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COMMISSION ON HUMAN RIGHTS
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COMPREHENSIVE EXAMINATION OF THEMATIC ISSUES RELATING
TO THE ELIMINATION OF RACIAL DISCRIMINATION

THE IMPLEMENTATION OF HUMAN RIGHTS WITH REGARD TO WOMEN

HUMAN RIGHTS OF INDIGENOUS PEOPLES

THE ADMINISTRATION OF JUSTICE AND HUMAN RIGHTS

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE
SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

Memorandum submitted by the International Labour Office

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I. GENERAL INFORMATION

A. The ILO Declaration on Fundamental Principles and Rights at Work, and its follow-up

1. At its 86th Session (June 1998) the International Labour Conference adopted the ILO Declaration on Fundamental Principles and Rights at Work, and its follow-up. The Declaration is intended to reaffirm the commitment of all member States of the ILO to the fundamental principles and rights which are incumbent on all countries by the very fact of their membership in the Organization, even if they have not yet been able to ratify the corresponding conventions. The follow-up of the Declaration consists of two parts: annual reports will have to be supplied by the member States that have not ratified the relevant conventions, and global reports will be prepared each year on the principles concerning the fundamental rights contained in the Declaration.

2. The implementation and follow-up of the Declaration are now well under way and the ILO Governing Body has taken a series of decisions in this regard. First, it has sent to the member States the requests for the first annual reports under article 19 of the ILO Constitution. These reports are due as of 1 November 1999. The Governing Body has also decided to establish a group of seven experts who will examine Governments' reports and submit them to the March 2000 session of the Governing Body for discussion. The group of experts will be appointed by November 1999. In addition, the Office is making available to the member States and other constituents a great deal of assistance to prepare their first reports on the ILO Declaration. It is expected that the reporting volume will be high.

3. The first of the global reports, which are to be prepared on different subjects, is now under way. This report will be on freedom of association and collective bargaining and will be available for discussion in the Conference of June 2000. The order of subsequent global reports has also been determined, with forced labour to be examined in 2001, child labour in 2002 and discrimination in employment in 2003, after which the rotation will begin again. After these reports are discussed in the ILO Conference, the Governing Body at each November session will draw up and adopt a Plan of Action for ILO technical assistance to assist the countries in implementing the principles covered in that year's global report. Assistance on the Declaration has included a variety of activities such as national seminars, translations of the ILO Declaration into national languages and assistance to prepare the annual reports. The ILO Declaration and its follow-up was extensively discussed in a tripartite regional seminar on core ILO conventions organized in May 1999, in Damascus, focusing on the Declaration and its follow-up. Similar sessions are now being planned in a number of other regions as well.

B. Adoption of the ILO Convention on the worst forms of child labour and its accompanying Recommendation

4. At its 87th Session (June 1999), the International Labour Conference adopted, by a unanimous vote, the new Convention and Recommendation on the elimination of the worst forms of child labour. The Worst Forms of Child Labour Convention, 1999 (No. 182) applies to all persons under the age of 18 and provides that each ratifying State shall take immediate and

effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency. The worst forms of child labour are stated to include the following: (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

5. The Convention calls for international cooperation and assistance among the ratifying States in eliminating the above forms of child labour. It also provides that ratifying States have the obligation to establish or designate appropriate monitoring mechanisms and to design and implement programmes of action to eliminate as a priority the worst forms of child labour. Each State would have to take measures to ensure the effective implementation and enforcement of the provisions of the Convention, including the provision and application of penal sanctions or, as appropriate, other sanctions. The Convention stresses the importance of education in eliminating child labour and the need to take effective and time-bound measures in this respect. Special measures are called for with respect to the situation of girls. The accompanying Recommendation (No. 190) provides further guidance on the effective implementation of the Convention. For example, the design and implementation of programmes of action should aim at giving special attention to the problem of hidden work situations, in which girls are at special risk. Furthermore, in determining the types of work which are likely to jeopardize the health, safety and morals of boys and girls, countries are asked to consider, as a minimum, work which exposes children to physical, emotional or sexual abuse and work under particularly difficult conditions, such as work for long hours or during the night or work which does not allow the child the possibility of returning home each day.

6. The provisions of the new Recommendation reinforce the need for countries to cooperate with international efforts to end the worst forms of child labour by gathering and exchanging information on criminal offences, including those involving international networkers, and detecting and prosecuting those involved in the sale and trafficking of children and the use of children for illicit activities, prostitution and pornography.

C. Ratification of ILO conventions

7. Since the previous session of the Sub-Commission, there has been a large number of further ratifications of ILO conventions on subjects relating to the concerns of the Sub-Commission. This has partly been the result of a campaign, launched by the Director General of ILO following the World Summit for Social Development (Copenhagen, March 1995), for the universal ratification of the seven ILO fundamental human rights conventions (Nos. 29 and 105 concerning forced labour, Nos. 87 and 98 on freedom of association and collective bargaining, Nos. 100 and 111 on discrimination, and No. 138 on child labour). The ILO Area Offices and multi-disciplinary teams in the field

follow up Governments' indications on ratifications, and assistance in overcoming obstacles to ratification is made available. The following summarizes the ratifications of those among the 182 ILO conventions which are of special relevance for human rights, as of 8 July 1999: ¹

<u>Convention</u>	<u>Total ratifications</u>	<u>Since last report</u>
<u>Forced Labour</u>		
No. 29	150	Oman St. Vincent and the Grenadines Turkey Zimbabwe
No. 105	140	Bahrain Bulgaria Chile Ethiopia Indonesia Kyrgyzstan Romania Russian Federation St. Vincent and the Grenadines Zimbabwe
<u>Discrimination</u>		
No. 100	140	Belize Ethiopia Thailand
No. 111	136	Belize Indonesia Ireland Republic of Korea Sri Lanka Zimbabwe
No. 156	29	Belize Bolivia
<u>Freedom of Association</u>		
No. 87	124	Cape Verde Chile
No. 98	141	Chile St. Vincent and the Grenadines Zimbabwe

Migrant Workers

No. 97	41	-
No. 143	18	-

Indigenous and Tribal Peoples

No. 107	27	No longer open for ratification
No. 169	13	-

Minimum Age

No. 138	76	Burkina Faso China Dominican Republic Egypt Ethiopia Hungary Indonesia Lithuania Portugal Republic of Korea Turkey United Republic of Tanzania United Arab Emirates
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Vocational Rehabilitation

No. 159	64	Kuwait Madagascar Portugal Zimbabwe
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In addition, as outlined in reports to the Governing Body on this campaign, there is a large number of other ratifications either already under way or being examined by the competent national authorities. In the four years since the campaign was launched, nearly 120 ratifications of the 7 fundamental conventions have been registered. The campaign is expected to continue for the foreseeable future.

D. Application of conventions

8. Within the framework of the regular procedures for the supervision of ILO conventions and recommendations, the Committee of Experts on the Application of Conventions and Recommendations addressed a number of comments to ratifying States at its November-December 1998 session, which are contained in its report to the 87th Session of the International Labour Conference.² This report was in turn discussed by the Conference Committee on the Application of Conventions and Recommendations during the 87th Session of the International Labour Conference (June 1999), which invited 19 Governments to

appear before it to give information on points raised by the Committee of Experts regarding one or more of the above-mentioned conventions.

E. Adoption of new standards

9. At its 87th Session in June 1999 the International Labour Conference addressed the question of the revision of the Maternity Protection Convention (Revised) (No. 103), and Recommendation (No. 95), 1952. Proposed conclusions were formulated during the Conference with a view to a revision of the Convention and Recommendation. A resolution was adopted to place the revision of the Convention and Recommendation on the agenda of the 2000 session of the International Labour Conference for a second discussion with a view to the adoption of a revised convention and recommendation on this subject.

F. General activities for the prevention of discrimination

10. Tripartite activities to promote ILO standards on equality of opportunity and treatment took place in various countries, including Brazil, India, Indonesia, Malaysia, Namibia, South Africa, Thailand and Ukraine. At the national level, consultations held in April 1998 with the Government of the Republic of Korea on the ratification of core conventions resulted in the ratification of Convention No. 111; and in response to the Government of China's request for technical assistance on the ratification of this Convention, a series of national tripartite workshops on Convention No. 111 began in April 1999. In Indonesia, ILO provided technical assistance with respect to the implementation of labour law reform and the realization of the fundamental principles and rights at work, related to the Government's decision to ratify, inter alia, Convention No. 111.

11. The Norway-funded technical cooperation project on affirmative action in employment in Namibia, intended to overcome the lingering effects of apartheid on employment, is now completing its last phase. The crowning achievement of the project has been the adoption and promulgation of the Affirmative Action (Employment) Act, No. 29 of 1998. ILO will continue to backstop the last phase of this three-year project, which is expected to come to a close this year, including the training of 15 Employment Equity Commissioners and 15 Department of Labour staff (inspectors and review officers) who will be responsible for enforcement of the Act's provisions. In South Africa, the Office's technical assistance on the drafting of new legislation bore fruit with the adoption of the Employment Equity Act, No. 55 of 1998. The Act bans unfair discrimination in employment on a wide range of grounds (including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language and birth), and requires affirmative action measures in favour of black people, women and persons with disabilities. The Office is currently advising the Department of Labour in the area of employment equity training. A draft project in the pipeline would use national and international expertise to inform the stakeholders of their obligations under the Act, and on the business sense of good employment equity plans.

12. The Office will also be assisting in the implementation of a project in Pakistan entitled "Human rights: an institutional capacity-building project",

which is scheduled to take place during 1999. The project aims to build and strengthen effective human rights institutions, both governmental and non-governmental, and an active participation of the country in international human rights protection systems. Project activities will include research, training, and the development and implementation of action plans.

G. Action against discrimination based on HIV/AIDS

13. For people who are affected with HIV/AIDS, discrimination occurs both in their attempts to get jobs and in their relation with employers and their colleagues. The Office is receiving an increasing number of requests for assistance in this field. Most current ILO activities related to AIDS are taking place in Africa. They generally focus on preventive HIV/AIDS education programmes, often in collaboration with other agencies, or with NGOs. Several activities are being conducted in the Southern African subregion, involving the ILO, UNDP and UNAIDS. Sensitization modules were carried out in general workshops on international labour standards. In addition, a number of seminars were held on the workplace safety side of HIV, using the "Your health and safety at work" kit, and the Office supported the National Tripartite Seminar on the Employment Implications of AIDS to be held in Malawi, from 20 to 23 September 1999. The Office was also involved in South Africa's "HIV/AIDS campaign" and the United Nations Country Team's work plan for HIV/AIDS activities in that country, where it is lead agency for a number of items. The International Small Enterprises Programme (ISEP) of ILO, connected with Enterprise Development, in collaboration with UNDP, held a Joint Exploratory Meeting on the Informal/Micro and Small Business Enterprise Sector and the HIV/AIDS Epidemic in Africa from 21 to 24 May 1999. The meeting came to the following conclusions:

1. The current economic reforms in Sub-Saharan Africa are focusing on deregulation and privatization, and have a tendency to increase the role of the private sector in the affairs of respective countries.
2. The assumptions made under these reforms are that the private sector will become the potential resource base for HIV prevention, care and mitigation activities. These assumptions are difficult to take seriously when half of this private sector is made up of the informal/MSE sector. These are the reasons why ILO and the UNDP Regional Project on HIV and Development joined forces to organize the above-mentioned exploratory meeting on the issue. The main outcome is an agreement to undertake a series of research oriented activities that would shed light on the interaction between HIV and the informal/MSE sector. It was noted also that the ILO/UNDP Regional Project initiative may be the first serious attempt to work within the informal/MSE sector to create awareness and implement prevention or care programmes.

14. Furthermore, an ILO Tripartite Workshop on Social and Labour Implications of HIV and AIDS is tentatively scheduled to take place in Windhoek, Namibia in October 1999. ILO is participating in the Inter-agency Working Group on Gender and Aids and the Inter-agency Advisory Group on AIDS. In 1998, the Office also published HIV/AIDS and Employment, which deals with

the legislative and regulatory framework, enterprise practices, the impact of measures taken and recommendations for practical policies to address discrimination in employment on the basis of HIV/AIDS. Some other publications on the subject are under preparation and would serve as guidance for ILO teams and constituents.

H. Situation of Arab workers of the occupied Arab territories

15. At the 87th Session of the International Labour Conference, the constituents of ILO discussed, in a special sitting, the Director General's most recent report on the situation of workers in the occupied Arab territories. Since 1978, through missions sent to Israel and the occupied territories including the Golan, ILO has been fulfilling its mandate to monitor the situation of Palestinian workers and has documented how their interests and those of Palestinian employers can be improved by the provision of adequate and appropriate technical assistance. This year, a mission representing the Director General visited Israel and the occupied Arab territories from 24 April to 1 May 1999. Another mission visited the Syrian Arab Republic from 13 to 16 March 1999. The report is based on information collected during these missions and from a variety of sources, including the Government of Israel and the Palestinian Authority, employers' and workers' organizations and various United Nations agencies.

16. The report concerns first and foremost the real conditions of work and employment of the workers in the occupied Arab territories in such areas as equality of opportunity and treatment in employment, access to the labour market, working conditions, social security and industrial relations. This year, the report once again highlighted the negative impact on the employment situation of Palestinian workers of the closures, whether partial or total, between Israel and the West Bank and Gaza Strip. Despite indicators of improvement, the employment situation of workers in the occupied territories remains of grave concern. The mission was informed that the lack of clarity of the legislation applicable in the settlements and the non-payment of wages were still major problems for Palestinians working in Israel. The average daily wage for those who worked in the West Bank was US\$ 13.36 and in Gaza it was US\$ 10.79. Average monthly take-home pay, calculated by multiplying the average daily wage rate by the average number of days worked per month, increased for those who were able to work in Israel from NIS 1,643 to NIS 1,763, i.e. by 7.3 per cent. (In terms of United States dollars, there was a decline of 4.1 per cent as a result of the depreciation of the Israeli currency in the second half of 1998.) Finally, the average monthly wage of all workers of the occupied territories, irrespective of their place of work, was estimated at US\$ 355, unchanged in real dollar terms from the previous year. The latest labour force survey shows an average labour force participation rate of 41 per cent in the territories as a whole, with major differences along gender lines. The average labour force participation in the West Bank, in 1998, was 72.1 per cent for men and 14.2 for women. In the Gaza Strip, the corresponding rates were reported to be 64.9 per cent for men and 5.8 per cent for women.

17. The report noted that the policy changes, announced in 1997 by the Israeli Office of the Coordinator of Government Activities in the Territories (COGAT) of the Ministry of Defence and by the Ministry of Labour and Social

Affairs, continued to be implemented. Changes involved, *inter alia*, the cancellation of quotas for Palestinian workers; approval of a plan to permit their employment in Israel even during sensitive security situations; issuance of work permits for overnight stays of Palestinian workers in Israel; lowering the age of workers entitled to work in Israel to 23 (perhaps even lower in the future depending on the security situation); allowing for more flexible working hours and stay in Israel so that Palestinians could work until evening or in shifts; job fairs; and an initiative placed before the Palestinian Authority in favour of expanding Palestinian job opportunities in the construction sector. However, the current report continues to highlight the difficult situation in terms of conditions of Palestinians employed by Israelis or working in Israel, including non-payment or discriminatory underpayment of wages and benefits, and inequalities in the social security system.

18. ILO continued its technical cooperation in a number of areas: A social security code is currently being prepared with ILO assistance through the Palestinian Ministry of Labour. The code should give the necessary framework to develop an appropriate social security scheme. In addition, ILO assisted the Palestinian authorities in drafting a labour code which has had its first reading in the Palestinian Legislative Council. The adoption of the labour code would, it is hoped, put an end to the current uncertainty as regards the applicable legislation. ILO assistance has also been requested by the Palestinian Ministry of Labour to strengthen the labour administration and industrial relations system.

19. In the biennium 1998-1999, the ILO's regional programme for the Arab States attached great importance and priority to assisting the countries and territories directly concerned with the peace process in the subregion, in particular Gaza and the West Bank. The ILO contribution in this area continued to be focused on capacity-building activities for officials responsible for labour and social policies and for the representatives of the employers' and workers' organizations. The programme also provided for the development of employment policies, human resources development, and promotion of employment through small enterprise development, including a regional seminar on the promotion of micro and small enterprises for women. Within the framework of the ILO International Programme on More and Better Jobs for Women, an action plan for the West Bank and Gaza has been formulated and a proposal to implement the plan is being considered. ILO continued to implement a sizeable technical assistance programme in the West Bank and Gaza and the Palestinian territories involving over US\$ 10 million. The Palestinian Employment Programme (PEP), whose objectives and aims are to expand the employment opportunities of the Palestinian labour force, is currently one of the main ILO activities in the occupied territories. With regard to ongoing technical cooperation activities being undertaken by the ILO International Training Centre, Turin, several activities worth about US\$ 2 million were implemented with the Palestinian Authority. They included the development of technical colleges of the Ministry of Higher Education, training activities, the promotion of women's rights and the strengthening of trade unions. ILO will continue its technical cooperation programmes in the occupied Arab territories, with the aim of improving the situation of the

workers, by focusing its assistance on employment and sustainable livelihood, building the capacity of its constituents and enhancing social dialogue and tripartism.

I. Collaboration with other international organizations

20. As in the past, the arrangements whereby the ILO collaborates with other international organizations on questions concerning the supervision of international instruments and matters of interest to more than one organization continued to function in relation to freedom of association, discrimination in employment and occupation, equal opportunities between men and women in employment, indigenous and tribal peoples, migrant workers, forced labour, child labour and other questions falling within the ILO mandate. ILO regularly takes an active part in the Commission on Human Rights and in the Sub-Commission on Prevention of Discrimination and Protection of Minorities, including the Sub-Commission's working groups on indigenous populations, on minorities, on contemporary forms of slavery, and on the right to development. ILO also plays a prominent role in the various treaty bodies established to supervise United Nations human rights instruments, in particular the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of All Forms of Discrimination against Women and the Committee on the Rights of the Child. ILO is cooperating with the United Nations in coordinated follow-up to and implementation of the World Conference on Human Rights (Vienna, 1993), and the Fourth World Conference on Women (Beijing, 1995). The 1995 World Summit on Social Development assigned to ILO a leading role in action concerning employment and ILO is working actively on the "Copenhagen + 5" preparations. Contributions have also been made regularly to projects designed by the ILO International Training Centre in Turin which have a bearing on equality issues. The Office also continued to collaborate in the field of standards with the United Nations and its bodies, and with other specialized agencies.

21. ILO has continued its efforts to maintain a constructive synergy between its work and the activities of the Office of the High Commissioner for Human Rights, a synergy that is to be pursued in accordance with a specific decision to this effect taken by the Governing Body. Workshops on the application of international human rights instruments and joint briefing sessions with other United Nations agencies for country or thematic rapporteurs have been organized by the United Nations with the collaboration of the ILO International Training Centre in Turin. ILO has also been called upon to supply a large amount of information on specific themes and different countries to the United Nations High Commissioner for Human Rights to assist her in fulfilling her mandate.

22. ILO continued its consultations with the World Bank and the International Monetary Fund over the past year, with a view to these organizations taking increased account of human rights questions affecting working people. This has taken place so far through technical discussions between the staff of the two organizations, with the objective of coming to a better working arrangement. A joint project between ILO and the Asian Development Bank is in the pipeline, focusing on international labour standards with particular attention for gender concerns, child labour and

issues of occupational safety and health. The project will be implemented in a selected number of Asian countries and the Sub-Commission will be informed of the outcome in due time.

23. Following the General Assembly's proclamation of 1995-2004 as the International Decade of the World's Indigenous People, the International Labour Office has contributed to the Decade by organizing its own events and by collaborating with the Office of the High Commissioner for Human Rights. In the framework of the General Assembly's proclamation of 1995-2004 as the United Nations Decade for Human Rights Education, ILO has cooperated with the Office of the High Commissioner for Human Rights in its activities to promote human rights education methodologies, using, in particular, the extensive experience of ILO in workers' and employers' education.

24. The Office has informed the United Nations that ILO will take an active part in the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which is expected to be held no later than 2001.

II. NOTE ON ITEM 3 (a) OF THE PROVISIONAL AGENDA

25. ILO activities relating to international migration for employment aim at providing support to migrant-sending and migrant-receiving countries in order to help them deal with current policy concerns, cooperate in the recruitment and return of migrant workers and improve the protection of migrant workers and members of their families. Indeed, the ILO Declaration on Fundamental Principles and Rights at Work recalls that migrant workers are among those with special social needs and thus requiring social protection. The promotion of the ILO standards concerning migrant workers is a prominent feature of all the activities undertaken. A key concern of these standards is non-discrimination and equality of opportunity and treatment.

26. The Office's activities have concentrated on promoting the principle of equality of treatment for migrant workers and the elimination of discrimination against them. However, the situation of migrant workers remains a matter of concern, particularly in countries that have not yet ratified any of the relevant conventions and where national legislation and practice are often far from consistent with ILO principles. This was highlighted once more in the findings of the General Survey³ on the Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), carried out in 1998, which was discussed at the Conference in June 1999. One of the reasons why the Governing Body requested the Committee of Experts on the Application of Conventions and Recommendations to carry out this survey was the small number of ratifications of these conventions and the possible need for revision of these instruments.

27. In the General Survey, the Committee of Experts expressed its concern, among others, about the phenomenon of labour trafficking as an aspect of irregular migration. It found that illegal migration was becoming highly organized internationally and was linked to lucrative criminal activities, including human trafficking; labour trafficking could become one of the dominant forms of abusive migration. The Committee noted that irregular

migrants "often find themselves in positions where they are vulnerable to abuse and exploitation. Substandard working and living conditions, slave-like working conditions, confiscation of travel documents, and non-payment of wages and other benefits at the hands of the employer, as well as potential inhumane treatment at the hands of the authorities if caught, all too commonly dominate the lives of irregular workers" (para. 19). Strong emigration pressures combined with increasingly restrictive immigration laws and regulations contributed to the fact that potential immigrants were compelled to rely more on clandestine networks - who demand exorbitant fees for their services - to slip through the net. It noted that "the ensuing financial and moral debt (clandestine employment often being presented as a "service rendered") thus [trapped] migrants in a position of dependence, exposing them to unbridled exploitation of their labour in conditions that are close to slavery" (para. 291).

28. The General Survey also highlighted the particular situation of women migrants when recruited as domestic workers or "sex workers". According to the Committee, there was an increasing tendency to recruit women migrant workers for commercial (sexual) exploitation through arranged marriages with foreigners or by getting them to sign contracts of employment that look tempting but rarely reflect the real situation. The fact that they were employed abroad and often hold jobs for which there was little protection under social legislation, such as domestic workers, manual workers in agriculture, factories or export processing zones, and as hostesses or entertainers in night clubs or cabarets, made them all the more vulnerable to exploitation and abuse.

29. The Committee of Experts further noted that an examination of national laws and regulations showed that sanctions against migrants in an irregular situation were very widespread, both in sending and receiving countries. Overall, States were very active in terms of attempting to combat clandestine and illegal migration, including labour trafficking. However, the Committee emphasized that "it is important to ensure respect of the basic human rights of all migrant workers, in order to avoid migrant workers (notably those in an irregular situation) finding themselves in a situation where their rights are not respected and where they are vulnerable to abuses of all kinds" (para. 361).

30. Three main conclusions have been drawn by the Committee of Experts: (i) the changes in nature and volume of international migration call for a better set of international standards on the subject; as the Committee pointed out, "it is unacceptable for millions of workers to remain excluded from international protection"; (ii) the Governing Body should consider either a promotion campaign in relation to the existing instruments, or a proposal for new instruments to be adopted by the Conference; and (iii) the international community, and ILO in particular, should increase their efforts to help these workers and to assist Governments to face this phenomenon.

31. The Committee noted that since the adoption in 1949 and 1975 of the instruments under consideration, the extent, direction and nature of international labour migration have undergone significant changes. Not only has the total number of individuals involved in the migration process risen, the number of countries from which they are emanating and to which they are

heading has also grown. Globalization, diversification of forms of migration, the declining role of State leadership in migration, decrease of State-organized migration as compared to spontaneous migration, increase in temporary migration, growth of private recruitment agencies, increase in irregular migration, trade in human beings and - what is very important - feminization of migration have substantially changed the context of contemporary migration. The 1949 and 1975 instruments do not seem to be able to address a number of new situations.

32. The Committee of Experts noted that, generally speaking, countries tend to follow the provisions made by the instruments in broad terms, but less so when it comes to provisions calling for more specific commitments. The points of divergence lie in key areas of the instruments: recruitment procedures, rights afforded to migrant workers in an irregular situation, the policy of promoting equality of opportunity and treatment. An important lacuna is that relating to treatment of female migrants. In the 1949 and 1975 instruments they were mostly to be found in the context of family reunification, whereas at present there is clearly a substantial increase of women workers who migrate in search of employment for themselves. The Committee asked whether new measures ought to be taken by ILO to ensure protection for this category of workers, which may include a revision of the treatment of artistes and members of the liberal professions, particularly in the light of the extent of the phenomenon of women being recruited for such employment only to find themselves working in the sex sector.

33. Despite the lacunae and the changing nature of the context, the Committee is convinced that the principles enshrined in these instruments are still valid today. The Committee of Experts suggests that the instruments be entirely revised in order to bring them up to date and, insofar as is technically possible, to merge them into a single new convention designed to bridge the gaps in the current instruments. Whatever the means adopted by ILO, the Committee considers that there is an urgent need for better mechanisms at both the national and international levels to address the international migration of workers. It is up to ILO to provide the international framework for this effort.

34. During the discussion at the International Labour Conference in 1999, there was a general consensus that ILO needed to increase its attention to the situation of migrant workers. There was general agreement with the conclusions of the Committee of Experts that the relatively low number of ratifications of the applicable international instruments on this subject indicated that there are problems with them. While no formal conclusions were reached, there was general agreement that the ILO Governing Body should place the subject on the agenda of the International Labour Conference in the near future, to consider the need for revision of the ILO Conventions.

35. The development of migration for employment is becoming the focus of increased attention by ILO constituents, resulting in an increasing number of requests for technical assistance. The ILO has been entrusted with leading the work of the Working Group on International Migration established by the ACC Task Force on Basic Social Services for All. Within the framework of this working group, a Technical Symposium on International Migration and Development was held in The Hague from 29 June to 3 July 1998, aimed at:

Examining salient international migration and development policy issues faced by Governments, such as protecting migrants and preventing their economic and social marginalization;

Evaluating, through country case-studies, the effectiveness of existing policies, procedures, measures and mechanisms;

Suggesting to Governments ways to foster orderly migration flows and to counteract the economic and social marginalization of migrants.

The report on the symposium was published in late 1998 and is expected to give rise to further requests for technical assistance from ILO constituents.

36. Over the past year, the Office has participated in the work of the working group of intergovernmental experts on the human rights of migrants of the Commission on Human Rights. Possible collaboration with the United Nations Interregional Crime and Justice Research Institute (UNICRI) on a global programme on "trafficking in human beings" is being discussed. In addition, the Office is strengthening its knowledge and expertise in order to broaden the scope of ILO attention and activities as regards labour trafficking (for the issue of trafficking in children, see paragraphs 4 to 6 above. Coordination and cooperation with the United Nations system and other regional and international organizations in the field of human rights have also triggered a growing attention to trafficking-related issues in ILO activities reports submitted to the United Nations and its subsidiary bodies, in particular the Commission on Human Rights, as well as to the "treaty bodies" established to monitor the application of United Nations instruments. It maintains close relations with these bodies and takes part in discussions relating to a variety of human rights subjects, which increasingly include the question of trafficking in persons. For example, detailed comments were submitted on the subject of trafficking in persons to the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, meeting in Vienna, for consideration in its discussions on two additional protocols to the draft convention - one to suppress, punish and prevent trafficking in persons, particularly women and children, and one against the illegal trafficking in and transport of migrants.

37. In addition, over the past almost 10 years, the Committee of Experts on the Application of Conventions and Recommendations has commented on several occasions on situations relating to trafficking of men, women and children for purposes of labour exploitation, including forced labour in sweatshops, factories, plantations, brothels and as domestic servants in private houses. The Committee has found that victims of trafficking are often submitted to conditions of forced labour and information on national and cross-border trafficking has generally been examined under Convention No. 29. Increasingly, trafficking, especially child trafficking for prostitution, is also being discussed at the International Labour Conference Committee on the Application of Conventions and Recommendations. Although men are also being trafficked, it is apparent from the Committee of Experts' comments that women and children are the key target groups for traffickers. It should be noted that the newly-adopted Convention and Recommendation on the elimination of the worst forms of child labour cover trafficking in children.

38. The Committee of Experts has commented most extensively on cases of trafficking in women and children for prostitution (often followed by a debate in the Conference Committee), and requested detailed information on the action taken against traffickers. The Committee has pointed to the importance of raising awareness about trafficking in all sectors of society and has found that in the case where child bondage and forced labour is related to trafficking and related forms of abuse, specific measures were needed for their identification, release and rehabilitation, given the particular vulnerability of children and their specific needs. However, in a number of instances the Committee's comments have gone beyond this particular situation. It has expressed its concern about the situation of indigenous and tribal peoples, including children, being trafficked at national and cross-border level, involving recruitment through deception, violence or coercion, non-payment of wages and compulsory and forced labour. It has also commented on the conditions of recruitment and working conditions of foreign female domestic workers and on practices of migrant labourers, including children, being trafficked and forced to work on plantations and fishing platforms or as camel riders.

39. Apart from its ongoing activities relating to international migration for employment, the Office has engaged in activities aimed explicitly at promoting the protection of migrant workers and eradicating discrimination against them. An interregional technical cooperation project to combat discrimination against migrant workers and ethnic minorities in the world of work was launched in 1993. This focuses on industrialized migrant-receiving countries and aims to tackle informal or de facto discrimination. Its research findings have provided evidence that this kind of discrimination is widespread and persistent. In 1998 a number of research reports were published and national seminars organized in countries participating in the project. A Tripartite Interregional Seminar on Achieving Equality for Migrant and Ethnic Minority Workers, scheduled to take place from 28 to 30 October 1998, had to be postponed on account of delay in the approval of external funding, but it is now planned for the last quarter of 1999.

40. In 1996, the Office launched the informal network on foreign labour in Central and Eastern Europe. This ongoing project aims to strengthen Governments' capacity to deal with international migration in the region. Within the framework of this project, issues relating to the equal treatment of migrant workers and the position of nationals of the former Soviet Union and its successor States were also considered. Their legal status is often undecided, resulting in a vulnerable position within the respective host societies and socio-economic marginalization. The assistance provided by ILO through the network will include support in preparing laws, regulations and bilateral agreements and in carrying out labour force or enterprise surveys. In preparation for the High-Level Tripartite Meeting on Social Responses to the Financial Crisis in East and South-East Asian Countries (Bangkok, 22-24 April 1998), the Office organized missions to assess the extent of the dislocation of migrant workers in the region and proposed measures to protect these basic rights.

41. Promotional work on the conventions concerning migrant workers and the guidelines on special protective measures, as adopted by the 1997 Tripartite

Meeting of Experts on Future ILO Activities in the Field of Migration and approved by the Governing Body at its 270th Session, has been incorporated in the Office's technical advisory services and research work.

III. NOTE ON ITEM 5 OF THE PROVISIONAL AGENDA

42. Gender is a cross-cutting issue in the ILO new strategic budgeting approach. The Director General announced a new commitment to an integrated gender policy when he inaugurated a special celebration in ILO on 8 March 1999 on the occasion of International's Women's Day. In his recent report to the 1999 International Labour Conference, the Director General stressed that "the ILO must articulate a gender perspective in the world of work" and that "building on current activities to promote equality between men and women, the aim will be to examine the economic and social roles of both men and women, and to identify the forces which lead to inequality in different domains". He went on to state that this "will involve the broadening of the focus of attention from de jure achievement of equality for women to de facto results of economic policies, legislative measures and labour market outcomes for different groups of women and men". During the past biennium, ILO has continued its technical cooperation activities to improve the situation of women workers in a number of regions. The following illustrate the activities undertaken with regard to women workers, but gender concerns are also taken into account in all aspects of ILO activities.

43. In 1998-1999, the interregional Netherlands-financed project "Training and information dissemination on women workers' rights" came to an end. This project was executed in China, Egypt, El Salvador, Hungary, India, Mali, Suriname, Viet Nam and Zimbabwe. It addressed the lack of knowledge about the nature and scope of legal provisions on women workers' rights and equality between men and women in the world of work, and the lack of capacities to use them as effective tools for promoting equality. The project contributed to the wide dissemination of international labour standards concerning these issues and their expression in national legislation and practice, through the translation of ILO information and training packages into local languages. Research was carried out on the practical implementation of legal provisions relevant to women workers, including recommendations for improvements. The output of the research was transformed into training material for national and regional workshops. In addition, the setting up of national steering committees and working groups of gender trainers and resource persons contributed to creating support networks for further addressing equality concerns within the participating governmental institutions, workers' and employers' organizations and NGOs.

44. In Latin America, studies on women, employment and poverty have been carried out in the Andean countries. In Peru, a project to support the Women's Employment Programme of the Ministry of Labour and Social Promotion was directed at improving the situation of low-income underemployed women. Studies were also carried out in Colombia, Ecuador and Venezuela on the situation of women workers from low-income households. In the context of the implementation of the Peru component of the subregional programme on strengthening trade union organizations in promoting equality for men and women workers, one project aims at improving women's access to the labour market through their integration in trade unions and their active

participation in labour relations. Another project relates to the development of a trade union system on productive and social systems for women from the informal sector. Workshops have been held with the aim of developing an action plan for trade unions that can be used in workers' education programmes and training to sensitize them on equal opportunities for men and women and gender equity. In Argentina and Paraguay, ILO participated in the process of establishing tripartite commissions on equal opportunities between men and women, and in Chile support was given to the Network of Tripartite Commissions on Equal Opportunities in Employment in the Southern Cone. ILO has continued its earlier collaboration with Brazil on several human rights questions, including gender equality.

45. In the Caribbean, the Office is currently collaborating with the United Nations Development Fund for Women (UNIFEM) in executing a project on facilitating women's economic and political empowerment in the Caribbean through communications. A major focus of the project is enhancing public awareness of the Convention on the Elimination of All Forms of Discrimination against Women and the ILO Equal Remuneration Convention, 1951 (No. 100), Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and Maternity Protection Convention (Revised), 1952 (No. 103). One of the outputs will be a kit highlighting the rights of women workers under the United Nations convention and the relevant ILO conventions. In Barbados, ILO conducted a national workers' education course on gender awareness and gender issues in the world of work. The objective of the course was to introduce the participants to the gender approach within a social policy and industrial relations context and to highlight and discuss several issues such as sexual harassment in the workplace and equal remuneration. A regional seminar on improving the terms of employment, status and working conditions of domestic workers in the Caribbean was held in Jamaica. A major output is a Strategy for the Caribbean to Improve the Terms of Employment, Conditions and Status of Domestic Workers. In 1999, in Trinidad and Tobago, a national workshop aimed at formulating a National Strategy for Domestic Workers was organized and a Reference Handbook for Domestic Workers was prepared and disseminated.

46. It is evident from the review of ILO activities that gender and equality issues have been part of the general programme on international labour standards. Several activities promoted women workers' rights in Costa Rica, the Republic of Korea, the Lao People's Democratic Republic, Suriname, Viet Nam and Zimbabwe, and training sessions on sexual harassment issues were organized in Barbados, Guyana, Jamaica and Trinidad and Tobago. Following a national workshop held in St. Kitts and Nevis in 1997 on sexual harassment at work, a handbook entitled Sexual Harassment: It is not A Women's Thing, it Concerns us All was published in 1998. In the Republic of Korea, the Office organized a workshop on labour standards and Korean labour law for women trade union leaders.

47. With regard to the promotion of equality in export processing zones (EPZs), the Tripartite Meeting of Export Processing Zone Operating Countries (Geneva, 28 September-2 October 1998) took note of the high proportion of women employed in EPZs and the frequent absence of sufficient measures to address their needs. The Meeting drafted guidelines with a view to ensuring

equality of opportunity and treatment in employment, providing adequate maternity protection and facilitating the combination of work and family responsibilities.

48. With regard to activities relating to employment and gender equality in the context of structural adjustment and economic reform, national multisectoral task forces adopted action plans in the United Republic of Tanzania and in Zimbabwe which identify priority areas for legislative reforms, employment promotion and social protection measures. Two memoranda of understanding were signed between ILO and the Governments of the United Republic of Tanzania and Zimbabwe respectively, providing the operational and institutional framework for technical cooperation in support of the action plans. In both countries, where labour laws are being reviewed and modified, a review of the gender aspects of existing and proposed legislation which affect employment is a top priority in the action plans. Furthermore, in Côte d'Ivoire a national tripartite policy workshop on employment promotion with gender equality in the context of structural adjustment was held in November 1998, and a national action plan was adopted. In Sri Lanka, data collection aimed at setting up a gender-disaggregated database on retrenched workers was launched and preparatory activities for organizing a national tripartite debate on women's employment and economic reforms were initiated.

49. Within the framework of the programme on homeworkers in the global economy, an action-research project was launched in Latin America. Country studies on the magnitude, nature, profile and regulatory framework of home work in eight Latin American countries were completed in 1998. Preparations were completed for a regional tripartite meeting scheduled for 1999, where social partners will be able to discuss the findings of the studies and identify future courses of action. In Asia, missions to Indonesia and the Philippines identified future practical action to address female homeworkers' needs in the fields of employment and social protection, specifically in the context of the current Asian crisis. In Pakistan, the Office conducted a study on women home-based piece rate workers, which highlighted that these women are suffering from inadequate conditions of work, low wages and a complete absence of social protection. Pakistan also prepared its National Plan for More and Better Jobs for Women, which deals with a wide range of interventions at the policy level, institutional strengthening and direct support to women's groups.

50. As a means of enhancing the capacity of ILO constituents to combat poverty and social exclusion from a gender perspective and with an employment-oriented focus, a comprehensive and multisectoral "Capacity-building programme and training package on gender, poverty and employment" was developed, covering nine thematic areas for action. A planning and validation workshop was held in February 1998 at the Turin Training Centre as a basis for fine-tuning and finalizing the training package. Revisions of the package were undertaken and initial preparations for regional adaptation and implementation of the programme were carried out, for full implementation of the programme in 1999.

51. ILO also continued to strengthen the involvement and participation of women in activities of workers' and employers' organizations. Training,

advisory services and projects are being executed to strengthen women's participation in trade unions. These include a regional project on workers' education assistance to strengthen trade union action on women workers in view of child labour in selected South-East Asian countries (Indonesia, Thailand and Viet Nam), and the development of a guide on gender and collective bargaining which is being used in seminars, workshops and other promotional activities. The Office has also continued to encourage employers' organizations and their member enterprises to design, adopt and implement equal employment opportunity policies in the workplace. A programme on the promotion of women in private sector activities through employers' organizations has been implemented in six countries, including Bangladesh, Jamaica, Mauritania and the Philippines. In Mauritania a code of practice for gender equality has been developed taking into account the local context. In Jamaica, ILO carried out gender training for public and private sector decision-makers and executives.

IV. NOTE ON ITEM 7 OF THE PROVISIONAL AGENDA

52. With regard to the application of the Indigenous and Tribal Peoples Convention (No. 169), the Committee of Experts noted, in its most recent General Report, that this was the most comprehensive instrument of international law for the protection in law and in practice of the right of indigenous and tribal peoples to preserve their own laws and customs within the national societies in which they live. The Committee pointed out that Convention No. 169 establishes minimum rights which must be respected and put into practice by the States which ratify it, with a view to the protection of the 300 million members of indigenous and tribal peoples acknowledged to exist around the world. The application of the Convention is extremely complex and may have a profound impact which may go even to the heart of the constitutional order of ratifying States. Its ratification may imply the adoption of new national standards or the adaptation of existing standards to define under the Convention a new relation between Governments and national societies and indigenous and tribal peoples.

53. The Committee of Experts also stressed that one of the fundamental precepts of this Convention is that a relationship of respect should be established between indigenous and tribal peoples and the States in which they live, a concept which should not be confused with autonomy or political and territorial independence from the nation State. It is important to note that the Convention has had a great influence in many countries, even before its ratification. For example, it served as a point of reference for the conclusion of a peace agreement and the signing of a specific accord on the dignity and rights of the indigenous peoples of Guatemala. It has also helped to orient, or to serve as a point of reference, for discussions on the situation of indigenous and tribal peoples in other countries. Finally, the Convention has also had a significant impact on other instruments of international law and in other international organizations, in particular in the Commission on Human Rights' discussion of a possible draft declaration of indigenous rights and, in the Americas, in the discussion of a new instrument on indigenous rights by the Inter-American Institute of Human Rights of the Organization of American States.

54. Another important point is that the Convention has served as guidance for a number of decisions of several supreme courts in the Americas. This has illustrated the capacity of the Convention to influence the positive law of these countries and to help modify the relations of power in the political dialogue between the indigenous and tribal peoples and national Governments. It may be noted in this respect that since 1996, four representations under article 24 of the ILO Constitution have been submitted alleging failure to observe the provisions of the Convention in several countries. This demonstrates an increasing tendency for the Convention to be a valuable instrument for the protection of the rights of these peoples.

55. No new ratifications of the Indigenous and Tribal Peoples Convention (No. 169) have been registered since the last report to the Sub-Commission, though ratification is at an advanced stage of consideration in several countries. The ILO supervisory work continues through the Committee of Experts on the Application of Conventions and Recommendations, as well as constitutional complaints procedures. The representations concerning the non-observance of Convention No. 169 by Bolivia, Mexico and Peru remain under examination. Tripartite committees to examine these representations have been established by the Governing Body.

56. Since the beginning of the International Decade of the World's Indigenous People, ILO has initiated a number of technical cooperation projects and programmes to increase awareness of the situation of indigenous and tribal peoples and to promote an improvement of their living and working conditions. All ILO technical assistance programmes are implemented within the framework of relevant ILO standards, in particular Convention No. 169. The following is a summary of current ILO projects and programmes.

Project to promote ILO policy on indigenous and tribal peoples

57. The DANIDA-financed Project on Indigenous and Tribal Peoples is a technical cooperation project aimed at promoting ILO policy on indigenous and tribal peoples. It began operations in 1996 and will continue until 2000, subject to renewal. The project is conceptualized within the framework of the International Decade of the World's Indigenous People (1995-2004), and itself is managed by two indigenous and tribal persons. The interregional focus of the project places its main emphasis on Asia and Southern Africa, whereas project work in South and Central America is complementary to the activities of the ILO offices in the region.

Asia

58. In Cambodia, the project's cooperation with the governmental Inter-Ministerial Committee (IMC) and the Provincial Rural Development Committee (PDRC) aims to promote capacity-building and a participatory approach to development with special reference to the highland peoples of Mondulkiri province. One of the objectives of this project is to encourage highland communities to implement, conduct and eventually be responsible for the participatory development process at the community level. Members of IMC will also be participating in a study tour to the Philippines as part of the project's "Indigenous-to-indigenous" module.

59. In India, the third phase of workshops has taken place, concentrating on themes of women, empowerment and displacement. The results will be issued in the form of a publication Working with Displaced Tribal Women in Andhra Pradesh, in the summer of 1999. This project is ongoing, in collaboration with LAYA, and will continue into the year 2000, the objectives for the next phase of the project being to facilitate discussions and a platform to focus on women's issues in the area, to develop confidence and self-esteem in women to enable them to participate in issues that affect the community, and to document the effects of societal change on women's lives.

60. In Japan, the project, together with the Office of the High Commissioner for Human Rights, took part in a workshop on indigenous issues and a symposium on Ainu culture as part of the Incareship Ainu Cultural Festival during February 1999. The main objective of the project's participation in the symposium was to elaborate on the work of ILO on indigenous and tribal peoples. Taking part were a number of Ainu Representatives and dignitaries, as well as Rengo Hokkaido (a leading trade union), collaboration with which is being anticipated as a future possibility.

61. In the Lao People's Democratic Republic, the project, together with UNDP, has been requested to supervise a study addressing the Government's policies regarding ethnic minorities in rural development. This study is nearing completion. A mission to the Lao People's Democratic Republic was undertaken at the request of the ILO Bangkok Area Office, with the specific objectives of encouraging sustainable development and the protection of cultural diversity by means of a participatory approach. The project forms part of a five-year socio-economic development plan, initiated in 1994.

62. Subsequent to the project's 1997 workshop in Chang Mai, Thailand, entitled "Information exchange on development experiences with highland peoples", the Government of Thailand requested the development of a national policy workshop to address the needs of indigenous and tribal peoples. This workshop will be aimed at incorporating the needs and priorities of indigenous and tribal peoples in national development policies, and will take place in October 1999. Two main issues will be addressed: (i) the legal and practical implications of the constitutional provisions relevant to indigenous and tribal peoples, and (ii) increasing cooperation between and among government officials, national and international organizations, and indigenous and tribal peoples within the framework of Convention No. 169, which emphasizes consultation and participation.

63. In collaboration with the Committee for Ethnic Minorities and Mountainous Areas of the Government of Viet Nam (CEMMA), the project has been involved in the drafting of policy guidelines on indigenous and tribal peoples. A pilot project is also planned, as a joint ILO-CEMMA activity, in the Thai Nguyen province of Viet Nam. The Natural Resources Management and Women's Workload in Ethnic Communities Project will be based at three different sites, with the objective of promoting natural resource management and sustainable use of natural resources and of improving the working conditions of the women in the communities affected by the project.

64. A study tour to the Philippines is also planned as part of the "Indigenous-to-indigenous" module.

Africa

65. Following the Conference on the Constitutional Accommodation of Vulnerable Indigenous Communities, held in May 1998 in Pretoria, South Africa, a follow-up conference, organized by the South African Department of Constitutional Development, took place on 8 March 1999. Its purpose was to create a body through which South African indigenous peoples' organizations could articulate their needs and interests.

66. Following the Conference on Indigenous Peoples of Eastern, Central and Southern Africa, held in Arusha, Tanzania in January 1999, the project is planning several workshops, at the village level in order to introduce rural Maasai, Hadzabe and Barabaig to ILO Convention No. 169, which will be translated into Swahili.

67. An Eastern African Indigenous Women's Conference is being planned to take place in Nairobi, Kenya, in collaboration with the African Indigenous Women's Organisation (AIWO). Two workshops are planned for the near future: the first on indigenous and tribal women will take place in September 1999 and the second, regarding land issues, will take place in October 1999.

68. The project has been approached by the Confederation Syndicale de Travailleurs du Cameroun and asked for assistance in the examination of unorganized Pygmy workers. The first fact-finding mission in this regard is taking place in July 1999, with the possibility of a workshop taking place in October 1999.

69. A Regional Seminar on ILO Convention No. 169 and the Rights of Indigenous Peoples will be held on 14 and 15 November 1999 in Rabat, Morocco, following an invitation in November 1998 from the Amazigh (Berber) organization TAMAYNUT. This will be in collaboration with UNESCO.

The Americas

70. Following the establishment of a radio programme entitled "Semillas" ("Seeds") explaining the basic principles of ILO Convention No. 169 in Costa Rica during 1996, a publication will be produced to document the experiences of the Costa Ricans in using radio to promote indigenous rights.

Interregional Programme to Support Self-Reliance of Indigenous and Tribal Communities through Cooperatives and other Self-Help Organizations (INDISCO)

71. The project continued its activities in Asia and Central America. A number of workshops were held on awareness building, the promotion of equal employment opportunities and technical skills in Belize, India, the Philippines, Thailand and Viet Nam in 1998. Activities will be continued in 1999. A workshop on indigenous culture and gender, held in the Philippines in November 1998, dealt with topics such as equal opportunities, gender integration and awareness building. Participants included INDISCO project and field staff, project managers and extension workers. A similar workshop will be held in India in 1999. The annual donor consultation meeting held

in 1998 in the Philippines brought together indigenous and tribal peoples' representatives, donors and Governments to sensitize the latter to the interests and rights of indigenous and tribal peoples.

Other project activities targeting indigenous and tribal peoples

72. In the Philippines, the project on poverty alleviation and democratization has recently been completed. The project tackled the governance aspect of indigenous peoples' issues. The project was able to raise awareness amongst the major sectors of Philippine society on the situation and rights of indigenous peoples, and to address the core problem of under-representation in public life. It also addressed the issue of land tenure security and livelihood development. It lobbied for vital legislation to protect indigenous peoples' rights and helped in strengthening local organizations and in establishing national and regional organizations. Ongoing projects in the Philippines involve support to management of ancestral domains of indigenous communities and strengthening of production and marketing of traditional crafts of indigenous communities in Mindanao.

Publications

73. Forthcoming ILO publications will include translations of ILO Convention No. 169 into Swahili and Amazigh, a simplified guide to Convention No. 169, a publication on customary law and its role in indigenous knowledge systems and a publication on traditional occupations which assesses the changes in living and working conditions of indigenous and tribal peoples over the past 40 years. Also anticipated are: a directory of indigenous and tribal peoples organizations, and an Internet homepage, through which information on project activities will be made available.

V. NOTE ON ITEM 9 (e) OF THE PROVISIONAL AGENDA

74. Within the framework of its General Report, the Committee of Experts discussed special reports on the Forced Labour Convention (No. 29) and on the Abolition of Forced Labour Convention (No. 105). With regard to prison labour, it noted that it was aware of the rehabilitational function of prisoners' working, as well as the risk of exploitation. In this light and following the general comments in relation to article 2 (2) (c) of Convention No. 29 in its General Report last year, the Committee also formulated a general observation intended to elicit information from all States bound by the Convention, which will supplement what has already been obtained or asked for in individual comments. The Committee believes that the question of prisoners being, in the words of the Convention, "hired to or placed at the disposal of private individuals, companies or associations" merits fresh attention at the present time, and it intends to return to the matter when responses to its general observations are received. This relates in particular to the evolving situation in privatized prisons or private workshops inside prisons. The Committee also considered the implementation of Conventions Nos. 29 and 105 an important issue for the Organization, and one on which the Governing Body might wish to consider scheduling a new General Survey in the near future.

VI. NOTE ON ITEM 12 OF THE PROVISIONAL AGENDA

75. The new Convention on the Elimination of the Worst Forms of Child Labour, 1999 (No. 182), and its accompanying Recommendation are described in paragraphs 4 to 6 above.

76. In addition to the above-mentioned new convention, the other most important ILO standard is the Minimum Age Convention, 1973 (No. 138). It is classed as one of the fundamental ILO human rights standards and ratifications have increased rapidly under the current campaign for the ratification of the fundamental conventions. It has now been ratified by 76 countries, including, in the past year, Burkina Faso, China, the Dominican Republic, Egypt, Ethiopia, Hungary, Indonesia, Lithuania, Portugal, the Republic of Korea, Turkey, the United Republic of Tanzania and the United Arab Emirates.

77. ILO supervisory activities in this area are considered principally under the conventions devoted specifically to this subject. However, the ILO Committee of Experts also deals with this child labour issue under other relevant conventions when Convention No. 138 has not been ratified, particularly the Forced Labour Convention, 1930 (No. 29). Information from ILO supervisory bodies is furnished regularly to the Committee on the Rights of the Child and other concerned United Nations bodies.

78. The fight against child labour, of which the International Programme Against the Elimination of Child Labour (ILO-IPEC) is a key leader, now encompasses a strong global partnership of 90 countries. Through IPEC, ILO is actively assisting member States in taking practical steps against child labour. Described as the "operational arm" of ILO in the fight against child labour, IPEC was launched in 1992 with funding from Germany and has been expanding rapidly over the last few years. IPEC is currently supported by 22 donors. A total of 33 countries have signed a memorandum of understanding with ILO, thus committing themselves to work towards the elimination of child labour. Another 32 countries are involved in IPEC in a less formal manner. A total of nearly 1,000 action programmes worldwide have been carried out during the past six years. The United States joined the programme in 1995, contributing \$8.1 million up to the end of 1998. Recently, IPEC received a greatly expanded contribution of \$30 million from the United States.

79. The aim of IPEC technical cooperation activities is to work towards the progressive elimination of child labour by strengthening national capacities to address child labour problems, and by creating a worldwide movement to combat it. Child labour is a vast, complex and multifaceted phenomenon. In the long term it can be solved only from within countries themselves. IPEC experience in the field has confirmed that given the enormity and complexity of the child labour issue, it is unrealistic to believe that this problem, which has existed for such a long time, can be eliminated overnight. Thus, IPEC gives top priority to action which will bring an end to the worst forms of child labour. The priority target groups include:

Children working under forced labour conditions and in bondage;

Children in hazardous working conditions and occupations;

Children who are particularly vulnerable - such as very young working children (under 12 years of age) and working girls.

80. In the view of IPEC, the best way to strengthen the capacity of partner organizations - especially Governments - is to apply a phased and multisectoral strategy, consisting of the following steps: (i) to motivate ILO constituents and other relevant partners to engage in a dialogue on child labour and to create alliances to overcome the problem; (ii) to carry out a situation analysis to find out the nature and magnitude of child labour problems in a given country; (iii) to assist the concerned parties within a country in devising national policies to address specific child labour problems; (iv) to strengthen the existing organizations and set up institutional mechanisms in order to achieve national "ownership" of a country's child labour programme; (v) to create awareness of the problem in the community and the workplace; (vi) to promote the development and application of protective legislation; (vii) to support direct action with (potential) child workers and their supporters; (viii) to reproduce and expand successful projects in order to integrate their strong points into the regular programmes and budgets of a country's social partners; and (ix) to integrate child labour issues systematically into social and economic development policies, programmes and budgets.

81. To develop strong, broad-based strategies against child labour, it is absolutely essential to develop the best possible statistical data and knowledge bank of experiences on child labour issues. ILO has provided extensive assistance to member States in conducting child labour surveys during the past five years. Thus far, child labour surveys have been carried out in 10 countries and new surveys are under way in 14 countries. But crucial work is still needed in the field of data collection and the identification of "best practices". In order to achieve maximum leverage of all the resources being brought to bear against child labour, it is essential to identify the best models and the best solutions for specific types of child labour problems. Information about these models then must be distributed and shared with all parties working on child labour. Responding to this need, ILO has set up within IPEC the Statistical Information and Monitoring Programme on Child Labour (SIMPOC). Designed for a five-year period, this important project will contribute greatly to the generation of quantitative and qualitative data on child labour in 40 countries on a regular basis. Six countries in the Caribbean, for example, participated in a subregional workshop aimed at building the capacity of national statistical offices to collect and disseminate comprehensive statistical information on child labour.

82. Within the framework of IPEC, the elimination of child labour in specific hazardous conditions, including commercial sexual exploitation, has become a major focus and has a significant gender component as girl children are the most affected (though many boys also suffer from such exploitation). In this context, ILO-IPEC has been active in assisting countries in the design and implementation of programmes on trafficking in children, in particular through two subregional programmes in Asia. The subregional programmes in the Mekong region and South Asia included action oriented research in eight countries.⁴ The aim was to identify strategies to strengthen national action and to develop bilateral and subregional cooperation among countries affected by the trafficking situation. The results of the research were discussed

during two subregional consultations and used as a basis for subregional activities and specific interventions to combat trafficking in children for labour exploitation, including prostitution, domestic work and other forms of labour exploitation. Follow-up implementation in all these countries will start later this year. Particular attention will be given to vulnerable groups such as children of migrants and ethnic minorities, tribal groups, the very young (under 12 years of age) and girls. While ILO-IPEC will continue to strengthen its action in the Asian region, a similar programme to assess the problem and identify national and subregional responses will be launched in Western and Central Africa.⁵ In addition, ongoing programmes are implemented at the country level and include direct action programmes targeting children and parents, advocacy and campaigns and capacity-building and strengthening of (i) legislation and enforcement, (ii) research and information dissemination, and (iii) coordination and networking.

VII. NOTE ON ITEM 12 (c) OF THE PROVISIONAL AGENDA

83. Among the objectives of ILO are the promotion of employment for persons with disabilities and action to overcome discrimination based on physical and mental disability. Efforts in this regard require particular attention in an environment characterized by global competition and the deregulation of labour markets. While there has been significant progress concerning the occupational integration of persons with disabilities in both industrialized and developing countries, there is a need for ILO to make a more comprehensive effort to ensure that such progress becomes a more generalized trend worldwide. To this end, ILO has begun intensive consultations with the principal international non-governmental organizations concerned with disabled persons. This process of collaboration has been extended to selected national rehabilitation centres. One of the main objectives of these activities is to strengthen the way in which disability questions are managed in enterprises.

84. It should be recalled that the first General Survey on the Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159) and Recommendation (No. 168), 1983, was published in 1998 and discussed at the 86th Session (1998) of the International Labour Conference. A practical follow-up to the General Survey would be a code of practice on the management of disability-related issues in the workplace.

85. The Office carried out a technical cooperation project from November 1996 to December 1998 in several Latin American countries in order to overcome discrimination against persons with disabilities and guarantee their equal access to vocational training institutions. In July 1998, national consultative meetings were held in Panama and the Dominican Republic with ILO constituents and the main NGOs, with the aim of developing national action programmes to promote equal opportunities in the labour market for persons with disabilities.

86. The first phase of the international research project on job retention and return to work strategies for disabled workers culminated in May 1998 in the publication by ILO of the Key Issues Paper, drawing on reports from the eight participant countries, and with the International Symposium on Job Retention and Return to Work Strategies for Disabled Workers, hosted by the Government of the United States in Washington, D.C. The project is designed

to link research with the current and emerging concerns of Governments, employers and workers. The determination of the eight industrialized countries to participate and share in the costs of this project was motivated by common social and economic concerns. The findings of the initial research and the discussions in the meeting have uncovered promising solutions, as well as areas requiring further scrutiny and commitment to action.

87. Among the different kinds of disability, the incidence of mental disability, and particularly depression, is increasing most rapidly. ILO intends to analyse the different forms of mental disability and the reasons for its increase in society and in the working environment, and to elaborate practical solutions concerning the means that might be taken to overcome discrimination arising from this disability. With external financing, new research was initiated by the ILO in January 1999. The Office is also intensifying its cooperation with the Council of Europe's Committee on the Rehabilitation and Integration of People with Disabilities in order to develop further strategies to improve access to training, employment and occupation for persons with disabilities.

88. Another equally important area is the Drug and Alcohol Prevention Programme, which has as its objectives: (i) to increase the capacity of ILO member States, and of employers' and workers' organizations, as well as enterprises, to formulate policies and implement programmes to prevent and reduce drug and alcohol problems in the workplace; (ii) to increase access by these partners to information and resource material for policy formulation and programme development. For this purpose the Code of Practice on the Management of Alcohol and Drug-related Issues in the Workplace was developed and published in 1996 to provide a framework for the development of the drug and alcohol prevention programme. One of the key concepts of the Code is that drug and alcohol policies and programmes should "apply to all staff, managers and employees and should not discriminate on grounds of race, colour, sex, religion, political opinion, national extraction or social origin". ILO is promoting the Code of Practice through workshops and presentations at international meetings and conferences.

Notes

1. Including: the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Equal Remuneration Convention, 1951 (No. 100), the Minimum Age Convention, 1973 (No. 138), the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Indigenous and Tribal Populations Convention, 1957 (No. 107) and the Indigenous and Tribal Peoples Convention, 1989 (No. 169), the Workers with Family Responsibilities Convention, 1975 (No. 156), and the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159).

2. International Labour Conference, 87th Session, 1999: Report III (Part 1A): Report of the Committee of Experts on the Application of Conventions and Recommendations. Copies of the Committee's annual report are regularly furnished to the Office of the High Commissioner for Human Rights and are available on request for members of the Sub-Commission.

3. ILO, Migrant Workers, Report III (Part 1 B), International Labour Conference, 87th Session, 1999.

4. Bangladesh, Cambodia, China, Nepal, Pakistan, Sri Lanka, Thailand and Viet Nam. The country study on Thailand also included information on the Lao People's Democratic Republic.

5. Benin, Burkina Faso, Cameroon, Gabon, Ghana, Côte d'Ivoire, Mali, Nigeria, Togo.

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