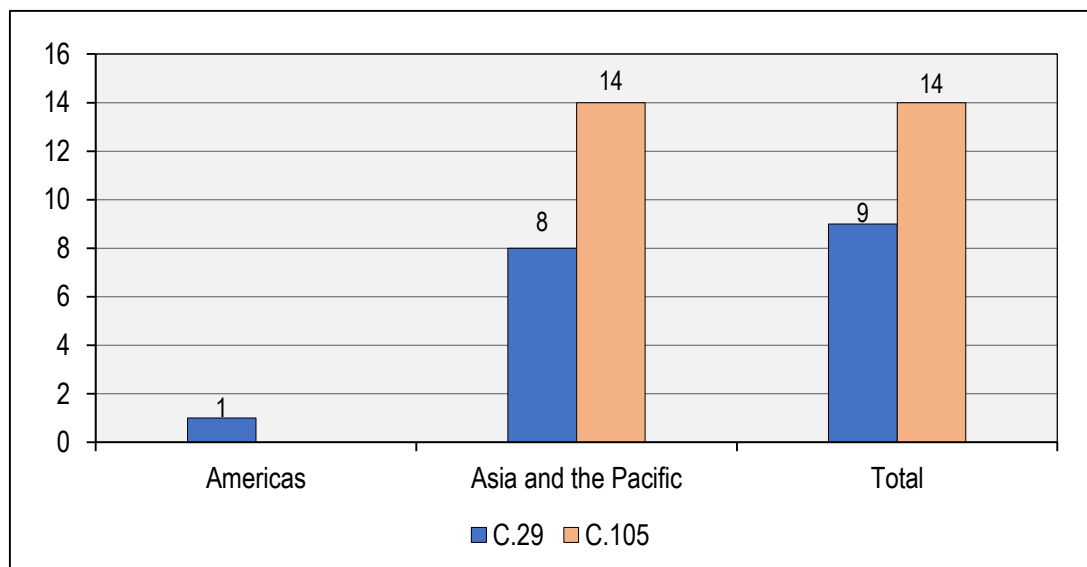
B.I. Conventions Nos 29 and 105

1. Ratifications

33. No new ratifications of Convention No. 29 and Convention No. 105 were registered during the reporting period. All countries in Africa, the Arab States and Europe have ratified both of these Conventions.

34. Nine countries have yet to ratify Convention No. 29 while 14 have yet to ratify Convention No. 105 (including **Malaysia** and **Singapore** which previously denounced the Convention). Regionally, the Asia and the Pacific region constitutes the largest number of reporting States that did not ratify both Conventions, followed by the Americas.

Figure 2. Number of member States that did not ratify C.29 and/or C.105



35. The United States is the only member State from the Americas that has not yet ratified Convention No. 29.
36. In Asia and the Pacific, **Brunei Darussalam, China, Republic of Korea, Marshall Islands, Palau, Tonga** and **Tuvalu** have not ratified both Conventions Nos 29 and 105. **Afghanistan** has not ratified Convention No. 29 whereas **Japan, Lao People's Democratic Republic, Myanmar, Timor-Leste** and **Viet Nam** have not ratified Convention No. 105. The Convention is not in force in **Malaysia** and **Singapore** (see paragraph 34 above).
37. Under this review, only four members States reported on Convention No. 29 and/or Convention No. 105. The **Republic of Korea** and **China** reported on both Conventions, whereas **Japan** and **Myanmar** reported on Convention No. 105 depending on the ratification status. The reporting rate for Convention No. 29 has been 22 per cent and 29 per cent for Convention No. 105. The Government of **China** indicated that it is likely to consider the ratification of the Conventions. The Government of **Japan** stated that further study is needed concerning the consistency between Convention No. 105 and national laws and regulations. The Government of the **Republic of Korea** indicated that current national laws are not in full conformity with the Conventions.

2. Promotional activities

38. Several countries reiterated that they had conducted promotional activities through awareness-raising campaigns and capacity-building activities, including tripartite workshops and skills enhancement for specialized institutional machinery (**China, Japan, Marshall Islands** and **Myanmar**).
39. The Government of **China** stated that in 2017 the Ministry of Human Resources and Social Security and the ILO jointly held a workshop on Convention No. 29 in Kunming Yunnan Province in November 2017 and that trade unions at various levels also play an active role with government departments in promoting the elimination of forced labour.
40. In its report, the Government of **Japan** provided information on measures taken to combat trafficking in persons. Since this information is not directly linked to the principle of the elimination of forced labour in Convention No. 105 but relates to the Protocol, it appears in Part B.II. of the document.

41. In **Myanmar**, the Ministry of Labour, Immigration and Population conducted 24 awareness-raising and training activities in collaboration with the ILO with a view to ensuring the elimination of forced labour. Moreover, 114 forced labour awareness billboards were set up throughout the country.

3. *Challenges*

42. The reporting governments and their social partners reiterated that the following challenges constituted obstacles to the realization of the principle and right: (i) legal incompatibilities (**Republic of Korea** and **Japan**); (ii) lack of capacity of responsible government institutions and of employers' and workers' organizations (**Myanmar**); (iii) lack of awareness and experience sharing (**Japan**); unfavourable socio-economic conditions (**Myanmar**); (iv) lack of social dialogue on the elimination of forced labour (**Myanmar**); and (v) lack of resources in the institutional framework (**Myanmar**).

4. *Requests for technical assistance*

43. Various governments reiterated the need for ILO technical assistance in the following areas: (i) legal reform and interpretation (**Republic of Korea**); (ii) awareness creation, training and capacity building (**China** and **Myanmar**); (iii) sharing of experiences across countries (**China** and **Japan**); and (iv) theoretical basis and empirical support for the ratification of the Conventions (**China**).

44. The Government of **Japan** requested ILO's technical assistance for information on good examples of how countries which have ratified Convention No. 105, ensured consistency between their domestic laws and the Convention.

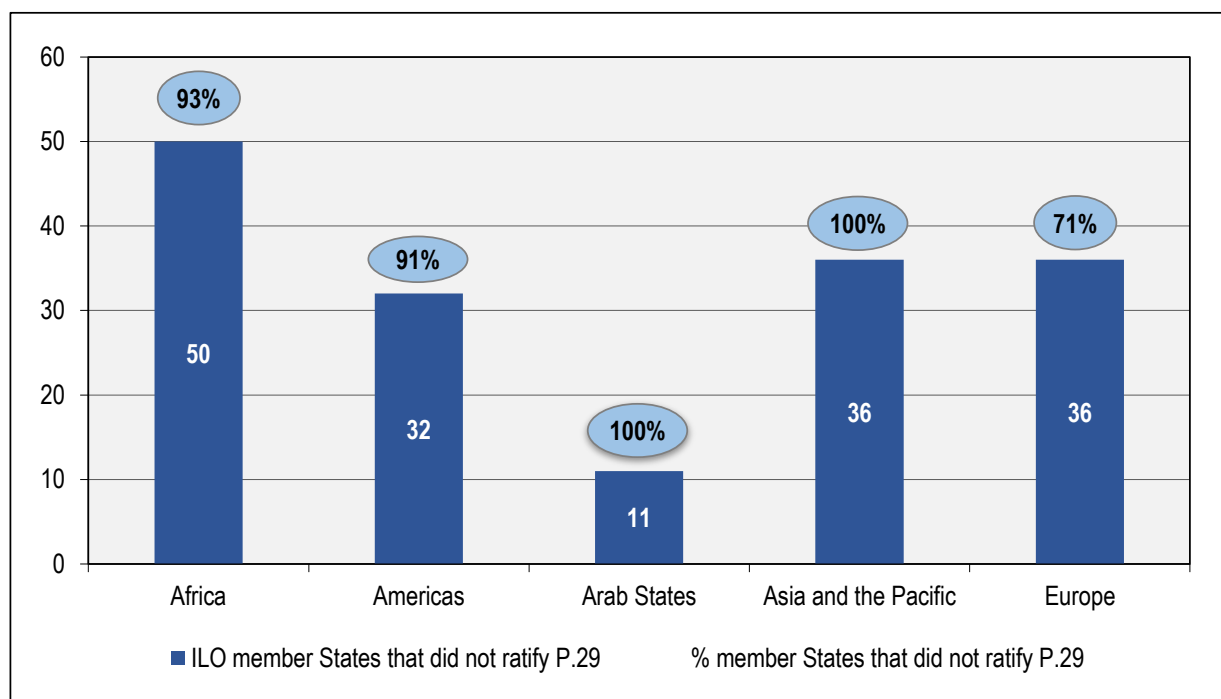
B.II. **The Protocol of 2014 to the Forced Labour Convention, 1930**

1. *Ratifications*

45. Twenty-two member States (**Argentina, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Iceland, Jamaica, Latvia, Mali, Mauritania, Namibia, Netherlands, Niger, Norway, Panama, Poland, Spain, Sweden, Switzerland** and **United Kingdom**) have ratified the Protocol. A total of 165 countries have yet to ratify the Protocol, out of which nine still have to ratify Convention No. 29. The reporting rate for the Protocol under this review is 36 per cent.

46. The majority of ratifications have taken place in Europe (29 per cent) while in two regions (Arab States and Asia and the Pacific) no ratification has been registered so far.

Figure 3. Number and percentage by region of ILO member States that did not ratify P.29



47. For the list of countries by region that have not ratified from each region, please refer to part C of the appendix.
48. Out of the total of 165 reporting States that have not ratified the Protocol, only 59 member States reported on the Protocol. Thirty-five member States (about 59 per cent of those reported) have indicated their intention to ratify the Protocol, while one member State (**Bahrain**) indicated the ratification of the Protocol as unlikely. The remaining States did not indicate the likelihood of their intention to ratify the Protocol.
49. In **Belgium**, the National Labour Council indicated that there is no impediment to the ratification of the Protocol.
50. The Government of **Bosnia and Herzegovina** reported that in August 2017, the Presidency of Bosnia and Herzegovina passed its decision for the accession of the country to the Protocol.
51. The Government of **Greece** has initiated a tripartite examination process as regards the ratification of the Protocol and has already scheduled a meeting for early 2018 through the Department of the Supreme Council of Labour to consult with the social partners.
52. The Government of **Iraq** indicated that the Protocol was under the process of ratification.
53. The Government of **Mexico** indicated that the Ministry of Labour and Social Security was analysing the feasibility of the ratification of the Protocol, in accordance with national legislation and practice.
54. In **Zambia**, the Government has generated a cabinet memorandum for approval of the ratification of the Protocol. The Zambia Federation of Employers and the Zambia Congress of Trade Unions have expressed full support to this ratification.

2. **Relevant action plans, legislation and judicial decisions**

(i) Action plans and national policies

55. Responses on national policies and action plans to combat all forms of forced or compulsory labour may vary.
56. Some governments reported that they did not have national policies to implement the principle of effective and sustained suppression of all forms of forced or compulsory labour through prevention, victim protection and access to remedies (**Bahrain, Bosnia and Herzegovina, El Salvador, Fiji, Germany, New Zealand, Slovakia and Sri Lanka**). However, all these countries indicated that they have adopted national policies and plans of action that specifically target trafficking in persons.
57. Several governments reported that they did not have national policies and action plans both for implementing the principle of effective and sustained suppression of all forms of forced or compulsory labour, and for combating trafficking in persons (**Antigua and Barbuda, Benin, Cook Islands, Costa Rica, El Salvador, Myanmar, Saint Vincent and the Grenadines, Togo and Ukraine**); most of them requested ILO technical assistance in developing such policies.
58. On the contrary, a number of governments reported that they had national policies and plans of action that not only aimed to realize the principle of effective and sustained suppression of all forms of forced or compulsory labour but also set out measures and specific actions for combating trafficking in persons (**Algeria, Australia, Austria, Azerbaijan, Bangladesh, Bulgaria, Canada, Cameroon, Chile, Cuba, Dominican Republic, Egypt, Ghana, Greece, Guatemala, Honduras, Indonesia, Ireland, Israel, Japan, Kenya, Republic of Korea, Lesotho, Lithuania, Mongolia, Montenegro, Oman, Paraguay, Peru, Portugal, Philippines, Saudi Arabia, Seychelles, Suriname, Turkey, Turkmenistan, Uzbekistan, Bolivarian Republic of Venezuela and Zambia**).
59. In some cases, governments that indicated that they had a national policy to combat all forms of forced labour were actually referring to policies aimed at combating the phenomenon of trafficking in persons. Within the area of the suppression of forced or compulsory labour, several governments therefore place special emphasis on combating trafficking in persons. (For example, **Canada, Chile, Honduras, Ireland and Bolivarian Republic of Venezuela** mention national action plans or policies to prevent and combat human trafficking; **Austria** refers to a specific Task Force on Combating Human Trafficking).

(ii) Legislative provisions

60. Most of the legislative provisions recently adopted refer to trafficking in persons.
61. In **Egypt**, the Constitution of 2014 states that pursuant to article 89 slavery and all forms of oppression and forced exploitation against humans are forbidden, as is sex trafficking and other forms of human trafficking, all of which are punishable by law.
62. In the **Islamic Republic of Iran**, the draft bill on human smuggling law was amended and presented to the Parliament for approval.
63. The Government of **Israel** indicated that the Israeli Penal Law 5737-1977 had been amended to encompass the trafficking in persons offence.

64. In **Japan**, based upon “Japan’s 2014 Action Plan to Combat Trafficking in Persons”, the relevant administrative agencies established the “Law Enforcement Task Force against Trafficking in Persons”, and information sharing about human trafficking-related cases.
65. In **Portugal**, the Government recalls that the legal framework has been strengthened by Law No. 28/2016 of 23 August 2016 against new forms of forced labour.

(iii) Judicial decisions

66. The Government of **Greece** reported that, based on the data from the Ministry of Justice on combating trafficking in persons in 2016, the following actions have been taken: 25 criminal prosecutions for sexual exploitation; seven criminal prosecutions for forced labour; seven convictions in first instance for sexual exploitation; one conviction in first instance for forced labour; two acquittal decisions for sexual exploitation; one acquittal decision for forced labour; 17 suspensory decisions for sexual exploitation; two suspensory decisions for forced labour; two appeals to the judgments at first instance for sexual exploitation; one conviction in second instance for sexual exploitation; and one conviction in second instance for forced labour.

3. Information and data collection

Mechanisms for data collection

67. The governments of a number of countries (**Algeria, Australia, Austria, Azerbaijan, Bangladesh, Bulgaria, Cameroon, Chile, Cuba, Dominican Republic, El Salvador, Germany, Ghana, Greece, Guatemala, Honduras, Indonesia, Ireland, Israel, Japan, Kenya, Lithuania, Montenegro, Oman, Peru, Portugal, Philippines, Saudi Arabia, Seychelles, Turkey, Uzbekistan, Bolivarian Republic of Venezuela and Zambia**) reported that they collect and analyse statistical data and other information on the nature and extent of forced or compulsory labour. A number of other reporting States (**Antigua and Barbuda, Bahrain, Benin, Cook Islands, Costa Rica, Fiji, Republic of Korea, Lesotho, Mongolia, Myanmar, Paraguay, Saint Vincent and the Grenadines, Slovakia, Sri Lanka, Suriname, Togo, Turkmenistan and Ukraine**) indicated that they do not currently collect and analyse data and most of them indicated that technical assistance was required in order to do so.
68. In **Ghana**, the police, together with the Ministry of Gender and Social Protection, and the Child Labour Unit under the Ministry of Employment and Labour Relations, is in charge of collecting data.
69. In **Greece**, the Hellenic Police compiles statistics on trafficking in human beings, including trafficking for forced labour. Moreover, statistics are also compiled by the Ministry of Justice. Among the objectives of the national Referral Mechanism for Victim Identification and Referral (EMA) is the collection and record of statistics on trafficking in human beings throughout the country, including data on trafficking for forced labour.
70. **Ireland** has developed a comprehensive data collection system whereby all allegations of trafficking in persons (which are made to NGOs active in the anti-human trafficking field and to the national police force) are reported to the Anti-Human Trafficking Unit in a standardized format. The annual reports published by the Anti-Human Trafficking Unit provide an overview of the data collected.
71. The Government of **Peru** elaborated an interconnected information registration system which integrates data coming from the National Police and the Public Prosecutor’s Office, at first, and that will later be extended to other systems such as the Judiciary or the Ministry

of Justice and Human Rights. The interconnection of systems makes it possible to monitor the process of prosecution of a case from its detection until the judicial sanction, to know the characteristics of the phenomenon at the national level and to elaborate public policy tools.

4. Prevention/monitoring, enforcement and sanctions mechanisms

- 72.** The information provided in this section, as well as in sections 5 and 6, confirms that the vast majority of actions undertaken by member States to combat forced labour actually take place in the context of trafficking in persons.
- 73.** The Government of **Bahrain** reported that it had taken a number of measures for the prevention of all forms of forced or compulsory labour, including: (a) strengthening and broadening of the coverage of legislation, particularly labour law; and (b) regulation and supervision of the labour recruitment and placement process. It also reported on the provision of penalties such as the confiscation of assets and criminal liability of legal persons.
- 74.** In **Canada**, offenders sentenced for human trafficking offences under the Criminal Code may receive a restitution order as part of their sentence. Restitution orders require the offender to pay an amount directly to the victim of the offence to cover the victim's monetary losses up to the time of sentencing or damage to property caused by the crime.
- 75.** In **China**, the human resources and social security administrative departments at various levels continue to actively conduct labour and social security inspection and enforcement, strengthen monitoring on labour employment, regulate recruitment and hiring by employers, strengthen the linkage between administrative enforcement and criminal justice and actively prevent and combat violations and crimes such as forced labour. The China Enterprise Confederation and the ILO jointly prepared a "Code of Conduct for Preventing Forced Labour and Human Trafficking" in Chinese and English to help enterprises to prevent risks leading to forced labour and human trafficking in the enterprises and supply chains.
- 76.** **Egypt** has established a national committee for combating trafficking in persons and illegal migration as part of prevention and monitoring mechanisms.
- 77.** In **Greece**, the Office of the National Rapporteur on Trafficking in Human Beings assists in the implementation of the law for combating trafficking in persons and protection of victims through synergies with state bodies, civil society organizations and representatives of the private sector. Moreover, it designs and coordinates the national strategy on the prevention and combating of trafficking in human beings.
- 78.** The Government of **Ireland** reported that under the Second National Action Plan, Ireland has a broad-based prevention strategy which particularly focuses on: training for frontline personnel; awareness-raising activities; data collection system designed to ensure knowledge of emerging trends; enhanced coordination and cooperation among stakeholders; and reduction in the demand for services resulting from trafficking in persons.
- 79.** In **Israel**, the Government established the National Anti-Trafficking Unit (NATU) and a Directors General Committee on Trafficking in Persons to fight trafficking in persons for the purpose of prostitution, labour and slavery.
- 80.** In May 2017, the Government of **Japan** convened the ministerial-level meeting concerning measures against trafficking in persons for the purpose of exploitation (including forced labour), and the annual report was prepared and published to show Japan's measures to

combat trafficking in persons. Every year since 2005, the National Police Agency has produced leaflets in multiple languages calling for people to report to the police on victimization, with the aim of finding victims of trafficking in persons. These leaflets are distributed to the relevant ministries and agencies, embassies in Tokyo, workers' organizations, employers' organizations and NGOs, and also placed in places that can easily catch the eyes of victims.

81. The Government of **Peru**, in the last five years, applied preventive approaches against trafficking in persons. To this end, work was carried out on information registers on trafficking in persons, awareness campaigns and training of vulnerable groups, as well as on key actors of public and private entities for the early detection of possible cases.

82. In **Zambia**, the national action for combating trafficking in persons is provided for under the Anti-Human Trafficking Act 2008, in particular through investigation, prosecution, judgment and sanctions to offenders.

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

83. In **Austria**, the Government recalls that a number of measures aim at empowering victims and potential victims. In particular, these include the provision of reliable information on rights, entitlements and support services. In 2014, a trade union advice centre for undocumented workers was established on the basis of cooperation between various trade unions, the Vienna Chamber of Labour, the Students Union Federal Agency and NGOs, among others.

84. The Government of **Bahrain** has taken different measures including: (a) training of relevant actors for identification of forced labour practices; (b) legal protection of victims; (c) medical and psychological assistance for victims; (d) measures for the rehabilitation and social and professional reintegration of victims; (e) protection of privacy and identity; (f) appropriate accommodation; (g) information and counselling for victims regarding their rights; (h) free legal assistance; and (i) cost-free proceedings. In addition, Bahrain recently launched the National Referral Mechanism (NRM). The NRM is a process adopted to enable the concerned national parties to identify, support and follow-up any suspected victims of trafficking in persons in Bahrain. It represents a collaborative framework through which stakeholders fulfil their obligations to protect, recover and promote the human rights of the victims in a timely manner.

85. In **Bosnia and Herzegovina**, the Rules on the Protection of Victims and Victim-Witnesses of Trafficking in Human Beings who are the Citizens of Bosnia and Herzegovina (hereinafter: the Rules) set out the principles and common labour standards pertaining to the identification procedure, protection and assistance to victims of trafficking in persons and victim-witnesses of trafficking in human beings who are citizens of Bosnia and Herzegovina. The Rulebook on the protection of foreign victims of trafficking in human beings defines rules and standards in the procedure of reception, recovery and repatriation of foreign victims of trafficking and other issues of interest for the victims of trafficking, as well as the methods of conduct of State and entity authorities which undertake activities for the prevention and suppression of trafficking in persons.

86. In **Canada**, under the Canadian Victims Bill of Rights, every victim has the right to have the court consider making a restitution order. Civil redress by victims against the perpetrators of crime is a matter of provincial/territorial responsibility in Canada. Additionally, some provinces have enacted legislation which establishes compensation or financial benefits programmes for victims of a crime that occurred in that province.

- 87.** In **Fiji**, the officials of the Ministry of Employment and the Legal Aid Commission provide legal protection, access to remedies and counselling services for victims of forced labour practices.
- 88.** In **Ghana**, the Human Trafficking Act of 2005 and the Human Trafficking Prohibition Regulations, 2015 provides for the protection, rescue, temporary care, counselling, family tracing and rehabilitation and compensation for all the trafficked persons (sections 14–19), irrespective of their presence or legal status in Ghana.
- 89.** In **Greece**, the Office of the National Rapporteur on Trafficking in Human Beings (THB) has established the “National Referral Mechanism for Victim Identification and Referral” a platform for inter-agency cooperation, managed by the National Centre for Social Solidarity (EKKA), on issues such as the first level identification and support of victims of trafficking. Also, a Parliamentary subcommittee on combating trafficking and exploitation of human beings that operates in the context of the Special Permanent Committee on Gender Equality, Youth and Human Rights has been established. Recently a Special Committee was established by the General Secretariat for Gender Equality in order to explore the connection between prostitution and trafficking, in cooperation with the Office of the National Rapporteur. This Committee is responsible for the development of a national strategy and the elaboration of a specific legislative proposal that will protect women against violence and exploitation for prostitution.
- 90.** The Government of the **Islamic Republic of Iran** took various measures including training, legal protection, material, medical and psychological assistance, protection of privacy and identity, as well as provision of accommodation.
- 91.** In **Ireland**, the NRM provides the following support services to victims of trafficking in persons: accommodation; medical care and planning; psychological assistance; material assistance; legal aid and advice; access to the labour market; vocational training and education; police services; access to compensation; translation and interpretation services, etc.
- 92.** In **Lesotho**, the law provides for the establishment of a trust fund which will provide assistance in repatriation and remedies for victims of forced labour but this fund has not yet been established.
- 93.** In **Peru**, the assistance and protection of victims is the primary focus of the State’s action in the fight against trafficking in persons. For this purpose, a victim protection system was built in collaboration with the National Police, the Public Prosecutor’s Office and the Ministry of Women and Vulnerable Populations. The construction of a logistic support for the victim protection system was promoted. For example, Gesell chambers are available in the vast majority of districts, and regional governments are developing public investment projects for the implementation of specialized shelters to meet the needs and provide quality services to victims. Similarly, comprehensive assistance to victims was promoted, including psychological, medical and legal services.
- 6. *Promotional activities, international cooperation, new initiatives and progress made in advancing this principle and right***
- 94.** The majority of reporting States mentioned activities, mostly involving campaigns and training initiatives, as well as international cooperation measures. A selection of these activities is listed below.

(i) Campaigns and awareness raising

95. In **Greece**, the Office of the National Rapporteur on Trafficking in Human Beings plays a leading role in undertaking information and awareness-raising initiatives and actions among the public with a view to reducing demand for services and goods from victims of trafficking in persons. The third social awareness multi-thematic campaign, “Break the Chain”, which focused on the fight against forced labour, was held in December 2017 with the participation of state actors, private sector bodies and civil society as well as representatives of arts and sciences.

96. In **Ireland**, the Government makes continued efforts to raise public awareness of the issue of trafficking in persons using the Blue Blindfold campaign. A particular focus will be the business community who have a key role to play in reducing the demand for trafficking and disrupting the activities of traffickers. A number of awareness-raising activities and training initiatives have taken place in recent years, including radio advertisements, educational packs for schools and articles in targeted publications, for example, migrant newspapers.

(ii) Training initiatives

97. In **Greece**, the Office of the National Rapporteur on Trafficking in Human Beings gives special attention to the training of professionals on first-level identification of potential victims. Following the “train the trainers” educational model, the Office is working with the National Centre of Public Administration & Local Government (State Institute of Training) to carry out anti-trafficking training seminars offered by the anti-trafficking unit of the Hellenic Police and the National Centre for Social Solidarity. In November 2017, the Office in collaboration with the British Embassy, organized a specialized training on THB carried out by Greek and English experts who addressed an audience of public employees, NGOs and private companies.

98. In **Ireland**, the training of frontline personnel on the indicators of human trafficking will continue, with the extension of this training beyond traditional sectors to frontline personnel in social and emergency services.

(iii) International cooperation

99. The Government of **Egypt** cooperates with other member States, international and regional organizations as well as NGOs in the areas of combating forced labour, technical support, workshops and seminars related to forced labour.

100. The Government of **El Salvador** indicated that it is a member of the Regional Coalition against Trafficking in Persons and the Smuggling of Migrants, which also includes Guatemala, Costa Rica, Nicaragua, Panama, Dominican Republic, Belize, Honduras and Mexico.

101. The Government of **Fiji** has been cooperating with the ILO Country Office for Pacific Island countries, UNDP Pacific Centre and various civil society organizations in the country over the years.

102. The Government of **Ghana** cooperates with the International Organization for Migration (IOM) and the ILO through stakeholder consultations, training and sensitization programmes.

103. In **Greece**, with regard to preventing human trafficking for forced labour, the Office of the National Rapporteur on Trafficking in Human Beings has set as priority cooperation with private sector bodies in order to ensure that no forms of abuse and forced labour shall occur

in the supply chains of private companies. The Office of the National Rapporteur aims at exploring possibilities for cooperation with international organizations and other partners that focus on labour exploitation phenomena through employment agencies. It represents the country in a network of EU National Rapporteurs and international organizations active in combating trafficking in persons (Organization for Security and Co-operation in Europe /Council of Europe/UN).

104. The Government of **Ireland** has placed considerable importance on cooperating with other EU Member States in combating trafficking in persons and marked improvements have been evident over the past number of years in the number of those prosecuted and convicted abroad on the basis of evidence collected in Ireland.
105. In **Mongolia**, the national Human Rights Commission and the General Police Department organize and implement projects and activities with many NGOs and the ILO.
106. In **Paraguay**, the Office of the Prosecutor works in cooperation with the prosecutors of countries of destination where forced labour may occur, as well as with INTERPOL, with the subsequent support of the Ministry of Foreign Affairs. With the help of the German and Spanish police, it was possible to disrupt three criminal trafficking organizations in Turkey, Cyprus and Spain.
107. The Government of **Peru** indicated that bilateral agreements have been signed or are being signed with Colombia, Bolivia and Ecuador. In addition, negotiations are under way with Argentina, Brazil and Chile.
108. In **Suriname**, the United Nations Office on Drugs and Crime is providing a capacity-strengthening programme for government institutions. The IOM is planning to provide assistance to government institutions and NGO's in a three-year programme which is planned to start in 2017.
109. The Government of the **Bolivarian Republic of Venezuela** has engaged in regional cooperation with a view to detecting, preventing and effectively combating trafficking in persons. The MERCOSUR Guide for early detection of situations of trafficking in persons at border areas aims to establish minimum criteria and common action guidelines, with a view to prevent trafficking in persons.

7. **Challenges**

110. The following common challenges were mentioned: (i) social and economic circumstances (such as poverty) are often the main reasons for forced labour due to trafficking (**Bangladesh, China, Dominican Republic, Ghana, Greece, Honduras, Hungary, Lesotho, Mongolia, Paraguay, Peru** and **Zambia**); (ii) lack of awareness, information or data (**Bahrain, Bangladesh, Benin, China, Cook Islands, Ghana, Greece, Honduras, Mongolia, Paraguay, Peru, Saudi Arabia** and **Zambia**); (iii) lack of capacity of employers' and workers' organizations (**China, Cook Islands, Honduras, Paraguay, Peru** and **Zambia**); (iv) lack of social dialogue (**Cook Islands, Honduras, Myanmar** and **Zambia**); (v) lack of resources (financial and human) in the institutional framework (**Benin, Ghana** and **Greece**); and (vi) challenges linked with migration policies (**Mongolia**).

8. **Requests for technical assistance**

111. With a view to overcoming the above challenges in their combat against trafficking in persons, a number of States have expressed the need for ILO technical assistance for:

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- (a) collection and analysis of data and information (**Antigua and Barbuda, Bahrain, Bangladesh, Benin, Chile, Costa Rica, Dominican Republic, Fiji, Ghana, Honduras, Islamic Republic of Iran, Lesotho, Mongolia, Paraguay, Peru, Saudi Arabia, Slovakia and Zambia**);
- (b) guidance on the development of a national policy and plan of action (**Bahrain, Bangladesh, Benin, Costa Rica, Dominican Republic, Fiji, Ghana, Islamic Republic of Iran, Mongolia, Paraguay, Peru, Saudi Arabia, Slovakia and Zambia**);
- (c) capacity building for the competent authorities, and employers' and workers' organizations (**Antigua and Barbuda, Bahrain, Bangladesh, Benin, Chile, China, Costa Rica, Dominican Republic, Fiji, Ghana, Guatemala, Honduras, Islamic Republic of Iran, Mongolia, Myanmar, Paraguay, Peru, Saudi Arabia, Slovakia and Zambia**);
- (d) strengthening the legal framework (**Antigua and Barbuda, Bangladesh, Benin, Chile, Costa Rica, Dominican Republic, Fiji, Ghana, Islamic Republic of Iran, Mongolia, Paraguay, Peru, Slovakia and Zambia**);
- (e) vocational training, job-creation and income-generation programmes for at-risk populations (**Bahrain, Bangladesh, China, Costa Rica, Dominican Republic, Ghana, Islamic Republic of Iran, Mongolia, Myanmar, Paraguay, Peru, Slovakia and Zambia**);
- (f) experience sharing (**Bahrain, Bangladesh, Benin, Chile, China, Costa Rica, Dominican Republic, Fiji, Ghana, Guatemala, Honduras, Islamic Republic of Iran, Myanmar, Nepal, Paraguay, Peru, Saudi Arabia, Slovakia and Zambia**);
- (g) promotion of fair migration policies (**Bahrain, Bangladesh, China, Dominican Republic, Fiji, Ghana, Honduras, Islamic Republic of Iran, Mongolia, Paraguay, Peru, Slovakia and Zambia**);
- (h) awareness-raising and mobilization activities (**Bahrain, Bangladesh, Benin, Chile, China, Costa Rica, Ghana, Honduras, Islamic Republic of Iran, Mongolia, Myanmar, Paraguay, Peru, Saudi Arabia, Slovakia and Zambia**);
- (i) provision of basic social security guarantees (**Bangladesh, Chile, Costa Rica, Ghana, Islamic Republic of Iran, Mongolia, Paraguay, Peru, Saudi Arabia, Slovakia and Zambia**);
- (j) promotion of fair recruitment and placement practices (**Bangladesh, Chile, China, Costa Rica, Dominican Republic, Ghana, Islamic Republic of Iran, Mongolia, Paraguay, Peru, Slovakia and Zambia**);
- (k) assessment of obstacles and their impact on the realization of the principle (**Antigua and Barbuda, Bahrain, Bangladesh, Benin, Chile, China, Costa Rica, Dominican Republic, Fiji, Ghana, Honduras, Lesotho, Mongolia, Paraguay, Peru, Saudi Arabia, Slovakia and Zambia**);
- (l) promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations (**Bangladesh, Chile, Costa Rica, Dominican Republic, Fiji, Ghana, Islamic Republic of Iran, Mongolia, Paraguay, Peru, Saudi Arabia, Slovakia and Zambia**);
- (m) guidance on supporting due diligence (**Bangladesh, Dominican Republic, Ghana, Islamic Republic of Iran, Mongolia, Paraguay, Peru, Saudi Arabia, Slovakia and Zambia**); and;

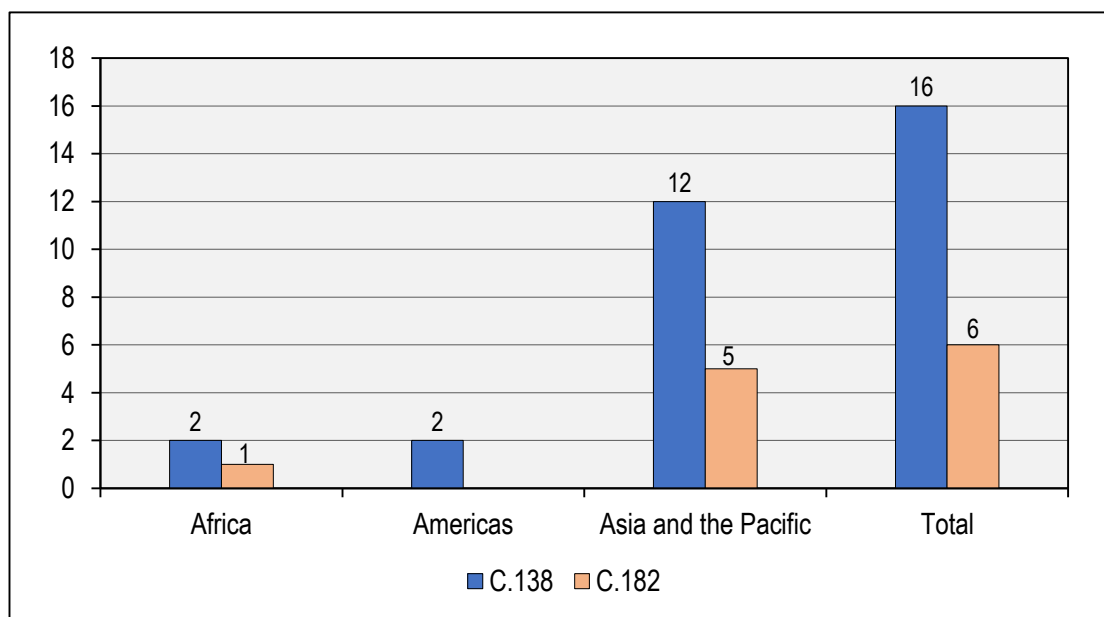
(n) inter-institutional cooperation (**Bangladesh, Chile, Dominican Republic, Ghana, Guatemala, Islamic Republic of Iran, Mongolia, Paraguay, Peru, Saudi Arabia, Slovakia and Zambia**).

C. The effective abolition of child labour

1. Ratifications

112. With the ratification by **India** in June 2017 of both the Minimum Age Convention, 1973 (No. 138), and Convention No. 182, and the ratification by **Suriname** in January 2018 of Convention No. 138, 16 countries have yet to ratify Convention No. 138 while six countries have yet to ratify Convention No. 182.

Figure 4. Number of member States that did not ratify C.138 and/or C.182



113. Regionally, all countries in Europe and the Arab States have ratified both Conventions. The Asia and the Pacific region constitutes the largest number of States that did not ratify Convention No. 138 and/or Convention No. 182, followed by the Americas, and the African region.

114. In Africa, **Liberia** and **Somalia** have not ratified Convention No. 138 and **Eritrea** has not yet ratified Convention No. 182

115. In the Americas, **Saint Lucia** and the **United States** have not ratified Convention No. 138.

116. In Asia and the Pacific, **Cook Islands, Marshall Islands, Palau, Tonga and Tuvalu** have not ratified both Conventions Nos 138 and 182. **Australia, Bangladesh, Islamic Republic of Iran, Myanmar, New Zealand, Timor-Leste and Vanuatu** have not ratified Convention No. 138.

117. Under this review, only seven members States reported on Convention No. 138 and/or Convention No. 182. On the basis of their ratification status, **Cook Islands** reported on both Conventions Nos 138 and 182, while **Australia, Bangladesh, Islamic Republic of Iran, Myanmar, New Zealand and Suriname** reported on Convention No. 138. **Cook Islands and Islamic Republic of Iran** stated that there is a possibility to ratify the respective

remaining unratified Conventions. **Australia** and **Bangladesh** indicated that ratification of the Convention is unlikely. **Myanmar** and **New Zealand** did not indicate their ratification intention for Convention No. 138. The reporting rate for Convention No. 138 has been 41 per cent, and 17 per cent for Convention No. 182.

- 118.** More specifically, the Government of **Australia** stated that ratification of Convention No. 138 was not a priority over the reporting period, while the Government of **Bangladesh** indicated that huge informality is the main impediment to the ratification of Convention No. 138.
- 119.** The Government of the **Islamic Republic of Iran** reported that it will take effective steps in order to assess the feasibility study of the ratification of Convention No. 138 in collaboration with concerned agencies.
- 120.** The Government of **New Zealand** maintains its previously stated position on Convention No. 138. It considers that although there is no single minimum age of employment, the current legislative and policy framework provides effective age thresholds for entry to work and for safe work.
- 121.** The Government of **Suriname** reported that the ratification of Convention No. 138 had been approved by the National Assembly in August 2016. The declaration on minimum age prescribed by the Convention was submitted to the ILO on 15 January 2018, which enabled the registration of the ratification.

2. Promotional activities

- 122.** The Governments of **Australia**, **Bangladesh** and the **Islamic Republic of Iran** expressed that efforts were made in conducting research, compiling information and data, as well as organizing training and awareness-raising events in connection with Convention No. 138.
- 123.** In **New Zealand**, the Ministry of Business, Innovation and Employment (MBIE) provides information for young employees, and for employers who hire young people or work in industries with young employees, including via its website and through a new Young Workers Employee Rights and Protections leaflet, which was published in March 2017 and is to be distributed throughout New Zealand. The labour inspectorate strategy and its enforcement policy, “Ensuring Fair Workplaces” (developed in 2016), include a focus on preventing the exploitation of young workers. The labour inspectorate also proactively targets sectors where there is poor compliance with minimum employment standards, such as horticulture, hospitality and dairy. These sectors are also more likely to employ young and migrant workers.

3. Policy and legal developments

- 124.** According to the Government of **Australia**, in the Commonwealth, in addition to the measures outlined in Australia’s National Action Plan to Combat Human Trafficking and Slavery 2015–19, the Government provided the Fair Work Ombudsman (FWO) with additional funding to assist in addressing the exploitation of vulnerable workers, enabling the FWO to increase direct engagement with vulnerable communities and expand teams who work with vulnerable groups. Further, in March 2017, the Government introduced legislation to strengthen protections for vulnerable workers. The Fair Work Amendment (Protecting Vulnerable Workers) Bill, 2017 amends the Fair Work Act, 2009 (Commonwealth) to include higher penalties for contraventions of prescribed workplace laws, make franchisors and holding companies responsible for underpayments in certain circumstances, and strengthen evidence-gathering powers for the FWO. In New South Wales, since the last

report, the Children and Young Persons (Care and Protection), Act 1998 (Care and Protection Act) has been amended to provide the children's guardian with additional powers to conduct investigations into suspected non-compliance. These include: (a) power to enter premises where there is suspected employment of children in the prescribed industries; and (b) power to compel the production of information. In Queensland, the Industrial Relations Act 2016 introduces new protections for all workers. A review of the Child Employment Regulation, 2006 (Queensland) was undertaken and a new regulation commenced on 1 September 2016. In Tasmania, the Education Act, 2016 commenced on 10 July 2017, repealing the Education Act, 1994 and extending compulsory education for students.

125. New Zealand reiterated that the Health and Safety at Work Act, 2015 came into force on 4 April 2016 with health and safety requirements applicable to all workers. Health and safety regulations set out additional duties for persons conducting a business or undertaking to ensure young persons under 15 years of age do not carry out certain types of hazardous work. The NZCTU commented that the Government's report provides no evidence that "the current legislative and policy framework provides effective age thresholds for entry to work and for safe work". It is impossible to verify this claim as government statistics do not adequately capture youth employment. The current permissive regime on child employment is failing to protect children from exploitation and work that causes harm to health, safety, well-being, and education. BusinessNZ commented that specifying an age below which a young person cannot be employed is considered to be far too prescriptive, failing to take into account individual country circumstances.

126. The Government of **Suriname** reported that, in August 2017 a new law on child labour – covering children and young persons – was submitted to the Council of Ministers after consultation with the social partners in the Labour Advisory Board. This new law has the aim of implementing Convention No. 138. The draft law has already been approved by the Council of Ministers and was submitted to the State Council for its advice in September 2017. After approval by the State Council the new law on child labour will be submitted to the National Assembly for approval. The new law is intended to repeal the articles in the Labour Code 1963 with regard to child labour and labour performed by young persons.

4. *New initiatives and progress made in advancing this principle and right*

127. In **Myanmar**, the Factories and General Labour Laws Inspection Department (FGLLID) under the Ministry of Labour has been implementing the Myanmar Programme on the Elimination of Child Labour (January 2014 to December 2017) in collaboration with the ILO. The Technical Working Group for Child Labour was established with 31 members. A national committee to develop the national action plan on the elimination of child labour was being established.

5. *Challenges*

128. Various challenges have been indicated by reporting States, including: (i) lack of public awareness (**Cook Islands** and **Islamic Republic of Iran**); (ii) lack of social dialogue (**Cook Islands**); (iii) lack of capacity of government institutions and social partners (**Cook Islands** and **Myanmar**); (iv) traditional and cultural barriers (**Cook Islands** and **Islamic Republic of Iran**); (v) lack of data and analysis on child labour (**Cook Islands** and **Myanmar**); and (vi) social and economic circumstances (**Cook Islands** and **Islamic Republic of Iran**).

129. The Government of **Bangladesh** stated that resource constraints for universal social protection, out-of-reach school children, huge informality, poverty and the existence of huge family farms can be considered as the most critical challenges and difficulties for effective abolition of child labour from the country.

130. The Government of **New Zealand** reported that one challenge has been to ensure relevant groups receive information on rights and obligations in respect of young workers. The MBIE provides a range of resources including through its online and print media, and the contact centre which is accessible to non-English speakers through a free interpreting service. Another challenge has been that there is no single complete and comprehensive source of information on harm to young persons at work.

6. Requests for technical assistance

131. With a view to overcoming the challenges, governments and/or employers' and workers' organizations requested ILO technical support in various areas including: (i) policy advice (**Cook Islands**); (ii) awareness raising, training and capacity building (**Bangladesh, Cook Islands and Islamic Republic of Iran**); (iii) strengthening capacity of employers' and workers' organizations (**Bangladesh, Cook Islands and Islamic Republic of Iran**); (iv) strengthening data collection systems and research (**Cook Islands and Islamic Republic of Iran**); (v) good practices and sharing of experiences (**Bangladesh and Islamic Republic of Iran**); and (vi) social protection systems (**Bangladesh and Islamic Republic of Iran**).

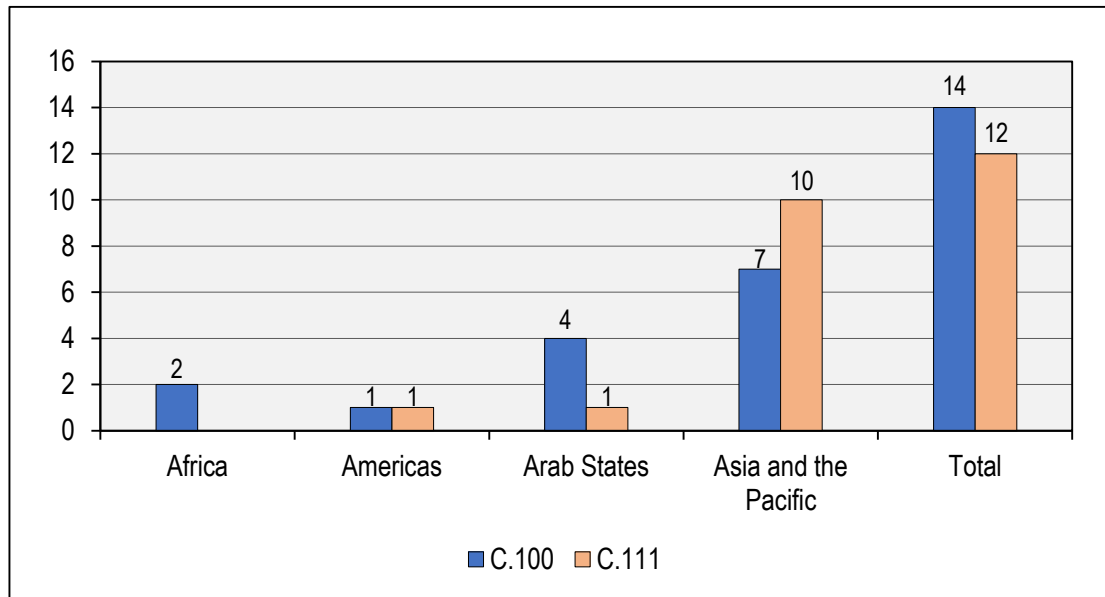
132. In **Suriname**, the Government indicated, inter alia, that there is a need for: (a) further training of labour inspectors and other labour officials especially with regard to the implementation of Convention No. 138; (b) strengthening data collection and analysis capacities within the Ministry of Labour; and (c) special programmes regarding indigenous and tribal communities and in the rural areas and border districts.

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

1. Ratifications

133. In June 2017 **Thailand** ratified Convention No. 111. With this new ratification, a total of 17 countries have yet to ratify Convention No. 100 and/or Convention No. 111. While 14 countries have yet to ratify Convention No. 100, 12 others are yet to ratify Convention No. 111.

Figure 5. Number of member States that did not ratify C.100 and/or C.111



134. Regionally, all countries in Europe have ratified both Conventions. The Asia and the Pacific region constitutes the largest number of reporting States that did not ratify Convention No. 100 and/or Convention No. 111, followed by the Arab States, the African region and the Americas.
135. In Africa, **Liberia** and **Somalia** have not ratified Convention No. 100.
136. In the Americas, the **United States** has not yet ratified both Conventions Nos 100 and 111.
137. In the Arab States region, while **Oman** has not ratified both Conventions Nos 100 and 111, **Bahrain, Kuwait** and **Qatar** have not ratified Convention No. 100.
138. In Asia and the Pacific, **Brunei Darussalam, Cook Islands, Marshall Islands, Myanmar, Palau, Tonga** and **Tuvalu** have not ratified both Conventions while **Japan, Malaysia** and **Singapore** have not ratified Convention No. 111.
139. Only five member States reported under this review on Convention No. 100 and/or Convention No. 111. **Bahrain** reported on Convention No. 100. **Cook Islands, Myanmar** and **Oman** reported on both Conventions. **Japan** reported on Convention No. 111, according to their ratification status. **Cook Islands** and **Oman** indicated their intention to ratify both the Conventions while **Bahrain** stated that there is no possibility to ratify Convention No. 100 anytime soon as national laws are not fully aligned to the provisions of the Conventions. On the other hand, **Japan** and **Myanmar** did not clearly indicate their intentions with respect to the ratification of Convention No. 111 or both of the Conventions. The reporting rate for Convention No. 100 has been 29 per cent and 33 per cent for Convention No. 111.
140. In **Japan**, the Government held discussions on ratifying Convention No. 111 at a tripartite consultation meeting on 3 March 2017. The Government exchanged views with social partners requesting ratification of Convention No. 111. However, further study is needed concerning the consistency between Convention No. 111 and national laws and regulations.

2. *Promotional activities*

141. In **Japan**, the Government conducted awareness-raising events and produced and distributed leaflets on the Technical Training Act, 2016.

3. *Policy and legal developments*

142. In **Japan**, the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees was enacted in November, 2016. The purpose of the Act is to protect the technical intern trainees.

4. *Challenges*

143. Challenges indicated by reporting States include: (i) inadequate legal provisions or incompatibility of national laws with provisions of the Conventions (**Bahrain** and **Cook Islands**); (ii) lack of information and data (**Cook Islands**); (iii) lack of awareness or understanding of Conventions (**Bahrain, Myanmar** and **Oman**); (iv) lack of capacity of workers' organizations (**Bahrain, Cook Islands, Myanmar** and **Oman**); (v) lack of capacity of employers' organizations (**Cook Islands**); (vi) lack of capacity of responsible government institutions (**Bahrain** and **Cook Islands**), (vii) lack of social dialogue (**Cook Islands** and **Oman**); and (viii) unfavourable economic, political, social or cultural factors (**Cook Islands** and **Myanmar**).

144. The Government of **Bahrain** indicated that the Ministry of Labour and Social Development does not have enough resources to conduct its responsibilities as an enforcement body.

5. *Requests for technical assistance*

145. With a view to overcoming the challenges, governments and/or employers' and workers' organizations requested ILO technical support in various areas including: (i) awareness raising, training and capacity building (**Bahrain, Cook Islands, Myanmar** and **Oman**); (ii) legal reform (**Cook Islands**); (iii) capacity building of responsible government institutions (**Bahrain** and **Cook Islands**); (iv) training of other officials (e.g. police, judiciary, labour inspectors, social workers, teachers) (**Bahrain** and **Cook Islands**); (v) strengthening capacity of employers' organizations (**Cook Islands**); (vi) strengthening capacity of workers' organizations (**Cook Islands**); (vii) strengthening data collection and capacity for statistical collection and analysis (**Cook Islands**); (viii) developing labour market policies that promote equality of opportunity (**Cook Islands**); (ix) developing policies regarding equal remuneration (**Cook Islands**); (x) establishing or strengthening specialized institutional machinery (**Cook Islands**); (xi) coordination between institutions (**Cook Islands**); and (xii) experience sharing (**Japan**).

146. The Government of **Japan** requested ILO's technical assistance for information on good examples of how countries which have ratified Convention No. 111 ensured consistency between their domestic laws and the Convention.

III. *Conclusions*

147. Most reports received under the Annual Review have been rich in terms of content, indicating the interest and commitment of governments in many countries to promote and realize the fundamental principles and rights at work and to move, in some cases, towards ratification of the fundamental Conventions and the Protocol.

- 148.** However, the reporting rate for this exercise, along with participation on the part of employers' and workers' organizations, has fallen markedly, irrespective of whether member States chose to use the online reporting tool or not. As previously mentioned, in a number of cases, technical difficulties may have occurred, and it appeared that the login information had not always been transmitted by the respective permanent missions to the official(s) responsible for reporting under the annual follow-up, and had to be sent again. In this respect, steps were taken by ILO standard specialists in the field to reach out to member States to raise awareness and assistance concerning the reporting obligation. In addition, in October 2017, a follow-up communication was sent to all member States with reporting obligations, and efforts were made during the October–November 2017 session of the Governing Body to contact the governments who had not yet submitted their report. For many member States, notably those that have ratified all eight fundamental Conventions but not the Protocol, 2015–16 was the first reporting year. It appears that the annual nature of the follow-up under the 1998 Declaration is not clear to all governments, as the Office received a number of replies to the request for reports in 2017 indicating that a report had been submitted on issues covered by the Protocol in 2016. In this respect, it should be recalled that there is always a possibility of governments indicating “no change” from their last report but such confirmation is necessary annually to be up to date on the state of play.
- 149.** Considering the particular nature of the Protocol which supplements Convention No. 29 and their interrelated scopes of application, a comprehensive overview of the principle could also be based on the information available under the reporting obligations of the ratified Convention, as well on the follow-up strategy endorsed by the Governing Body in November 2014 to promote the ratification of the Protocol. In this connection, the possibility to report on the basis of simplified questionnaires, as it is the case for the fundamental Conventions, could be considered and the Governing Body's guidance is sought in this respect.
- 150.** This could also be an opportunity to design and develop a more user-friendly online reporting tool. While certain challenges were reported by governments in relation to the online questionnaire, it can be observed that over half of those reporting did ultimately submit their reports via this tool. As the online reporting system facilitates the elaboration and receipt of standardized country reports into a database, this could enhance the efficiency and performance of the reporting exercise by both the member States and the Office. Member States could continue to utilize the system in an effort to track trends over years, while further consideration could be placed on the most appropriate way to analyse the information received.
- 151.** In response to interest expressed in the ratification of one or more fundamental instruments and the Protocol in particular, the Office should further intensify its technical assistance in responding to requests formulated by reporting States with a view to overcoming challenges, strengthening tripartite capacities and promoting social dialogue for a better realization of the fundamental principles and rights at work and, in particular, effectively supporting member States in their struggle against the global scourge of forced labour including trafficking in persons at national, regional, international and multilateral levels.

Draft decision

152. *The Governing Body:*

- (a) *takes note of the information presented under the Annual Review of the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work for the period from January 2017 to 31 December 2017;***

- (b) invites the Director-General to further take into account its guidance on key issues and priorities, including as to the interest in the further elaboration of reporting tools with a view to facilitating online reporting and data analysis;*
- (c) requests the Office to address simplified questionnaires to the constituents regarding the Protocol of 2014 to the Forced Labour Convention, 1930; and*
- (d) reiterates its support for the mobilization of resources with regard to further assisting member States in their efforts to respect, promote and realize fundamental principles and rights at work, through universal ratification and action, and in particular, to combat the global scourge of forced labour including trafficking in persons.*

Appendix

List of reporting States under the Annual Review as at 31 January 2018

A. List of States that have not ratified all eight fundamental Conventions and the Conventions not yet ratified by each of them

	Countries	Freedom of association/ collective bargaining	Forced labour	Child labour	Discrimination in employment and occupation
1.	Afghanistan	C.87 and 98	C.29		
2.	Australia			C.138	
3.	Bahrain	C.87 and 98			C.100
4.	Bangladesh			C.138	
5.	Brazil	C.87			
6.	Brunei Darussalam	C.87 and 98	C.29 and 105		C.100 and 111
7.	China	C.87 and 98	C.29 and 105		
8.	Cook Islands	C.87 and 98		C.138 and 182	C.100 and 111
9.	Eritrea			C.182	
10.	Guinea-Bissau	C.87			
11.	India	C.87 and 98			
12.	Iran, Islamic Republic of	C.87 and 98		C.138	
13.	Iraq	C.87			
14.	Japan		C.105		C.111
15.	Jordan	C.87			
16.	Kenya	C.87			
17.	Korea, Republic of	C.87 and 98	C.29 and 105		
18.	Kuwait				C.100
19.	Lao People's Democratic Republic	C.87 and 98	C.105		
20.	Lebanon	C.87			
21.	Liberia			C.138	C.100
22.	Malaysia	C.87	C.105		C.111
23.	Marshall Islands	C.87 and 98	C.29 and 105	C.138 and 182	C.100 and 111
24.	Mexico	C.98			
25.	Morocco	C.87			
26.	Myanmar	C.98	C.105	C.138	C.100 and 111
27.	Nepal	C.87			
28.	New Zealand	C.87		C.138	
29.	Oman	C.87 and 98			C.100 and 111
30.	Palau	C.87 and 98	C.29 and 105	C.138 and 182	C.100 and 111
31.	Qatar	C.87 and 98			C.100
32.	Saint Lucia			C.138	
33.	Saudi Arabia	C.87 and 98			
34.	Singapore	C.87	C.105		C.111
35.	Somalia			C.138	C.100
36.	South Sudan	C.87			
37.	Sudan	C.87			
38.	Thailand	C.87 and 98			
39.	Timor-Leste		C.105	C.138	
40.	Tonga	C.87 and 98	C.29 and 105	C.138 and 182	C.100 and 111
41.	Tuvalu	C.87 and 98	C.29 and 105	C.138 and 182	C.100 and 111
42.	United Arab Emirates	C.87 and 98			
43.	United States	C.87 and 98	C.29	C.138	C.100 and 111
44.	Vanuatu			C.138	
45.	Viet Nam	C.87 and 98	C.105		

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

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|-------------------------------------|----------------------------------|---------------------------------------|--|
| 1. Afghanistan | 43. Djibouti | 84. Lesotho | 125. Saudi Arabia |
| 2. Albania | 44. Dominica | 85. Liberia | 126. Senegal |
| 3. Algeria | 45. Dominican Republic | 86. Libya | 127. Serbia |
| 4. Angola | 46. Ecuador | 87. Lithuania | 128. Seychelles |
| 5. Antigua and Barbuda | 47. Egypt | 88. Luxembourg | 129. Sierra Leone |
| 6. Armenia | 48. El Salvador | 89. Madagascar | 130. Singapore |
| 7. Australia | 49. Equatorial Guinea | 90. Malawi | 131. Slovakia |
| 8. Austria | 50. Eritrea | 91. Malaysia | 132. Slovenia |
| 9. Azerbaijan | 51. Ethiopia | 92. Maldives, Republic of | 133. Solomon Islands |
| 10. Bahamas | 52. Fiji | 93. Malta | 134. Somalia |
| 11. Bahrain | 53. Gabon | 94. Marshall Islands | 135. South Africa |
| 12. Bangladesh | 54. Gambia | 95. Mauritius | 136. South Sudan |
| 13. Barbados | 55. Georgia | 96. Mexico | 137. Sri Lanka |
| 14. Belarus | 56. Germany | 97. Moldova, Republic of | 138. Sudan |
| 15. Belgium | 57. Ghana | 98. Mongolia | 139. Suriname |
| 16. Belize | 58. Greece | 99. Montenegro | 140. Swaziland |
| 17. Benin | 59. Grenada | 100. Morocco | 141. Syrian Arab Republic |
| 18. Bolivia, Plurinational State of | 60. Guatemala | 101. Mozambique | 142. Tajikistan |
| 19. Bosnia and Herzegovina | 61. Guinea | 102. Myanmar | 143. Tanzania, United Republic of |
| 20. Botswana | 62. Guinea-Bissau | 103. Nepal | 144. Thailand |
| 21. Brazil | 63. Guyana | 104. New Zealand | 145. The former Yugoslav Rep. of Macedonia |
| 22. Brunei Darussalam | 64. Haiti | 105. Nicaragua | 146. Timor-Leste |
| 23. Bulgaria | 65. Honduras | 106. Nigeria | 147. Togo |
| 24. Burkina Faso | 66. Hungary | 107. Oman | 148. Tonga |
| 25. Burundi | 67. India | 108. Pakistan | 149. Trinidad and Tobago |
| 26. Cabo Verde | 68. Indonesia | 109. Palau | 150. Tunisia |
| 27. Cambodia | 69. Iran, Islamic Rep. of | 110. Papua New Guinea | 151. Turkey |
| 28. Cameroon | 70. Iraq | 111. Paraguay | 152. Turkmenistan |
| 29. Canada | 71. Ireland | 112. Peru | 153. Tuvalu |
| 30. Central African Republic | 72. Israel | 113. Philippines | 154. Uganda |
| 31. Chad | 73. Italy | 114. Portugal | 155. Ukraine |
| 32. Chile | 74. Japan | 115. Qatar | 156. United Arab Emirates |
| 33. China | 75. Jordan | 116. Romania | 157. United States |
| 34. Colombia | 76. Kazakhstan | 117. Russian Federation | 158. Uruguay |
| 35. Comoros | 77. Kenya | 118. Rwanda | 159. Uzbekistan |
| 36. Congo | 78. Kiribati | 119. Saint Kitts and Nevis | 160. Vanuatu |
| 37. Cook Islands | 79. Korea, Republic of | 120. Saint Lucia | 161. Venezuela, Bolivarian Republic of |
| 38. Costa Rica | 80. Kuwait | 121. Saint Vincent and the Grenadines | 162. Viet Nam |
| 39. Côte d'Ivoire | 81. Kyrgyzstan | 122. Samoa | 163. Yemen |
| 40. Croatia | 82. Lao People's Democratic Rep. | 123. San Marino | 164. Zambia |
| 41. Cuba | 83. Lebanon | 124. Sao Tome and Principe | 165. Zimbabwe |
| 42. Democratic Rep. of the Congo | | | |

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

Africa	Americas	Arab States	Asia and the Pacific	Europe
1. Algeria	Antigua and Barbuda	Bahrain	Afghanistan	Albania
2. Angola	Bahamas	Iraq	Australia	Armenia
3. Benin	Barbados	Jordan	Bangladesh	Austria
4. Botswana	Belize	Kuwait	Brunei Darussalam	Azerbaijan
5. Burkina Faso	Bolivia, Plurinational State of	Lebanon	Cambodia	Belarus
6. Burundi	Brazil	Oman	China	Belgium
7. Cabo Verde	Canada	Qatar	Cook Islands	Bosnia and Herzegovina
8. Cameroon	Chile	Saudi Arabia	Fiji	Bulgaria
9. Central African Republic	Colombia	Syrian Arab Republic	India	Croatia
10. Chad	Costa Rica	United Arab Emirates	Indonesia	Georgia
11. Comoros	Cuba	Yemen	Iran, Islamic Republic of	Germany
12. Congo	Dominica		Japan	Greece
13. Côte d'Ivoire	Dominican Republic		Kiribati	Hungary
14. Democratic Rep. of the Congo	Ecuador		Korea, Republic of	Ireland
15. Djibouti	El Salvador		Lao People's Democratic Rep.	Israel
16. Egypt	Grenada		Malaysia	Italy
17. Equatorial Guinea	Guatemala		Maldives, Rep. of	Kazakhstan
18. Eritrea	Guyana		Marshall Islands	Kyrgyzstan
19. Ethiopia	Haiti		Mongolia	Lithuania
20. Gabon	Honduras		Myanmar	Luxembourg
21. Gambia	Mexico		Nepal	Malta
22. Ghana	Nicaragua		New Zealand	Moldova, Rep. of
23. Guinea	Paraguay		Pakistan	Montenegro
24. Guinea-Bissau	Peru		Palau	Portugal
25. Kenya	Saint Kitts and Nevis		Papua New Guinea	Romania
26. Lesotho	Saint Lucia		Philippines	Russian Federation
27. Liberia	Saint Vincent and the Grenadines		Samoa	San Marino
28. Libya	Suriname		Singapore	Serbia
29. Madagascar	Trinidad and Tobago		Solomon Islands	Slovakia
30. Malawi	United States		Sri Lanka	Slovenia
31. Mauritius	Uruguay		Thailand	Tajikistan
32. Morocco	Venezuela, Bolivarian Rep. of		Timor-Leste	The former Yugoslav Rep. of Macedonia
33. Mozambique			Tonga	Turkey
34. Nigeria			Tuvalu	Turkmenistan
35. Rwanda			Vanuatu	Ukraine
36. Sao Tome and Principe			Viet Nam	Uzbekistan
37. Senegal				
38. Seychelles				
39. Sierra Leone				
40. Somalia				
41. South Africa				
42. South Sudan				
43. Sudan				
44. Swaziland				
45. Tanzania, United Republic of				
46. Togo				
47. Tunisia				
48. Uganda				
49. Zambia				
50. Zimbabwe				