

**FOR INFORMATION**

## SIXTH ITEM ON THE AGENDA

**Ratification and promotion of  
fundamental ILO Conventions**

1. On 25 May 1995, the Director-General launched the campaign to promote the fundamental ILO Conventions with a view to their universal ratification. Each year the Director-General submits a report for information to the Governing Body on progress made in the ratification of the fundamental ILO Conventions during the previous year and on the future prospects for the ratification of these instruments, based on information communicated by the member States.
2. As in previous years, on 11 July 2006, the Director-General sent a letter to governments of countries that had not ratified all the fundamental Conventions, asking them to indicate their position with regard to these Conventions and in particular whether or not their position had changed since their previous communication. The indications given in Part II below consolidate information from the replies received to the Director-General's letter sent in July,<sup>1</sup> as well as information which had been reported to the Governing Body under this item previously. Part II also includes information provided by governments in the context of the annual review under the follow-up to the Declaration on Fundamental Principles and Rights at Work or to the International Labour Conference, as well as information obtained by the ILO in the course of technical assistance and cooperation activities.
3. The information contained in this paper is as at 15 September 2006. Further developments will be communicated orally to the Committee during the examination of this document.

**I. Overview on progress made  
towards universal ratification**

4. The number of ratifications – or confirmations of previous commitments – since the beginning of the campaign has reached 491. These ratifications were made by 164 member

<sup>1</sup> Replies were received from 22 countries: Australia, Bahrain, China, Cuba, Estonia, Gabon, Guinea-Bissau, Japan, Kenya, Malaysia, Mexico, Morocco, Myanmar, New Zealand, Oman, Qatar, Saudi Arabia, Singapore, Suriname, Thailand, United Arab Emirates and United States.

States.<sup>2</sup> Since the 294th Session (November 2005) of the Governing Body, 21 new ratifications of fundamental Conventions have been registered.

	New ratifications	Total number of ratifications
Convention No. 29	Latvia, Vanuatu (2)	170
Convention No. 87	Armenia, El Salvador, Vanuatu (3)	147
Convention No. 98	El Salvador, Vanuatu (2)	156
Convention No. 100	Vanuatu (1)	163
Convention No. 105	Vanuatu (1)	166
Convention No. 111	China, Vanuatu (2)	165
Convention No. 138	Armenia, Latvia, Pakistan, Qatar, Saint Vincent and the Grenadines (5)	147
Convention No. 182	Armenia, Cambodia, Latvia, Suriname, Vanuatu (5)	162

5. To date, 1,276 ratifications of fundamental Conventions have been registered. In order to achieve the goal of *universal ratification* 1,432 ratifications,<sup>3</sup> or 179 per Convention, are needed.
6. Taking into account the ratifications registered since November 2005, six additional countries joined those that have ratified all eight fundamental Conventions: *Armenia, El Salvador, Cambodia, Latvia, Pakistan* and *Saint Vincent and the Grenadines*.
7. To date, of the Organization's 179 member States, 123 have ratified the eight fundamental ILO Conventions, 19 have ratified seven, 11 have ratified six and nine have ratified five. By comparison, three have ratified only one or two fundamental Conventions and 11 have ratified three or four fundamental Conventions. Three countries that joined the ILO only recently have not yet ratified any of the fundamental Conventions.

<sup>2</sup> Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Chad, Chile, China, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Honduras, Hungary, Iceland, Indonesia, Iraq, Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Republic of Moldova, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Republic of Serbia, Seychelles, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, United Republic of Tanzania, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United States, Uruguay, Uzbekistan, Vanuatu, Viet Nam, Yemen, Zambia, Zimbabwe.

<sup>3</sup> 179 member States x eight fundamental Conventions.

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## **II. Positions with regard to non-ratified fundamental Conventions**

### **A. States having ratified none of the fundamental Conventions**

8. *Montenegro's* membership became effective on 14 July 2006. All eight fundamental Conventions applied to Montenegro when it was a part of the former state union of Serbia and Montenegro. The Office is awaiting indications from the Government as to whether it wishes to confirm these previous commitments.
9. *Samoa* became a member of the Organization on 7 March 2005. The Government stated in its first report submitted in 2005 under the Declaration that it intends to ratify all eight fundamental Conventions.
10. The *Democratic Republic of Timor-Leste* became a member of the Organization on 19 August 2003. The Government indicated during the 93rd Session (June 2005) of the International Labour Conference that it was looking into the ratification of the eight Conventions concerned.

### **B. States having ratified one fundamental Convention**

11. The *Solomon Islands* has ratified Convention No. 29. The Government has indicated in the context of the 2006 annual review under the Declaration that it intends to ratify the other fundamental Conventions soon.

### **C. States having ratified two fundamental Conventions**

12. *Myanmar* has not yet ratified Conventions Nos. 98, 100, 105, 111, 138 and 182. The Government reiterated in August 2006 that priority was being given to the drafting of a new Constitution.
13. The *United States* has not yet ratified Conventions Nos. 29, 87, 98, 100, 111 and 138. The Government confirmed in July 2006 its previous position that there were no ongoing efforts to ratify Conventions Nos. 29, 87, 98, 100 and 138. However, Convention No. 111 remained on the Government's list of treaties that deserve priority attention.

### **D. States having ratified three fundamental Conventions**

14. *Afghanistan* has not yet ratified Conventions Nos. 29, 87, 98, 138 and 182. The Government indicated in the context of the 2006 annual review under the Declaration that the ratification of these Conventions was under preparation.
15. The *Lao People's Democratic Republic* has not yet ratified Conventions Nos. 87, 98, 100, 105 and 111. The Government stated at the 95th Session (June 2006) of the International Labour Conference that it was examining these Conventions with a view to ratifying them as soon as possible.

16. *Somalia* has not yet ratified Conventions Nos. 87, 98, 100, 138 and 182. It has not yet provided information within the ratification campaign.

#### **E. States having ratified four fundamental Conventions**

17. *Bahrain* has not yet ratified Conventions Nos. 87, 98, 100 and 138. The Government indicated in September 2006 that it was still examining these Conventions in order to take the necessary measures.
18. *China* has not yet ratified Conventions Nos. 29, 87, 98 and 105. In August 2006, the Government indicated that cooperation with the ILO was continuing regarding Conventions Nos. 29 and 105, which would be ratified when effective implementation was ensured. In the context of the 2005 annual review under the Declaration, the Government stated the principle of freedom of association and the effective recognition of the right to collective bargaining was recognized in China. However, there was a need for technical cooperation to facilitate the realization of this principle in particular in order to strengthen capacity of workers' and employers' organizations and to share experiences across countries and regions.
19. *India* has not yet ratified Conventions Nos. 87, 98, 138 and 182. At the 95th Session (June 2006) of the International Labour Conference, the Government stated that Convention No. 182 would be ratified when national laws and practice were in full conformity with its provisions and indicated a number of measures being taken in this regard. With respect to Convention No. 138, efforts were being made for the creation of suitable enforcement machinery and conditions ensuring that children are not being compelled by circumstances to seek work. Previously, the Government stated that Conventions Nos. 87 and 98 could not be ratified, as this would involve granting of certain rights to government employees which are restricted under national legislation in order to ensure their impartiality and political neutrality.
20. *Kiribati* joined the ILO in 2000. It has not yet ratified Conventions Nos. 100, 111, 138 and 182. The Government indicated in the context of the 2006 annual review under the Declaration that a number of measures have been taken with a view to ratifying these Conventions.
21. The *Republic of Korea* has not yet ratified Conventions Nos. 29, 87, 98 and 105. The Government stated in September 2003 regarding Conventions Nos. 87 and 98 that the Minister of Labour had submitted a proposal for industrial relations reform to the Korea Tripartite Commission. Based on the outcome of the Commission's discussions, the Government would start preparations for the industrial relations reform bills. With respect to Conventions Nos. 29 and 105, further research had been commissioned in order to find solutions with regard to remaining barriers for ratification.
22. *Oman* has not yet ratified Conventions Nos. 87, 98, 100 and 111. The Government stated in August 2006 that, following the amendments introduced by Decree 74/2006 of 8 June 2006 to the Labour Code, the Ministry of Manpower was in the process of issuing implementing regulations in conformity with international labour standards. Subsequently, the ratification of the remaining fundamental Conventions will be completed.
23. *Qatar* has not yet ratified Conventions Nos. 87, 98, 100 and 105. The Government reaffirmed in September 2006 its commitment to the four Conventions and stated that Convention No. 105 is presently under consideration for a probable ratification in the near

future. In the context of the 2006 annual review under the Declaration, the Government indicated that ratification of Convention No. 100 was being prepared.

24. *Viet Nam* has not yet ratified Conventions Nos. 29, 87, 98 and 105. The Government indicated during the 95th Session (June 2006) of the International Labour Conference that a comparative analysis of national legislation and the provisions of Conventions Nos. 29 and 105 had been finalized, with a view to recommending to the competent authorities the ratification of these Conventions. In the context of the 2006 annual review under the Declaration, the Government indicated that ratification of Conventions Nos. 87 and 98 would be considered step by step in consultation with social partners.

## **F. States having ratified five fundamental Conventions**

25. *Canada* has not yet ratified Conventions Nos. 29, 98 and 138. The Government stated in June 2006 that it would consider ratifying Convention No. 29 when certain points with regard to the work of prisoners for private enterprises were clarified. With regard to Conventions Nos. 98 and 138, stated in September 2005, a number of studies and research projects were under way to facilitate further federal-provincial-territorial dialogue.
26. *Guinea-Bissau* has not yet ratified Conventions Nos. 87, 138 and 182. The Government stated in September 2006 that Conventions Nos. 138 and 182 have been submitted to the People's National Assembly for approval. Convention No. 87 has been submitted for approval by the Council of Ministers.
27. The *Islamic Republic of Iran* has not yet ratified Conventions Nos. 87, 98 and 138. The Government indicated in the context of the 2006 annual review under the Declaration that it was studying the possibility of ratifying Convention No. 138. With respect to Conventions Nos. 87 and 98, the Government stated that a number of obstacles continued to exist.
28. *Malaysia* has not yet ratified Conventions Nos. 87 and 111, and it denounced Convention No. 105 in 1990. In August 2006, the Government stated that its position regarding ratification of these instruments remained unchanged.
29. *Saudi Arabia* has not yet ratified Conventions Nos. 87, 98 and 138. The Government indicated in August 2006 that it was in the process of examining the possibility of ratifying Convention No. 138 in the light of the provisions of the new Labour Code. It reiterated that the possibility of ratifying Conventions Nos. 87 and 98 was being considered.
30. *Singapore* has not yet ratified Conventions Nos. 87 and 111, and it denounced Convention No. 105 in 1979. In August 2006, the Government stated that major changes to existing laws and practices would be required to allow for ratification. It nonetheless continued to engage with relevant government agencies, employers' organizations and trade unions to review the remaining Conventions and ratify them where possible.
31. *Suriname* has not yet ratified Conventions Nos. 100, 111 and 138. Regarding Convention No. 138, the Government indicated in August 2006 that the Ministry of Education was consulting on a total revision of the compulsory education system. With respect to Conventions No. 100 and 111, the Government stated that a tripartite committee had been established in April 2006 to advise the Minister of Labour regarding possibilities for implementing a minimum wage system.

32. *Thailand* has not yet ratified Conventions Nos. 87, 98 and 111. According to information received in September 2006, the Government indicated that a study on the country's readiness to ratify Conventions Nos. 87 and 98 revealed that a number of laws, regulations and other measures were currently not in conformity with the Conventions. The Ministry of Labour would raise awareness on the need to revise these laws with the concerned government agencies. Concerning Convention No. 111, a number of laws and practices, which may not be in conformity, still needed to be examined.
33. *Uzbekistan* has not yet ratified Conventions Nos. 87, 138 and 182. In the initial phase of the campaign, the Government stated that the documents relating to the ratification of Convention No. 87 had been submitted to the National Assembly. More recently, the Government indicated in the context of the 2006 annual review under the Declaration that a proposal for ratification of Conventions Nos. 138 and 182 had been submitted to the *Oliy Majlis* in May 2005 and that a bill on ratification would also be introduced.

#### **G. States having ratified six fundamental Conventions**

34. *Australia* has not yet ratified Conventions Nos. 138 and 182. In August 2006, the Government expected to complete the administrative processes necessary for ratification of Convention No. 182 by the end of 2006. With regard to Convention No. 138, the Government reiterated that Australian law and practice met the Convention's objectives, but for technical reasons Australia was unable to ratify.
35. *Haiti* has not yet ratified Conventions Nos. 138 and 182. The Government indicated at the 93rd Session (June 2005) of the International Labour Conference that the necessary measures would be taken to ratify these Conventions following the forthcoming elections.
36. *Japan* has not yet ratified Conventions Nos. 105 and 111. The Government reiterated in September 2006 that further study regarding the relation between national legislation and these Conventions was required. It also drew attention to amendments made in June 2006 to strengthen its gender equality legislation.
37. *Kuwait* has not yet ratified Conventions Nos. 98 and 100. The Government stated, in reply to the 2002 campaign letter, that the constitutional procedures for ratification of both Conventions had been initiated and the instruments of ratification would be provided in the near future.
38. *Liberia* has not yet ratified Conventions Nos. 100 and 138. The Government announced at the 95th Session (June 2006) of the International Labour Conference that Convention No. 100 was in the process of being submitted to the legislature and that it was also examining Convention No. 138.
39. *Mexico* has not yet ratified Conventions Nos. 98 and 138. The Government stated in August 2006 that no change had occurred regarding its position with respect to ratification of Convention No. 98, recalling that it continued to have reservations in relation to Article 1, paragraph 2(b), of the Convention. Further, national legislation incompatible with the Convention continued to prevent ratification of Convention No. 138.
40. *Nepal* has not yet ratified Conventions Nos. 87 and 105. In September 2004, the Government stated that consultations continued to forge a broad consensus among social partners regarding the ratification of these Conventions.

41. *New Zealand* has not yet ratified Conventions Nos. 87 and 138. The Government stated in August 2006 that no further decisions have been made concerning Convention No. 87. However, the Government was continuing to monitor both national and international developments including ILO jurisprudence, with a view to future ratification. With regard to Convention No. 138, a proposal was currently being prepared describing possible reforms that might ensure compliance of New Zealand law, practice and policy with the Convention.
42. *Sierra Leone* has not yet ratified Conventions Nos. 138 and 182. In September 2003, the Government indicated that both Conventions had been approved by Parliament and that the Attorney-General's Office would prepare the necessary instruments of ratification.
43. *Turkmenistan* has not yet ratified Conventions Nos. 138 and 182. The instrument of ratification concerning Convention No. 138 was received in 1997 but without the declaration required under Article 2, paragraph 1, of the Convention. Information available to the ILO indicates that the Parliamentary Commission on Social Affairs and Employment has unanimously recommended the ratification of Convention No. 182 to the National Assembly.
44. The *United Arab Emirates* has not yet ratified Conventions Nos. 87 and 98. The Government stated in August 2006 that amendments to the labour law concerning the establishment of workers' organizations had been submitted to the Council of Ministers for approval.

#### H. States having ratified seven fundamental Conventions

45. *Bangladesh* has not yet ratified Convention No. 138. The Government stated in September 2005 that the socio-economic and cultural conditions of the country would not allow ratification of this Convention at this time.
46. *Brazil* has not yet ratified Convention No. 87. The Government indicated in the context of the 2006 annual review under the Declaration that the reform proposals agreed upon during the National Employment Forum (2003-04) would not allow ratification of the Convention.
47. *Cape Verde* has not yet ratified Convention No. 138. Parliament adopted the law approving ratification of the Convention in January 2006, while signature by the President and publication in the *Official Journal* are still pending.
48. *Cuba* has not yet ratified Convention No. 182. The Government stated in August 2006 that it was continuing to study the possibility of ratification.
49. The *Czech Republic* has not yet ratified Convention No. 138. The Government stated in September 2004 that after the adoption of two laws relating to child labour, the proposal for ratification of Convention No. 138 was being prepared.
50. *Eritrea* has not yet ratified Convention No. 182. In its reply to the 2002 campaign letter, the Government explained that the Ministry of Labour and Human Welfare had submitted the Convention to the competent authority for consideration.

51. *Estonia* has not yet ratified Convention No. 138. The Government stated in August 2006 that the legislative bill concerning the ratification of the Convention had been submitted to Parliament.
52. *Gabon* has not yet ratified Convention No. 138. In her reply to the 2006 campaign letter, the Minister of Labour and Employment indicated that the Convention had been submitted to Parliament a number of times, most recently in April 2005. Efforts were currently under way to draw Parliament's attention to the importance of this matter.
53. *Ghana* has not yet ratified Convention No. 138. The Government announced its intention to ratify this Convention very soon in the context of the 2005 annual review under the Declaration.
54. *Iraq* has not yet ratified Convention No. 87. The Government stated in the context of the 2006 annual review under the Declaration that it intends to ratify this Convention after the adoption of the new Labour Code.
55. *Jordan* has not yet ratified Convention No. 87. The Government stated, in reply to the 2005 campaign letter, that it was still considering the possibility of ratifying it.
56. *Kenya* has not yet ratified Convention No. 87. The Government stated in August 2006 that the Labour Advisory Board agreed in September 2005 that research be undertaken to determine the implications of ratification on the industrial relations system. The Ministry of Labour was seeking budgetary provision for such research.
57. *Lebanon* has not yet ratified Convention No. 87. The Government reiterated in September 2005 that the new draft Labour Code included several principles which were not contained in the current Labour Code but were provided for in Convention No. 87.
58. *Madagascar* has not yet ratified Convention No. 105. The Government indicated during the 95th Session (June 2006) of the International Labour Conference that the formal ratification process has been initiated.
59. *Morocco* has not yet ratified Convention No. 87. The Government informed the Office in August 2006 that the Ministry of Employment and Vocational Training had contacted other relevant ministries with a view to re-examining the legislation concerning the public sector which was currently impeding ratification.
60. *Namibia* has not yet ratified Convention No. 100. According to the Government's report submitted for the 2005 annual review under the Declaration, ratification is not being considered at this stage.
61. *Saint Lucia* has not yet ratified Convention No. 138. The Government stated, in reply to the 2001 campaign letter, that it had initiated consultations on the ratification of the Convention and intended to submit it to Cabinet for consideration.
62. *Sudan* has not yet ratified Convention No. 87. The Government stated in the context of the 2006 annual review under the Declaration that ratification of this Convention was under consideration.



- 63.** *Vanuatu.* In August 2006, the Office received the instrument of ratification in respect of Convention No. 138. However, the ratification could not be registered in the absence of the declaration required under Article 2, paragraph 1, of the Convention. The Office is in contact with the authorities on this matter.

Geneva, 2 October 2006.

*Submitted for information.*