PART TWO

OBSERVATIONS AND INFORMATION CONCERNING PARTICULAR COUNTRIES

1. OBSERVATIONS AND INFORMATION CONCERNING REPORTS ON RATIFIED CONVENTIONS
   (ARTICLE 22 OF THE CONSTITUTION)

A. General observations and information concerning certain countries

(a) Failure to supply reports for the past two years or more on the application of ratified Conventions

The Employer members pointed out that constitutional obligations to submit reports were the fundamental basis for the functioning of the ILO supervisory mechanism. The current lessening of compliance with these obligations would put in doubt the whole supervisory system. They expressed their fundamental obligation to comply with their obligations resulting from ratified Conventions but they doubted this, in view of the fact that governments did not even comply with their procedural obligations. They indicated that there were a number of cases of non-compliance, e.g. 25% of governments concerned supplied reports in time, which meant that three-quarters of the governments did not meet these obligations. They stressed that the term “automatic cases” did not exactly express the importance of these procedural obligations. Moreover, discussions on the improvement of working methods would in no way reduce the importance of these cases as a considerable deterioration could be noted over the last few years. The public examination within this Committee of the cases of non-compliance with these obligations was important and necessary to avoid rewarding governments concerned for their failures. The reproach that these discussions on non-compliance by the member States were non-substantial was primarily due to the unconvincing statements made by the governments concerned. Finally, they urged the governments to comply with their procedural obligations in the future.

The Worker members underlined that respect for the obligation to supply reports was a key element of the supervisory system of the ILO. The information contained in the reports had to be as detailed as possible. There remained 13 countries on the list of countries that had not fulfilled this obligation. These countries had an unjustified advantage in the sense that the absence of the report made it impossible for the Committee to examine the national law and practice in respect to ratified Conventions. Consequently, they considered that the Committee had to insist that these States took the necessary measures to respect this obligation in the future.

A Government representative of Denmark stated that the Government of Denmark deeply regretted that the Faeroe Islands had yet again not provided the requested reports and answers to the comments of the Committee of Experts which meant that it was the status quo. He indicated that the Danish Government had in the past year again urged the Faeroese and Faeroese authorities to comply with their reporting obligations but without result. He reminded the Committee that the Faeroe Islands had complete autonomy in the area of social security. He stated that this year, however, he was happy to report some progress in that the Faeroese Islands had responded positively to the proposal to receive assistance from the ILO in order to improve their obligations. He indicated that the Danish Government was now engaged in discussions with the ILO on how to take action on this matter, in collaboration with the relevant Danish and Faeroese authorities. The Danish Government considered this to be a step forward. He hoped that this would convince the Committee that the Danish Government was doing its utmost to remedy the situation, even if this would take time.

A Government representative of Equatorial Guinea regretted that up to now his Government had not been able to comply with the obligation to submit reports under article 22 of the ILO Constitution. He explained that the problem had its origins in the fact that it was impossible to consult employers’ and workers’ organizations, as they had not yet been established. Finally, he requested technical assistance in the preparation of these reports. A Government representative of Sierra Leone explained that his country was just emerging from a civil war that had lasted a number of years. This had not permitted his Government to meet its obligations of sending reports on the application of ratified Conventions. He promised that his Government would do its best in the future to meet its obligations in this respect.

The Worker members observed that only a few countries had replied among those invited to provide reasons for failing to comply with their reporting obligation; the other countries were either absent or non-accredited to the Conference. Some countries had raised several elements to justify their failure; others had taken up a commitment that should be acknowledged. The Committee should continue to insist that member States take all measures in order to respect this obligation. The need to reinforce the supervisory system remained theoretical if governments did not respect their obligation to supply reports on ratified Conventions. Governments should be reminded that they could also ask the ILO for technical assistance.

The Employer members indicated that they had listened to the statements of the governments that had provided information on the reasons for their non-compliance with their reporting obligations. They noted that a number of governments concerned had not made comments, or were not present, or even more regretfully, they were probably present at the discussions without signalling their presence, as experience had shown during the last few years. With reference to the statement of the Government representative of Equatorial Guinea regarding the difficulties in having tripartite consultations, they mentioned that tripartite consultations were always welcome. However, the final obligation to submit reports lay with the governments. A non-existing or a badly functioning tripartite consultation process at the national level should not justify the failure to submit the requested reports on time by governments. They suggested that the failure to meet with these obligations should be specially highlighted in an appropriate part of the Committee’s report.

The Committee noted the information supplied and the explanations given by the Government representatives. The Committee recalled the fundamental importance of supplying reports on the application of ratified Conventions and of doing so within the prescribed time limits. As this obligation constituted the very foundation of the supervisory mechanism, the Committee expressed the firm hope that the Governments of Afghanistan, Armenia, Denmark, Equatorial Guinea, Kyrgyzstan, Liberia, Sierra Leone, Solomon Islands, The former Yugoslav Republic of Macedonia, Turkmenistan and Uzbekistan, that until now had not supplied a report on the application of ratified Conventions, would do this as soon as possible. The Committee decided to mention these cases in the appropriate section of its General Report.

(b) Failure to supply first reports on the application of ratified Conventions

The Employer members recalled how they had repeatedly underlined the importance of supplying first reports on the application of ratified Conventions. The supervision of voluntarily accepted
international obligations started with these reports. The purpose of these reports was to identify and highlight problems in the practical application of ratified Conventions and to clarify provisions of Conventions for the governments concerned. Recommendations and assistance by the Office were only possible after the examination of these first reports. It should not be difficult to meet these obligations after ratification because states ratified them following appropriate prior examination of these Conventions and their respective national law and practice. The examination needed to prepare first reports was precisely the same. They pointed out that recent changes and the reporting obligation had resulted in a second first report not being any more necessary. This reduced considerably the work for governments. It was therefore even more regrettable that many governments had not supplied first reports that were due. The Worker members emphasized that first reports on the application of ratified Conventions assumed a particular importance since they provide the basis upon which the Committee of Experts could base its examination of the application of Conventions to a State. Furthermore, these first reports allowed countries to avoid, from the beginning, errors of interpretation on the application of the Conventions. Sending first reports constituted an indispensable part of the supervisory system. The 16 member States cited should be requested to make a special effort to fulfill their obligation to provide first reports on the application of ratified Conventions. A Government representative of Equatorial Guinea, referring to its previous statement, indicated that there was a gulf between Europe and Africa and that the preparation of a first report was not easy for countries like his. He did acknowledge the obligation to comply with this requirement and said that this would be done with the technical assistance of the ILO. A Government representative of Chad, (Minister of the Public Service, Labour and Employment) said that it had never been his Government’s intention to not comply with its treaty obligations, but that an unfortunate combination of circumstances had delayed the transmission of certain reports within the required time limits. With regard to Convention No. 151, he indicated that his Government had already submitted its first report. A Government representative of Cambodia informed the Committee that due to the human resources situation within the Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation (MOSA LVY), it could not provide the reports on the applications of Conventions Nos. 100, 105, 111 and 150. However, the first reports covering the application of Conventions Nos. 100, 105, 111 and 150 were submitted to the Director-General of the ILO on 3 June 2003 in Geneva. He indicated that MOSA LVY was preparing the reports on the other three Conventions but needed technical assistance from the ILO. The Employer members noted with regret that many governments that had not submitted their first reports and that were thus the subject of discussions, were not even present at the Committee, nor did they benefit from the comments on their application. They added that some cases of non-compliance dated back to the beginning of the 1990s. They considered these to be serious cases and almost without any hope for improvement. They stressed once again the importance of meeting the reporting obligations and requested that these cases be highlighted in the appropriate part of the General Report of the Committee. The Worker members observed that only seven or eight countries had taken the first report on the application of a Convention by supplying a first report. Often the same reasons were invoked to justify these failures. It was unacceptable that some first reports were due since 1992. This was a serious matter, and if a government was faced with particular difficulties, it should inform the Office as soon as possible in order to obtain the necessary assistance - which had, moreover, been requested by some Government representatives. The Office should be in contact with each member State concerned, in order to ascertain the reasons why the required information was not communicated. The Committee took note of the information and the explanations provided by the Government representatives. The Committee reiterated the crucial importance of submitting first reports on the application of ratified Conventions. The Committee decided to mention the following cases in the appropriate section of the General Report: since 1992 - Liberia (Convention No. 133); since 1995 - Kyrgyzstan (Convention No. 133); since 1996 - Armenia (Conventions Nos. 100, 122, 135, 150), Uzbekistan (Conventions Nos. 47, 52, 103, 122); since 1998 - Armenia (Convention No. 174), Equatorial Guinea (Conventions Nos. 68, 92); since 1999 - Tunisia (Convention Nos. 98, 105, 111), Turkey (Convention Nos. 29, 87, 98, 100, 105, 111), Uzbekistan (Conventions Nos. 98, 105, 111, 135, 150); since 2000 - Chad (Convention No. 151); and since 2001 - Armenia (Convention No. 87), Congo (Conventions Nos. 81, 98, 100, 105, 111, 138, 144), Kyrgyzstan (Convention No. 105), Tajikistan (Convention No. 105) and Zambia (Convention No. 176). A Government representative of France indicated that New Caledonia had the exclusive authority in matters of labour law. A such, the central (metropolitan) administration of the ministries were not involved in the drafting of reports or responses addressed to the Committee of Experts. Within this specific institutional framework, the services of the Government of New Caledonia had been requested on several occasions to send these reports and responses; however, not all the obligations could be fulfilled. This situation was regrettable and the Government was preparing an ad hoc mission to remedy this. A Government representative of Guinea indicated that his Government had taken note of the comments of the Committee of Experts and that all efforts would be made to supply the appropriate information. Guinea welcomed the designation of a standards spe...
cialist in the ILO subregional office for the Sahel. His presence should help Guinea to overcome the technical difficulties related to ensuring the proper implementation of international labor standards.

A Government representative of Latvia explained that reports under article 22 of the ILO Constitution that were due in 2002 were prepared and adopted in the National Tripartite Cooperation Council, but that they had not been submitted due to difficulties in preparing translations into English. He indicated that these reports will be submitted together with the reports due this year.

A Government representative of the Libyan Arab Jamahiriya stated that the Libyan Arab Jamahiriya was fully meeting its obligations for sending reports and replies to the comments of the Committee of Experts on ratified Conventions up to 2002, that were prepared by the national technical committee. Unfortunately, there had been delays in submitting these reports to the Committee of Experts, including on Conventions Nos. 95, 122, 131 and 138. This was because of a new law on Labour Relations that was submitted to the People's Congress. Later this year, a draft law on Labour Relations will be submitted in the near future.

A Government representative of Viet Nam stated that his Government had duly completed the reports to the Committee of Experts. He indicated that it must have been due to some technical problems that these reports had not reached the Committee in time. His delegation regretted this situation and it will certainly look into the issue to rectify the problem.

The Employer members repeated their regret that representatives of governments concerned that were aware of the invitation by the Committee to provide information on their non-compliance, had not chosen to be present. The great number of such cases demonstrated the gravity of the problem and the non-existence of dialogue. They recalled that member States were responsible for their non-metropolitan territories in this regard. Referring to the statement of the representative of the Government of Latvia, they remarked that professionals from Latvia had often shown their proficiency in English but that this appeared not to be the case with the responsible officials who prepared reports for the Office.

The Worker members noted that the United Kingdom had put forward the same arguments as in previous years to explain the reasons why they had not replied to the comments of the Committee of Experts. M any other governments did not give reasons for this failure despite the opportunity to do so. To the Committee they reiterated the importance of the obligation to supply reports, it was necessary for this Committee to insist that governments take all necessary measures in order to respond to the comments of the Committee of Experts. M any governments did not postulate their obligations had or should have at their disposal, the necessary technical capacities to this end.

The Committee took note of the information and explanations given by the Government representatives. M any of these notes insisted on the vital importance of the continuation of dialogue, and of the communication of clear and full information in reply to the comments of the Committee of Experts. The Committee recalled that this was part of the constitutional obligation to supply reports. In this respect, it expressed its desire that government services involved in the supply of information would ensure that they took every possible measure in order to provide the relevant information as soon as possible. The Committee decided to mention these cases in the corresponding section of the General Report.

(d) Written information received up to the end of the meeting of the Committee on the Application of Standards

Angola. Since the meeting of the Committee of Experts, the Government has sent replies to most of the Committee's comments.

Chile. Since the meeting of the Committee of Experts, the Government has sent replies to most of the Committee's comments.

Cyprus. Since the meeting of the Committee of Experts, the Government has sent replies to most of the Committee's comments.

Denmark. Since the meeting of the Committee of Experts, the Government has sent replies to most of the Committee's comments.

Fiji. Since the meeting of the Committee of Experts, the Government has sent the first reports on Conventions Nos. 144 and 169.

Republic of Korea. Since the meeting of the Committee of Experts, the Government has sent replies to all of the Committee's comments.

The list of the reports received is to be found in Part Two: IC of the Report.
Luxembourg. Since the meeting of the Committee of Experts, the Government has sent replies to most of the Committee’s comments.

Madagascar. Since the meeting of the Committee of Experts, the Government has sent replies to all of the Committee’s comments.

Mongolia. Since the meeting of the Committee of Experts, the Government has sent most of the reports due concerning the application of ratified Conventions, as well as replies to most of the Committee’s comments. The Government has also sent the first reports on Conventions Nos. 135, 144, 155 and 159.

Pakistan. Since the meeting of the Committee of Experts, the Government has sent replies to most of the Committee’s comments.

Slovenia. Since the meeting of the Committee of Experts, the Government has sent the first report on Convention No. 147.

United Republic of Tanzania. Since the meeting of the Committee of Experts, the Government has sent replies to most of the Committee’s comments.

United Republic of Tanzania. (Tanganyika). Since the meeting of the Committee of Experts, the Government has sent one of the reports due concerning the application of ratified Conventions.

Tunisia. Since the meeting of the Committee of Experts, the Government has sent replies to all of the Committee’s comments.
Convention No. 29: Forced Labour, 1930

India (ratification: 1954). A Government representative began by presenting the members of the high-level delegation accompanying him from the Ministry of Labour, which served to show how seriously his Government took its relations with the ILO. He therefore hoped that all the members of the Committee would appreciate the effort and courtesy of his Government in going to such great lengths to explain the situation prevailing in the country and the measures adopted by his country to address the issues under discussion. In particular, he hoped that the Committee would discuss the case in a constructive and appreciative manner on the basis that all of its members were equal and that all speakers would refrain from using any of the parliamentary and indecorous language which had been heard in the discussion of certain other cases. A letter drawing a distinction between the work of the Conference Committee and that of the Committee of Experts, he indicated that he would review, paragraph by paragraph, the comments made by the Committee of Experts regarding the application of the Convention by India. He then asked for the procedural issues relating to the work of the Conference Committee.

On the subject of bonded labour, he recalled that Article 2 of the Convention defined forced labour as "work or service which is exacted from any person under the menace or threat of any penalty and for which the said person has not offered himself voluntarily". In this respect, he emphasized that for his country even one case of bonded labour was one case too many. He reaffirmed that the Government took very seriously its responsibilities under the ILO and under the national Constitution, which explicitly prohibited forced or bonded labour. He recalled that bonded labour had its roots in the two centuries when India had not been free and when, because of the anti-farmer policies pursued, it had suffered from famines regularly every ten years. He was therefore proud that India had managed to move from a situation of recurring famine to that of a country which exported its surplus of agricultural produce mainly as a result of the poverty alleviation policies that it had applied. Cases of bonded labour tended to concern the section of the population which had been most deprived in this context. He added that India had since moved on to become the largest democracy in the world, with a population of 1 billion, 450 million workers and 600 million voters.

Turning to the comments made by the Committee of Experts, he noted that in paragraph 2 of its observation it had expressed the hope that the Government would supply its comments on observations made by the labourers' organizations and by vigilance committees and the respect that a detailed answer had already been supplied and that further information would be provided shortly.

He expressed appreciation that the Committee of Experts had taken note of the five steps taken by the Government to combat the problems under discussion. In paragraph 7 of its comments, the Committee of Experts had welcomed the increase in the rehabilitation grant from Rs.10,000 to Rs.20,000 for each released bonded labourer. In paragraph 4 it had noted that surveys on bonded labour had been conducted in a total of 57 districts. He informed the Committee in this respect that this number had now increased to 120 districts over the short span of time since the publication of the report of the Committee of Experts. In paragraph 7 of its observation, the Committee of Experts had also welcomed other positive steps taken by the Government, including field visits by senior officials to monitor the utilization of funds for the rehabilitation of bonded labourers. He indicated that the Committee of Experts had also noted that the National Human Rights Commission had over-seen the implementation of the Bonded Labour System (Abolition) Act, 1976, on the instructions of the Supreme Court of India.

With regard to the issue of prostitution, mentioned in paragraph 16 of the observation, he said that India was proud of its record, since the national legislation established higher standards than those required by the Convention. Here too, the Committee of Experts had listed the positive measures taken by the Government, including the national plan of action (1998) to combat trafficking and commercial sexual exploitation of women and children, the constitution of advisory committees at the national and state levels in order to combat trafficking at the grass-roots level, the establishment of protective homes for girls and women, the ratification of the International Protocol to prevent, suppress and punish trafficking in persons and the signing of the SAARC Convention on combating trafficking and commercial sexual exploitation of women and children.

However, in view of all the positive steps and progress noted by the Committee of Experts, he expressed surprise at the conclusions that it had reached. The Committee of Experts had raised three points. First, it had noted the discrepancies between the numbers and had provided over 6 billion in the 10th National Development Plan on action to help these children.

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such groups took advantage of the system by making unsubstantiated allegations. He recalled that under the Indian judicial system, the accuracy of the figures on forced and bonded labour had to be attested by affidavits. Rather than having recourse to the irresponsible practice of estimating the extent and magnitude of trafficking and commercial sexual exploitation in India, it was puzzling to note that the Committee of Experts had referred to the need for reliable statistics after having welcomed the positive steps taken by the Government. He suggested that the Committee of Experts should perhaps adopt a more pragmatic approach and take into account the practice of statistics, which only the independent judiciary could determine.

Turning to the second part of his statement, he drew the attention of the Committee of Experts to the fact that of the 175 vigilance committees of the ILO whose national law and practice was examined in the report of the Committee of Experts, only 25 cases had been selected for discussion by the Committee of Experts. Moreover, of those cases, all but one related to the situation in India. The lack of any reference to its national situation being discussed in human rights bodies, as well as to the fact that the Committee of Experts had not referred to the need for reliable statistics, all contributed to the impression that the impartiality of judicial rulings as to whether or not those charged were guilty. He emphasized that the Government’s responsibility was to take cases to trial, and that conviction depended upon the independent judiciary on whether the case required an acquittal or a conviction, which only the independent judiciary could determine.

Turning to the issue of child labour, he regretted to note that once again the situation was not positive. Although the available statistics differed, the Government had indicated that there were 11 million children working in 1991, including in hazardous work, based on the figures of the 1991 census. The results of the 2001 census were not yet available. In comparison with these figures, the results of the action taken to identify children working in hazardous and non-hazardous occupations, as contained in the report of the Committee of Experts, appeared to be very low. It was therefore to be welcomed that the IPEC programme in the country was implementing 160 action programmes covering over 90,000 children, with a view to removing them from work and providing them with education. Although the problem of child labour undoubtedly had historical roots, they agreed with the Government representative that its existence was not a justifiable reason for ignoring the need for swift action.

With regard to vagrancy and sexual exploitation, they noted that the Government had expressed doubts concerning the statistics mentioned in the report of the Committee of Experts, which had been compiled by non-governmental organizations. However, focusing on figures tended to obscure the important point that even a single case of bonded or forced labour was one too many. In this respect, even the statistics provided by the Government showed that the problem was very serious. Moreover, they noted the statement by the Government representative that accurate statistics were difficult to compile, particularly in view of the different levels of commitment by the various states. The Government representative had indicated that a new effort had been made in this connection, but that some districts were still not able to provide any information. The increasing level of social and psychological problems. On this subject, the Employer members concluded that it was necessary to make an intensive effort to compile reliable data as a basis for all further action. The action required being based on an accurate and reliable identification of the persons affected and of the extent of the problem.

The Employer members noted the positive developments mentioned by the Government representative, particularly the rise in the numbers of vigilance committees and the increased level of payments for the release of bonded workers. However, the situation remained as to whether, a quarter of a century after the adoption of the main legislation on this subject, more progress should not have been achieved. For example, almost no figures were available concerning the measures taken to charge and punish those responsible for exacting bonded labour. In the biggest democracy in the world, there was a need for an independent judiciary to ensure that violations of the law were punished.

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intensive action would be taken on these matters, but agreed that there was no panacea which could solve these problems in the short term. Their causes were too complex and the country and its population too large for action to be effective immediately. One of the causes was undoubtedly the division in the country between the small formal economy and the very large informal sector. They nevertheless urged the Government to intensify its efforts and to overcome the shortcomings noted in the compilation of statistics. It was only when the facts were known that action could be taken. Finally, they recalled that those affected by child labour and bonded labour practices often entered these situations at an early age and would remain in this terrible condition if no action were taken.

The Worker members, referring to the statement of the Government representative, emphasized that they always respected Government representatives and Employer members, but it seemed that the Government representative did not agree to the showing of such respect towards the other members of the Committee. Even though problems still had to be solved, in their view, some progress had been made in the case of India. India had ratified the Forced Labour Convention, 1930, and the Minimum Age Convention of 1973. The Committee of Experts had made its first comments in 1966, and last year, the Committee had again addressed the question of the application of this Convention. However, it had to be said that the process was taking too long.

One of the recurrent problems revealed by the Committee of Experts concerned the lack of precise and reliable statistical information on bonded labour, child labour, prostitution and sexual exploitation. In doing this, the explanations provided by the Government representative indicated that statistical information was essential for the correct evaluation of the scope of the problem, particularly with regard to bonded labour. It was necessary that the Government provide information on the number of bonded labourers, the number of convictions and the penalties imposed. According to the Committee of Experts, the information provided by the Government referred to 4,743 prosecutions under the 1976 A ct. In this respect, the Committee of Experts had observed that, in the light of Article 25 of the Convention, this number appeared to be inadequate in comparison with the potential numbers of bonded and forced labourers at many millions of persons.

In its comments, the Committee of Experts had emphasized the ineffectiveness of the vigilance committees that had to be established under the Bonded Labour (Prohibition and Regulation) Act, 1976. It had requested the Government to provide information on the number of prosecutions, the number of convictions and the penalties imposed. A corollary to this was: the Government could not be held responsible for the application of the 1976 Act if it was not informed of the application of the law. The Committee of Experts had noted that the Government was minimizing the extent of the problem, thereby preventing its effective resolution. They supported the requests made by the Committee of Experts concerning the compilation of precise statistical information on the number of persons in bonded labour, child labour, forced labour and those responsible for the application of the law. The Committee of Experts had requested the technical assistance of the ILO. It had not been decided as to whether this assistance could be developed. Despite the progress made, the Government should redouble its efforts to resolve the problem in an effective manner. Finally, they recalled that the Government could request the technical assistance of the ILO.

The Worker members insisted that although problems still had to be solved, in their view, some progress had been made in the case of India. India had ratified the Forced Labour Convention, 1930, and the Minimum Age Convention of 1973. It had been pointed out that positive steps had been taken, the Worker members insisted that redifficulties to be overcome. One of the recurrent problems revealed by the Committee of Experts concerned the lack of precise and reliable statistical information on bonded labour, child labour, prostitution and sexual exploitation. In doing this, the explanations provided by the Government representative indicated that statistical information was essential for the correct evaluation of the scope of the problem, particularly with regard to bonded labour.
The Worker member of India reaffirmed that bonded and forced labour were a great blemish on humanity that needed to be eradicated as soon as possible. Recalling that the Government of India had ratified the Convention in 1954 and adopted the main legislative measures to implement it in 1976, he expressed the view that the concurrent responsibility for labour matters lay with the state governments. However, the states were at different stages of development and showed great disparities in terms of education, health, and industrial development. Both bonded and forced labour were directly related to the high levels of poverty and unemployment in the country and had their origins in the legacy of imperialist exploitation. In this respect, he recalled that such important issues would never be resolved in isolation and that the real remedy lay in providing employment and a respectable livelihood to every able-bodied citizen. For this to be achieved, it was necessary for production to be based on sustainable technology which respected the dignity of workers, ecology and the rights of consumers. However, the over-hasty pursuit of rapid development inevitably led to the use of unsustainable technology, resulting in jobless growth. This was the basic problem which required solving.

He indicated that the trade unions and Government of India, as well as the Supreme Court, were all united in their determination to bring an end to forced and bonded labour. However, he warned that the issue lay on the doorsteps of the Government representa- tion. He pointed out that the figures for bonded labour put forward by the Government could not be false, since the Government was answer- able for them to the democratically elected Parliament. In 2001, the Government had published a survey which had challenged those who claimed that the figures were much higher to raise the issue before the Indian courts, but they had been afraid to do so. He warned that those who wished to malign the country should not be encouraged and said that the Government had demonstrated that the issue was not a matter of politics and that the efforts of the Government had been recognized.

The Government member of Sweden, also speaking on behalf of the Government members of Denmark, Finland, Iceland and Norway, expressed the view that national and Nordic Governments were very committed to combating child labour, not least through their extensive support for the ILO-IPEC programme. She therefore welcomed the Government of India's efforts to address child labour and its commitment to eliminating it. She emphasized the urgency of providing adequate data for estimating the extent of child labour and sexual exploitation in the country. Such data would enable the Government to develop effective systems to combat these serious problems and would provide a realistic basis for assessing the effectiveness of such systems. She called upon the Gov- ernment to pursue its efforts in this field, particularly with regard to the identification of working children. Finally, she encouraged the Government to reinforce the legislative provisions and strengthen the law enforcement machinery as soon as possible, especially with regard to the abolition of child labour. He added that, in view of the overwhelming prevalence of child labour in the informal economy and in agriculture, the Gov- ernment's refusal to face the Child Labour Act and bond labour were serious setbacks. In this regard, he emphasized the need for the Government to ratify and apply the ILO's other fundamental Conventions with a view to sup- porting the eradication of bonded labour, trafficking and child la- bour. He also called upon the Government to ratify and apply the ILO's other fundamental Conventions with a view to sup- porting the eradication of bonded labour, trafficking and child la- bour. He also called upon the Government to ratify and apply the ILO's other fundamental Conventions with a view to sup- porting the eradication of bonded labour, trafficking and child la- bour. He also called upon the Government to ratify and apply the ILO's other fundamental Conventions with a view to sup- porting the eradication of bonded labour, trafficking and child la- bour.

The Government member of the United Kingdom thanked those who had taken the floor and felt encouraged by most of the comments made. With reference to the remarks of the Employer member, he specified that the number of bonded labourers in the country was much too low. He emphasized that effective action had also been taken for the elimination of child labour in certain sectors in other states. However, the figures for bonded labour put forward by the Government were much too low. He emphasized that effective action had also been taken for the elimination of child labour in certain sectors in other states. However, the statistics compiled by such reputable organizations as the International Labour Office and the Government of India, showed that the figures given by the Government were much too low. He emphasized that effective action had also been taken for the elimination of child labour in certain sectors in other states. However, the statistics compiled by such reputable organizations as the International Labour Office and the Government of India, showed that the figures given by the Government were much too low. He emphasized that effective action had also been taken for the elimination of child labour in certain sectors in other states.

The Government representative referred to the statement made by the Government representative of Côte d'Ivoire indicating that the governmental organizations in question had consultative status with the United Nations and that they participated in the work of the Committee on Human Rights and its Subcommittee. He reported that the Worker member of the United Kingdom referring to personal experience in India, had said that labour inspectors were observ- ing the action of the ILO, trade unions, employers, government officials and NGOs, who had described the beneficial effects of liberating children from work, including bonded labour, and the great effort that had been made to achieve this. The observer of the country had observed the Government's intention to eliminate child labour to a substantial extent in the current five-year plan. In view of the size of the economy and the number of children working, for example, could affect a population equivalent to that of some smaller European countries. A through the observation of the Committee on Human Rights could refer to the action programmes undertaken by IPEC. It should not therefore be forgotten that the investment made by the Government was of a dif-
fertent order of magnitude. The Indian Government had committed more than US$55 million between 1997 and 2002, and over US$115 million in the current plan (2002-07), whereas ILO/IPEC had spent only US$5 million in the last ten years in the country. The work of the Government of India should therefore be seen in this perspective. Turning to the question of the procedure followed by the Committee, he said that before the next session of the Conference, his Government would take the lead in opening up the discussion on this matter by raising a number of fundamental questions, such as why the representatives of a handful of countries occupied so many important positions. It was necessary for reflection to go forward on this matter so that the credibility of the institution was not undermined.

Finally, he reaffirmed the responsible attitude of his Government and recalled that it was answerable to the national Parliament and local government bodies. He emphasized that it was only necessary to consult the annual report of the Ministry of Labour to find reliable statistics of the numbers of bonded labourers identified and rehabilitated. He added that his country boasted a record on certain human rights and stressed that it was necessary to address the need for the Government to ensure that the national statistics were comprehensive and complete. Those who alleged the opposite based their allegations on constant repetition rather than on any well-founded reasoning. Indeed, some of the most fanciful statistics proposed were clearly preposterous. The position of his Government was not to deny the existence of forced and bonded labour, but to reaffirm that the problem was being addressed with full vigour and was being substantially reduced. He added that the calls made by the Committee for the Government to take more strenuous action in this regard were gratuitous, as the Government was in any case doing its utmost. He therefore called upon the Committee to assume the responsibility for its views and to weigh its words with great care.

A noted member of the Committee strongly opposed the statements made by the Government representative of India. He pointed to the importance of the ILO secretariat and referring to the exclusion from the deliberations of some countries. He added that this type of argument should not be used in the Committee. The Employer members recalled that the matter under examination was of a very serious nature and regretted that the Government representative had used the occasion to make a political statement, with an emphasis on the subject of discussion. They also rejected the high figures for forced and bonded labour mentioned in the statistics communicated by non-governmental organizations. However, they recalled that the Government representatives who had addressed the Committee in previous years had often placed emphasis on the difficulty of producing accurate statistics, particularly in view of the different levels of technical expertise and commitment of the various states. They concluded that a great deal remained to be done to resolve the problems and that specific Government representatives of India was responsible to the ILO for the implementation of the Conventions that it had ratified.

The Worker members indicated that the statement made by the Government representative had questioned the impartiality of the Committee of Experts and the Committee on the Application of Standards, as well as the competence of the officials of the Organizing Committee. They recalled that it was necessary to compile precise and reliable statistical information on the condition of persons working in bonded labour. Child labour, particularly in the informal sector, remained a matter of concern, and the Government had to redouble its efforts to eliminate this practice. Furthermore, the scope of the Child Labour Act in Mauritania, Act No. 36-023 of 23 January 1963, should be extended to the informal sector. They called upon the Government to ratify and apply Conventions Nos. 138 and 182 in the very near future. In conclusion, the Worker members showed that certain forms of slavery persisted. Indeed, it appeared that in the eyes of some, the descendents of slaves always suffered from a lower status from birth. These persons of lower status, who worked as agricultural workers, shepherds or servants, were entirely dependent on their masters to whom they gave the money that they earned or for whom they worked directly in exchange for food and lodging. It was therefore to be regretted that the Government continued to maintain that these were merely vestiges of the former social system or isolated cases, and that slavery had been abolished in Mauritania.

Mauritania (ratification: 1961). The Government representative recalled that his Government had undertaken to respect three conventions and proposed that the Committee of Experts, the Committee of Workers, and the Committee of Employers, adopt a draft Labour Code with ILO assistance and to allow an ILO technical mission to visit Mauritania. Concerning the adoption of a draft Labour Code, he indicated that such a draft had been prepared in a first reading in 1981 and approved by the Senate for the prohibition of forced labour. This prohibition covered all labour relations, even if they did not involve a contract. He also noted that the Government had approved draft legislation on the trafficking of persons, including a broad definition of this term, as well as specific laws and sanctions to be imposed in case of violations. With respect to the ILO technical mission, he emphasized the heavy workload involved in the finalization of the Labour Code and the law on the trafficking of persons. He also noted that the serious and disturbing events which had recently taken place in Mauritania, as a result of which the legitimate Government had almost been overthrown. He assured the Conference Committee that, as soon as the situation had been stabilized, the Government would fix a precise date to invite an ILO technical mission to Nouakchott.

The Worker members indicated that the Committee was once again discussing the serious problem of the violation of human rights in the case of Mauritania. In 1982, they had expressed the hope that the Government would make a serious commitment to eliminating slavery in the country. However, the observation made by the Committee of Experts showed that certain forms of slavery persisted, in particular the fact that in the eyes of some, the descendents of slaves always suffered from a lower status from birth. These persons of lower status, who worked as agricultural workers, shepherds or servants, were entirely dependent on their masters to whom they gave the money that they earned or for whom they worked directly in exchange for food and lodging. It was therefore to be regretted that the Government continued to maintain that these were merely vestiges of the former social system or isolated cases, and that slavery had been abolished in Mauritania.

Despite the adoption of three legislative texts prohibiting forced or compulsory labour, namely the Constitution of 20 May 1961, Act No. 36-023 of 23 January 1963 issuing the Labour Code and the Order of 1980, the practice of slavery still existed in Mauritania. The refusal of the Government to acknowledge the existence of this grave problem condemned the existence of the practice. On several occasions, the Committee of Experts had called upon the Government to: (i) adopt a provision imposing legal sanctions in accordance with article 25 of Convention No. 29; (ii) extend the scope of the prohibition of forced or compulsory labour to all employment and industrial relations as well as in the informal sector; and (iv) establish a complete list of establishments considered to be essential services for the population and which could be affected by a possible requisition order. Despite these requests, nothing had changed.
With regard to legal sanctions, no provisions had been adopted to give effect to Article 25 of the Convention. On the subject of the extension of the scope of the prohibition of forced labour, the current amendment to section 5 of the Labour Code, providing that all violations of the law would be punishable by imprisonment and a fine, had not yet been implemented. The fact that the imposition of sanctions was prevented on persons perpetrating practices of slavery did not instil confidence in the good will of the Government to eliminate forced or compulsory labour. The adoption of legal provisions was not sufficient. It was also necessary to take concrete measures with a view to the reintegration of the victims of slavery into society and their compensation. Campaigns to raise the awareness of the population also needed to be undertaken.

In previous years, the Government had undertaken to accept an ILO technical assistance mission. The Worker members regretted that the mission had not been able to visit the country. They hoped that the mission had been prevented for reasons of a practical nature. They noted that several forms of slavery still existed in the country and that in rural areas. Despite certain measures at the legislative level, there were no grounds for believing that changes had been made in practice. The fact that the imposition of sanctions was prevented on persons perpetrating practices of slavery did not instil confidence in the good will of the Government to eliminate forced or compulsory labour. The adoption of legal provisions was not sufficient. It was also necessary to take concrete measures with a view to the reintegration of the victims of slavery into society and their compensation. Campaigns to raise the awareness of the population also needed to be undertaken.

They regretted that a technical mission had not taken place, and noted the willingness expressed by the Government to make use of further technical assistance. Essentially, what was needed was a legal basis for the elimination of forced labour. However, the existing laws did not contain adequate sanctions. Since this remained unimplemented effectively. They requested the Government representative to provide necessary information to back up his statements on the action taken with a view to bringing national legislation into line with international standards. They recalled that the discussions had to be based on the report of the Committee. Reference was now being made to the provisions contained in the new Labour Code as a means of affording protection. However, the problems of slavery were not of a nature to strengthen the protection and support provided as they had not been accompanied by legal, economic and social measures.

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A further Worker member of Mauritania requested the Conference Committee to examine the report of the Committee of Experts. He referred to the statement by the Worker members alleging serious violations of human rights in Mauritania since 1982, he indicated that the discussions had to be based on the report of the Committee of Experts and should not touch on political considerations. Social justice should be objective and balanced in order to resolve the problems, and not to make accusations. The allegation of slavery was extremely serious. The Government had never recognized the persistence of slave-like practices in the country. It was true that Mauritania had had castes, but the descendents of former slaves were no longer considered as slaves today, and the fact that a person was connected to the country was no longer a factor. They added that the technical mission should not visit Mauritania in order to make inquiries, but to provide assistance because the Labour Code had recently been adopted. Finally, he suggested that the evaluation of the representativity of trade union organizations should be part of the mandate of the technical mission.

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trade union organizations. The Government also respected public freedoms, freedom of association and of organization. There were no prisoners and there were 10 free newspapers that criticized the Government without fear. Even the Secretary-General of the CFTU knew that he could make all sorts of allegations without fear. He emphasized the importance of adopting a responsible attitude and the need for speakers to weigh their words carefully. The Workers members should verify their sources before making allegations and read the documents. He denied the allegations of the Worker members that the origin of a person had an effect on their status. He indicated, for example, that shepherds were better paid than teachers, and that the salary of a domestic worker was higher than that of a police officer. There were no public secrets and if slavery really existed the Government would not close its eyes to it and would not discuss the definition of this phenomenon. He said that the debate was surreal. Mauritania faced many other problems, such as underemployment. In this respect, he challenged those making allegations to inform the judiciary of one single case of slavery. The Government had recently made many efforts to respond to the requests of the Committee of Experts and acknowledged the problems that still existed so that the necessary measures could be taken, with particular emphasis on the application of effective sanctions for any violations of the respective legislation. They supported the proposal by the Worker members that a direct contact mission be sent to Mauritania to help the Government and the social partners with a view to the adoption at the first reading of the Labour Code and draft legislation. The Committee should understand that this involved much work and take into account the weakness of the administration. He forcefully reiterated that there was not much goodwill on the Government’s part.

He recalled that the country had just experienced an attempted coup, which had threatened the rule of law, from which thankfully it had been preserved. In his opinion, it was now necessary to preserve the same rule of law, instead of responding to the request of a constitutional amendment that was normal for the Employer and Worker members to defend social standards and implementation of Conventions, they should not adopt a punitive approach.

The Employer members recalled that their clear objective was to comply with standards, nothing more, nothing less. Up to now, the Government had not acknowledged that slavery was a problem, which was preventing its eradication. The Worker members had based their statements on the hard facts in the report of the Committee of Experts and the absence of legal provisions penalizing the exaction of forced labour. The Committee knew that it was essential to respond to the request of a constitutional amendment that was normal for the Employer and Worker members to defend social standards and implementation of Conventions, they should not adopt a punitive approach.

He highlighted that there were new developments that had occurred since the last meeting of the Conference Committee. He pointed out that upon the instructions of the President of the State, the Secretary of State for Foreign Affairs, the President of the Camel Racing Federation had promulgated Order No. 1/6/266 of 22 July 2002 providing for the minimum age of 15 for a camel jockey and the prohibition of any employment of young persons under the age of 15, and section 34 of the Penal Code for the sale, purchase, transfer or disposal of any person as a slave. Section 20 of the Labour Code provided for the prohibition of forced labour and provided that any violation of its provisions would be punishable by sanctions. He had reiterated that in his communication the new information. Moreover, he did not appear to understand the gravity of the problem or to realize the measures that needed to be taken. The Committee reiterated that in its last report it had provided to the Committee all the relevant information relating to the cases contained in the Communications of the International Confederation of Free Trade Unions (ICFTU) of 2000 and 2001 on the children engaged in camel racing, which had been communicated to the Minister of Justice and Social Affairs in October 2002. He noted that the Committee had expressed deep concern at the persistence of situations which constituted grave violations of the prohibition of forced labour and regretted that the mission which had been proven to be true. To base conclusions on such hypotheses undermined the credibility of the Committee and gave no credit to the good faith that the Government had always shown.

United Arab Emirates (ratification: 1992). A Government representative stated that the provisions of the Constitution were applied without problems in the E Mirates in accordance with the Constitution, national legislation and practice. The Constitution included several provisions on the prohibition of any exploitation of children or their children. Section 350 of the Penal Code provided that any person who exposed to danger any child who had not completed 7 years of age, and who acted either on his own volition or in collaboration with others, on human trafficking, he referred to section 350 of the Penal Code and read the Government's written statement. The Government representative reiterated that in 2002 his delegation had provided to the Committee all the relevant information relating to the cases contained in the Communications of the International Confederation of Free Trade Unions (ICFTU) of 2000 and 2001 on the children engaged in camel racing. He pointed out that police investigations had proved that the cases involving the use of children in camel races were not a widespread practice but constituted a limited phenomenon, monitored by the police corps. The investigations further clarified that it was the parents of those children who were exposing them to work for material gain, without the knowledge of the competent public authorities.

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The Committee decided to place its conclusions in a special paragraph of its report.

The Government representative stated that the adoption of the conclusions in their present form would render the Committee’s discussions meaningless. Up to now none of the allegations had been proven to be true. To base conclusions on such hypotheses undermined the credibility of the Committee and gave no credit to the good faith that the Government had always shown.


The Committee noted the information provided by the Government representative and the discussion that followed. The Committee shared the concern expressed by the Committee of Experts at the absence of legal provisions penalizing the exaction of forced labour and regretted that the mission which had been accepted by the Government representative had not taken place. The Committee noted the statement of the Government representative concerning the adoption at the first reading of the Labour Code and draft legislation to suppress the trafficking of persons. The Committee expressed deep concern at the persistence of situations which constituted grave violations of the prohibition of forced labour and urged the Government that a technical assistance mission should take place in the form of a direct contacts mission to the country to help the Government and the social partners with a view to the application of the Convention. The Committee hoped that progress would be made in practice in the near future in this case.
their examination. He reassured the Committee that they would receive the information once it was available, for examination by the Committee of Experts. The Government representative quoted item (d) of the report of the United Nations State Department of 2002 (paragraph 23) which stated that "in the United Arab Emirates the camel jockey ban has been enforced and began the process of eliminating the camel jockey ban with criminal penalties for violators up to and including imprisonment. The ban prohibits the use of camel jockeys less than 15 years and less than 45 kilograms. The report showed that a positive development in the Government's handling of the phenomenon of using children in camel races.

He further indicated that this country was endeavours to raise awareness among residents with respect to the importance of observing laws and to collaborate with the competent authority with an aim to putting an end to all negative phenomena in public life in general, and in the labour market in particular. He concluded by referring to the guide book which was issued by the Ministry of Labour and Social Affairs, intended for persons wishing to be employed in the UAE. The guide book gave a description of all the procedures relating to employment and labour relations. It was distributed in the UAE.

The Employer members stated that the problem was precisely the same as it had been in previous discussions conducted with the United Arab Emirates by regard to the Minimum Age Convention, 1973 (No. 138). They recognized that the phenomenon belonged to both Conventions. Small boys were forced to work as camel jockeys. In some instances, the children were kidnapped from abroad or trafficked to the United Arab Emirates. While the problem existed, it was not fully known, therefore, there was no new information. Although the problem might be a limited one, it was enough that even a limited number of children were subjected to this bad practice. The indication that police investigations did not lead to the Minister of Family Affairs and Social Development did not take place every day, but when they did, they were held publically. The Employer members also stated that camel races were organized by wealthy people and that the Decree prohibiting the use of children as camel jockeys had been issued by the same person who was also the President of the Camel Race Federation. This underlined the importance of such races in the country. There was no easy solution to the problem, but the Employer members had to insist that the Government would change its attitude on the issue.

Pressures could only be made by means of effective measures. The fact that during the 2002 Conference Committee session the Government representative merely admitted two cases of exploitation of children working as camel jockeys demonstrated that a change in the Government's attitude was necessary. The Government was requested to forward a report to the Committee of Experts containing precise and new information.

The Worker members thanked the Government representative for the information supplied. They recalled that the worker's interest in the case was not motivated by envy, but in criticizing failure to fulfil obligations arising from the ratification of ILO Conventions, they were not able to urge conformity with the Convention in the interest of all Members States and the people who live and work in them. The Worker members pointed out that this case was simple: young boys, primarily from South Asia, were forcibly sent to the United Arab Emirates and forced to work as jockeys in camel races. Firstly, this entailed hazards related to trafficking, including separation from families, exposure to the risk of abuse and the forced nature of the work. Secondly, this entailed the hazards arising from the camel jockeying itself, which was considered, as agreed in the Conference Committee in 2002, to be a worst form of child labour, precisely because of the great physical hazards which were inextricably linked to this practice.

The Worker members stated that much was owed to Anti-Slavery International, which made efforts to document the issue, and they deplored the fact that a non-governmental organization such as Anti-Slavery International should have to exist in the twenty-first century. Referring to the suggestion by some delegates that this was a cultural matter and that the same issues would not have been brought up had it been horse racing, the Workers members expressed disagreement by quoting from the International Agreement on Breeding and Racing of 1980, which stated that "the Government of the United States of America, 1980 Federal Law No. 8 of 1980 had banned employment for children under the age of 15 years and hazardous work for those under 18 years. Moreover, the 1987 Penal Code prohibited the buying of children, their exploitation and misleading. The Government could have taken the opportunity, when it promulgated the order last July, to amend the laws or promulgate an order in conformity with the Conference Committee's conclusions of 2002. Increasing penalties were a start but, regardless of the lack of sanctions provided for, the Worker members doubted whether prosecutions under the new order would take place.

Stressing that legislation had to be effectively enforced if conformity with ILO Conventions was to be achieved, the Worker members expressed their impatience to see the Government taking real action. They supported the recommendation by the Committee of Experts that the Government should take the necessary measures to eradicate the trafficking in children for use as camel jockeys and that the Government and they, however, reminded the Conference Committee that it had agreed at its 2002 session that the law should prohibit the use or employment of camel jockeys under the age of 18 years, because of its dangerous nature. Given the interrelationship between the relevant three Conventions, which had all been ratified by the United Arab Emirates, the Worker members believed that this point should be included in the Committee's conclusions. If the Government, which showed to find it difficult to ensure the use of children as camel jockeys, had been satisfied with the use of children as camel jockeys, had been satisfied with the number of ratifications of Convention No. 138, the Conference Committee would have discussed cases of child labour under the terms of Convention No. 29, on the basis that children were too young to give genuinely free consent to work.

The Worker members of Japan fully agreed with the statement made by the Worker members. In addition, she noted that her organization had information on forced labour in the United Arab Emirates concerning children as young as 5 or 6 years who were
trafficked from countries such as Pakistan and Bangladesh, and forced to work as camel jockeys. During 2002, Pakistani newspapers had reported 29 cases of child trafficking to the United Arab Emirates for camel racing. The speaker also noted that the Bangladeshi Consulate in Dubai had rescued more than 20 Bangladesh children who had been forced to work as camel jockeys and domestic helpers. In conclusion, the speaker emphasized that all people, especially children, had the right to be educated and to develop their abilities to the maximum. She further noted the observation of the Committee of Experts and to take all the necessary measures immediately.

The Worker member of Pakistan stated that children were the hope for the future of mankind and it was therefore the common responsibility of all nations to ensure their welfare. He had listened carefully to the information provided by the Government representatives and took note of the legislative changes. These were well received, but the Committee of Experts had asked the Government to investigate more actively cases of human trafficking, in particular of children being used as camel jockeys. The Government should establish an effective machinery to enforce its laws and undertake awareness raising, while sanctions should have a deterrent effect.

There was also a need for more technical cooperation, as well as cooperation between sending and receiving countries in the context of trafficking of humans. Finally, the speaker drew attention to new legislation adopted in Pakistan to prevent and punish human trafficking.

The Government member of Kuwait, also speaking on behalf of the Government members of the Gulf Cooperation Council (GCC): B.S. the Worker member of Kuwait, Saudi Arabia, and United Arab Emirates, expressed his endorsement of the statement made by the Government representative of the United Arab Emirates, reiterating that the Gulf Cooperation Council rejected outright the use of children in hazardous work. On that basis, the countries of the GCC had ratified Convention No. 182.

The Employer member of the United Arab Emirates indicated that the phenomenon of camel racing was a limited phenomenon in his country. Camel racing was a sport linked to the cultural heritage of his country and was practiced in a specific season of the year. He highlighted that the entry of children into the United Arab Emirates was subject to specific regulations as they were only allowed to enter with their parents and subsequently it was the responsibility of the parents if they determined that their country had deployed huge efforts in putting an end to this phenomenon, and that penalties on violators were provided for. He concluded by expressing the support of the Employer members to their Government to establish an effective machinery to enforce its laws and undertake the necessary measures immediately.

The Government representative indicated that the GCC countries were those countries that were best informed of the phenomenon of camel racing in the United Arab Emirates. It was clear that since 2002 a positive development occurred which was the Order issued by the President of the Camel Racing Federation and the draft law regulating this sport. He reassured the Committee that he would continue to work closely with the Convention, including through the necessary cooperation with the Governments and authorities who would take the necessary measures in this regard.

The Worker members concluded that the Government had little excuse: it had all the resources needed to bring its laws and practice into full conformity with the Convention, including through the cooperation of the Governments and authorities who would take the necessary measures in this regard.

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The Employer members stated that most in the Committee had the same views on this particular case. Due to the history of the case it was necessary to recommend to the Government to receive a direct contacts mission in order to achieve substantive progress.

The Committee noted the information provided by the Government representative and the action followed. The Committee expressed its deep concern about the fact that numerous underage children continued to be used as camel jockeys. The Committee noted the concern expressed about the intrinsically hazardous nature of this activity, which, in its discussion last year in the context of Convention No. 138, it had concluded should not be performed by any person under the age of 18, and about child trafficking and enslavement, a situation which clearly violated the Forced Labour Convention, 1930 (No. 29). The Committee noted new information providing evidence of new cases of trafficking of children to the United Arab Emirates for use as camel jockeys.

The Committee noted the ratification of Convention No. 182, of the fundamental human rights instruments which dealt with the issues of minimum age for hazardous work and child trafficking. The Committee requested the Government to adjust its legislation to be in line with such instruments. The Committee recommends the Government to accept a direct contacts mission and asked for agreement on this recommendation at the meeting in session.

The Government representative accepted on behalf of his Government the conclusions reached by the Committee on the undertaking of a direct contacts mission. He indicated that his country would fully collaborate with the Office in order to resolve this issue.

Convention No.81: Labour Inspection, 1947 [and Protocol, 1995]

Uganda (ratification: 1963). A Government representative explained the observation of the Committee of Experts and indicated that a review of the laws concerned was urgently required. In fact, such a review was currently underway including consultations with all stakeholders and social partners. The Government was applying a participatory approach, in particular respecting the legitimate interests of the parties involved. The Government representative stated that the laws cited by the Committee of Experts had been put in place at a time of political turmoil. These laws were undesirable and would be replaced by the Government. The Government had little political will. In conclusion, the Employer members recommended that the Government continue to provide technical assistance when called upon and that the Government's commitment that the situation would be improved before the Committee's next session be confirmed.

The Employer members underscored that the information provided by the Government representative on the measures taken to address socio-economic problems resulting from poverty and HIV/AIDS negatively affected the speed of this process. The Government had little political will. Without such information governments had no basis for social policy measures, which appeared to have been the case in Uganda since 1963. A Government representative stated that the situation would be improved before the Committee's next session, and expressed the Government's commitment that the situation would be improved before the Committee's next session.
had not fulfilled its obligation under Convention No. 81 for some time and urged it to take the necessary measures to ensure full application of the Convention.

The Employer member of Uganda associated herself fully with the statement made by the Employer members. In addition, she observed that the problems regarding the application of the Convention resulted from the Government’s policy of decentralization of services to the districts. This resulted in a contradiction of the provisions of the Convention which require a central body responsible for labour inspection. She emphasized that the annual labour inspection reports would provide motivation for employers to put in place best practices with regard to working conditions, including occupational safety and health. A labour inspection central body should be established with the support of the ILO. The Worker member of Senegal noted the commitment of the Government before the Committee. He recalled that the same question had already been raised in 1999, 2000 and 2001. In view of the numerous gaps in action taken by the public authorities, it was to be expected that the Government would, without delay, take the necessary measures for the development of an efficient labour inspection system, in order to ensure full application of the Convention. He also expressed the hope that the Government would put in place the required administrative and financial measures to ensure full application of the Convention.

The Government representative reiterated his Government’s commitment to organize adequate labour inspection. However, this was contingent on the economic and budgetary situation. He therefore reiterated his call for ILO technical assistance.

The Worker members welcomed the willingness expressed by the Government to bring legislation concerning labour inspections into line with Convention No. 81. They acknowledged that ILO technical assistance would be necessary. Recalling the obligations arising from the aforementioned Conventions No. 81, 87 and 100, which were incorporated into national law, the committee noted with regret that the protection of workers should not be dependent on a country’s prosperity and the Government’s commitment to organize adequate labour inspection. The Committee noted that the Government had not provided the information requested. The Committee reminded the Government of its commitment made at its June 2001 session, to examine, together with all the social partners, the question of the feasibility of the resources committed by the Government to a labour inspection system. So it was unclear whether the Committee could expect much in the near future. The Government should at least consider obliging the district authorities to have a labour inspection system, so that technical assistance, if necessary, would not be substituted for the allocation of adequate domestic resources to ensure labour inspection.

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indicated the cases when trade unions could be refused registration. The registration authorities did not therefore possess the so-called "freedom of discretion" in the process of deciding whether to register a trade union or to refuse its registration. The refusal of registration could be challenged in the courts. For the registration of a trade union, it was necessary to submit the minutes of the constituent assembly and the charter, confirm the location of the executive board of the trade union (its legal address), indicate the number of members of the organization and to provide an organizational structure and a description of the insignia of the trade union. The same conditions had been established for all social organizations, including trade unions.

She emphasized that in Belarus all trade unions went through registration. The isolated instances of non-registration concerned first-level trade union organizations at the enterprise level, which had not been independent trade unions, but part of the organizational structure of a larger trade union. The organizational units of trade unions, as well as the trade union as a whole, were legal entities and, as such, were subject to state registration. The main reason for refusal to register trade unions was the absence of a legal address. Compliance with the other provisions of the registration procedure did not pose any practical difficulties. The main problem relating to the provision of the legal address related to first-level trade union organizations, which tended to indicate as their legal address the premises occupied by an enterprise, or an enterprise, alongside means of communication and transport facilities. However, the legislation did not oblige the employers to provide premises to trade unions and this matter had to be resolved through negotiations between the employer and the trade union. In practice, cases of the refusal by employers to provide premises were rare.

In Belarus, all trade unions and over 26,000 organizational units of trade unions had been re-registered. She believed that the activities of non-registered associations and those associations which had not been re-registered were prohibited. Section 3 also provided that the associations which were not re-registered were subject to liquidation according to the procedure, namely by court decision. Such a decision could be challenged in court. She emphasized that these provisions of the Decree had not been applied in practice because all trade unions had been re-registered. Decree No. 2 also provided that 10 per cent of the workers who were members of an enterprise were to be trade union members. The inclusion of this provision in Decree No. 2 was due to the necessity to resolve the issue of the representativeness of trade unions. She believed that, in the case of Belarus, where over 90 per cent of workers were trade union members, this provision was not excessive.

In March 2001, the President of Belarus had issued Decree No. 8 on certain measures aimed at improving arrangements for receiving and using foreign gratuitous aid. The system for receiving and using such aid and an efficient system of control was particularly important in the countries of the former Soviet Union, which received such aid but which was not always used for the purposes intended. The Decree was intended to introduce a prohibition on using foreign gratuitous aid for conducting activities aimed at changing the constitutional order of Belarus, overthrowing state power and incitement to commit such acts, war propaganda or violent physical or moral violence, as well as acts prohibited by the legislation of Belarus. In accordance with the provisions of the Decree, foreign gratuitous aid in any form could not be used, among other matters, for the preparation of a referendum, the organization of public meetings, rallies, street processions, demonstrations, pickets, strikes, designing and disseminating campaign material, as well as organizing seminars and other forms of mass campaigns for the achievement of the above goals. The registration of foreign gratuitous aid was not difficult and seven applications by trade unions for the registration of foreign gratuitous aid had been submitted in 2002, of which none had been refused. She emphasized that after the adoption of Decree No. 8 there had been no cases of liquidation of trade unions in connection with the violation of the procedure on use of foreign gratuitous aid. Moreover, the provisions of Decree No. 8 had not prevented cooperation by the Government and the social partners with the ILO.

Presidential Decree No. 11 on certain measures aimed at improving the procedure for organizing public meetings, rallies, street processions, demonstrations, other forms of mass campaigns and picketing in Belarus, had been adopted in May 2001. The Decree was intended to prevent mass gatherings having any serious consequences, particularly when they lost their peaceful character. Decree No. 11 provided for the possibility of the dissolution of organizations which did not ensure the orderly conduct of mass gatherings where the number of participants exceeded 1,000 persons and where substantial damage was caused. However, such dissolution could only be conducted in accordance with the procedure prescribed by the legislation, namely by court decision. She said that, since the adoption of Decree No. 11 of 2003, there had been no cases of the dissolution of trade unions.

With reference to the comments of the Committee of Experts concerning the recent elections in the Federation of Trade Unions of Belarus, the largest trade union association of the country, she said that the Government had carefully studied all the facts relating to the election of the chairperson of the Federation and had concluded that the elections had been conducted in full conformity with the legislation and the statutes of the Federation. The election of Mr. K. that in chairperson had been conducted in an open and transparent manner and had been confirmed by the Fourth Congress of the Federation of Trade Unions of Belarus in September 2002, the delegates to which had been elected under the previous administration of the Federation. She was aware that the change in the balance of power inside the trade union, resulting in the promotion of a number of trade union officials and the removal of others, had objectively created dissatisfaction in certain quarters. In her view, this was the cause of the complaints submitted to the ILO after the elections.

She emphasized that the Government did not interfere in the internal administration of trade unions. These matters were governed by the Constitution of Belarus and by the Labour Code. In her view, the legal system of Belarus provided all the necessary safeguards for the ordinary members of trade unions and their officials to protect their rights, including the right to refuse to participate in any activities that were contrary to the interests of the trade union. She was aware that the change in the balance of power inside the trade union, resulting in the promotion of a number of trade union officials and the removal of others, had objectively created dissatisfaction in certain quarters. In her view, this was the cause of the complaints submitted to the ILO after the elections.

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requested ILO assistance with the draft Law on Employers’ associations, and the ILO had agreed to provide such assistance. In May 2003, the Government had extended an invitation to Mr. Tapiola, Executive Director of the ILO, to visit Minsk and to discuss the obstacles to the implementation of freedom of association with all the interested parties. She was confident that, despite all the difficulties, the Government would be able to find an optimal solution.

The Employer members recalled that the Committee had examined this issue several times, notably in 1997 and 2001. In 2002, the Government had been invited to discuss the case, but had inexcusably refrained from doing so, even though it had been present at the Conference. This had to be viewed as a sign of lack of interest and even non-compliance with all the recommendations of the Committee.

With regard to the comment made by the Committee of Experts requesting ILO assistance with the draft Law on employers’ associations, the Committee of Experts had recalled that only minor problems still persisted in this respect. However, they pointed out that, even if the requirement for registration applied to all trade unions, this did not mean that it was in accordance with the Convention. The Committee of Experts had pointed out that most of the problems arising in this respect concerned the requirement to indicate the legal address of the organization. The Employer members recalled in this respect that workers’ and employers’ organizations were different from each other, that they enjoyed the protection afforded by Convention No. 87. The reference made by the Government representative to equality of treatment with other associations in this respect was not therefore relevant to the situation and there was a clear violation of the Convention on this matter.

With regard to the minimum membership requirement for the establishment of an enterprise trade union, which was set at 10 per cent of the number of workers in the enterprise, the Employer members emphasized that this was not a matter to be regulated by the State, but should be left to workers’ organizations themselves to settle. They added that obstacles of this nature should not be used to prevent workers’ or employers’ organizations from being formed, and in having the opportunity to participate in bodies which discussed matters of concern to them. They therefore called upon the Government to analyse in depth the comments of the Committee of Experts on this matter and to take the necessary measures.

On the subject of the comments made by the Committee of Experts concerning the right to strike, the Employer members recalled their repeated affirmations that Article 3 of the Convention did not provide a legal basis for the right to strike. However, they added that the interference by the Government in trade union elections, as confirmed by the Committee on Freedom of Association in its conclusions on Case No. 2090, constituted an intolerable interference in the internal affairs of trade unions. Moreover, the Committee of Experts had rightly indicated that restrictions imposed upon trade unions from receiving financial assistance from abroad for their activities was a violation of the Convention, irrespective of the purpose for which such assistance was provided.

The Worker members indicated that since 1997 the Committee had been examining the case of the violations of trade union rights in Belarus. Unfortunately, last year the Government had declined any dialogue with the Committee. They hoped to be able to engage in a dialogue with the Government this year. In its comments, the Committee of Experts had raised the following points: (i) the violation of Article 2 of the Convention concerning the right of workers and employers to establish organizations of their own choosing without prior authorization; (ii) the violation of Article 3 of the Convention concerning the right of trade unions to organize their activities without interference; and (iii) the violation of Articles 5 and 6 relating to internal affiliation.

With respect to the right of workers and employers to establish organizations of their own choosing without prior authorization, the Committee of Experts had expressed its concern, especially in the context of the obligation of employers to prohibit any activity of non-registered associations (section 3 of Presidential Decree No. 2) and the rule imposing upon organizations a minimum membership requirement of 10 per cent of workers at enterprise level. The Committee of Experts had also considered the right to organize to be guaranteed for the members of advisory councils and other executive bodies of organizations.

With regard to the right of workers’ organizations to organize their activities without interference, the Committee of Experts had indicated its willingness to find means of ensuring that the trade union could in fact authorize the exercise of the right to strike, and also to amend paragraph 1.5 of Presidential Decree No. 11 of 7 May 2001, which provided for the dissolution of a union in the event of problems in the conduct of trade union elections. Most recently, the Committee of Experts had recalled that the dissolution of a trade union was an extreme measure which, when adopted for reasons of a picket action resulting in the disruption of a public event, the temporary halting of a service or the disruption of transport, was not in conformity with the right of workers’ organizations to organize their activities in full freedom. Secondly, the Committee of Experts had referred to a complaint examined by the Committee on Freedom of Association concerning interference by the public authorities in trade union elections. This practice constituted a serious violation of the right of workers’ organizations to organize their activities in full freedom. Thirdly, the Committee of Experts, referring to its General Survey of 2001, noted the right to have recourse to strike action without incurring penalties.

With respect to the right of international affiliation, the Committee of Experts had recalled that section 388 of the Labour Code and Decree No. 8 of March 2000 were not consistent with the provisions of Convention No. 87. The Worker members indicated that the situation in Belarus was worsening. Interference by the authorities in the activities of trade unions and the harassment to which trade union officials were subjected were unacceptable. The Government had to demonstrate the genuine political will to seek concrete solutions to the violations of trade union rights in the country. In conclusion, they emphasized that this was a case of continued failure by the authorities.

The Employer member of Belarus indicated that he wished to discuss several aspects of tripartite relations in Belarus. He welcomed the attitude of the Government towards the creation of the conditions for social partnership. He emphasized the importance of establishing a unified legislative basis for the operation of workers’ and employers’ organizations and he indicated that a working group had been created to examine the draft law on employers’ associations. This draft was expected to be submitted to Parliament in November 2003. He regretted that the work on this law had been going on for more than six years and that it had not yet been adopted. The absence of such a law created certain problems for the operation of employers’ associations in Belarus.

He indicated that the activities within the context of the tripartite relations were increasing. The general agreement concluded for three years was expiring in 2003 and the conclusion of a new agreement was expected at the end of this year. He highly appreciated the role played by the ILO in the development of social dialogue in Belarus. He emphasized that the activities of the Federation of Trade Unions had been present at the Conference. This had to be viewed as a sign of the committee’s determination to strengthen social dialogue. He regretted that the Goverment had not been the result of its good will, but rather of the Government’s inability to comply with the letter and spirit of the Convention and should be left to workers’ organizations themselves to settle. They added that obstacles of this nature should not be used to prevent workers’ or employers’ organizations from being formed and in having the opportunity to participate in bodies which discussed matters of concern to them. They therefore called upon the Government to analyse in depth the comments of the Committee of Experts on this matter and to take the necessary measures.
tion. Should the Government deviate from this route, the trade unions would take all legitimate measures. However, it was incorrect to say that nothing had been done by the Government. The Government should complete the process that it had already started. He emphasized that the trade unions had been under pressure at the international level and to suspend technical assistance. Such measures could adversely affect the 4 million members of the trade unions and that he opposed the adoption of measures to exert pressure at the international level and to suspend technical assistance. The Government should complete the process that it had already started. He emphasized that the trade unions were ready to help the Government. The unions would take all legitimate measures. However, it was incorrect to say that nothing had been done by the Government. The unions was dependent upon approval by employers. Trade union representatives needed the approval of the employer, the establishment of trade and enterprise centres, the use of enterprise addresses and the right to organize and the right to strike were not guaranteed for certain categories of government employees and other persons employed in the public service. He expressed the firm hope that the Government would take the necessary measures in the near future to avoid the obstruction of registration. The Committee should clearly emphasize the violations of Convention No. 87 in its conclusions and he called upon all the member States of the ILO to take appropriate steps to assist the trade unions in Belarus. The Committee of Experts had noted the violation of Article 2 of Convention No. 87. Moreover, the dissolution of a trade union appeared to be the prescribed sanction for any type of infringement. In addition, the existence of legal provisions governing the dissolution of trade unions such as “social hatred” or “massive agitation” allowed for the dissolution of independent trade unions which had managed to overcome the obstacle of registration. The exercise of freedom of association was not protected in Belarus, as illustrated by several legislative provisions. For instance, the Russian Federation and Belarus were going through a difficult period. The economic crisis and isolation. The Committee should clearly emphasize the violations of Convention No. 87 in its conclusions and he called upon all the member States of the ILO to take appropriate steps to assist the trade unions in Belarus. However, he called for the Government to devote its considerable energies to improving the situation, rather than persistently violating trade union rights.

The Worker member of Russia stated that the case of Belarus was a typical case of the repeated violation of Convention No. 87. The Russian Federation and Belarus were going through a difficult period. The economic crisis and isolation. The Committee of Experts had also noted the violation of Article 2 of Convention No. 87. Moreover, the dissolution of a trade union appeared to be the prescribed sanction for any type of infringement. In addition, the existence of legal provisions governing the dissolution of trade unions such as “social hatred” or “massive agitation” allowed for the dissolution of independent trade unions which had managed to overcome the obstacle of registration. The exercise of freedom of association was not protected in Belarus, as illustrated by several legislative provisions. For instance, the Russian Federation and Belarus were going through a difficult period. The economic crisis and isolation. The Committee should clearly emphasize the violations of Convention No. 87 in its conclusions and he called upon all the member States of the ILO to take appropriate steps to assist the trade unions in Belarus. However, he called for the Government to devote its considerable energies to improving the situation, rather than persistently violating trade union rights.
A worker member of Belarus described how, against a background of the persistent violation of trade union and workers’ rights, he had been removed from his position as chairperson of the Federation of Trade Unions, along with colleagues, such as Mr. Tapiola, the chairperson of the secretariat of the machinery production workers. Following concerted pressure from the Ministry of Industry and employers, they had been removed from office and their places taken up by former employees of the office of the President and the secret service tax authorities. He described in detail the measures taken to interfere in the trade union election processes with a view to the domination of the trade union movement and its integration into the state machinery. He also described how the President of the country had accused certain independent trade union leaders of being constantly involved in politics and acting as the opposition. Pressure had been placed upon individual leaders to create “yellow” trade unions which were intended to cover all the workers of independent enterprises. This process had culminated in the extraordinary congress of the Federation of Trade Unions, which had been notable for the participation of the Minister of Industry and the directors of large foreign enterprises. The interference by the Government in the internal affairs of trade unions was so clear in his country that no one could possibly deny it.

The Government member of Cuba stated that the comments made by the Employer and Worker members and the Government indicated that a certain progress had been made in the country which needed to be promoted through dialogue and cooperation, and not through confrontation, interference and pressure. The Cuban delegation observed that, with some exceptions, all the observations agreed that Belarus was similar to the campaign led by centres of power which controlled NGOs and trade union confederations. Certain comments made by the Committee of Experts on the case of Belarus relating to Conv. No. 187 were completely unanswerable. The Committee of Experts had arbitrarily questioned the legislative limitations to the right to strike established by the interests of the rights and freedoms of other persons. These limits were fully compatible with international law, since the Universal Declaration of Human Rights, and the fundamental instrument that guaranteed the right to life, without which no other right could be enjoyed. Cuba hoped that the Conference Committee would take these comments into account. He called for greater observance by the Government of human rights, which would guarantee the right to life, without which no other right could be enjoyed. The Government member of Cuba wished to add the concerns of her Government to the sentiments of serious concern already expressed by other speakers. In fact, her Government had been concerned with this situation for some time, as witnessed by the decision in 2000 to remove Belarus from its trade preference programme on the grounds that trade union rights had not been respected independently of whether they had been suppressed. This concern had by no means diminished.

She was concerned by the Government’s attempts to transform the trade union movement in Belarus into an instrument for the purposes of its internal and external interests. She did not share the concerns of the Government of Belarus and the ILO that concerns about the ILO Convention No. 87 had not been respected independently of whether they had been suppressed. She supported the appeals to the Government to strengthen social dialogue and asked the Government to amend Presidential Decrees No. 2 of 1999 so that section 3, banning the activities of non-registered associations, did not apply to trade unions at any level of their organizational structure. She also called upon the Government to take the necessary measures to amend the legislation on the right to strike as soon as possible in order to ensure the right of trade unions to organize their activities in full freedom in accordance with the Convention. She further requested the Government to amend Decree No. 8 of 2001 and section 388 of the Labour Code so that national workers’ and employers’ organizations could receive financial assistance, independendy of whether they were independent or foreign counterparts in pursuit of their legitimate aims. Finally, she urged the Government to comply fully with the requests made by the Committee of Experts and to keep it informed of all the measures taken to bring the situation into conformity with the Convention.

The Government member of the United States stated that she wished to add the concerns of her Government to the sentiments of serious concern already expressed by other speakers. In fact, her Government had been concerned with this situation for some time, as witnessed by the decision in 2000 to remove Belarus from its trade preference programme on the grounds that trade union rights had not been respected independently of whether they had been suppressed. This concern had by no means diminished.

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this case should be included in a special paragraph of the Committee's report. The Worker members proposed that the conclusions on this case should be included in a special paragraph of the Committee's report.

The Employer members noted that a number of interesting facts had been highlighted during the discussion which served to supplement the information provided in the report of the Committee of Experts. However, all of this information only served to confirm the picture that they already had of the situation. Although the Government had been ready to improve the situation, she had provided no information in her opening statement concerning any measures taken for that purpose. The Employer members emphasized that for many years the situation had been ignored by the Government. They did not agree with the Worker members that the Committee should include its conclusions on this case in a special paragraph of its report.

The Government representative asked the Committee to take into account the situation of the National Labour Code and the situation extended to M. Tapiola, Executive Director of the ILO, to visit Belarus. She indicated that the fact that the law covered not only trade unions, but also other associations, created additional difficulties in the work of the Government. She asked the Committee not to place its conclusions in a special paragraph of its report.

The Committee noted the oral and written information provided by both the Government representative and the discussion that followed. The Committee noted that the comments of the Committee of Experts referred to a number of divergences between law and practice and the Convention. In particular, the Committee noted that the law and various legislative decrees placed important restrictions on the freedom of association, the right of workers and employees of their own choosing without prior authorization and the right of such organizations to operate without interference by the public authorities, including the right to receive foreign financial assistance for their activities.

The Committee also noted with deep concern the conclusions of the Committee of Experts in connection with the freedom of association in Cameroon. The Committee of Experts had examined the question of the deletion of the above sections of the Labour Code and had recommended the deletion of these sections of the Labour Code. The Committee had noted that the law and various legislative decrees placed important restrictions on the freedom of association, the right of workers and employees of their own choosing without prior authorization and the right of such organizations to operate without interference by the public authorities, including the right to receive foreign financial assistance for their activities.

While noting the Government's statement that it was paying particular attention to the comments of the Committee of Experts and that it had invited a high-level official from the Office to visit the country, the Committee regretted to recall that the Government had been referring for several years to the need for changes in the national legislation and that up to now it had not been able to note real progress in this regard. It therefore expressed the hope that all the necessary measures would be taken in the near future to guarantee in full the right of workers and employees to their organization to the right of their respective organizations to organize freely their internal affairs and to elect their leaders without interference by the public authorities. The Committee urgently urged the Government to provide detailed information in the report due to its importance.

Cameroon (ratification: 1960). A Government representative, with reference to the comments made by the Committee of Experts on the application of Convention No. 87 in his country, denied the existence of any restrictions on freedom of association. He stated that the Convention was in fact applied in Cameroon and that freedom of association was a reality. He recalled that the ten provinces and 58 departments which were covered by workers' organizations, which were coordinated at the provincial level by a vice-president and at the departmental level by a departmental coordinator. He emphasized that the Government was ready to improve the situation and that he had hoped that the discussion of the case in the Conference Committee would help in this work.

The Worker members stated that the Committee had held an important discussion on a serious and unacceptable situation with regard to the violation of freedom of association in Belarus. Nevertheless, the Government refused to accept its responsibility in this respect. The Worker members proposed that the conclusions on this case should be included in a special paragraph of the Committee's report.

The Employer members noted that a number of interesting facts had been highlighted during the discussion which served to supplement the information provided in the report of the Committee of Experts. However, all of this information only served to confirm the picture that they already had of the situation. Although the Government had been ready to improve the situation, she had provided no information in her opening statement concerning any measures taken for that purpose. The Employer members emphasized that for many years the situation had been ignored by the Government. They did not agree with the Worker members that the Committee should include its conclusions on this case in a special paragraph of its report.
members did not appear to have materialized. In the same way as on previous occasions, the Government representative had once again denied that certain of the comments of the Committee of E experts were correct, or had indicated that changes in the national law meant that they would no longer be valid. The fact that certain difficulties in the process of bringing the national legislation into line with the requirements of the Convention. The Employer members regretted that they had heard similar statements on many occasions in the past and stressed that these difficulties had been dragged on for many years. With regard to Act No. 68/LF/19 of 19 November 1968, under which the existence in law of a trade union or occupational association of public servants was subject to prior approval by the Minister, they noted that despite the consistent indications that the situation was about to be changed, the Committee of E experts had received no information on any actual changes. With reference to Decision No. 2000/287, which offered broader possibilities for the registration of public sector trade unions, they acknowledged that this amounted to some progress, but pointed out that prior authorization was still required for the establishment of trade unions in the public service and that a further amendment would be required to allow them to affiliate to international organizations. In conclusion, they deplored the fact that the Government representative appeared to prefer to provide indications which obscured the situation rather than clarify it. They deeply regretted that, in the examination of the case for such a long period, no progress had been made with regard to a very clear violation of the principles of freedom of association.

A Worker member of Cameroon indicated that the Government, with a view to correcting the laws on trade union organizations, had nevertheless facilitated this aspect in practice. However, this improvement should no longer be considered as a favour and should be definitely set out in law. Furthermore, the requirement of prior authorization for the affiliation of a trade union to an international organization was set out in emergency legislation, dating from the turbulent period following the independence of Cameroon. It was now appropriate to repeal this law in order to adopt such a form of law, justice and freedom that was rare in Africa and was priceless. He emphasized that the trade unions placed great expectations in their effective contribution to the development, as well as their tripartite participation in the harmonization of A frican labour law. He indicated in this connection that the trade unions had been using their activities under both public and private work, and explained that, as in the case of the countries of the European Union, a supra-national instrument for the harmonization of labour law would definitively correct all the existing imperfections in national law.

He indicated that the organizations of public servants now had the right to exist. However, it was necessary to remain vigilant so that their existence contributed to the strengthening of social dialogue in Cameroon. Finally, he invited the Committee to assist the Government of Cameroon in making effective the laws under discussion which would no longer be considered as a favour or as a sword of Damocles hanging over the heads of trade union organizations.

The Worker member of France stated that despite the fact that the Minister of Labour of Cameroon had recently been appointed, in this Committee he embarked the continuity of the State. In fact, it appeared that the Government believed that by changing the Minister of Labour, they could reassert their traditional obligations from zero. With regard to the imprisonment of trade union members working for the Cameroon railway company (CA M R A I L), an enterprise of the French group B O L L O R É, he said that the director-general of this company maintained a climate of trade union repression in his enterprise. In 2002, he had stated that if possible he would fire all trade union members. Today, it had to be said that he was using devious methods to achieve what he was not able to do directly. Over the past two years, the railway equipment had caused several derailments. He claimed that the trade union members of CGT Liberté had themselves caused these derailments, but he emphasized that affiliates of the ICTFD did not resort to such techniques. On 2 February 2003, following these accusations, 14 trade union members had been imprisoned. On 13 February, as a result of the intervention of the ILO, the ILO and Force Ouvrière, 13 of them had been released. The last one had been released, only on 20 February 2003, despite his health problems. On 2 April 2003, the wife of this trade union member, an employee of CAMRAIL, had been informed that she would be transferred 300 km from Yaoundé. This woman, the mother of a child of 10 years, was no longer able to move, as was the case following her refusal, and on 14 A pril, 12 days after her dismissal, she had been accused of stealing 14 million CFA francs. Following this accusation, she had been arrested and imprisoned. International pressure had led to her release after three days of detention. On 2 April, her husband was imprisoned again because he refused to participate in the investigation of his case as the enterprise had not provided evidence to support the charges brought against him. He was released two-and-a-half weeks later. He indicated that his organization had been summoned to Yaoundé because he was an active Worker member of France where this conflict did not prejudice the principle of freedom of association.

Another Worker member of Cameroon indicated that the debate on freedom of association in Cameroon was of interest to millions of workers. In order to ensure that its work was more effective, the Conference Committee should take due account of the following points. First, the Government should based on the Committee against the dangers of making false accusations. For example, the speaker who had falsely indicated that a trade unionist had been imprisoned had, the previous year, made allegations concerning a shooting incident which had since been proven to be fabricated. Finally, he said that he had noted the positive statements made during the discussion and that his Government was fully prepared to provide the information requested.

A Worker member of Cameroon, referring to the intervention made by the Worker member of France, he declared that they were the result of an internal conflict between trade unions and that this conflict did not prejudice the principle of freedom of association in the country.

The Employer members reiterated that the discussion of the situation in Cameroon had been going on for years in the Conference Committee. Yet the statement by the Government representative pointed out that no precise information regarding the facts involved would be taken following the refusal and, on 14 A pril, 12 days after her dismissal, she had been accused of stealing 14 million CFA francs. Following this accusation, she had been arrested and imprisoned. International pressure had led to her release after three days of detention. On 20 A pril, her husband was imprisoned again because he refused to participate in the investigation of his case as the enterprise had not provided evidence to support the charges brought against him. He was released two-and-a-half weeks later. He indicated that his organization had been summoned to Yaoundé because he was an active Worker member of France where this conflict did not prejudice the principle of freedom of association.

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The Committee noted the statement by the Government representative and the discussion that followed. The Committee emphasized with concern that for many years serious divergences had been noted between national law and practice and the Convention. These gaps were considered to result from a particular requirement of prior authorization to establish a trade union, the right of organization of public servants and the limitations placed upon affiliation to an international organization by organizations of workers in any country.

The Committee recalled that this case had been discussed on many occasions and regretted to note that no progress had been achieved, in practice, in the application of the Convention despite the technical assistance provided in 2003. The Committee emphasized that full respect for civil liberties was essential for the application of the Convention and that the Government had to refrain from any interference in the internal affairs of trade unions. It urged the Government to amend its legislation on an urgent basis in order to ensure that workers in both the private and the public sectors could establish and freely administer their organizations without the intervention of the public authorities. The Committee also urged the Government to respect the due process of law in the cases raised by the Committee of Experts and expressed the firm hope that the Government's next report to the Committee of Experts would reflect concrete and positive progress. The Committee decided that the conclusions would be included in a special paragraph of its report.

Colombia (ratification: 1976). A Government representative said that the first meeting of the Committee that he had attended and he hoped to establish a sincere and direct communication making it possible to identify problems so that they could be resolved. With reference to Convention No. 87, he noted that of the 141 States which had ratified the Convention, the cases of 97 had been covered by the reports of the Committee of Experts. In the case of Colombia, the Committee of Experts had been making comments since the beginning of the 1990s. Some 20 discrepancies had been identified between the Convention and the national legislation. Subsequently, following the adoption of Act No. 50, the number of discrepancies had fallen to 13, as recognized by the Committee of Experts in 1994. With the technical assistance of the ILO and the direct contacts mission in 2000, Act No. 594 of the same year had been amended, resulting once again in the progress made by the Committee of Experts. There currently remained only three aspects to resolve. Nevertheless, he added that the case of Colombia had been on the ILO’s agenda for many years in the absence of real contributions directed against the trade union movement. He expressed the intention of demonstrating the positive results of government action. While during the first five months of 2002 there had been 86 murders of trade unionists, over the same period this year there had been only 7, a figure which amounted to a reduction of 84 per cent. He expressed the Government’s conviction of the need to combat violence constantly, irrespective of its origins. For this purpose, the Democratic Security Programme was being carried out, and members believed that it could result in the Ministry of the Interior and Justice, both intended for the protection of persons at risk. The Democratic Security Programme was currently endowed with more resources, which had made it possible to adopt 1,357 security measures. This, combined with sincere and urgent action, contributed to the achievement of the above results. However, he recalled that violence in Colombia affected priests and bishops, mayors and governors, ministers and former ministers, boys and girls, entrepreneurs and workers, whether or not they were unionized. He expressed his commitment to fight for a solution to this complex and difficult problem. He also wished to refer to the means of resolving the problem. For this purpose, the M embers of the ILO had proposed two alternatives: on the one hand, the Special Technical Cooperation Programme, and on the other, the appointment of a Commission of Inquiry. With regard to the Special Technical Cooperation Programme, he emphasized that it needed to be supported, strengthened and improved. In his view, this should be considered the real solution and he believed that supporting and financing the programme would contribute to resolving the problems in his country. He emphasized the need to change the approach and analysis of the problems through real and effective collaboration.

With regard to the Commission of Inquiry, he said that, in his view, if such a Commission had been sent to Colombia some years ago, then the situation of the unions which had died would not have changed. A Commission of Inquiry was not a real solution to the problem. Indeed, he believed that it complicated analysis and diverted attention from the real problem, thereby putting off and delaying its resolution. He emphasized that for five years this subject had been discussed regularly every four months, thereby preventing...
The phenomenon of violence and counter-violence was going far beyond the issue of freedom of association and labour legislation. Stressing that kidnappings, death threats and murder were most serious criminal offences destabilizing society, the Employer members expressed their deep regret for events that had happened and the current situation was not due to the existence of some legal provisions. The situation was far more complex; cause and effect should not be confused.

In 2002, the CCO member received a credible commitment to combat violence from the then Minister of Labour of Colombia, himself a trade unionist, and the statement made by the Government representative this year was credible as well. The reported decrease in the number of murders was noted, but every remaining victim was to be regretted. It was hoped that the measures taken to improve the security situation would soon show results. The ILO Special Technical Cooperation Programme for Colombia should be continued and intensified. It was important that the Conference Committee bear in mind the political environment in the country and that it should strengthen the position of the Government that undertook to combat violence. Anything else would play into the hands of those who were trying to undermine the trade union movement. The speaker recommended that the Conference Committee bear in mind the political environment in the country and that it should strengthen the position of the Government that undertook to combat violence. Anything else would play into the hands of those who were trying to undermine the trade union movement.

A Worker member of Colombia stated that he had listened carefully and respectfully to the interventions provided by the Government. His intention was not to weaken the Government but to find solutions. Referring to the concerns of the Committee of Experts reflected in its observation, the speaker recalled that the Ministry of Labour had disappeared as a result of re-structuring: the combining of the Ministry of Labour with that of Health had had a negative impact on health, labour and social security policies. Structural adjustment policies led to the disappearance of trade unions.

The speaker explained that the Government negotiated with the Colombian employers to adopt a new type of labour culture, one which respects union activities. In conclusion, the speaker suggested that the Government should consider the appointment of a commission of inquiry as a positive step given that it might contribute to solving the problems at hand.

A Worker member of Colombia stated that violations against the fundamental human rights of workers persisted, and threats, forced displacements and the intimidation of union leaders continued. Such violations interfered with the full exercise of freedom of association and contributed to the disappearance of labour, personal and civil rights. Dismissals and unemployment were on the rise – in such circumstances the Minister should not authorize the dismissal of workers. The speaker also expressed his concern about the statement of the President of the Republic on 4 June 2003, which suggested that the relevant provisions of international Conventions could be used in order to denounce them. The Colombian employers should adopt a new type of labour culture, one which respects union activities. In conclusion, the speaker suggested that the Government should consider the appointment of a commission of inquiry as a positive step given that it might contribute to solving the problems at hand.

Another Worker member of Colombia stated that violent acts against the fundamental human rights of workers persisted, and threats, forced displacements and the intimidation of union leaders continued. Such violations interfered with the full exercise of freedom of association and contributed to the disappearance of labour, personal and civil rights. Dismissals and unemployment were on the rise – in such circumstances the Minister should not authorize the dismissal of workers.

The Worker member of the United States stated that this was the case which was the greatest challenge to the Committee, as the violations of the Convention by Colombia challenged the authority of the ILO. If the Committee and the Governing Body would not act effectively and resolutely, the institutional integrity of the ILO would be compromised. More trade unionists were killed in Colombia than in all other countries combined (184 during 2002 and over 1,900 since 1991). He deplored the argument made by the Government representative that the situation was getting better as there was a relative decrease of homicides in the first quarter of 2003. The relative increase in assaults, death threats, kidnappings and unjustified detentions and the 32 assassinations this year were no accomplishment of the Government. The speaker also rejected the argument that the Government could escape its responsibility under the Convention since the human rights violations suffered by trade unionists were the consequence of a general climate of violence that affected all segments of society. The competent Committee for the Promotion and Protection of the Human Rights of Workers by providing them with the resources necessary for them to implement the plan which had already been approved for 2003.

The speaker emphasized the need to follow up the complaint against the Government of Colombia and to appoint a Commission of Inquiry, the ideal mechanism available to the international community to solve the serious problems raised in the complaint. It requested that this issue be taken up at the next sitting of the Governing Body. It endorsed the request for the Committee to dedicate a special paragraph to the non-compliance of Conventions 87 and 100.

Finally, the speaker explained that, on 4 June 2003, at a hearing in the Constitutional Court of Colombia, called to define the constitutionality of a law which would call for a referendum on constitutional reform, the President of the Republic stated that Conventions were not eternal and that, in the event that the population approved, by referendum, legislation contrary to the ILO Conventions, then he would take this as an indication that the people were manifesting him to descend from the powers and functions provided by the Constitution. The speaker recommended that the Conference Committee bear in mind the political environment in the country and that it should strengthen the position of the Government that undertook to combat violence. Anything else would play into the hands of those who were trying to undermine the trade union movement. The speaker also expressed his concern about the statement of the President of the Republic on 4 June 2003, which suggested that the relevant provisions of international Conventions could be used in order to denounce them. The Colombian employers should adopt a new type of labour culture, one which respects union activities. In conclusion, the speaker suggested that the Government should consider the appointment of a commission of inquiry as a positive step given that it might contribute to solving the problems at hand.

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Thirdly, the Government was directly responsible because of acts of omission and commission related to the protection of trade unionists and the entire issue of impunity. The United Nations High Commissioner for Human Rights had publicly expressed concerns over the delays in the implementation of the ILO Convention No. 87, the Protection of Human Rights Defenders and Trade Unionists, which had a direct impact on the effective implementation of this Convention. The speaker also recalled that according to the Committee of Experts there were no convictions of those responsible for assassinations. The Attorney-General of Colombia was known to have delayed key human rights prosecutions.

The conclusions adopted by the Conference Committee in 2002 provided that in the event that the Government did not fully avail itself of technical cooperation programmes, the Committee would be obliged to consider stronger possibilities. A cordon to the three Colombian union central, the ILO Special Technical Cooperation Programmes could be found, which 184 trade unionists were killed and none of the Government nor the Colombian entrepreneurs had shown a real engagement with the programme. A cordonningly, the speaker joined with the Worker members in calling for a special paragraph in this case.

The Worker member of Indonesia expressed serious concern at the extreme violence against trade unionists in Colombia, as well as the interference by the Government in trade union affairs. He supported the proposals made by other Worker members in order to promote peace, social justice and respect for Convention No. 87 in Colombia.

The Worker member of Mexico recalled that the Worker members of the European Union had attended a session of the ILO, and had submitted a request, by virtue of article 26 of the ILO Constitution, involving the violation by Colombia of Conventions Nos. 87 and 98. He pointed out that the violation of the above Conventions was due not only to the lack of implementation of the legal framework governing the trade union movement, but also to the lack of effective measures to combat and protect fundamental rights. The Government had never been fully committed and neither had the trade unions nor the public and private sector. Furthermore, the Government had set up mandatory arbitration tribunals to resolve collective conflicts with employers in charge of non-essential services. He added that the administrative authority had not guaranteed the legality of the strikes – recently, it had declared illegal a strike that took place in the banana sector.

The speaker highlighted the violations relating to the Trade Union of the Telephone Company of Bogotá, in an attempt against privatization, when massive dismissals occurred, and the trade union leaders were threatened in addition to the violation of Conventions Nos. 87, 98, 135 and 154. He further indicated that the Government had convened a mandatory arbitration tribunal, violating thereby the collective rights of the company and the Convention, which the Government intended to restructure a company of the petroleum sector to eradicate the right to freedom of association, contrary to Conventions Nos. 87 and 98. Furthermore, the trade union leaders of the company were prohibited from continuing their militant activity in industrial plants, which led to a lockout. The Trade Union of Bavaria (SINATRABVARIA) indicated the annulment of contracts of more than 40 trade union leaders, resulting in unitary status without a case. The trade union leaders were threatened in addition to the violation of Conventions Nos. 87 and 98. Furthermore, the trade union leaders were prohibited from continuing their militant activity in industrial plants, which led to a lockout. The speaker considered that the Special Technical Cooperation Programme for Colombia was urgently important to protect the rights of trade unionists, to promote social dialogue, to confront impunity, and to bring Colombia's labour legislation and its implementation fully into conformity with the Conventions – recently, it had been believed that the Government of Colombia was committed to restoring the rule of law and to ensuring that all members of society could exercise their rights under conditions in which personal safety was guaranteed. The speaker considered that efforts to implement the programme were beginning to meet some successes, but much more needed to be done.

The Government of Colombia was urged to continue to cooperate with the ILO and to implement with a view to completing the requirements of the Programme. The Government of Colombia was well known, which was an obstacle to the implementation of the programme, including the ILO's Special Technical Cooperation Programme for Colombia. It was urgently important to protect the lives of trade unionists, to promote social dialogue, to confront impunity, and to bring Colombia's labour legislation and its implementation fully into conformity with the ILO's Conventions. The Commission believed that the Government of Colombia was well known, which was an obstacle to the implementation of the programme, including the ILO's Special Technical Cooperation Programme for Colombia. It was urgently important to protect the lives of trade unionists, to promote social dialogue, to confront impunity, and to bring Colombia's labour legislation and its implementation fully into conformity with the ILO's Conventions. The Commission believed that the Government of Colombia was committed to restoring the rule of law and to ensuring that all members of society could exercise their rights under conditions in which personal safety was guaranteed. The speaker also considered that the programme was beginning to meet some successes, but much more needed to be done. The Government of Colombia was urged to continue to cooperate with the ILO and to implement with a view to completing the requirements of the Programme. The Government of Colombia was well known, which was an obstacle to the implementation of the programme, including the ILO's Special Technical Cooperation Programme for Colombia. It was urgently important to protect the lives of trade unionists, to promote social dialogue, to confront impunity, and to bring Colombia's labour legislation and its implementation fully into conformity with the ILO's Conventions. The Commission believed that the Government of Colombia was committed to restoring the rule of law and to ensuring that all members of society could exercise their rights under conditions in which personal safety was guaranteed. The speaker also considered that the programme was beginning to meet some successes, but much more needed to be done.
authorities to make significant progress to safeguard trade union leaders' rights to life, physical safety and freedom of association. The Nordic countries continued to monitor closely the implementation of the ILO's special cooperation programme for Colombia and recognized the critical role that the ILO had to play. The Government representative stated that the Governing Body had to deal with new and serious allegations of violence, as reported in Case No. 1787 of the Committee on Freedom of Association, while, at the same time, acknowledging a certain progress in the last year. But still, 14 trade unionists were killed last year. She firmly condemned the continuous murders and kidnappings of officials and members of trade unions and urged the Government to take every possible measure to change the situation of impunity that the perpetrators of these violations enjoyed, in line with the recommendations of the June 2002 report of the Committee on Freedom of Association. She endorsed the suggestion, to have the case mentioned in a special paragraph.

The Government member of the Dominican Republic expressed great distress at the assassinations of trade unionists and other Colombian citizens. He recalled that the case had been discussed by the Conference Committee on several occasions and that the Government continued to indicate its interest in putting an end to the violation of Convention No. 87 by informing the Committee of the efforts deployed to resolve the situation. He stressed the importance that the ILO continue to strengthen the Special Technical Cooperation Programme for Colombia in order to resolve the measure which would resolve the problem prevailing in Colombia.

The Government member of Germany took note of the statement made by the Government representative and stated that the situation with regard to violence against trade union leaders and members was still very serious. He understood why the Worker members perceived the information on the decrease of assassinations as cynical. However, he also noted that the Government representative had expressed his concern with regard to the protection of human rights. With regard to the progress of impunity, he pointed out that there was no law providing that perpetrators of crimes against trade unionists should not be punished. Impunity was rather a problem in practice than in law. That was a concern, among others, in the case of procedural faults. The Government representative stated that in his country, the number of discrepancies had been gradually reduced from 20 to 13 and that three legal issues were necessary in the present case, mainly with regard to the protection of trade unionists. However, he deplored the continuing assaults, as reported in Case No. 1787 of the Committee on Freedom of Association. He underlined that the issues were not of law which had many causes. The Employer member also highlighted the importance that the ILO continue to strengthen the Special Technical Cooperation Programme for Colombia and to cooperate fully with the ILO.

The Government representative stated that he had listened carefully to all the interesting and enriching interventions made during the discussion. Many of the interventions had to be interpreted in light of the information each one of the speakers was in a position to obtain and evaluate. He expressed the view that the information gathered by the Worker members and the ILO representatives, notably, the ILO Special Technical Cooperation Programme, as social dialogue and appropriate legislative measures would promote social peace and trade union rights in Colombia. He regretted that the Government of Colombia to cooperate fully with the ILO.

The Government representative shared the deep concern about the situation with regard to violence in Colombia against trade union leaders and members. He welcomed the information presented by the Government member of Colombia. He shared the concern and preoccupation with regard to the situation in Colombia and the loss of Colombian lives from all social classes. The Government representative welcomed the information on the decrease of assassinations as reported in Case No. 1787 of the Committee on Freedom of Association. He stated that the number of discrepancies had been gradually reduced from 20 to 13 and that three legal issues were necessary in the present case, mainly with regard to the protection of trade unionists. He deplored the continuing assaults, as reported in Case No. 1787 of the Committee on Freedom of Association. He underlined that the issues were not of law which had many causes. The Employer member also highlighted the importance that the ILO continue to strengthen the Special Technical Cooperation Programme for Colombia and to cooperate fully with the ILO.

The Government representative stated that he had listened carefully to all the interesting and enriching interventions made during the discussion. Many of the interventions had to be interpreted in light of the information each one of the speakers was in a position to obtain and evaluate. He expressed the view that the information gathered by the Worker members and the ILO representatives, notably, the ILO Special Technical Cooperation Programme, as social dialogue and appropriate legislative measures would promote social peace and trade union rights in Colombia. He regretted that the Government of Colombia to cooperate fully with the ILO.

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graph in the report of the Conference Committee nor the establish-
ment of a Commission of Inquiry by the Governing Body in order
not to weaken the position of the Government in solving the prob-
lem of violence.

The Committee noted the information provided by the Governing
representative and the discussion which followed. The Com-
mittee noted that the comments made by the Committee stressed
the very large number of assassinations of and acts of violence
against unionists, the absence of prosecution of their perpetra-
tors on the one hand, and specific legal infringements to the rights
of workers organizations to freely exercise their activities, on the
other. The Committee noted that the Committee on Freedom of
Association had examined the complaints concerning assassina-
tions and acts of violence against unionists. The Committee noted
with deep concern the dramatic situation of violence.

The Committee firmly condemned once again the assassination
and abduction of unionists and the abduction of workers and em-
ployers, and recalled that workers' and employers' organizations
could only exercise their activities freely and effectively in a climate
deviour of violence. In this respect, the Committee requests the
Governing Body to immediately put an end to the situation of
impunity, which is a serious obstacle to the free exercise of the freedom of association guaran-
teed by the Convention.

The Committee requested the Government to provide a detailed report,
including an exhaustive reply to the comments made by trade
unions, so that the Committee of Experts could once again examine
the measures to be proposed to the Governing Body and they considered that the
Committee should have been stated more loudly.

The Committee urged the Government to immediately take the
necessary measures to put an end to this situation of insecurity so
that workers' and employers' organizations could fully exercise the
rights they are entitled to under the Convention, by restoring re-
spect for fundamental human rights, in particular the right to life
and security.

The Committee addressed an urgent call to the Governing Body to
immediately take the measures necessary to guarantee the full im-
plementation of the Convention in both law and practice. The Com-
mittee requested the Governing Body to provide a detailed report,
including an exhaustive reply to the comments made by trade
unions, so that the Committee of Experts could once again examine
the situation at its next meeting, and expressed the hope that it
would be able to observe tangible progress in the very near future.

The Employer members wished to stress two points. First, they did not
consider it appropriate to mention in the conclusions that vari-
ous views had been expressed with respect to the measures to be
proposed to the Governing Body and they considered that the
Committee of Experts should have been stated more loudly.
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The Committee of Experts had examined the report of the Com-
mittee of Experts which was not considered the explicit reference in the legal to the Confeder-
ation of Cuban Workers which considered a restriction of freedom of association. She indicated that the rights of association and the freedom of association enjoyed by workers, as well as the recognition of the independence of trade union organizations, were set out in the
Constitution. The fact that in Cuba there was a single trade union confederation which included all the branch unions which were affiliated to it, was not a reflection of government imposition or legislative
enactment, but of the tradition of unity in the workers' movement in Cuba which went back to the end of the nineteenth century and
had been strengthened by the workers' struggles and claims for
over a century, leading to the establishment of the Confederation
of Cuban Workers in 1939 by the will of the workers. The desire for
unity in the workers' movement had been reestablished and strength-
ed in all the congresses held by trade union organizations. The legislation had merely confined itself to recognizing the existing de-facto situation.

Legislative Decree No. 67 of 1983 respecting the organization
and operation of central state administrative bodies had been re-
presented in so far as it provided for the removal of state bodies from the central state administrative bodies to the enterprise level. The legislative Decree No. 229 of 1 April 2002 had repealed the pro-
visions of Legislative Decree No. 74 of 1983 respecting collective
labour agreements and it provided for the representation of un-
ions in the determination of fundamental aspects such as employment conditions and other conditions of work through col-
lective labour agreements which were adopted at all workplaces, including mixed enterprises and enterprises with foreign capital, following their discussion and approval by workers' assemblies in
which their content and the obligations and duties of the parties
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Cuba (ratification: 1952). A Government representative re-
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ment of trade unions. The Labour Code provided that all workers without prior authorization enjoyed the right to organize freely and to establish trade union organizations, which was in conformity with the Convention. The structure, principles, statutes and by-laws governing the trade union activities were discussed and approved by the trade unions themselves in the assemblies that they held regularly in accordance with their own interests and without any interference. The workers proposed and elected their respective leaders in assemblies held at the workplace. Trade unionism in Cuba was organized as a reflection of the unity of the workers themselves and was not imposed or modified by the legislation.

The Labour Code was undergoing a process of revision due to the need to adapt it to the changing socio-economic conditions of production and the current situation of the country. The XVIIIth Congress of the Confederation of Cuban Workers had adopted a resolution in which it agreed to hold a discussion in the workplaces of the country through the bodies of workers who had the competence to consult on the content and proposed changes to the Labour Code. The Government was respecting the right of the workers to be consulted on the new Labour Code, which would govern their relations with the State, the enterprises and the enterprises' representatives. The Government was respecting the workers' rights and duties, as well as those of enterprises, and would establish a new system of relations formed part of the right to be represented through elections or inspected them. The recognition of trade union organization as an independent institution would be based.

The case of the Committee on Freedom of A association to which the Convention had been referred by the Governing Body in March 2003 and the reply had been adequately reflected. The persons referred to in the case were not undertaking trade union activities in any workplace in the country, were not workers of the entities to which they belonged and had not been in an employment relationship with any entity in the country, had not been put forward or elected in any workplace, did not lead or represent any group of workers and were not therefore trade unionists.

The Worker members recalled that the Cuban trade union movement had a long and rich experience and had played a fundamental role in the emergence of social rights in Cuba. However, for many years the Committee of Experts had decided to refer the case to the Committee on Freedom of Association and had emphasized in particular the existence of a trade union monopoly in Cuba. The adoption of legislative Decree No. 67 of 1983 and the Labour Code of 1985 had only made things worse. On several occasions, the Governing Body had examined the facts which had been reiterated before it and, in fact, was contrary to the principles of freedom of association, especially when trade union pluralism was not allowed. A few years ago, the Committee of Experts had examined the facts which were being reiterated before it today, that is the refusal to grant recognition and accreditation to an independent trade union, searched carried out in trade unionists' houses, harassment, detention, etc. In fact, last March through the action of the CEC, the Single Council of Cuban Workers (CUTC) had been detained and one of them was in a serious state of health. Trade union training materials, as well as certain assets had been seized. These leaders had been in prison for years because they had defended their beliefs in a more just society which respected the rights of workers and would allow the establishment of trade unions which could express themselves freely. On this subject, the Committee on Freedom of Association had notified to the Government that it was planning to make an application for accreditation to the Cuban authorities.

The principles guaranteed relating to freedom of association were universal. For many years, both the Committee of Experts and the Committee on Freedom of Association had requested the Government to amend the legislation to bring it into conformity with the spirit of Convention No. 87. The principles of freedom of association were not protected, it would also be difficult to give effect to the other fundamental rights guaranteed by the ILO conventions. The discussion in the Governing Body last March had reaffirmed that the Government of Cuba did not respect these principles. The Worker members requested the Government to amend the legislation in accordance with the obligations and requirements of the Convention. They also called for an end to threats and harassment against Cuban trade union officers, for the respect of the principles of freedom of association, including the recognition of all trade union organizations, and for the immediate release of all detained trade union officials. Recalling that the Committee of Experts had been making comments for many years on the failure of Cuba to apply Convention No. 87, they emphasized that a direct contact was necessary in order to effectuate the recommendations of the Governing Body.

The Employer members recalled that the Committee had discussed this case on many occasions over the years. They observed that the issue of trade union monopoly had been a common problem in many States when the world had been divided into two blocs. Nevertheless, there were still some pockets of resistance. Trade union monopoly enshrined in law had always been considered as a violation of freedom of association by the ILO supervisory bodies. Reference made to a particular trade union by name prevented the establishment of new trade unions in law and in practice. The statement of the Government that the current practice was not against the Convention was also incorrect, a fact that was evident from the examination of the case. The will of the workers was an old excuse and did not justify the reference made by the law to a single trade union convention by name. The Convention required that workers should have the opportunity to organize the trade union pluralism would be possible in all cases. Trade union monopoly had existed in Cuba in law and in practice for many decades and Legislative Decree No. 67 of 1983 conferred on the Confederation of Cuban Workers the right to represent the country's workers in Government bodies. This was a clear case of violation of freedom of association and, as the problem had persisted for many years, it would be appropriate to have a direct contacts mission in order to examine ways of resolving the matter.

The Employer member of Cuba, referring to his experience in his shipowners' group A nates, indicated that he would describe in all honesty how things worked in his country. He group consisted of six trade union federations and five shipping companies, employing 5,900 seafarers and 7,000 workers on shore, all freely affiliated to the M erchant M arine, Ports and F ishing U nion. He said that one of the fundamental rights in his country was that employment was guaranteed. In all cases, the Committees of Experts had recommended that the Government to amend the legislation to bring it into conformity with the Convention. The structure, principles, statutes and by-laws governing the trade union movement had a long and rich experience and had played a fundamental role in the emergence of social rights in Cuba. However, for many years the Committee of Experts had decided to refer the case to the Committee on Freedom of Association and had emphasized in particular the existence of a trade union monopoly in Cuba. The adoption of legislative Decree No. 67 of 1983 and the Labour Code of 1985 had only made things worse. On several occasions, the Governing Body had examined the facts which had been reiterated before it today, that is the refusal to grant recognition and accreditation to an independent trade union, searched carried out in trade unionists' houses, harassment, detention, etc. In fact, last March through the action of the CEC, the Single Council of Cuban Workers (CUTC) had been detained and one of them was in a serious state of health. Trade union training materials, as well as certain assets had been seized. These leaders had been in prison for years because they had defended their beliefs in a more just society which respected the rights of workers and would allow the establishment of trade unions which could express themselves freely. On this subject, the Committee on Freedom of Association had notified to the Government that it was planning to make an application for accreditation to the Cuban authorities.

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Cuba and noted that there was good progress on the issues raised by the Committee of Experts. For instance, Cuba was reviewing its legislation to address the concerns raised with respect to trade union monopoly. With regard to the CUTC, it fully supported the Government of Cuba in its efforts to bring this group dissolved in Cuba and its activities concerned non-labour issues. A direct contact between the Committee of Experts and the Government of Cuba was inappropriate in light of the information provided according to which Cuba was preparing legislation to address the concerns raised.

The Worker member of Colombia recalled that freedom of association was intimately linked to full observance of human rights and called upon the Government of Cuba to respect those who had decided to establish new workers’ organizations outside the existing confederation. Indeed, a significant number of workers had established their own organization and claimed the right to be recognized, to represent their members and to enjoy within the country a space for political organization without the fear of being labeled counter-revolutionaries. Over and above the support that his organization had always demonstrated for social progress in Cuba, it was absurd to deny the right of a group of workers to democratic organization when their leaders had been condemned to prison for 25, 20 and 15 years respectively, as had occurred to Mr. Pedro Pablo Alvarez Ramos, Mr. Oscar Espinosa Chepe and Mr. Carmelo Díaz Fernández, the leaders of the CUTC. He called upon the Government of Cuba to respect the detained unionists and other political prisoners and reform its anti-democratic policies which, through acts such as the recent executions, were giving rise to a climate of deep-rooted divergence. The government, like himself, refused the application of freedom to a group of unions and their leaders.

The Worker member of Uruguay, referring to the comments of the Committee of Experts concerning the alleged situation of trade union monopoly in Cuba, said that in her view there was freedom of association in Cuba. Workers in Cuba could choose their trade union organizations, disseminate information, elect their representatives, undertake consultations on economic plans and put forward their claims. Trade unionism was effective with their political space and economic influence, and enjoyed freedom of expression. The fact that they constituted a single system did not run counter to democracy or freedom of association. In Ukraine, there was no unity among workers. Freedom existed when there were different opinions and the majority view was selected by vote. In such cases, workers would be divided in relation to their employers and the Government. The CUTG in Brazil defended unity of representation of workers as it considered it to be the best form of democracy. At their meeting, they had freedom of association in Cuba. Workers in Cuba could choose their trade union organizations, disseminate information, elect their representatives, undertake consultations on economic plans and put forward their claims. Trade unionism was effective with their political space and economic influence, and enjoyed freedom of expression. The fact that they constituted a single system did not run counter to democracy or freedom of association. In Ukraine, there was no unity among workers. Freedom existed when there were different opinions and the majority view was selected by vote. This happened in all democracies. A multiplicity of representation was equivalent to the non-existence of democracy, which was the same as having no representation. In such cases, workers would be divided in relation to their employers and the Government. The CUTG in Brazil defended unity of representation of workers as it considered it to be the best form of democracy.

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The Worker member of France said that the application of Convention No. 87 in Cuba was an issue that reappeared periodically. To understand what was being termed a trade union monopoly it was necessary to go back to the years 1938 and 1939, when the workers chose the Confederation of Cuban Workers as their representative. Nevertheless, he indicated that a process of revision of the Labour and Social Security Code of Cuba was necessary. The Government of Cuba had decided to establish new workers’ organizations outside the existing confederation. Indeed, a significant number of workers had established their own organization and claimed the right to be recognized, to represent their members and to enjoy within the country a space for political organization without the fear of being labeled counter-revolutionaries. Over and above the support that his organization had always demonstrated for social progress in Cuba, it was absurd to deny the right of a group of workers to democratic organization when their leaders had been condemned to prison for 25, 20 and 15 years respectively, as had occurred to Mr. Pedro Pablo Alvarez Ramos, Mr. Oscar Espinosa Chepe and Mr. Carmelo Díaz Fernández, the leaders of the CUTC. He called upon the Government of Cuba to respect the detained unionists and other political prisoners and reform its anti-democratic policies which, through acts such as the recent executions, were giving rise to a climate of deep-rooted divergence. The government, like himself, refused the application of freedom to a group of unions and their leaders.

The Worker member of Italy stated that Convention No. 87 was being violated in Cuba in law and in practice. The Committee of Experts’ report had cited the recognition in law of a single trade union confederation. The ICFTU had presented a complaint concerning the heavy prison sentences imposed upon trade unionists and the fact that two security agents had infiltrated an independent trade union and had testified against a union member. A member of the Government of Cuba had recognized that the release of trade unionists, other political prisoners and reform its anti-democratic policies which, through acts such as the recent executions, were giving rise to a climate of deep-rooted divergence. The government, like himself, refused the application of freedom to a group of unions and their leaders.

A different Government representative of Cuba, the Minister of Foreign Affairs, said that in his view there was freedom of association in Cuba. Workers in Cuba could choose their trade union organizations, disseminate information, elect their representatives, undertake consultations on economic plans and put forward their claims. Trade unionism was effective with their political space and economic influence, and enjoyed freedom of expression. The fact that they constituted a single system did not run counter to democracy or freedom of association. In Ukraine, there was no unity among workers. Freedom existed when there were different opinions and the majority view was selected by vote. This happened in all democracies. A multiplicity of representation was equivalent to the non-existence of democracy, which was the same as having no representation. In such cases, workers would be divided in relation to their employers and the Government. The CUTG in Brazil defended unity of representation of workers as it considered it to be the best form of democracy.

The Worker member of France said that the application of Convention No. 87 in Cuba was an issue that reappeared periodically before the Committee and that, in general, dialogue on this issue fell on deaf ears. The Government had repeated its usual arguments before the Committee, with few variations. The supervision of the application of Convention No. 87 was not only normal, but necessary. The Government nevertheless turned a deaf ear to the demands of the workers and sentenced them to long jail terms, namely starting with the workers. The main challenge faced by new supposed trade union organizations in Cuba was not related to the law, but to achieve support from Cuban workers, which was far from being a reality. This issue went beyond the revision of the Labour Code, which was discussed by the workers, to the broad participation of the workers in the assemblies, an aspect which the world trade union movement should follow: the real participation of the workers in decision-making processes.

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ation with other issues that were currently being used to demean the Cuban Revolution and undermine its resistance. There was a clear intention to destroy the Revolution. He said that the Government was obliged to apply corrective measures to traitors who sided with foreign interests. Nevertheless, it was a matter to be examined by the present Committee. The persons who were being referred to had been judged and sentenced for endeavours to destabilize the country with the assistance of a foreign power in violation of the laws of the laws of Cuba.

The history of Cuba was clear and unequivocal with regard to the participation of workers. There was no violation of Convention No. 87. The process of reforming the Labour Code would be carried out with the support of workers convened in assemblies and would be examined in Parliament, in which the various positions to strengthen the sovereign State, which was a socialist State, would be democratically discussed. He called upon the Committee to have faith and confidence in it, it was not necessary to adopt measures of any other nature. Freedom of association and trade union democracy existed in Cuba because the Cuban Revolution safeguarded the human rights of the people of Cuba and all Cuban trade union leaders were the victims of the Government representatives. The Committee should not allow itself to be manipulated.

The Government member of the United States responded to some of the comments made by the representative of the Cuban Government. He stated that other speakers were concerned with the debate over the trade union CUTC, and its alleged funding by the United States. She said that the allegations were not true. The CUTC was an independent organization affiliated with the WCL and the CLAT with close to 4,000 registrants in 1979. The leaders had desisted, threatened, and murder because they had the courage to challenge the trade union monopoly enshrined in Cuban labor law. Both the Committee of Experts and the Committee on Freedom of Association had resolved the situation, and the Government was called to repeal the provisions of its law that established this monopoly and to guarantee freedom of association in practice. The Cuban Government had consistently ignored these requests and she urged the Committee to remain strictly focused on the facts of the case.

The Worker Member of France, referring to the intervention by the Minister of Labour and Social Security of Cuba, said that it was totally unacceptable to insult Worker members or any other member of the Committee.

The Employer members noted with great surprise the intervention of the Employer member of Cuba praising the freedom of Cuban workers and added that this Committee was not the appropriate forum to discuss the value of a revolution. With regard to the statement made by the Government representative about the CUTC, and other issues concerning the trade union CUTC and its alleged funding by the United States, he noted that no other information brought to the Committee of Experts, are now before the Council of Ministers.

The Employer members indicated that information brought to the attention of the Committee, especially the detentions since last March of three trade unionists for their trade union activities, showed the relevance of the matters raised by the Committee of Experts for many years, namely the existence of a trade union monopoly in practice as well as in law and the failure to respect the provisions of ratified ILO Conventions. The Government had consistently ignored these requests and she urged the Committee to remain strictly focused on the facts of the case.

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which is expected to present its recommendations to Parliament for enactment into law.

1. A Article 2 of the Convention. Right of workers without distinction whatsoever to join an organization of their own choosing

The draft amendment contains, in line with the Committee’s recommendation, new provisions which allow union diversity in an undertaking, and which read as follows:

Sub-Articles (1) and (2) of Article 114 are hereby deleted and replaced by the following new Sub-Articles (1) and (2), and the following new Sub-Article 7 is added to this Article:

3. Article 4. Administrative dissolution of trade unions

Council of Ministers Regulations No. 44/1998.

3. Article 4. Administrative dissolution of trade unions

Article 120:

(a) The Ministry may apply to the competent court to cancel the certificate of registration of an organization on the following grounds (as contained in section 120(a)-(c)).

(b) A strike may be declared in an undertaking where the number of workers is ten or more, but the number of workers in a trade union should not be less than ten.

(c) Workers who work in undertakings which have less than ten workers may form a general trade union, provided, however, that the number of the members of the union shall not be less than ten.

7. Notwithstanding sub-A Article 4 of this Article, any employer may join an established employers’ federation.

2. Article 2 and 10. Restrictions on the right to unionize of teachers and civil servants

The new law for state administration employees has already been issued and entered into force. The Constitution fully guarantees the right to freedom of association. A condition is required to form associations and promote their occupational interests and, of course, they are exercising such rights. Those teachers who are working in government institutions are governed by the Civil Servants Law, while those working in private undertakings are governed by the Labour Law.

There are also specific laws and regulations which govern the employment conditions of judges and prosecutors. These include the Judicial Administration Commission Establishment Proclamation No. 24/1996 and the Federal Prosecutor Administration Council of Ministers Regulations No. 44/1998.

3. Article 4. A administrative dissolution of trade unions

With regard to this issue, the draft amendment would vest the power of cancellation in the courts, and therefore an administrative agency does not have the authority to dissolve trade unions. The amendment agreed by the Council of Ministers reads:

A Article 120:

The Ministry may apply to the competent court to cancel the certificate of registration of an organization on any one of the following grounds (sections 120(a)-(c)).

4. Articles 3 and 10. Right of workers’ organizations to organize their programme of action without interference by public authorities

With regard to this ban on strikes, the draft amendment of the Labour Law has excluded most of the services mentioned by the Committee from the list of essential services, except very few which are considered as essential, taking into account the particular circumstances prevailing in the country. In Ethiopia such services are underdeveloped and no other alternatives exist from the private sector. Ethiopia’s current limited resources and the underdeveloped infrastructure cannot afford interruptions of such services which would have a devastating impact on the economy and the well-being of the society. The amendment agreed by the Government reads:

Sub-Article 2(a), (d), (f) and (h) of Article 136 are hereby deleted and replaced by the following new Sub-Article 2(a), (d) and (h), and Sub-Article 5 is hereby deleted and replaced by the following new Sub-Article 5:

a. air transport;

b. urban bus services and filling stations;

c. telecommunication services.

5. “Strike” means the slow down of work by any number of workers in reducing their normal output on their normal rate of work or the temporary cessation of work by any number of workers acting in concert in order to persuade their employer to accept certain labour conditions in connection with a labour dispute or to influence the outcome of the dispute.

Concerning labour disputes, the draft amendment of the Labour Law has included a proposal that labour disputes may be submitted to the Labour Relations Board for arbitration by either of the disputing parties, but the decision of the Board may not be binding. The proposed amendments read:

A Article 153 is hereby deleted and replaced by the following new Article 153:

153 Decision of the Board

... Decision of the Board may be appealable.

The following new Sub-Articles (1), (2) and (3) of Article 154 are hereby deleted and replaced by these new Sub-Articles (1), (2) and (3):

1. In any labour dispute case an appeal may be taken to the Federal High Court by an aggrieved party on questions of law or fact, within thirty (30) days after the decision has been read to, or served upon, the parties whichever is earlier.

2. The court shall have the power to uphold, reverse or modify the decision of the Board.

3. The court shall give its decision within 30 days from the date on which the appeal is submitted to it in accordance with sub-A Article 4 of this Article.

A Government representative (the Minister of Labour and Social Affairs) referred to the major achievements his country had recorded in implementing the principles and objectives of the ILO. To date, his country had ratified 19 ILO Conventions and with the ratification this year of Conventions Nos. 29 and 182, it had ratified all the fundamental Conventions. In addition, his country was in the process of amending its labour legislation. This extensive amendment process was addressing the concerns of the Committee regarding trade union diversity, administrative dissolution of trade unions and the scope of the right to strike. He informed the Committee that the amendments to the Labour Proclamation were now before the Council of Ministers for adoption and submission to Parliament for enactment. He indicated that, in line with the Committee’s recommendation, the text of the draft amendment of Article 114(1)(2) permitted union diversity; section 120 completely prohibited administrative dissolution of trade unions; section 136(2)(a)(d)(h) limited the ban on strikes to only essential services rendered to the general public; the scope of the definition of “essential services” had been narrowed down to include only the most essential ones by excluding railways, banks, postal and inter-urban bus services from the list of essential services. In respect of labour dispute settlement mechanisms, the existing Labour Law mechanisms, the existing Labour Law mechanisms stipulated that upon agreement of both parties such disputes could be settled as provided in sections 141 and 143 by conciliation or by arbitration respectively. Failing that, either party could take the case to the Labour Relations Board or the appropriate court. The decisions of the quasi-judicial Labour Relations Board would, according to the proposed amendments, become binding but subject to appeal to the Labour Division of the Federal High Court on both questions of fact and law.

He considered that, because of the progress made in the amendment process and the conviction shown by his Government in implementing ILO principles by ratifying fundamental Conventions, he expected encouragement and constructive recommendations from this Committee this year. He asked for understanding from the Committee for the delays in the adoption of the amendments, which were due to the complexity of the issues involved and various constraints confronting his Government. He assured the Committee of his Government’s unreserved effort in implementing ILO principles. He also thanked the ILO for its assistance in the amendment process.

The Worker members recalled that this was another well-known case by the Committee that involved serious violations of trade union rights. They wished to recall the history of this case and the fact that due to the lack of cooperation by the Government in the past, the Committee had been compelled to take up this case in a special paragraph of the General Report. This case involved serious violations of Articles 2, 3 and 10 of the Convention and the Committee of Experts had expressed deep regret about the lack of progress made. The Government had said more than once that legislation would be adopted soon or that it was in its final stages. However, after having heard the statement by the Government representative that Parliament would soon be able to adopt the draft legislation, the Worker members indicated that they would not insist on a special paragraph this year provided that the Government
explicitly confirmed to this Committee that they were sure that this would actually be the case before the next session of the Committee. This did not mean, however, that they were satisfied that the draft legislation presented was already considered in line with the Convention. They had to first be approved by the Committee of Experts and discussed by the Committee for the next year.

In addition, the Worker members highlighted two other points. First, it was regrettable that the Committee of Experts remained silent on the question of the practical application of the Convention, except for where it notes the release of Dr. Taye Woldesmiate. Nevertheless, the Workers wanted to respond to a firm commitment they had made to the Government that it would ensure full conformity with Convention No. 87. The Government had recently committed itself by establishing machinery that would be taken on a new approach and had listened to the observations of the Committee of Experts. This showed that the Government was to be the case before the next session of the Committee.

The Employer members stated that this case had often been the subject of Committee discussions and that promises of labour law amendments being close to adoption had been heard for more than nine years. In reference to the points raised in the observation of the Committee of Experts, they questioned whether Articles 2 and 10 of the Convention also covered judges and state attorneys. They also noted that the Government had made it clear that the national legislation was to bring the national legislation into line with the ILO in Ethiopia. Finally, there was the issue of the democratically elected trade union leaders in exile who wished to return to Ethiopia. The Government should, in cooperation with the ILO, design and adopt ways and means to ensure the safe return of the trade union leaders in exile. The Employer members reiterated their view that Convention No. 87 did not cover this right. They noted positively the release of Dr. Taye Woldesmiate, but felt that the statement by the Government that the right had not been violated was not enough. The Employer members had presented the essential aspects of the case, including a long list of violations of freedom of association in law and in practice. In order to illustrate the urgency for a solution of this matter, they cited the situation of the Workers' Union and the workers in the Ethopian Electric Light and Power Authority. The dissolution of trade unions should be by the authorities. The Worker member of Austria also speaking on behalf of the Workers of Austria stated that the legislative amendments being close to adoption had been heard for more than nine years, and that no consensus had been reached about the provisions of Convention No. 87 being adopted. As long as the situation remained the same, they would need to repeat the conclusions of last year.

The Employer member of Ethiopia commended the constructive role played by the ILO in helping the process of amending the Labour Proclamation of Ethiopia. Ethiopian employers had truly wanted these amendments because they thought they would provide the legal basis for their organizational strength as well as creating an enabling environment for investment, productivity and development. Ethiopia was an underdeveloped country with serious problems, including war and persistent drought. The Employer member noted with great satisfaction the release of Dr. Taye Woldesmiate, but continued to be concerned over the fact that the Government had been referring to the new legislation for over nine years, and that no concrete progress had been made. With reference to the draft legislation, it was indicated that the aim was to ensure full respect of the civil liberties essential for the implementation of the Convention. The Employer member of Ethiopia said that the Employer member of Austria stated that the ILO had improved the working conditions in the country. The Employer member of Ethiopia hoped that the constructive efforts by the ILO continued to be effective and that the Employer member of Ethiopia would be ready to discuss the new amendments as soon as they were adopted. As long as the situation remained the same, they would need to repeat the conclusions of last year.

Proclamation of Ethiopia as a matter of priority when it convened to intervene in the judicial process. He concluded by stating that the Eritrean Parliament would adopt the amendments to the Labour Proclamation of Ethiopia as a matter of priority when it convened in September 2003.

The Workers members were pleased to learn from the Government representative that the draft legislation would be adopted by Parliament in September 2003, which made it possible to move forward on this case. Therefore, they would not insist on the reference of this case in a special paragraph of the General Report, but this did not mean that they considered the legislation to be in line with the Convention. The Committee would have to study this carefully. With respect to the Government representative's statement concerning the allegations of practical implementation referred to by the Working members and the Worker member of Austria, he wished to clarify that these were allegations, and the Office was requested to use its presence in the country to verify these allegations and to either confirm or refute them. Reiterating the wish of the Ethiopian trade unions to discuss specific cases with the ILO, which was regular practice in the country, and which was within the scope of the Convention, he reiterated that the Committee of Experts would give more attention to the practical application of the Convention.

The Employers members associated themselves with the comments made by the Worker members, but were more sceptical about the speedy adoption of the amendments. They hoped nonetheless that the draft legislation would finally be adopted by Parliament.

The Committee took note of the written information provided by the Government and of the declaration of the Government representative, as well as of the discussion which took place afterwards. It observed that the Committee of Experts had been making comments for many years concerning serious violations of the Convention, which obstructed the right of the workers, without distinction, to organize their activities directly involved, and that all the cases had been settled through the intervention of the Committee. The Government representative stressed that this included laws that were adopted with a combined total of 29,054 workers, 14,202 of whom had been directly involved, and that all the cases had been settled through the Committee. The Government representative said that the draft legislation would finally be adopted by Parliament, in accordance with the aspirations of the people of Myanmar.

The Myanmar Government representative stated that the existing mechanisms for the safeguarding of workers' rights were working well in Myanmar and that complaints of trade disputes had been dealt with effectively and peacefully through conciliation and negotiation. He explained that, in 2002, the Department of Labour had received 92 complaints of trade disputes from 60 factories and workplaces with a combined total of 29,054 workers, 14,202 of whom had been directly involved, and that all the cases had been settled through negotiation and conciliatory processes.

The Myanmar Government representative repeated the fact that the Government was doing all in its power to progress towards implementation of the Convention, and that the speaker pointed out that the Government had been receiving technical assistance from the ILO in the field of human rights and should be applied to Convention No. 87. ILO technical assistance in this matter would make way for the Myanmar Government to give effect to the conventions concerning the matter. As a direct result, the Myanmar Government had adopted Convention No. 87, the Forced Labour Convention (No. 29), 1930, and the Forced Labour Convention (No. 105), 1952, and the forced labour convention. The Government representative stressed that this included laws that were adopted with a combined total of 29,054 workers, 14,202 of whom had been directly involved, and that all the cases had been settled through the Committee. The Government representative said that the draft legislation would finally be adopted by Parliament, in accordance with the aspirations of the people of Myanmar.

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General and other ILO staff, and since then, there had been regular contacts with the Standards Department.

In conclusion, the Government representative emphasized the importance of the role of the ILO in helping member States implement conventions and said that the ILO should lead to fruitful results towards implementing their obligations.

The Worker members stated that, although the Committee of Experts’ observation was brief, the case of Myanmar was well known. The Convention had not yet been discussed at the Conference 15 times in the past 22 years, and even before the Commission of Inquiry had been established concerning the violation of Convention No. 29 by Myanmar. On Convention No. 87, a special paragraph had been set aside on the question of States which were genuinely attempting to comply with the Conventions. The speaker hoped that the Committee understood the position of the Myanmar Government and that discussions around the ILO would lead to fruitful results. The Worker members stressed that they would consider any attack on Mr. Maung Maung in the context of the violent crackdown of the last two weeks as a threat to his well-being and requested the Committee to stress in its conclusion that such attacks were unacceptable.

In conclusion, the Government representative was pleased that the Committee had dealt with this case in the last ten years and that the Government had claimed for eight years that it was in the process of elaborating a new Constitution and new laws, including a trade union act. However, no factual development had taken place so far and the Committee was to recommend to the Government to provide a report on their where-abouts and any other information.

The worker members recalled that on 28 May 2003, the ICFTU had filed a 33-page complaint with the ILO, with over 150 pages of attachments, against the regime for violations of freedom of association. In its first section the complaint focused on the legislative framework used by the regime to suppress freedom of association and in its second section denounced the persistent and systematic pattern of violations of the right to freedom of association. They requested the Committee of Experts to review the detailed information provided by the ICFTU to report next year on the degree to which the Government might provide. They also pointed out that because of arbitrary and artificial restrictions of time, some Workers’ delegates would refrain from intervening. In due time, the interested organizations would report on their observations to the Committee of Experts and the Government should respond to their concerns.

The Worker members also urged the Committee of Experts, to devote special attention to the section of the ICFTU comments, which had not yet been completely reviewed by them, on new information concerning a legislative framework for the suppression of freedom of association. They reiterated that, despite the repeated statements of good intention by the Government that drafting of new legislation allowing the free and independent establishment of unions of United Nations bodies, including the ILO, and the situation was being followed closely by the Commission on Human Rights, the General Assembly and the Committee on the Rights of Workers, which has requested the ILO to take measures under Article 33 of the Constitution, the Government had always been looking for a way to become law and the Workers’ representatives called on other nations to take similar actions until the military regime in Burma released all political prisoners, provided a full account of the 30 September 1988 events and followed a path of political reconciliation. Only then would there be a climate for progress towards the protection of workers’ and employers’ rights to freely organize in accordance with Convention No. 87.

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The Worker members also urged the Committee of Experts, to devote special attention to the section of the ICFTU comments, which had not yet been completely reviewed by them, on new information concerning a legislative framework for the suppression of freedom of association. They reiterated that, despite the repeated statements of good intention by the Government that drafting of new legislation allowing the free and independent establishment of unions of United Nations bodies, including the ILO, and the situation was being followed closely by the Commission on Human Rights, the General Assembly and the Committee on the Rights of Workers, which has requested the ILO to take measures under Article 33 of the Constitution, the Government had always been looking for a way to become law and the Workers’ representatives called on other nations to take similar actions until the military regime in Burma released all political prisoners, provided a full account of the 30 September 1988 events and followed a path of political reconciliation. Only then would there be a climate for progress towards the protection of workers’ and employers’ rights to freely organize in accordance with Convention No. 87.
extracted have been revealed. A NFT UB eyewitness who had seen U Maung Ko’s body before burial asserted that the many marks were proof of torture. The speaker also indicated that the cases of Maung Aung Than, Khin Kyaw, Thet Naing and M yint Maung Aung, which had been discussed at the Committee in 1999 and 2001, had not yet been resolved. They were still in prison for trade union activities. He also mentioned the case of Aye Aye Swe who was arrested in 1998 and sentenced to seven years in prison for trade union activities.

The speaker stressed that in Burma, any form of labour organizing was immediately repressed and labour disputes were settled through the immediate intervention by the police and the military imposing harsh criminal actions on the pretext of national security. Workers were intimidated, threatened or violently repressed. Workers were accused of being the communist tools of imperialists and terrorists. Military and police interventions usually led to violations of basic human rights, including beatings, torture, arrests and detentions with no guarantee of a fair trial. The speaker insisted that in such a climate of violence and repression and in the absence of a free and independent workers’ organizations, the fundamental right to form and join trade unions to contribute to the well-being of the population of Burma.

The Government member of China encouraged the Government of Myanmar to cooperate with the ILO to comply with Convention No. 87.

The Government member of Norway, speaking on behalf of the Government members of the Nordic countries as well as of the Netherlands and France, expressed his satisfaction over the trade union situation in Myanmar and recalled that the Conference Committee had commented on the Government’s failure to apply Convention No. 87 for several years. No real progress had been made. He considered that a legislative framework under which free and independent workers’ organizations could be established was thus crucial for the international community to remain focused on the situation in Myanmar.

The Government member of the United States wished to clarify the circumstances of the death of Mr. Saw Mya Than. The Myanmar authorities had carried out a thorough investigation into this case. The investigation found that Saw Mya Than was from the village of Kalaikatoat in Ye Township. He had been employed by the army as a guide and was accompanying an army column as a guide. When the army column reached a location about five miles from the village, a small group of KNU insurgents detonated a Claymore mine by remote control. In that incident, Saw Mya Than was killed instantly. The army column then retrieved his dead body and handed it over to his family. In fact, members of the bereaved family were quite satisfied with the kind assistance and sympathetic gesture extended to them by the army. It was therefore crystal clear that the allegation from the FTUB was an unfounded allegation, fabricated with political motivations.

With regard to Mr. Maung Aung, the Government representative alleged that he had once again abused the Committee. The same situation had happened at the Committee meeting in July 2003. At that time he had informed the Committee that Mr. Maung Aung was a criminal, fugitive from justice and a terrorist. The speaker wished to place on record, once again, a strong protest of his delegation against the abuse of this Committee by the same person.

Turning to recent events, he stated that since the lifting of restrictions on Daw Aung San Suu Kyi on 5 May 2002, she had been allowed to travel freely through the length and breadth of the country. Between June 2002 and April 2003, Daw Aung San Suu Kyi had visited 95 towns and cities. In 2003, she and her supporters in a long motorcade with over 100 motorcycles drove with high speed and cloughed through the crowd at a location in Dwein township, resulting in injuries to many people. This led to clashes between the local populace and her supporters. Four persons were killed, and 48 persons injured. A ter she made a second trip to the Shweagon region and met disturbances occurred at a location outside Dpeyin Town on 30 May. He maintained that there was premeditation on the part of Daw Aung San Suu Kyi, but not on the part of the Government.

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on the existence of workers' associations had not solved the problems raised by the Committee of Experts towards implementing the Convention.

Concerned about the total lack of progress towards implementing this Convention, the Committee strongly insisted once again that the Government urgently adopt the necessary measures and mechanisms for guaranteeing, both in law and in practice, the right of workers and employers to affiliate themselves with the organizations of their own choosing, without previous authorization, and the right for these organizations to affiliate themselves with federal, confederations and international organizations without the interference of state authorities. The Committee emphasized that respect for civil liberties was crucial for the exercise of freedom of association and therefore urged the Government to take the necessary measures so that workers and employers could exercise the rights guaranteed by the Convention in a climate of full security and in the absence of threats or fear. Furthermore, the Committee urged the Government to provide the Committee of Experts, next year, with all relevant draft legislation and existing legislation so that it could be studied, and to provide a detailed report on the concerns and suggestions raised by the Committee of Experts. It also declared this case as a case of continued failure to apply the Convention.

The Government representative stated that in the light of the full cooperation and genuine good will expressed by the Government of Panama with respect to the ratification of the Convention, the Committee should conclude this case in a special paragraph. The Government representative reserved his delegation's position on the conclusions adopted, in particular on the elements concerning the political situation in the country.

Panama (ratification: 1958). The Government representative stated that according to the Committee on Freedom of Association, the recognition of the right of freedom of association did not necessarily imply the right to strike and that this right could be subject to restrictions, including prohibitions, relating to the public sector or essential services. Section 452 of the Labour Code, as amended by the Act No. 44 of 1995, which did not contravene the provisions of the Convention, was applied in the Republic of Panama in an effective and efficient way. His Government believed in joint action and in tripartism, which was the reason for the existence of this organization. Public servants pursuing administrative careers could create or join associations of public servants of socio-cultural nature or associations of workers of public enterprises, for by virtue of the provisions of the Act on Freedom of Association, the authorities decided not to interfere whenever it considered necessary – which was only possible in the absence of threats or fear. Furthermore, the Committee emphasized that the right to strike did not derive from the provisions of Convention No. 87, even though one would see this practice as government interference in the right to strike. However, the practice of compulsory arbitration represented an interference in the right to strike, and the right of compulsory arbitration provided for under Convention No. 98 constituted a clear violation of the Convention. They recalled that the Committee had already dealt with this problem on several occasions. The legal requirement of a minimum of 50 public servants to be able to establish an organization of public servants provided for under the Act respecting administrative careers, clearly constituted another violation of the Convention. In their view, the reduction of the number of public servants required from 40 to 20, announced by the Government representative, would only constitute a violation of the Convention in so far as this amendment would not lead to any improvement in this respect. The prohibition of public servants' organizations from affiliating with other organizations was an interference in the internal freedom of organizations, which constituted another violation of Convention No. 98.

The Government representative considered that the provisions of the Labour Code, that provided for the closure of the enterprise in the event of a strike, did not concern the right to strike. It was more a violation of the right of economic activity. The State's decision to close an enterprise in the event of a strike represented a massive interference in collective bargaining since the employer did not have the possibility to continue production with those workers who did not participate in the strike. A final point raised by the Government representative and also by the employer members, which was not reflected in the comments of the Committee of Experts, concerned the issue of payment of wages during a strike. They recalled that, in 2000, the Committee of Experts had expressed the wish of the workers to continue to pay the wages for the duration of the strike. A through concerns involving the right to strike did not derive from the provisions of Convention Nos. 87 and 98, had been dealt with by the Committee of Experts in their comments under Convention No. 87 for Australia. In the case of the Australian law, the problem was different, i.e., the Australian law prohibited the employer from paying wages for the period of the strike. In this case, the Committee of Experts rightly said that the payment of wages for the duration of the strike would not violate the Convention even though one would see this practice as government interference in the right to strike. However, the practice of compulsory arbitration constituted an interference in the right to strike, and the problem concerning compulsory arbitration, provided for under Convention No. 98, constituted another violation of the Convention. Therefore, the Committee expressed the firm hope it would be able to note significant progress next year.

The Committee decided to include its conclusions in a special paragraph. It also declared this case as a case of continued failure to apply the Convention.
sion of civil servants from the scope of the Labour Code, which failed to recognize their right to form trade unions and to bargain collectively. A ready this year, there was a feeling of “déjà-vu,” which undermined the credibility of the supervisory system. The situation remained the same. It was time that the Grand Government stopped mere statements in this Committee and started fulfilling its obligations under the Convention in an effective and sincere manner.

The Worker member of Colombia stated that in Panama the right to strike was being violated in sectors that were not part of public essential services. In this regard, he referred to the transport services at the Panama Canal.

The Government member of the Dominican Republic stated that the Government of Panama had to bring the national legislation into conformity with Convention No. 87 on freedom of association. He recalled that the Government had expressed its interest in receiving the technical assistance from the ILO so that, within the framework of a social dialogue and the consensus promoted by it, the participants would undertake measures benefiting all parties involved.

The Worker member of Panama stated that between 1903 and 1972 not a single legitimate strike had been carried out, even though the right to strike was set out in the law. With trade liberalization, the Government and employers were endeavouring to promote the non-striking worker through labour flexibility in its foreign investment. The obstacles to the establishment of trade unions in areas characterized as strategic was a reality in his country. This was the case of the free zone of Colonia, the banking centre, which included the banks, and public sector workers. In the areas such as ports, compulsory arbitration was imposed because they were considered to be public services. Tribunals had been established in parallel to the labour courts to receive complaints from workers, thereby excluding the Ministry of Labour and depriving them of the right to strike. The Department of Social Organizations was a type of regulatory body for the establishment of trade unions, and an excessively high number of members were required to establish trade unions, while migrant workers were prohibited from holding trade union office. A new constitutional provision had been adopted prohibiting strikes in the Panama Canal zone on the grounds that it was an international public service. Employers in Panama were trying to extinguish any right to strike by insisting on amendments to the Labour Code that would make it attractive in the foreign investment. A new constitutional provision had been adopted prohibiting strikes in the Panama Canal zone on the grounds that it was an international public service. Employers in Panama were trying to extinguish any right to strike by insisting on amendments to the Labour Code that would make it attractive in the foreign investment. A new constitutional provision had been adopted prohibiting strikes in the Panama Canal zone on the grounds that it was an international public service. Employers in Panama were trying to extinguish any right to strike by insisting on amendments to the Labour Code that would make it attractive in the foreign investment. A new constitutional provision had been adopted prohibiting strikes in the Panama Canal zone on the grounds that it was an international public service. Employers in Panama were trying to extinguish any right to strike by insisting on amendments to the Labour Code that would make it attractive in the foreign investment.

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The Committee of Experts. The Government wished to use the same criteria for registration and representation, which were totally different issues. A nother still pending problem was the allocation of trade unions assets.

In conclusion, it was stressed that the process of legislative revision needed to be accelerated in full consultation with the social partners and that all potential restrictions or administrative obstacles to the right to organize should be removed by the new law, thus creating the condition for the implementation of this Government's commitment to observance of the Convention. The Committee requested to continue to support this process.

The Employer members recalled that this case was particular for several reasons. It was a pure case involving employers' rights emanating from Article 2 of the Convention, as it limited the employers' right to establish and join organizations of their choosing. The Government representative seemed to go in the right direction, but the national laws should be amended, since the Committee had not examined the laws the Government representative referred to. Therefore, it was necessary that the new laws be transmitted to the Office for examination by the Committee of Experts. With reference to the intervention of the Worker members, the Employer members stated that while it was true that this Convention concerned both the freedom of association of workers and employers, the basis for discussions of this case were the comments of the Committee of Experts, which referred exclusively to the problem of freedom of association of employers.

The Government representative thanked the Worker and Employer members for their comments. Serbia and Montenegro would provide the text of the new legislation to the Office and appreciated the assistance that the ILO on the matter discussed.

The Worker members stated that they had found it important to raise some of the key points that the workers had highlighted during the ILO mission. It was important that Convention No. 87 was not only enshrined in the new legislation but was also applied in practice. Moreover, in the context of social dialogue, workers and employers should be treated on an equal footing.

The Employer members did not wish to add anything to their initial statement except to emphasize that the voluntary exercise of collective bargaining was of importance and should be reflected in the conclusions.

The Committee took note of the statement made by the Government representative and of the subsequent discussion. The Committee of Experts had pointed out that the Federal Republic of Yugoslavia's law on the Chamber of Commerce and Industry established compulsory membership in the Chamber of Commerce. Although it was customary in many countries to establish a compulsory membership in the representative chambers of commerce, it was not acceptable that the chambers of commerce exercised the functions of employers' organizations. If the ability of collective bargaining belonged exclusively to the chamber of commerce, this would violate the core functions of employers' associations. They considered that the new laws referred to by the Government representative seemed to go in the right direction. However, it was not possible to determine the extent to which the new laws would solve the problem, since the Committee had not examined the laws the Government representative referred to. Therefore, it was necessary that the new laws be transmitted to the Office for examination by the Committee of Experts. With reference to the intervention of the Worker members, the Employer members stated that while it was true that this Convention concerned both the freedom of association of workers and employers, the basis for discussions of this case were the comments of the Committee of Experts, which referred exclusively to the problem of freedom of association of employers.

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The Committee asked the Government to supply in its next report text and precise information, including the text of the new laws, the number of Chamber of Commerce and Industry, to allow a comprehensive assessment of the situation and its evolution by the Committee of Experts.

employers to establish an employers' organization was being amended to reduce this number from ten to four employers; the number of workers required to establish independent trade unions, as set out in section 418, was being reduced from 100 to 40; and section 409 introduced the requirement of a five-year period of residence in the country before foreign workers could become members of the executive bodies of a trade union was being amended to reduce this period from ten to five years. He added that the above draft text was included in the legislative agenda with a view to its adoption in first discussion. The draft legislation not only included the recommendations of the Committee of Experts, but also amended structural aspects affecting the exercise of freedom of association and collective bargaining. In this respect, the broad interpretation of the so-called "State security bodies", which allowed discriminatory practices against civilian personnel and civil protection employees, such as firefighters, who had been the subject of discrimination by local and regional authorities for almost ten years, was being amended. The exercise of freedom of association had been extended to public officials within the meaning adopted by the Act on the conditions of service of the public service, in accordance with the principle of the intervention of the national authorities and removing them from the purview of trade union organizations. The draft text included measures of protection for workers against acts of anti-union discrimination in the vertical dimension where penalties were included on mass redundancies, the reduction of working hours and the strengthening of labour administration. The latter was open to consultation with the social partners.

With regard to section 33 of the Organic Act, which established the concept of executive officers by means of universal, direct and secret suffrage as envisaged in article 95 of the Constitution, which had been criticized by the Committee of Experts, the Government accepted the recommendations of the Organization for Economic Co-operation and Development on the possibility that executive officers of trade unions could be re-elected and indicated that the term "alteration" did not refer to the prohibition of re-election, which in his view did not exist, but to the regular holding of elections by organizations.

In the context of the discussion of the draft reform of the Organic Labour Act, the Permanent Committee for Integral Social Development of the National Assembly had struck the Bill on trade union safeguards off the legislative agenda. This measure would incorporate all recommendations made by the Committee of Experts on the direct contacts mission. With regard to the system of trade union elections envisaged in article 293 and the eighth transitional provision of the Constitution, it had concluded that on 19 November 2002 the very recent Organic Act on the Election of the National Assembly had established the requirement of a five workers' confederations of the country, the Confederation of Workers of Venezuela (CTV), and the most representative organization of employers, FEDECAMARAS. The agreement implied an undertaking to resolve differences by democratic means in accordance with the Constitution, the full observance of human rights and the respect for the principle of the participation of the authorities and citizens in the making of decisions and the rule of law and to institutions. Through this agreement, both the constitutional Government and the opposition were seeking to bring to an end a phase of political instability and were recognizing the democratic coexistence of the country. The agreement called upon the National Assembly to adopt the Act establishing the Truth Commission, which would investigate the events that had occurred between 11 and 15 April 2002 as well as any other acts of violence that had occurred subsequent to that date. Without prejudice to the above, the judicial system had taken penal action against those who had made unwarranted use of arms on that occasion, including police and military officials directly and presumably involved in the events of 11-15 April 2002. The Agreement emphasized that on that occasion, despite the difficulties experienced, it had not resorted, as was traditionally done, to declaring a state of emergency or to suspending constitutional guarantees. With regard to section 33 of the Organic Act, the agreement demonstrated the efforts and initiatives made by the Government. Following April 2002, the Government had set up tripartite round tables in the automobile, chemical, pharmaceutical, textile, transport, cooperative and small-medium enterprises sectors. This had been a one-year experience in which the ILO's principles had been fundamental. Recently, difficulties had been encountered in the dialogue with employers' and workers' organizations. Nevertheless, he considered that the agreement that had been concluded would make it possible to reduce the situation of the country was encountering difficulties arising out of its will to change society of poverty and exclusion into an inclusive and participatory society in which human rights were broadly enjoyed. In this framework, the ILO's cooperation and technical assistance from headquarters and the Multidisciplinary Advisory Team in Lima were essential for the training of public officials and the social partners.

The Employer members recalled that the case of Venezuela had been before the Committee since 1995 and that for the past three years the Committee's conclusions on this case had been placed in a special paragraph of its report for continued non-compliance with the resolution. It was widely acknowledged that the country had been going through a difficult political situation for some years. However, it was the role of the Committee to concentrate on issues relating to labour law and the fulfillment of the obligations of the Government. He considered that the Government had manifested much of his statement to his country's political problems. The Employer members recalled that the direct contacts mission which had visited the country after some delay in May 2002 had confirmed that the situation had grounds for serious concern, in its observation, the Committee of Experts had referred to the findings of the mission that repeated acts of violence continued to be perpetrated against trade union leaders and members, especially by paramilitary groups, and that there were hardly any consultations with the social partners on important matters relating to labour law. In this respect, the Employer members reaffirmed that respect for basic civil rights was a prerequisite for the effective exercise of freedom of association. In their view, the Government should adopt a more positive approach in this respect and adopt measures to punish persons who committed such crimes.

With reference to the amendments to the national legislation announced by the Government representative, they noted that there was no indication of whether the amendments had actually been made to resolve the problems cited by the Committee of Experts, particularly relating to the excessively high number of workers and employers to establish independent trade unions and the restrictions on the number of years during which the leaders of such organizations could remain in office. Although the Government representative had referred to the information contained in document D.9, the Employer members recalled that this information was of a political nature and contained no details on...
the changes made to the labour law. There remained numerous problems with regard to compliance with the Convention, some of which were embedded in the provisions of the Constitution, which meant that it was very difficult to change the labour legislation without the approval of the National Electoral Council. The Employer representative had intimated that some of these problems arose out of the interpretation of the relevant provisions, but the question therefore arose as to where the final responsibility lay for interpreting the law in this report.

With regard to the comments made by the Committee of Experts concerning article 293 and the eighth transitional provision of the Constitution, which provided that the National Electoral Council was responsible for organizing the elections of occupational organizations, the Employer members emphasized that this left no freedom for employers’ and workers’ organizations with regard to the election of their leaders. The Government representative had announced a draft legislation in order to amend this provision. Such announcements had been heard on previous occasions, but the direct contacts mission had indicated that the National Electoral Council continued to intervene in trade union affairs. In this respect, they wondered how it was possible to achieve freedom if there were detentions and an absence of freedom of expression, or if the law restricted these freedoms. They recalled that national constitutions were sovereign, but did not prevail over fundamental human rights, which were embedded in the provisions of the Constitution, which provided that the National Electoral Council was responsible for organizing the elections of occupational organizations. The Employer members supported all institutions as sovereign, but did not prevail over fundamental human rights. They emphasized the importance of tripartism and to promote dialogue with all representative organizations of workers and employers.

They added that, while on the one hand, the Government was indicating that it had recourse to the assistance of international organizations, on the other hand, it was not possible to affirm that the results of the direct contacts mission in 2002 had had a positive impact with regard to the establishment of social dialogue. If there was no respect for the social partners, there could be no dialogue. The Employer members wanted to emphasize the importance of tripartism and to promote dialogue with all representative organizations of workers and employers. They also wanted everyone to participate. The events that gave rise to complaints demonstrated that the situation was serious. They emphasized that they were sufficient so that on other occasions the employers and workers had not been aware of the importance of tripartism and to promote dialogue with all representative organizations of workers and employers.

The Worker members welcomed the information presented by the Government representative. They expressed their hope that the points which were not contained in document D.9 would be transmitted in writing. Last year, the application of Convention No. 87 in Venezuela had led to the adoption of a special paragraph. Mean-while, the Committee on Freedom of Association had examined a number of cases relating to this situation, especially at its session held last March.

The report of the Committee of Experts mentioned that the direct contacts mission held in May 2002 pointed to the violent acts committed by paramilitary groups, with some complicity on behalf of the public authorities. These acts of violence included the death threats against trade unionists and the assassination of a trade union leader. The same mission denounced the lack of any significant consultations of the social partners. However, the speaker pointed out that a Bill on the reform of the Organic Labour Law in response to the request of the Committee of Experts had been formulated. Having said that, a few contradictions persisted between the national Constitution and Convention No. 87: the mandate of trade union leaders was not renewable; the election of their leaders was subject to direct and universal suffrage; and the Constitutional Court was responsible for organizing the elections of occupational organizations. The Employer members wanted to clarify that the current situation of discrimination and acts of violence would be subject to impartial investigation.

The Worker member of Venezuela indicated that Venezuela was undergoing a process of change brought about at the grassroots. The grassroott this has led to the creation of a wide, democratic and participatory movement. He endorsed the conclusion that the mandate of the Committee of Experts concerning article 293 and the eighth transitional provision of the Constitution, which provided that the National Electoral Council was responsible for organizing the elections of occupational organizations, the Employer members supported all institutions as sovereign, but did not prevail over fundamental human rights. They emphasized the importance of tripartism and to promote dialogue with all representative organizations of workers and employers.

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The Government representative of the United States underlined the conclusions and recommendations of the ILO supervisory bodies in this case on the critical importance of social dialogue and the right of workers’ and employers’ organizations to conduct their activities without government interference and in a climate of complete security. She expressed the respect for civil liberties, promotion of genuine social dialogue and the unfeathered functioning of workers’ and employers’ organizations. In this respect, they wanted to emphasize the importance of tripartism and to promote dialogue with all representative organizations of workers and employers.

The Government member of Sweden, also speaking on behalf of the Governments of the Nordic States, Iceland and the Faroe Islands, noted with concern that this case had been examined on several occasions by the Conference Committee. While taking due note of the information given by the Government representative, the speaker deplored that the situation prevailing at the highest level was such a mission. They did not wish to have to consider the serious situation in Venezuela in the Governing Body or the Conference again, or to have to talk about negative results. They were in favour of social dialogue, and not against the Government of Venezuela.
The Eemployer member of Venezuela indicated that a few declarations did not reflect the present situation relating to the events of A pril 2002. He informed the Committee that the current M insister of J ustice had confirmed that he had received the resignation of the President of the Superior Court of Justice of Caracas that had never taken place. The events were announced by the Government served only its own interests and the recent agreement, while it was signed by both the employers and civil society, excluded international observers. He highlighted the continued violations of Convention No. 87. The trade union movement had been attacked by the setting up of parallel movements. He stressed the importance of joint action by free and democratic workers’ and employers’ organizations in order to put an end to the current situation in Venezuela. The stoppage that had lasted two months in his country occurred as a result of the will of civil society and was called off in the hope that the Government would take a more flexible position. The speaker concluded by expressing the need for an end to the control exercised on workers’ organizations, and for the restoration of democracy in Venezuela.

The Worker member of the United States reiterated his organization’s commitment to and support of democratic institutions, the rule of law, and the protection of human rights. He condemned the reprehensible coup d’état of April 2002 and stated that the AFL-CIO president expressed in October 2002 in a letter to President Chavez the firm conviction that all civic and collective actions in Venezuela must be fought against democracy and for the rest of the world. He repeated the signals given that the employees would be readmitted, the speaker urged the Government to reconsider its refusal to readmit the strikers. He requested clarification on the progress made in this respect. He believed that the agreements given that the employees would be readmitted, the speaker urged the Government to reconsider its refusal to readmit the strikers. He requested clarification on the progress made in this respect.

With regard to the events in the petroleum sector, the speaker stated that although each State had a legitimate interest to maintain essential services, to protect national security, and to avoid violence and the destruction of property, it was against the principles of Convention No. 87 to retaliate against strikers for purely political or anti-union motives. Over 16,000 employees of all professions had not been allowed to return to work with negative effects on the productivity and technical capacity of the Venezuelan oil industry. The explanation given by the Government was contradictory, claiming at the same time that employees on legitimate leave, including pregnant workers, had voluntarily abandoned their work and that they had received disciplinary discharges for alleged sabotage. Moreover, employees on legitimate leave, including pregnancy leave and vacation, had been discharged. A recallling the assurances given by the authorities that employees would be readmitted to work, the speaker requested clarification on the progress made in this respect. He urged the Government to reconsider its refusal to readmit the strikers.

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ment had raised perspectives of political and social conciliation and had been reinforced by the new provisions adopted by the Government in the area of labour legislation and further cooperation with the ILO. The speaker was in favour of such technical cooperation, and of the development of a new direct contacts mission in order to provide technical support for the ongoing reforms.

The Government representative expressed his gratitude for the interventions, indicating that most recognized the efforts by the Government to contribute to the recommendations of the Committee and the direct contacts mission and to pursue labour legislation, taking into account the commitments made in the field of human rights. He indicated also that the Government was aware of the important role of the work of the ILO and its supervisory organs. He thought it premature to undertake another direct contacts mission immediately, considering the progress made since the last mission in May 2002. He maintained that, for progress to be achieved in matters of legislation, technical assistance was needed to facilitate the process of reform of the Organic Labour Act. He requested that the Committee provide assistance to the social partners and civil servants to enable them to work together to improve social dialogue, freedom of association and collective bargaining and that the alternative procedures be changed. He considered it to be an important issue and was well aware of its relevance in the current situation of the declared reforms; (b) to enable the expression of workers’ and employers’ organizations’ views on the achievements of the direct contacts mission, which had given rise to new legislative reform. He praised the achievements of the last such mission, which, he considered, not logical, particularly given the fact that the recommendations of that mission had not yet been fully implemented. In conclusion, the Employer members insisted that new legislation in accordance with Convention No. 87 should be adopted. Stronger measures had also to be made to other measures, such as the constitutional complaints procedures, the Employer members urged the Government representative to indicate whether a new direct contacts mission would be accepted.

The Government representative stressed that the situation in the country had changed since the previous year and acknowledged the achievements of the direct contacts mission, which had given rise to new legislative reform. He welcomed the fact that the recommendations of that mission had not yet been fully implemented. In conclusion, the Government representative indicated that he had no objection to receiving another direct contacts mission in the future, but that it considered it to be more important for the ILO to provide tripartite technical assistance in the problem areas mentioned, involving all social partners in the legislative process, thus making it possible to evaluate the progress made.

The Committee noted the written statements of the Government, the oral statement of the Government representative and the discussion which followed. The Committee had referred to the serious deficiencies in the application of the Convention concerning both workers’ and employers’ organizations, regarding the right of employers’ and workers’ organizations to organize with a view to bringing the law into full compliance with the Convention.

The Committee also noted the results of the direct contacts mission of May 2002. The Committee noted that the Committee of Experts had examined a large number of infringements on trade union rights. The Committee recalled that respect for civil liberties was fundamental for the exercise of trade union rights. The Committee requested the Government to take the necessary measures to ensure that workers’ and employers’ organizations could exercise their rights in a climate of complete security.

The Committee noted the statements of the Government representative concerning draft legislation submitted to the National Assembly with a view to bringing the law into full compliance with the Convention. The Committee emphasized that this process be carried out in full consultation with the most representative workers’ and employers’ organizations and that their opinions be duly taken into account. The Committee, in a spirit of continued cooperation, urged the Government to accept a new direct contacts mission in order to assess the situation in situ and to cooperate with the Government and all of the social partners in view of ensuring full application of the Convention.

The Committee, in the event that the Government was not in a position to receive this mission, would be obliged to adopt other measures at its next session.

The Worker members noted that the outset that it was not common for an Employer member to take the floor also on behalf of workers, especially when a tripartite system was not yet in place in the Government, agreed international community. They were of the view that the ongoing Conference Committee last year had included a special paragraph due to the acts of violence launched against trade unionists, the absence of consultation of workers’ organizations and the intervention of the public authorities in trade union matters. Meanwhile, the Committee of Experts and the Committee on Freedom of Association had observed positive developments with respect to Convention No. 87. On the basis of the above statement, the Worker members expressed their conviction that the social dialogue between the Government, employers and workers was the best means to promote decent and worthy jobs and would help in overcoming a situation of crisis and economic recession as witnessed in Venezuela. They recommended the sending of a direct contacts mission to Venezuela: (a) to check the current situation of the declared reforms; (b) to enable the expression of workers’ organizations in their relations with the Government; and (c) to define the prospects of technical cooperation based on the promotion of social dialogue.

The Employer members stated that the discussion on this was still open to previous years, with the Government stating that in fact all problems had been solved or evoking misunderstandings. The Employer members, however, noted that so far only drafts of new legislation existed and that the situation basically remained unchanged.

The Speaker of the Government noted the importance of the tripartite nature of technical assistance since overcoming poverty demanded the collaboration of the Government and the social partners. He pointed out that the Committee, for its part, had raised the need for an extensive and open discussion of the draft Bill reforming the Organic Labour Act. He stated that the National Assembly had participated in the events of April 2002 were being indicted for their participation in the events of April 2002. The Committee noted the written statements of the Government and the conclusions formulated by the Conference Committee last year. The Committee noted the results of the direct contacts mission of May 2002. The Committee noted that the Committee of Experts had referred to the serious deficiencies in the application of the Convention concerning both workers’ and employers’ organizations, regarding the right of employers’ and workers’ organizations to organize with a view to bringing the law into full compliance with the Convention.

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sponsibility in settling wage arrears. Discussion of the case at the 2001 Conference had been followed by significant improvements in the situation regarding payment of wages and settlement of wage arrears. Particulars on the measures taken by the Government for the implementation of the ILO Convention No. 95 were included in the list of claims against the enterprise by the Committee of Experts on wage arrears in the action plan of the Cabinet of Ministers of Ukraine, which has made effective actions by the executive branch possible.

Following the debate on the case of U kraine at the 2001 Conference, total wage arrears had been reduced by 48.1 per cent, from 4.6 billion grivnas in 2001 to 2.364 billion grivnas in 2002. Furthermore, the number of workers affected by wage arrears had decreased from 5.4 million in 2001 (41.8 per cent) to 2.1 million in 2003 (17.9 per cent), a decrease of 3.3 million persons. Half of these workers (485 per cent) suffered delays in payment of wages of three months or more, which was also unacceptable.

The most significant changes had taken place in the public sector, where wage arrears had been reduced by two-thirds to 1.5 per cent (35.8 million grivnas). Wage arrears had also been reduced in agriculture (by 71.3 per cent) and in coal mining (by 6.6 per cent). Reduction of wage arrears had been reported in most economic and industrial sectors, as well as in all administrative-territorial units. All this was the result of improvements in the economy and effective settlement of wage arrears by giving them top priority.

Wage arrears were being monitored on a monthly basis by the Ministry of Labour and Social Policy of Ukraine, and the relevant information brought to the attention of the Cabinet of Ministers and the President of Ukraine. They were being settled in an economic context of increasing minimum monthly wages and average salaries.

The legislation aimed at protecting workers’ wages had been strengthened in the draft amendment to the Wage Payment Law and the code of Ukraine on administrative offences had been adopted in consultation with trade unions, establishing the criminal and administrative liability of officials for untimely and partial payment of wages. In January 2002, the Act on urgent measures for acceleration of settlement of wage arrears “Urgent measures for acceleration of settlement of wage arrears” Decree. The strengthening of state monitoring, primarily through labour inspections, had also contributed to the reduction of wage arrears. The Labour Inspection System had allowed the introduction, to the Supreme Council of Ukraine, of draft laws on the ratification of the Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129).

In 2002 on the initiative of state labour inspectors, 1,044 company executives, guilty of wage arrears, were taken to court, which led to the termination of their contracts in 278 cases. Central and local authorities had cooperated in the company executives’ prosecution of 208 contracts. Since the beginning of 2003, 457 companies had terminated contracts. The Employer members noted that by formally fixing time limits for the payment of wages, the Government had in fact officially endorsed and authorized the delays in the payment of wages. They noted that the problem was the executive branch’s lack of responsibility on the part of some employers.

The Government prepared a number of draft laws aimed at facilitating the resolution of disputes. Taking into account the General Survey on the protection of wages, which was undertaken this year, they believed it was appropriate to focus on the issue by way of example. With regard to A rticle 4 of the Convention on the restriction of payment of wages in kind, the Government declared that such a form of payment to 50 per cent of the remuneration due to a worker. That percentage was, in their view, a large proportion of the remuneration due to a salaried worker. They noted, however, that the payment of wages in kind was calculated on the basis of prices, which were not less than the cost price. With respect to Article 11 of the Convention which constituted one of the pillars of social protection because it established the priority of wage claims in the case of an employer’s insolvency, the Worker members regretted to note that the principle continued to be ignored in Ukraine. He referred to Article 12 of the Convention, which provided for the payment of wages at regular intervals, which was another fundamental pillar in the present case workers’ as well as employers’ organizations had jointly presented to the Court of Human Rights, had been clear evidence of the worker the security necessary for his or her daily life. The Worker members further underlined that the continued situation of wage arrears, as witnessed in Ukraine, violated grossly the spirit and letter of Convention No. 95. The Worker members indicated that during the previous years, the observations made by the Committee of Experts on Convention No. 95 had mentioned the problem of arrears. The Governing Body of the ILO had received nine representations based on Article 24 of the ILO Constitution, claiming the non-compliance of Convention No. 95. He added that, in the countries under discussion, the phenomenon was mixed with massive violations of the right to work, aggravated by the cynical attitude and lack of responsibility on the part of some employers.

T he Worker members took note of the information presented by the Government in which wage arrears would have diminished by 46 per cent in the last two years and that the number of workers affected had reached 598 arrears. He noted that, despite of the above, the Committee of Experts had further signalled an aggravation of the phenomenon since A pril 2002 in certain industries and in two important regions. He highlighted that the Federation of Ukrainian Trade Unions had already signalled that a draft law on the priority of wage claims over other mandatory payments, and the draft law establishing the priority of wage claims in the case of insolvency, were blocked by a veto of the Head of State. He further highlighted that those elements did not reflect a constructive attitude. The Worker members requested that the Government be called upon to take effective action against employers who were failing to pay wages in kind and to adopt a new law which restricted such a form of payment to 50 per cent of the remuneration due to a worker.
The Worker member of Ukraine recalled that this was the fourth time the case of Ukraine was being taken up by the Committee. Previous discussions by the Committee had had a positive impact on the Government, which, at the request of the President of Ukraine, the President of the Republic concerning the settlement of wages arrears had been adopted. The same year wage arrears had been reduced by approximately 2.2 billion grivnas, or 44 per cent of the total wage arrears. In 2002, wage arrears in the public sector had been almost liquidated. He emphasized the positive role played by the general agreement between trade unions and the Government in resolving the problem of wage arrears. The social partners and undertaken various measures aimed at payment of wage arrears and improving the supervision of compliance with the wage payment legislation in enterprises. Nevertheless, the problem of wage arrears had not yet been fully resolved. In response to the declining growth rate of industrial and agricultural output in 2002, the settlement of wage arrears had been reduced accordingly. In 2002, wage arrears in the productive sector had been decreased by only 6.3 per cent. Since the beginning of 2002 overall wage arrears were decreased by 3.1 per cent of total wage arrears. Particularly troubling was the fact that the wage arrears accumulated in 2003 made up approximately 26 per cent of total wage arrears. Nearly 2.1 million workers, or 18 per cent of the workforce, were affected by the wage arrears and more than one-third of workers suffered wage payment delays of over six months.

To protect the right of workers to timely payment of wages, the Federal Labour and Social Ministries of Ukraine, together with the national trade unions, had introduced a series of measures aimed at payment of wages arrears. In 2001, the courts had taken up approximately 225,000 individual complaints by workers alleging non-payment of wages. As a result, in 2001-02 the courts judged in favour of the payment of approximately 650 million grivnas, or US$123 million. Within the same period, 84 contracts with enterprises, which had violated labour laws, were terminated at the request of the trade unions. Trade unions were also using court decisions for protection of their members.

H. He indicated that the national legislation of Ukraine was not in compliance with Article 11 of the Convention, according to which, in the event of the bankruptcy or judicial liquidation of an undertaker, the workers employed therein should be treated as preferred creditors, and wages constituting a privileged debt should be paid in full before ordinary creditors could claim a share of the assets. For this reason, the chairperson of the Federation of Trade Unions of Ukraine had referred to the Conference Committee of Experts, to adopt the appropriate legislative measures; to formulate a legislative instrument on the priority nature of wage claims in the case of insolvency of an enterprise. He emphasized the importance of wage claims in the case of insolvency of an enterprise. The case raised here posed a real problem which affected many social benefits were linked to the payment of wages or the formulation of a legislative instrument on the priority nature of wage claims in the case of insolvency of an enterprise.
The Government representative expressed his gratitude to the participating members for their useful recommendations. He indicated that the Ministry of Labour would reflect on the recommendations made by the Committee and in particular the direct contact missions of 2001. The Committee reiterated that the payment of wages in full and at regular intervals was a fundamental right of workers. The Committee also stressed the importance of social partners’ role in the enforcement of ILO Convention No. 98, which concerns the right to collective bargaining.

The-Women members expressed their gratitude to the Committee for their useful recommendations. In particular, they welcomed the decision of the Government to strengthen the national system for social protection. They noted that the social protection system was not yet fully developed and that more efforts were needed to ensure that all workers had access to social protection.

The Committee noted the significant progress made by the Government in the implementation of ILO Convention No. 98. It encouraged the Government to continue its efforts to ensure the full implementation of the Convention.

While noting the ongoing efforts of the Government, the Worker members considered that, while there had been some progress, wage arrears were still a problem which continued to affect workers in various sectors. They expressed their concern regarding the lack of enforcement of collective bargaining agreements and the failure of the judicial authority to enforce court decisions.

The Employer members stated that, while the Government had made some progress in implementing ILO Convention No. 98, more efforts were needed to ensure the full implementation of the Convention. They also noted that the national system for social protection was not yet fully developed and that more efforts were needed to ensure that all workers had access to social protection.

In its observation, the Committee of Experts had referred to the complaint of blacklists by a company of trade unionists. In this regard, the Committee encouraged the Government to take action to ensure the full implementation of the Convention. The Committee also noted that, while there had been some progress, the national system for social protection was not yet fully developed and that more efforts were needed to ensure that all workers had access to social protection.

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free-trade export zones. In this respect, the speaker explained that an administrative procedure on the issue by general labour inspection had concluded with the imposition of penalties on the infractor enterprises, requesting that the Ministry of the Economy withdraw the tax exemption in accordance with the Export and M aquila Promotion and Development Act. The Ministry of the Economy had issued a press communiqué, published on 4 June 2003 in Prensa Libre, warning all enterprises of their obligation to abide by labour laws and informing them of the procedures initiated against some enterprises and of the penalties that would be imposed. The speaker added that he had no information on the entering into of new collective agreements in the maquila sector.

To end his intervention concerning the issues raised by the Committee of Experts in their observation of 2002, the speaker explained that the draft amendments to the Labour Code were pending approval in Congress.

At the same time, he informed the Committee on other measures adopted by the Government in 2003. In the short term, it was expected that, in the course of 2003, the Commission on Labour Relations — composed of the Executive, the Supreme Court, the Labour Commission of the State Congress, the Public Ministry and the Office of the Attorney General — would pursue their efforts. The Commission on Labour Relations in particular would address the social aspects of the free-trade negotiations. In this respect they had proceeded to the repeal of the exemptions from those export enterprises that did not respect labour rights.

The National Banana Commission, as in other countries of Central America and Panama, should create a framework for resolving the numerous social problems in the banana sector. That Commission had proved to be a leader in the formulation of two collective agreements.

The Government representative explained that the Government would neither announce nor implement any changes in the levels of tax exemptions in 2003, and that the procedures initiated against some enterprises and the penalties that would be imposed on them, from their headquarters in Geneva as well as from the region, would continue.

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ect trade union leader and activities through the establishment of a climate of peace and security, by guaranteeing the operation of an impartial, rapid and effective judicial system and by strengthening social dialogue. In particular, they had emphasized the need to bring an end to the total impunity which reigned in respect of all anti-trade union acts in Guatemala.

As indicated in the report of the Committee of Experts, the Worker members denounced the absence of consultation procedures with the workers and in relation to the formulation of the national budget. This situation, which resulted in a veritable denial of the right to collective bargaining of State employees, was aggravated still further by the provisions of Legislative Decree No. 60-2002. They also denounced the failure to reintegrate workers who had been dismissed for trade union reasons, a subject on which the Government had still not provided any tangible information. Finally, they denounced the slowness of the judicial system whenever it was called upon to examine violations, again in line with the issue on which the Government had not provided any tangible elements of information. In export processing zones it was still impossible to negotiate collective agreements, and there was no indication of any change in this situation. Finally, the complete impunity for acts of violence perpetrated against trade unionists led to the unfortunate conclusion that the situation was continuing to deteriorate.

The Worker members therefore called for a high-level mission, led by a well-known independent person. The many direct contacts missions which had visited the country up to now confirmed that there had been no positive developments. For this reason, over and above the legal violations and practices which had caused the TWR of Labour, a high-level mission appeared to be necessary today if it was wished to see the emergence of the right to collective bargaining and if the right of association was to be no longer systematically denied in the country.

The Worker member of the United States recalled that Guatemala had been under review in the Conference Committee for most of the last decade for non-compliance with Convention No. 97, and this year for non-compliance with Convention No. 98. There had been a conventional wisdom that with the labour law reforms of 2001, many of Guatemala's labour rights problems had gone away. However, in terms of both legal norms and practice, nothing could be further from the truth. The situation was of particular concern to the North American trade union movement, as a petition for review of the present time the threats of lifting the fiscal privileges of maquiladoras enterprises had not changed the climate of violence. There was no record that the Government had signed any collective agreements in the export processing zones. And the Government should apply dissipative penal sanctions if it had decided to exercise economic pressure on those companies which did not observe the right to work. As mentioned by the Committee of Experts in their report, "freedom of association could only be exercised in a climate that was free from threats or pressure of any kind against the leaders and members of trade unions". She concluded by saying that the right to collective bargaining should apply everywhere on the territory of Guatemala including in export processing zones.

The Worker member of Guatemala referred to the difficulties encountered by public sector employees including municipal workers and workers employed in local authorities in exercising fully their right to collective bargaining. Collective agreements which were not eventually signed, and the continuing discrimination against trade unionists in the public service, could easily revisit fines in another parallel judiciary process. The United States State Department, Human Rights Report of 2003 clearly stated that despite the Law of Code providing for reinstatement of dismissed workers within 24 hours, employers would, in practice, file a series of appeals or simply defy reinstatement orders. The failure of the Government of Guatemala to ensure a collective bargaining system that is faithful to Convention No. 98 was born out by the statistics. For example, there were zero collective bargaining agreements in Guatemala's export processing zone and maquiladoras employing well over 100,000 workers. The government had indeed strengthened the provisions of section 414 of the Penal Code. But even assuming that this had been done, section 212 of the Law of Code provided that the Government, the Speaker expressed her surprise that they were being ignored.

Penal Code. But even assuming that this had been done, section 212 of the Law of Code provided that the Government, the Speaker expressed her surprise that they were being ignored. The Worker member of Brazil stated that the case of Guatemala gave the impression of an absent State which underwent events without being capable of transforming them, of setting up of export processing zones by the Government of Guatemala was indeed a public policy organized by the State in order to attract foreign investors. The State had modified its fiscal, customs and external trade policies, and had provoked the necessary infrastructural structure to maquiladoras enterprises. How then could we accept that it does not impose the respect of Convention No. 98 which is reflected in part in national legislation? She pointed out that in such enterprises the tailors, there were workers who would have liked to organize and negotiate the terms of employment through collective agreements. Unfortunately, export free zones were zones free from freedom of association and the right to collective bargaining.

The Committee on Freedom of Association expressed its concern with regard to the aggressions and persecutions of trade unionists in the export processing zone of Vilannueva. In a number of enterprises they had been interrogated, imprisoned and threatened because they were not members of a trade union whilst numerous trade union leaders and trade unionists received death threats, obliging them to resign. The Committee on Freedom of Association had specifically requested the Government to provide an explanation for the acts of violence in order to bring to trial guilty persons. And even if the guilty persons were often known, nothing was made to bring them to trial. On the other hand, two trade union leaders of one of the enterprises had been interrogated by men who claimed to be members from the Public Attorney's office.

With respect to the press releases which had been issued by the Government, the speaker expressed her surprise that they were used as an instrument of public policy. She stressed that in the present time the threats of lifting the fiscal privileges of maquiladoras enterprises had not changed the climate of violence. There was no record that the Government had signed any collective agreements in the export processing zones. And the Government should apply dissipative penal sanctions if it had decided to exercise economic pressure on those companies which did not observe the right to work. As mentioned by the Committee of Experts in their report, "freedom of association could only be exercised in a climate that was free from threats or pressure of any kind against the leaders and members of trade unions". She concluded by saying that the right to collective bargaining should apply everywhere on the territory of Guatemala including in export processing zones.

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warned that the frequent arrest of trade union leaders in such cir-
cumstances was a characteristic of an environment in which free-
dom of association was restricted. With regard to the murder of
four trade union leaders in 1994, despite all the comments that had
been made, it was still not known when or whether or not these
violations were committed. The Committee on Freedom of
Association also indicated in paragraph 56 of its Digest of decisions
that justice delayed was justice denied.

In addition to structural problems, the annual reports of
the Committee of Experts referred to new anti-union practices,
such as the use of blacklists in certain enterprises, the dismissal of
trade union leaders in the public sector, as had occurred in the Min-
istry of Public Health and Social Assistance, and of unionized work-
ers in certain institutions. The list of anti-union activities was even
longer in export processing zones and included physical violence and
the dismissal of workers who endeavoured to establish trade unions
and collective bargaining. The ratification of Convention No. 87
had obliged States to enter into collective bargaining in the
public sector. Yet the observation in 2002 indicated that Decree
No. 85-96, on the pretext of budgetary considerations, prohibited
collective bargaining in these zones. The national authorities
had to change their attitude and guarantee consultation with trade
union organizations.

The Worker member of Colombia regretted that the Committee
to freedom of association in Guatemala, as the Government and a few employers’ organizations
continued to violate Conventions Nos. 87 and 98 and other ILO
standards as indicated in the report of the Committee of Experts.
He indicated that the situation of workers in Guatemala had worsened in spite of the declarations made by the Gov-
ernment on the measures taken to bring into conformity national legislation with ILO Conventions and Recommendations. He
pointed out that the Government had not implemented the Conven-
tions that they were deploying huge efforts to safe-
guard the rights of workers, before the Conference Committee.
However, he underlined that if any of the successive governments had fulfilled its obligations, workers’ conditions in Guatemala
would have changed by now.

The speaker recognized the importance of the declarations
made by the Government representative and expressed his wish
that the Conference Committee verify that the Government had complied with the obligations made in its intervention, at its
forthcoming session. To conclude, the speaker supported the pro-
posal of the appointment of a high-level mission.

The observer representing the World Confederation of Labour
said that laws existed in Guatemala respecting the right of associa-
tion and collective bargaining, even though they contained gaps and
weaknesses. The fundamental problem was the total lack of poli-
cial will and public and private decisions to respect, comply with,
and enforce the existence of trade unions. Private employers and
private employees implemented their policies and strategies in dis-
regard and violation of the rights set forth in Conventions Nos. 87
and 98. He supported the appointment of a high-level mission
by the Government to mend the social fabric in Guatemala.

The Worker member of Guatemala regretted that the working methods of the Conference Committee as a result of which
Guatemala had been included once more on the list of individual
cases. He recalled that the application of Convention No. 87
had been discussed in a previous year, and that efforts had been made
this year to include the case in the list of the Indigenous and Tribal
Peoples Convention, 1989 (No. 169). On certain occasions a desire
had been expressed to mention Guatemala in a special paragraph of the report of the Conference Committee, despite the fact that
the Committee of Experts had included Guatemala among the cases of
protest. Questions could be raised on the obscure motives for se-
lecting cases from Latin American countries, and in particular
Central American countries, in the Conference Committee. In his view,
such actions provided grounds for questioning the credibility of the
Organization’s supervisory mechanisms.

With reference to the technical aspects indicated by the Employ-
er member, he stated that the tripartite consultations on conflict
resolution and legislative proposals had not produced results. The
authoritative approach of the authorities could provide an explana-
tion to this, as the Government representative had intimated. He
hoped that social dialogue would be renewed so it the best way
to mend the social fabric in Guatemala. The Government should
try to prevent any confrontation between the social partners in- stead of fostering it.

Workers of Canada, Norway, speaking on behalf of the Norwe-
gian trade unions and workers in other Nordic countries, regretted
that the Conference Committee again had to discuss serious viola-
tions of the rights of the Guatemalan workers. Last year the Gov-
ernment had promised to improve the situation through the en-
forcement of new labour legislation, but violations of the right to
collective bargaining had continued and the situation had become
even worse. The Nordic unions fully supported the critical com-
ments from the Committee of Experts on the need to amend the
Labour Code and its requests for more information on why there
was such slow progress in the implementation of the recommen-
dations for workers in the public and private sectors. A cording to
the speaker, the enforcement of Guatemalan labour laws was char-
acterized by impunity. Illegal firing of workers for union activities,
blacklisting, death threats and even murder went unpunished. Where
the courts deemed cases of violations of labour rights illegal,
judgments were rarely enforced.

With regard to the situation of the banana workers union
SITRA B1, the speaker recalled the events of 1998 when union lead-
ers were kidnapped, forced to resign and to publicly call for the end
of a strike. Once again, workers attempting to engage in collective
bargaining had been fired and had received death threats. The ad-
maintenance of the plantation concerned ceased temporarily and the
union was made illegal for a year and a half. The speaker regretted
the observation that union leaders were again threatened with arrest
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when they attempted to renew the bargaining process, and expressed
his wish that the situation could be much better.
He reiterated his commitment to introduce structural and institutional reforms (such as the reclassification of posts in the Ministry of Labour and the reinforcement of labour inspection) since, in order to resolve the problems, it was not sufficient to adopt new laws, but they also had to be properly implemented.

The Worker members stressed that the information presented orally by the Government be transmitted in writing to the Committee of Experts at a later stage. They took note of the economic context of the country but reiterated that the present state of the economy could not be invoked as a legitimate excuse for deferring the application of ratified Conventions. The Worker members were of the view that the information presented orally besides the importance of their completion by written information, did not meet their concerns and criticisms which were however explicit. In reply to a request from an Employer member of Guatemala, the Worker members reiterated that the case of Guatemala was yet again inscribed on the agenda because of the persistent serious situation encountered by workers and not for any obscure motivation. The Worker members requested the dispatch of a high-level mission to Guatemala in order to reflect the concerns of the international community to the Government representative had referred to certain legislative and administrative initiatives to improve the application of the Convention. The Committee noted that the Government representative had referred to a more appropriate time, a direct contact mission, the Committee of Experts was able in 2002 and 2003 to note certain positive developments with satisfaction, the revision of the law governing the banking sector was impatiently anticipated, the announced revision of the law governing the banking sector, level 16 or above civil servants, forestry, railroads, hospitals and the postal sector. The announced revision of section 27-B of the Banking Companies Ordinance, 1962, was under way to be completed by the end of 2002. The Worker members, however, regretted that, since then, the Government representative had referred to the application of Conventions. Referring to the situation of workers in export processing zones, the Committee noted that the Government representative had referred to the application of Conventions. The new policy attempted to strike a balance between the interests of labour and the industrialists and to reduce the role of the Government to that of a facilitator. Core pillars of the policy included the fostering of a relationship of trust between workers and employers, the evolvement of bilateral codes of conduct at the enterprise level, promoting healthy trade unionism and restructuring the labour judicial system.

The G Government representative had referred to the Committee of Experts had pointed out that section 2-A of the 1973 Service Tribunals Act excluded certain categories of workers from enjoying the rights enshrined in the Convention. In this respect, he informed the Committee of Experts that in the light of the provisions of the Convention, the new labour policy would continue to do so.

Pakistan (ratification: 1952). A Government representative (Secretary Ministry of Labour, M anpower and Overseas Pakistanis) stated that Pakistan, which was going through a massive economic and political restructuring process, had always attached great importance to the observations of the Committee of Experts. Pakistan had consistently attempted to identify necessary, sustainable and viable solutions in a national tripartite setting. No system could be perfect, but it was the will and the steps undertaken which should be the measure of the implementation of Pakistan's obligations. The Government representative drew attention to the adoption of a new labour policy in September 2002. The most important objective of the policy was to bring labour practices in conformity with national objectives and international standards as enunciated in the ILO Conventions ratified by Pakistan, including Convention No. 98. The new policy attempted to strike a balance between the interests of labour and the industrialists and to reduce the role of the Government to that of a facilitator. Core pillars of the policy included the fostering of a relationship of trust between workers and employers, the evolvement of bilateral codes of conduct at the enterprise level, promoting healthy trade unionism and restructuring the labour judicial system.

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a labour conflict. Furthermore, the Worker members demanded the abrogation of prison sentences for the abuse of banking facilities for union purposes during working hours. These examples, among others, illustrated the gravity, persistence and institutional nature of the infractions referred to Convention No. 98, which the Worker members denounced.

The Employer members took note of the indications by the Government representative that a new labour policy had been adopted in 2002. They stressed that this in itself did not satisfy the recommendations made by the Committee of Experts in relation to the labour legislation. The Government apparently was taking steps to improve freedom of association in the public sector and the private sector. In addition, the Government had announced a revised economic strategy, which the use of bank facilities with a view to compendiums of union activities during office hours could be punishable by fines and imprisonment, the Employer members stated that the sanction of imprisonment amounting to a second point raised by the worker member of Japan concerned the so-called "union policy" which prevented workers in export processing zones (EPZs) from forming and joining trade unions of their own choice, to bargain collectively and to take industrial action. The primary objective of this policy, which was not limited to Pakistan but was to be found elsewhere in the world as well, was to encourage foreign direct investment in EPZs. However, it neither respected basic trade union rights, nor was it compatible with sustainable development. He strongly urged the Government to comply, without any exceptions, with international labour standards in all areas.

The Government member of Cuba stated that Convention No. 98 had become more relevant than the day by day because of prevailing neo-liberal policies and the established growth in the number of multinational enterprises. She indicated that there were many countries that had to apply this Convention but, for rather unclear reasons, had not yet been brought before this Committee. She continued by supporting the statements made by the Government of Pakistan.

A further Government representative took careful note of the comments raised by the Worker and the Employer members. With regard to the comments of the Worker members regarding their commitment to bring the labour laws and the labour policy declared by the Government of Pakistan in September 2002, the newly adopted legislation seemed unlikely to revert to the issue of the designation of the cases on the list in the middle of a discussion of one of the cases. The list had been adopted, the criteria were known, and it would never be mathematically possible. Moreover, a review of the list of the last years would lead to the conclusion that there were very few cases.

The Employer members recalled that this case had been the subject of numerous discussions and observations and that the shortcomings in the national legislation were evident. They pointed out that discussions alone did not lead to any advancements and that substantial effort on the part of the Government to overcome this situation. They urged the Government to fulfill its promises to bring national legislation in line with the Convention.

The Committee member of the Government representative and the ensuing discussion. The Committee observed that for many years the Government of Pakistan had been referring to certain number of major discrepancies between law and practice in the country's EPZs and in the public sector, as well as the lack of sufficient protection in law against anti-trade union dismissals. The Committee took due note of the statement by the Government to the effect that measures were being considered to modify some provisions of the legislation in question, especially with respect to the banking sector. However, the Committee noted with concern that according to the report of the Committee on Freedom of Association in March 2003, the newly adopted legislation seemed unlikely to solve the difficulties. The Committee believed that the Committee of Experts had to examine the legislation with a view to assess whether it is in conformity with the Convention.

Consequently, the Committee urged the Government to take whatever measures are required to modify all the legislation in the near future, in full consultation with the workers' and employers' organizations, with a view to guaranteeing in full the rights contained in the Convention for all workers covered by its scope.

The Committee expressed the firm hope that it will be in a position, in its continuing role of this policy, which was not limited to Pakistan but was to be found elsewhere in the world as well, to encourage foreign direct investment in EPZs. However, it neither respected basic trade union rights, nor was it compatible with sustainable development. He strongly urged the Government to comply, without any exceptions, with international labour standards in all areas.

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committees to trade unions. Although some concerns relate to legislative issues which have since been addressed through the passage of the Labour Relations Amendment Bill on 19 December 2002. The Committee will recall that at the last session on 12 June 2002, Zimbabwew did indicate that the issues were being taken care of by legislative process. The same point was included in the report submitted in terms of article 22 of the ILO Convention on Constitution No. 98, in July 2002.

A s soon as the Labour Relations Amendment Bill was passed by Parliament, copies were duly served to the ILO via ILO/SA M.A.T and ILO/SWISS Project on Social Dialogue and Dispute Settlement in Southern Africa on 15 January 2003, job before the official promulgation of the Bill on 7 March 2003. This demonstrates the Government’s commitment to undertaking made at the previous session of the Conference Committee in relation to submission of legislative changes to the ILO once adopted. Therefore it cannot be an issue that Zimbabwe did not submit its Bill before the Committee of Experts sat, since the amendments were still being considered by the competent authority and the ILO was kept informed at all material times.

1. Protection of workers’ organizations against acts of interference of employers’ organizations and vice versa

A s one of the outputs of the labour law reform, labour regulations to cover acts of interference were promulgated as Statutory Instrument 131/2003 – in line with Article 2 of Convention No. 98.

2. Compulsory arbitration in the context of collective bargaining agreement imposed by the authorities at their own initiative

With the coming of the Labour Relations Amendment Act 17/2002, sections 98, 99 and 100 were all repealed and sections 106 and 107 were amended. Under section 106 “show cause” orders could be applied against employers for unprocedural collective job action and, under section 107 disposal orders could be issued by the Labour Court instead of the Labour Officer. The Labour Relations Amendment Act introduced a new dispute settlement mechanism which had not been envisaged at the June 2002 Conference.

The new mechanism categorically distinguishes between disputes of right and disputes of interest. With respect to disputes of right one cannot go on collective job action but to adjudicate as it is merely a matter of enforcing existing rights. A regard disputes of interest, parties have the right to resort to collective job action. However, parties in an essential service cannot resort to collective job action, but are referred to compulsory arbitration. Generally, parties are referred to compulsory arbitration whether it is a dispute of right or a dispute of interest with their consent. Moreover, the new section 82 under Act 17/2002 states that: “If a registered collective bargaining agreement provides procedure for the conciliation and arbitration of any category of dispute, that procedure is the exclusive procedure for the determination of disputes within that category.” This gives effect to Article 4 of the Convention.

3. Other limitations to the right to collective bargaining

(a) Ministerial powers to fix maximum wages. Whereas under section 22, which has not been repealed or amended by Act 17/2002, the Minister may make regulations specifying maximum wages, there is provision under section 22(2) for application for exemption from the application of a maximum wage notice. The power to fix maximum wages is not therefore absolute. The request to repeal this section may not be appropriate given the level of our economic development. Some agreements can cause distortions in the economy.

(b) Approval of collective bargaining agreements, Sections 25(2), 79 and 81 of the Act remain intact. The duty of the M inister under these sections will be solely to ensure compliance with national laws.

Our position is that it is in the national interest to protect consumers and the general public given the level of our economic development. Section 25(1), in the view of the Committee, dilutes the functions of trade unions vis-a-vis collective bargaining. This was addressed by the amendment of section 23 which now links workers’ committees to trade unions.

(c) Prison staff – the Public Service Act and collective bargaining. In accordance with section 2A (3) the Labour Act now has supremacy over any other enactment which is inconsistent with it. To the extent that the Public Service Act, especially section 14, is inconsistent with the Labour Act in excluding certain categories of state employees from its ambit, the Labour Act prevails. The Public Service Act and the Labour Act agree that the prison service be excluded from being employees of the State, being a disciplined force. The prison service is therefore appropriately excluded.

With regards to the rest of the services of employees mentioned in section 14, those who are employees of the State and have not been designated by the President in terms of section 3(2)(b) of the Labour Act, continue to be governed by the Labour Act and they can now rightly organize. So those in the state lotteries and other instances cited under section 14(c) or (h) are now governed by the Labour Act unless they are found to be involved in the administration of the State. So prima facie, such employees have been endowed with the right to organize as embodied in law and in Convention No. 98.

(d) With respect to the question concerning teachers, nurses and other civil servants in Zimbabwe, it can form employment councils in terms of section 56 or section 7 of the Labour Act. Duties of employment councils outlined in section 62 of the Act, are to conclude agreements in the industry, as well as to resolve disputes between the unions and the employer (Public Service Commission). A from year 2000, several such agreements were concluded relating to the State Pensions Act and the cost-of-living adjustment, which covered 167,890 civil servants.

4. Conclusion

Zimbabwe submits that its listing in respect of Convention No. 98 was uncalled for and unnecessary given the Labour Law reform processes which commenced immediately after the 90th Session of the ILC (June 2002). Such processes involved all social partners in Zimbabwe and some of the structures of the Office. This is known by Workers and Employers from Zimbabwe.

A Government representative (Minister of Public Service, Labour and Social Welfare) confirmed that the legislative issues leading up to his country’s second appearance before the Committee had been adequately addressed by the Labour Relations Amendment Act (No. 17), 2002, a copy of which had been sent to the Office in January 2003, after the session of the Committee of Experts. He added that the Act was an output of the Labour law reform process commenced in 1993. He also indicated that a number of draft texts leading up to the Bill had been sent to the Committee of Experts for examination and review with a view to receiving technical advice on conformity with Article 2 of the Convention. A copy of these regulations, which had been adequately addressed by the Labour Relations Amendment Act, was sent to the Office on 19 December 2002. This demonstrates the Government’s commitment to undertakings made at the previous session of the ILC (June 2002). Such processes involved all social partners in Zimbabwe and some of the structures of the Office. This is known by Workers and Employers from Zimbabwe.

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With regard to the protection of workers’ organizations against acts of interference by employers’ organizations, and vice versa, he noted that special regulations had been adopted which were in conformity with Article 2 of the Convention. A copy of these regulations had been submitted to the Office. In relation to the concern expressed by the Committee of Experts regarding compulsory arbitration in the context of collective bargaining, he said that this had been addressed by the new dispute settlement mechanism that had been established. A n important feature of this mechanism was the separation of disputes of rights from disputes of interest. As a result of the repeal of sections 98, 99 and 100 of the Labour Relations Act, and the amendment of sections 106 and 107, compulsory arbitration was now by consent and was only applied in respect of disputes of right and with respect to disputes of interest where conciliation had failed in essential services only.

With regard to the powers of the Minister to fix maximum wages in consultation with a tripartite advisory council, he indicated that this power was not absolute and that a concerned party could apply for exemption. The same applied to minimum wages. Noting that Article 4 of the Convention allowed for “measures appropriate to natural conditions” to be taken to encourage development and utilization of machinery for voluntary negotiation between employers and workers’ organizations and workers’ organizations, he said that it was within the ambit of these terms that measures were taken, in light of national conditions, to fix both minimum and maximum wages. He added that it was common prac-
tice to set a minimum level for the price of labour taking into account economic trends, the cost of living and the bargaining strength or weakness of labour. Similar considerations applied with regard to the approval of collective bargaining agreements, with a view to the position of the general public given the level of economic development of the country. In this sense, the law was not in violation of Article 4 of the Convention. Moreover, ministerial approval was given with a view to ensuring that agreements were within the confines of national interest and that the right to bargain collectively was not absolute under Article 4 of the Convention, although he would be guided by the interpretation of the Committee of Experts on this matter.

With reference to the concern expressed by the Committee of Experts with regard to section 25(1) of the Act, he said that this issue had been addressed by the amendment of section 23, which now linked workers’ committees to trade unions. The purpose of the amendment was to ensure that the members of the workers’ committee in an enterprise in which no fewer than 50 per cent of the workers belonged to the trade union operating in the sector were in fact members of that trade union. This meant that collective bargaining undertakings were undertaken with the blessing of the trade union concerned.

With regard to the comments of the Committee of Experts regarding collective bargaining by prison staff and in the public sector, he explained that the information provided by the Committee of Experts did not take note of legislative changes and allow the Committee of Experts to examine them at its next session. The issues raised by the Committee of Experts were rooted in the particular nature and context of the public sector and would need to take into account the views of the Committee of Experts in order to hold an informed technical discussion. He said that his country had benefited immensely from the comments made by the Committee of Experts in the past, but hoped that the Committee of Experts would not politicize a discussion which should be confined to technical issues. Finally, he stated that the one remaining issue concerned the legislation on exporting zones, which provided that the Labour Relations Act did not apply in such zones, but which had inexplicably been left out of the labour law reform process up to now.

The Worker members expressed their gratitude to the Government for information provided and recalled that this case had been discussed at the time of the submission of the report. They regretted that the Act had not accepted the ILO mission proposed by the Committee last year, and that it had not transmitted to the Committee of Experts before 1 January 2003 the draft amendments to the Labour Relations Act. This delay had interfered with the smooth functioning of the Committee of Experts. They stated that they had not been convinced that the draft law responded to the recommendations of the Committee of Experts, and that the analysis of the draft by the Committee of Experts still remained to be undertaken.

The Worker members noted that section 22 of the Labour Relations Act, which authorized the Minister to fix, by statutory instrument, the maximum wage, had not been repealed. They asked the Government to reconsider this statement in the light of the principle of non-interference by the Government to ensure that the principles of non-interference by the authorities in the meetings and internal affairs of trade unions remained to be weighed carefully, taking into account all the related aspects. They also referred to Case No. 2184 of the Committee on Freedom of Association, concerning allegations that police officers had forcefully entered the premises of the ZCTU. In this case, the Committee on Freedom of Association had recalled that the entry by the police, which was not in practice when the Minister had refused to register a duly concluded agreement and to force the parties to renegotiate if he deemed it fit. This had occurred in practice when the Government had not accepted the proposed direct contacts mission the previous year, which would have been useful in overcoming the difficulties relating to the application of the Convention. The main concerns of the Committee of Experts related to the lack of overall protection against interference in the internal affairs of employers’ and workers’ organizations, although the Employer members indicated that this issue was of the Convention and did not appear to contain specific provisions on the protection required in this respect. The Employer members noted that the interpretation of the Committee of Experts on this matter would be required to obtain an overall picture of the situation with regard to the new legislation. In this respect, they emphasized that the imposition of compulsory arbitration should be an exception to the general principle of free collective bargaining. Without wishing to enter into abstract arguments about where the limits of compulsory arbitration lay, they advocated a step-by-step approach so as to develop conditions adapted to the specific situation. Nevertheless, they expressed their gratitude to the Gover-
With regard to protection against acts of interference and the scope of application of the Convention, the Government had been requested to take the necessary measures urgently, in full consultation with the social partners concerned, to ensure that workers’ and employers’ rights and interests were effectively protected against interference and so that public servants not engaged in the administration of the State enjoyed the right to collective bargaining. He deeply regretted that the Government had deliberately decided to ignore this recommendation and had instead embarked on a path of intimidation, demonization and the crippling of the ZCTU. He emphasized that protection against acts of interference should not only be binding upon employers and trade unions, but that Governments should also refrain from interfering in the activities of the social partners. He therefore regretted to report that the ZCTU had suffered a series of abuses of human and trade union rights. Workers had been arrested, beaten and tortured and militias had been trained to create no-go areas for trade unions. Among the many victims, the General Secretary of the ZCTU had been arrested and beaten by the police. Information on the various acts of violence committed had been included in a database which was available to all social partners. He further appealed for the Committee to examine closely the manner in which the Government continued to violate the fundamental rights set out in the Convention.

The Employer member of Zimbabwe noted with pleasure the progress made in alignment with the Convention over the past 12 months. He indicated that the employers in Zimbabwe had contributed to the process leading up to the adoption of the legislative amendments adopted by organizing the maximum level of participation of employers in the process of labour reform. He indicated that, with the adoption of the new legislative amendments, employers would be bound by the collective agreements in which they were involved and that the new law would provide a means of helping the country make further progress.

The Employer member of South Africa welcomed the great efforts made by the Government of Zimbabwe to come into line with international standards and the ILO. He strongly supported the need for the Government to strengthen its commitment to the principle of sustainable development through good industrial relations and he trusted that Zimbabwe subscribed to this principle.

The Government member of the Libyan Arab Jamahiriya expressed concern about the powers vested in the Minister, in addition to being in contravention of the Convention, this would be detrimental to the proper functioning of the labour market. However, he reaffirmed that although the provision had been in existence since 1985, it had never been applied by the Government. Even though the Committee might believe that this provision was in violation of the Convention, he preferred to take a more pragmatic approach based on historical practice, while at the same time devaluing to the other social partners that it was unnecessary and should therefore be removed from the statute. The role of Government should be merely to register, and not to approve collective bargaining agreements, which should be left to the two parties. In conclusion, he reaffirmed that the new law, although it could clearly be improved, was substantially in compliance with the Convention.

The Government member of Seychelles said that it appeared that the Government of Zimbabwe was committed to bringing its legislation into line with the Convention and that it should be assisted and encouraged in this process. The Government had made a further commitment to cooperate on the adoption of the Labour Relations Act amendement Bill. Recalling that in Africa and other developing countries, the people were still walking the walk to freedom, he emphasized that what was important was that they would never again be victimized. The focus was the achievement of sustainable development through good industrial relations and he trusted that Zimbabwe subscribed to this principle.

The Government of South Africa had overcome the great commitment shown by the Government of Zimbabwe. He believed that recent amendments to the Labour Relations Act, adopted with the assistance of the ILO, was proof of that commitment. He emphasized the need for all forces of good will to help Zimbabwe. The social partners had to unite in the pursuit of the principles of standards and the ILO should continue its efforts to achieve this goal.

The Government member of Malawi expressed the opinion that, in view of the information provided by the Government of Zimbabwe, it was not necessary for the Conference Committee to examine this case. The Government was doing its best to cooperate and comply within the shortest possible time with the recommendations made by the Committee of Experts and the provisions of the Convention. Nevertheless, the country was receiving assistance from the ILO and other organizations, and the adoption of legislative amendments following consultation with the social partners was an excellent means of helping the country make further progress.

The Employer member of South Africa recalled that the previous year Zimbabwe had been found by the Committee to be in breach of Convention No. 98. The Government of Zimbabwe had not agreed to accept a direct contacts mission to help improve the situation. Nevertheless, the country was receiving assistance from the ILO/Swiss project on social dialogue and dispute settlement in southern Africa. The social partners had contributed through the Tripartite Negotiating Forum to the development of legislation which had reduced the areas that were in conflict with the Convention. But this process had left unattended significant problems concerning the establishment of an effective mechanism of dispute settlement. He added that, as requested by the Committee, the issue of the protection of workers’ organizations against acts of interference by employers’ organizations, and vice versa, had been addressed by Statutory Instrument No. 131/2003.

With regard to the imposition of compulsory arbitration in the context of collective bargaining, he expressed the belief that the amendment to sections 106 and 107 had simplified procedures. This was a good provision which required the organizing employers’ environment, which had sometimes suffered from the propensity of workers to resort to unprocedural industrial action. The new measure of direct referral to the courts, instead of labour officers, would make the process more expeditious. Furthermore, the innovative distinction of disputes into two categories, namely those respecting rights and those relating to interests, would be helpful in isolating remedies where parties engaged in essential services were in dispute, while leaving the normal procedures set out in collective bargaining agreements unaffected.
order to ensure that their provisions were in accordance with na-
tional laws and were not inequitable to consumers, members of the
public or any other party to the agreement. The M inister could di-
rect the parties to amend such agreements. If they did not do so, the
M inister could proceed to amend the agreement directly as neces-
sitated by the national interest.

He recalled that international Conventions existed to create a
better life for the population. A though the Government endeav-
oured to justify its position on the grounds of national interest, he
recalled that recent years had seen a major decline in the economy
of Zimbabwe, with rampant inflation and a rapid fall in real G D P.
Clearly its policies were not working and economic activity was in
sharp decline. The present Committee could be of great assistance
in the effort to ensure that the provisions were in accordance with na-
tional laws and were not inequitable to consumers, members of the
social partners. He therefore expressed the view that the achieve-
mant of progress should not be assumed just because of the enact-
ment of a law when that law was continued to be in violation of the Convention. O n the contrary, the fact that the ECOWAS treaty was no longer maintained in disrepute showed that it had not had any real intention of
changing its practices. The Government representative had made an
attempt to justify the continuing restrictions placed on collective
bargaining and to state that the Committee had reason to believe
that the Government should maintain control over the economy. He
rejected this approach, which assumed that the Government had exclu-
sive competence over economic matters and was in possession of
the monopoly of knowledge, and that benefit could have been
achieved from the participation of the social partners in the economic life
of the country. This stance explained the country's current socio-
economic crisis. National economic conditions could not be invoked
to justify violations of A rticle 4 of the Convention. The Convention
asserted that the necessary changes had been made and that its provisions were not based on the condition that only flourishing
economies should be under an obligation to respect them. He asso-
ciated himself with the statement by the Worker member of Z imba-
bwe, which had explained that the Government had made the
exercise of freedom of association impossible by criminalizing trade
unionists for organizing, engaging in collective bargaining and stag-
ing strikes. In particular, the police were allowed to stop trade union
meetings, which was a disregarded practice. He observed that fre-
edom trade unionists were not spared such intimidation. The D irector of the Commonwealth Trade Union Congress
had visited the country at the invitation of the workers and the Min-
ister had expressed the wish for the Committee of Experts to be
assured that the Government had ceased to exercise these powers.
The next day, a trade unionist working on child relation had been
sentenced to 21 years and had been denied entry into the country. The right to collec-
tive bargaining could not flourish under such conditions. He urged
the Committee to send a clear signal to the Government and to
regard the report of the Committee of Experts as a demonstration that trade union freedoms and the right to collective bargain-
ing should be fully respected in accordance with the Convention.

The Worker member of Norway, speaking on behalf of the
Worker members of the Nordic countries, noted that the Govern-
ment had now provided its reply to the observations made by the
Committee of Experts and that it had adopted amendments to the Labour Relations A ct. The amended A ct seemed to be more in compliance with the Convention than the former labour laws, although some serious limitations remained, especially concerning the right to
strike. She emphasized that the reason why the workers were not
applying this new law, although conditions for trade unionists might now look better on paper than they did a year ago, was that there had not been any signs that the law was being implemented in
practice. Instead, there had been too many violations of workers’
and other civilians’ rights over the past year: trade unionists were
prevented from holding ordinary meetings and organizing activities;
strikes and rallies were forbidden by the authorities; union leaders were being arrested, intimidated and tortured; and trade union
quarters were closed by the Government and held by the Govern-
mant, which workers and their families were treated. The practices fol-
lowed in recent years were intolerable and certainly not in
compliance with the Convention. Nordic workers were following
this situation very closely and welcomed the fact that the Govern-
ment had expressed its belief in tripartism and social dialogue. But experience showed that good dialogue could only take place in an
appropriate context, with mutual respect for the views of each par-
ty. This was unfortunately not the situation in Zimbabwe today. She
therefore requested that the conclusions on this case be included in
a paragraph of the Committee’s report.

The Worker member of Brazil expressed her interest in the in-
formation provided and efforts made by the Government of Z imba-
bwe. She indicated that this country had been a victim of colo-
nialism and apartheid, and that it had economic and social needs. She observed that freedom of association and collective bargaining for all those years.

She expressed her surprise that at a time when the Government had
started to require the implementation of the agreement on the dis-
tribution of land signed 20 years ago, allegations had started to be
made of non-compliance with the Convention. She emphasized that
Zimbabwe and most of A frica wished to overcome their difficult
economic situation, and that it was necessary to offer them support
and protection of the ILO Conventions. She therefore expressed the
wish for the Committee to give advice to the Government to
improve the situation of the poor and independent countries, they would have to
denounce many of the ILO’s Conventions, which would be
regrettable.

The G overnment member of Cuba indicated that the comments of the Committee of Experts related to the draft of amendments to the Labour Relations A ct which, according to the statement by the Government representative, had already been adopted by Parlia-
ment in December 2002, after the meeting of the Committee of Experts, and contained a number of deviations from the con-
tent of Convention No. 98. She also noted that special regulations
related to the application of Article 2 of the Convention had been
drafted, which was also related in a number of ways to the applica-
tion of the Labour Relations A ct. She indicated that this was a com-
plex subject and that it was premature to make a judgement on the
oral information received recently. The legal analysis of the new
legislative provisions and their conformity with the Convention lay
within the competence of the Committee of Experts. She therefore
indicated that the Conference Committee should therefore confine itself to taking note of the
Government’s explanations and transmitting the information to the Committee of Experts. She stated that it was unacceptable to include matters in the agreement which had not been considered
by the Committee of Experts and that certain members ex-
pected pressure and threats against governments to make them ac-
ccept what was proposed. It would be more fruitful if the Committee
took note and expressed itself in these terms to the Government
by the Government, and she asked the Committee to transmit the
information and the new texts to the Committee of Experts so that
they could be examined. Finally, she indicated that the technical as-
istance of the ILO could be beneficial for the Government and the
social partners.

The G overnment member of Namibia stated that after reading
the Government’s report to the Committee of Experts and listening
to the explanations provided to the Conference Committee, he decried
the government’s report to the Committee of Experts and that certain members ex-
pressed the wish for the Committee of Experts to be given the opportunity to examine the new legislation before any conclusions could be drawn. He therefore
noted that the legislative reform process was under way with the participation of all the social partners and with technical assistance from the ILO in the framework of the ILO Swiss project on social dialogue and dispute
settlement. He therefore observed that the Committee of Experts
might allow sufficient time for the Committee of Experts
to examine the legislation transmitted by the Government and assess
whether it was in conformity with the Convention.

The G overnment member of Finland, also speaking on behalf of
the Government members of Denmark, Iceland, Norway and

Sweden, noted the information provided by the Government, both orally and in writing, on the adoption of the new Labour Relations Amendment Bill. She also noted that the conformity of this legislation with the requirements of the Convention still needed to be assessed by the Committee of Experts. The Government had requested the Committee of Experts to ensure that other legislative provisions which might affect the application of the Convention be amended accordingly so that the Convention could be fully implemented in practice. She therefore urged the Government to do its utmost to ensure that the fundamental rights enshrined in the Convention could be exercised in an environment that guaranteed peace, democracy, social justice, respect for human rights and the rule of law. She encouraged the Government to accept technical assistance from the ILO in order to promote the implementation of the Convention and to hold consultations with the social partners on measures needed for the achievement and maintenance of peace and social justice.

The Government representative informed the Committee of the measures adopted by his Government and the steps taken in this connection. He reiterated that his Government had submitted written information in response to the Committee’s request for further information. He emphasized that his Government had yet to receive the Committee’s reaction to this submission.

He expressed confidence that the Committee of Experts, as a result of their examination of the new law, would continue to do so based on the electoral mandate it had received. However, he noted that the Government had been accused of violating the democratic process that had established those representatives. He wished to place on record that his Government was still reviewing the matter and would comply with any observation which was in the interests of the social partners.

With regard to the issues raised by several members, he wished to emphasize that his Government had decided in consultation with the social partners and the Ministry of Labour and Social Welfare to introduce a new law. The country would continue to work on this law and would continue as the country.

The Government representative emphasized that the rule of law should apply equally to all citizens, and especially to those who had committed illegal acts aimed at overthrowing a legitimately elected government. The Conference Committee was being subjected to misinformation in this regard. The political level was not far in the past. The previous year had witnessed the participation of trade unionists from African countries in the social partnership in their own countries, even though the acts of violence that had been committed by such persons were not true. He emphasized that Zimbabwe did not have the power in the international media to protect itself against the defama-

The situation in the country was very different from the one depicted to the outside world. The country was being penalized for attempting to take back its land from a former colonial power. At the same time, however, such persons should not be punished for such acts due to their trade union status. He emphasized that the rule of law should apply to all citizens, and especially to the social partners. He emphasized that such organizations did not take into account the victims of the illegal acts committed by those whom they supported. He expressed concern at the fact that, as soon as persons were arrested for having committed illegal acts, they claimed the right to protection as trade unionists, even though their acts, such as the destruction of a public bus full of workers at 4 a.m., showed no respect for workers. Such persons nevertheless claimed that they should not be punished for such acts due to their trade union status. He emphasized that the rule of law should apply to all citizens, and especially to the social partners.

The Government representative emphasized that cooperation at the political level was an important issue. He emphasized the importance of genuine trade union activities from such illegal activities. His Government had respect for workers and acknowledged that they should not be victimized for carrying out genuine trade union activities.

He referred to the previous year when the countries of African countries had visited the country, invited by workers’ organizations, and had held a long meeting with the President. The mission had gone on to verify the situation on the ground. The report on this visit was made by the Worker members.

The Committee took note of the written information submitted to the Committee of Experts. It was now up to the Committee of Experts to make a pronouncement and pronounce itself on any remaining discrepancies. He emphasized that legislative reform had taken place with the support of ILO experts and the ILO/Swiss project, with a view to complying with the requirements of the Convention. He wished to place on record that his Government was still reviewing the matter and would comply with any observation which was in the interests of the social partners.

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The Committee took note of the written information submitted to the Committee of Experts. It was now up to the Committee of Experts to make a pronouncement and pronounce itself on any remaining discrepancies. He emphasized that legislative reform had taken place with the support of ILO experts and the ILO/Swiss project, with a view to complying with the requirements of the Convention. He wished to place on record that his Government was still reviewing the matter and would comply with any observation which was in the interests of the social partners.

Regard to the issues raised by several members, he wished to emphasize that his Government had decided in consultation with the social partners and the Ministry of Labour and Social Welfare to introduce a new law. The country would continue to work on this law and would continue as the country.
of the "human rights advocates network" in 2002; the holding of training courses for human rights advocates on the Islamic Republic of Iran's commitment in terms of human rights and ILO Convention; meetings by high-ranking officials aimed at developing expert awareness and solutions to combat discrimination against recognized religious minorities; and two conferences held in 2002 within the framework of the agreement between the Islamic Republic of Iran and Denmark, concluded in 2001, on "Women's Rights" and "Freedom of Expression and Belief". The speaker mentioned "the Right of the Child" and "Rights of Minorities" (Copenhagen).

Furthermore, the Women's Friendship Society jointly established by Belgium and Iran promoted ties between the women of the two countries aimed at capacity building and empowerment of women. In addition, an increasing number of women had been appointed to higher judicial ranks and the Islamic Republic of Iran's female head of court had started her work at the bench in the Isfahan Province.

The speaker further provided information on the number of women holding licences to publish magazines, women chief editors, and women employed in the Islamic Republic News Agency and female managers in the Iranian Defence Ministry and to point to the increase in the number of women in governmental and non-governmental organizations and the inauguration of a Women's Technical and Professional Institute in May 2002.

With respect to the legal measures taken and modifications to the legislation, the Government of the Islamic Republic of Iran nominated the High Council of Judicial Development, which had studied the necessity of amending certain articles of the Civil Code. An ad-hoc Commission of the Council endorsed a close cooperation with the Parliament's Research Centre to remove shortcomings in legislation with regard to women. The reviews and amendments of laws and regulations covering all aspects of civil life was currently taking place and three projects in law and human rights were ongoing.

Regarding women's employment, the speaker provided some examples of the Government's efforts, such as certain laws passed to speed up privatization and attract foreign capital and efforts to provide opportunities for women to enter male-dominated professions. For example, the number of women employed in the public sector had risen to 520 women and 593 men, compared to only 363 women and 470 men in 1979. For the same period, the number of Zoroastrians employed in the public sector rose to 385 women and 409 men, compared to only 35 women and 22 men in 1979. The number of Christians employed in the public sector had risen from 185 women and 196 men in 1979 to 177 women and 171 men employed in governmental bodies. The number of employed women in 2002 was 3,548, compared to only 1,123 women in 1979.

Regarding the employment of religious minorities, particularly with regard to employment and recruitment, the speaker noted that the Committee of Experts, in its next report, on positive and tangible projects in three different organizations to amend the legislation on religious minorities had been planned and implemented.

The Government representative further indicated that the efforts taken to promote the establishment of trade and expert associations in order to promote trade and business owners and specialized occupations had resulted in the setting up of more than 200 associations. A list of this was provided in the process. Convention No. 111 was indeed to be fully implemented due consideration needed to be given to promotional activities and national capacity building. This was a significant step towards using the ILO's Project on Women's Empowerment, a National Tripartite Conference on Women's Empowerment was due to be held in October 2003. It was hoped that the holding of such a gathering would contribute to further national capacity building in this area. The Government also hoped that it would be able to inform the Committee of Experts in its next report, on positive and tangible results of the ILO project.

With respect to the promotion of equal access of religious minorities to work, the speaker highlighted several aspects in law and practice of an improved situation of these minorities in the Islamic Republic of Iran. In implementing the principles contained in articles 20 and 28 of the Iranian Constitution regarding equal legal protection of all Iranian citizens, the Government had declared in a circular the observance of the social and civil rights of all Iranian citizens as the country's official policy. This had been reiterated in Government Circular No. 11-4462 of February 1999 under which all ministries, organizations and governmental institutions were requested to make efforts to ensure the observance of the rights of recognized religious minorities in the area of recruitment and employment. Government bodies were equally required to include and specify the issue in job vacancy advertisements, so that in the case of a successful recruitment test, the Government could benefit from the expertise of minorities by the Government. Further, with respect to religious minorities, the National Recruitment Board had issued an official Circular No. 2/47474 of November 2002 to the Interior Ministry, to be communicated to the provinces, which emphasized the need for further observance of the rights of recognized religious minorities, particularly with regard to employment, recruitment. Regarding the employment of religious minorities in the education sector, the speaker noted that 200 posts of the employment quota of the 3rd Five-Year Development Plan had been allocated to the Government's recruitment of religious minorities in the Education Ministry for the academic year of 2003-04. Religious minorities had also been allocated financial facilities through presenting "job-creation investment projects" to executive bodies countrywide. In the public sector, executive plans and projects were focused on low-income minorities, and the construction of rental housing units and of rural housing for both Muslim and religious minorities had been planned and implemented.

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government was asked to provide the requested information to the Committee of Experts on this issue. The Employer members further stressed the need for progress with regard to section 1117 of the Civil Code, noting the involvement of the Centre for Women's Participation in the Iran-ILO consultation to address the problem. They hoped that further progress would be possible on the outstanding issues in the near future.

In addition, the Employer members noted that the overall employment situation of women belonging to recognized religious minorities was better than average, but wondered how the situation was in the public service. They recalled that the members of the Baha'i faith had been subjected to discrimination for a long time and that the Labour Code would not prohibit religious discrimination. Despite the fact that the Special Representative of the United Nations Commission on Human Rights had been able to note some signs of hope in the situation of women university students in the Baha'i faith, the community remained in practice the object of discrimination in employment and education. The Islamic Human Rights Commission considered that legislative changes were also necessary. Referring to the situation last year, it asked the Government to provide the information requested by the Experts. The speaker also highlighted that the recent collective contract covering workers in workplaces with less than five employees did not provide for nondiscrimination. Finally, the Employer members took note of the impressive work programme adopted for 2002-03 under the Memorandum of Understanding between the Government and the ILO, including with regard to the formulation of the Labour Code, the protection of women in the public service. In this context, the Employer members stated that progress in the Islamic Republic of Iran would ultimately depend on political developments, and experience had shown that substantial progress could be made only in the field of social security and in employment and education. They were concerned that States which did not live up to their international obligations in the field of human rights would isolate themselves, damage their economies and development and finally their own people. The Employer members supported those who wanted to eradicate discrimination, which had existed for decades.

The Worker members stressed that inclusion on the list of individual cases was not a negative sanction, but discussions in the Conference Committee were constructive work that could help to over come existing problems. Likewise, a footnote in the report of Committee of Experts, which was considered by all as objective, impartial and independent, and even special paragraphs in the Conference Committee's report, should not be perceived as sanctions. This case had a long and bad history, but it had finally resulted in some progress. However, in no way the situation could be simply left in the hands of the Government, as this was a process of checks and balances. The Worker member stressed that the problems had been examined and analysed by the Committee of Experts. They had sympathy for the Government and for the ILO missions when they argue that the progressive forces in the country should be strengthened and not be undermined. The Government should in the hands of the conservatives who want to roll back the reforms. However, one should note that politics in the Islamic Republic of Iran were made by politicians, as elsewhere, and that they had their own interests. If these interests were not at odds with ILO values, those who looked backwards that States which did not live up to their international obligations in the field of human rights would isolate themselves, damage their economies and development and finally their own people. The Employer members supported those who wanted to eradicate discrimination, which had existed for decades.

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With regard to women in the labour market, the speaker emphasized that women now chose a variety of jobs; they were running factories, small and medium-sized enterprises, and are engaging in research and engineering and other non-traditional occupations. There were female members of his organization, the Chamber of Commerce, and women also worked in several ministries and consulates and were represented by about 70 per cent of managers of non-governmental organizations. Women entrepreneurs should play an important role in job creation.

The Employer member of the Islamic Republic of Iran thanked the Committee of Experts for their report which contained welcome advice. He reminded the Conference that the matter of discrimination in Iran had been formed four years ago, which had led to stronger participation of social partners in decision-making. His organization appreciated the ILO's activities in the Islamic Republic of Iran and he continued to support the ILO and the Convention rather than the Government's refusal to bring the matter to the attention of the Committee of Experts.

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In the report of the previous session, the Committee of Experts had recognized the constructive spirit in which these observations had been made. It was hoped that the Committee of Experts would be able to confirm also in its next report the basic assessment that things were significantly changing.

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the provinces and discrimination continued to exist. He recalled that his trade union had lodged a complaint against the Govern-
ment in relation to the law on support and growth of the carpet industry, which exempted carpet weaving units from labour and so-
cial security laws. The speaker wondered about the effective application of labour laws to women in practice.

The Committee welcomed the continuing positive trend in the level of women’s participation in education and training, and the measures taken to promote women’s participation in the labour market, as well as the growing cooperation with the ILO in this re-
gard. It encouraged the Government to take steps to improve the current situation and to eliminate any re-
maining contradictions with the Convention, including matters re-
garding social security and the abuse of contract labour.

The Government member of India supported the measures taken by the Government of the Islamic Republic of Iran and underlined that no country in the world was perfect with regard to the application of this Convention. He expressed his surprise at the large number of issues related to human rights taken up by the Committee of Experts. These should rather be discussed within the context of other ILO conventions.

A nother Government representative of the Islamic Republic of Iran stated that he did not believe that Iran should have been in-
cluded in the list of individual cases. However, his Government at-
tached great importance to the international mechanisms, including on the points raised by the Worker members of the Committee of Experts. He informed the Committee that a Bill had been adopted in Parliament asking for a review of this institution. He concluded by expressing his Government’s interest in continuing the cooperation with the ILO.

The Employer members welcomed the new explanations pro-
vided by the Government representative of the Islamic Republic of Iran and raised again the issues of the restrictions for women judges on taking the bar exam and being appointed judges. He agreed with the Committee of Experts that it would be recommendable to take further action with regard to these issues.

The Committee noted the statements made by the Government representatives and the discussion which followed. It recalled that this case had been discussed in the Committee for more than 20 years, most recently in June 2001, when the Committee noted with interest the developing dialogue between the Government and the ILO. The Committee had requested that this dialogue should include a new minded approach by the Government. It invited the Committee of Experts to continue its dialogue and to bring them into compliance with the Convention. The Committee welcomed the new explanations provided by the Government and hoped that the Government would soon be in a position to report progress in improving the participation rate of women in economic activities, including among women university graduates.

The Committee noted certain legislative changes removing re-
strictions on women and hoped that the amendment to section 1117 of the Civil Code would be adopted in the near future. Noting that a review of national legislation was under way, the Committee strongly urged the Government to address, as a matter of priority, the important issues of the obligatory dress code for women, which could have a negative effect on the employment of non-Muslim women, and the restriction on women judges issuing oflices, to which reference had been made over many years, and to bring them into compliance with the Convention. It also requested the Government to supply information on the application of social security laws to women in practice.

The Committee also noted the efforts made to promote the ap-
plication of the Convention with regard to religious and ethnic mi-
norities, including the adoption of a national plan of action and the work of the Islamic Human Rights Commission. The Committee looked forward to receiving full information on the implementation of this plan, while noting that discrimination in law and in practice continued against the Baha’is. The Committee requested the Gov-
ernment to provide updated information to the Committee of Ex-
erts on the measures taken to address these important issues, in-
cluding on the points raised by the Worker members of the Committee, and statistical data on the participation in private and public sector employment of women and men, and of members of minority groups in general, including ethnic minorities and non-recog-
ized religious or ethnic background. He further indicated that his Government was deeply rooted in the Islamic Republic of Iran. Re-
ferring to the statement of the spokesperson for the Worker members, he noted that the Convention was not a substitute for the Baha’i Code and that the measures taken by the Government would be the result of the Committee of Experts. He stated that the measures taken by the Government regarding this question were recommendable and no further pressure should be exerted as it would have a negative impact on public opinion. The workers had more important issues than the question of the Baha’is, such as the legislative problems mentioned above.

In addition, the speaker referred to two instances of discrimina-
tion on the basis of sex. He indicated that where husband and wife both being insured workers, retired, the wife was not entitled to receive child allowance, nor to her husband’s pension benefits if the latter died. The speaker requested the review of the relevant provi-
sions, which he considered as a practice that occurred nowhere, since many women worked under short-term contracts, which were not renewed if they did not abide to these requirements. Finally, he urged for more ef-
forts to be undertaken so that the Government of the Islamic Republic of Iran fully implement Convention No. 111.

The Worker member of Pakistan endorsed some of the concerns expressed by the Worker members and the Worker member of the Islamic Republic of Iran concerning the issue of social security and effective application of labour laws. He recalled that he had expressed by the Government representative to abide by the inter-
national obligations and to further improve the situation. Re-
ferring to the comments made by the Committee of Experts, he recalled a member of the Government who had stated that the issues remained as expressed in paragraph 9 concerning certain restrictions on women’s employment and in paragraph 12 concerning the edu-
cation and employment of members of unrecognized religions. These points needed rectification. He confirmed that the Memo-
randum of Understanding agreed between the ILO was a positive step, but that the social partners needed to be strengthened in order to play an effective role in the social and eco-
omic development of the country. He urged the Government to take steps to improve the current situation and to eliminate any re-
maining contradictions with the Convention, including matters re-
garding social security and the abuse of contract labour.

The Government member of India supported the measures taken by the Government of the Islamic Republic of Iran and underlined that no country in the world was perfect with regard to the application of this Convention. He expressed his surprise at the large number of issues related to human rights taken up by the Committee of Experts. These should rather be discussed within the context of other ILO conventions, and would not be the Government’s intention. As regards the com-
mments related to the dress code, it should be noted that there had not been the first record of those who had not complied with this dress code. As for the situation of women judges, this was a tradi-
tion and Iranian women were actively promoting their rights. In re-
ponse to the questions raised concerning the practice of gozinesh he agreed that this needed to be discussed with the Committee of Experts. He informed the Committee that a Bill had been adopted in Parliament asking for a review of this institution. He concluded by expressing his Government’s interest in continuing the coopera-
tion with the ILO.
ognized religious minorities. It hopes that the Government would give consideration to launching of an awareness campaign for these minorities. The Committee expressed the firm hope that it would be able to note progress with regard to the remaining restrictions imposed on women in the very near future. It encouraged the Government to continue to request the support and technical assistance of the ILO to resolve these substantial issues preventing the full application of the Convention in law and practice.

Convention No. 118: E quality of Treatment (Social Security), 1962

Libyan Arab Jamahiriya (ratification: 1975). A Government representative indicated that Social Security Act No. 13 of 1980 which is applied in the Libyan Arab Jamahiriya was one of the most advanced laws because it included many monetary and in-kind benefits. He added that the Act was promulgated after detailed examination, in consultation with the ILO, which provided technical assistance. He pointed out that the regulations that were issued to put it into effect were based on equality of treatment and non-discrimination between Libyan citizens and foreigners. He highlighted that the Social Security Act did not contain any kind of discrimination. Section 31 thereof specified the categories of persons covered by social security schemes: partners in undertakings; public officials; workers employed with labour contracts; self-employed workers; and other categories. The same section specified that in the Libyan Arab Jamahiriya, non-national residents benefited from social security schemes within the conditions set down in the regulations, and in accordance with international Conventions. While section 6 of the provisions on registration specified defined workers with labour contracts as workers who are employed with others by virtue of a written or oral employment contract in return for wages or a salary paid in cash or in kind, be it in productive or non-productive tasks, be it a national or non-national worker, regardless of the workplace, public or private in accordance with the provisions specified in these regulations and the provisions of international Conventions.

He stated that the Libyan Arab Jamahiriya had previously replied to the observation made by the Committee of Experts. However, he believed that there was some difference in views in the interpretation of the provisions of Convention No. 118 and the Social Security Act and the Regulations that put it to effect. He highlighted the following:

- Section 38(b) of the Social Security Act No. 13 of 1980 covered non-nationals whose service was terminated for reasons other than the reasons referred to in sections 13, 14, 17 and 18. In other words, for a worker's service was ended not on account of reaching the legal age for pension entitlement, nor on account of an occupational injury leading to partial invalidity; in which case, the worker was entitled to a full pension. Nor did it involve the termination of the contract on account of an occupational accident, for which the worker is entitled to a partial pension. This did not entail the termination of employment or service as a result of a continuous total and permanent invalidity (60 per cent or more) resulting from bad health, disease, or accident other than an occupational accident for which the worker was entitled to a pension, as specified by the Act and Regulations. In other words, if the service of a non-national ends naturally, that is, at the end of the employment contract, and if it were not renewed, he was not entitled to a pension, in accordance with the above mentioned sections. In such a case, the non-national would obtain a lump sum for the period of employment or service unless it was calculated within the overall pensionable period regulated by the social security Conventions concluded between the Libyan Arab Jamahiriya and the country of origin of the non-national.

- Section 38(a) and (b): (a) related to nationals and (b) related to non-nationals. Both had the same formulation except in the case of a national who was not entitled to a pension if the period of employment or service was terminated because of an occupational accident or for which the worker was entitled to a pension, as specified in Act No. 13 of 1980. Consequently, if the ten-year period was not fulfilled, the contributor was entitled to a lump sum as set forth in the abovementioned Regulations. The speaker added that section 16, paragraph 3, was supplementary. Since 1 January 1981, if a non-national contributor had his employment or service terminated after 1 June 1981, the date of entry into force of the Social Security Act whilst fulfilling all the other entitlement conditions specified in Act No. 13 of 1980. Consequently, if the ten-year period was not fulfilled, the contributor was entitled to a lump sum as specified in the same Regulations.

He reverted to section 174(1) and (2) of the Pensions Regulations which provided for pensions of non-nationals in the case of an occupational accident or disease, in which case they were entitled to a pension and other benefits related to occupational injuries. Workers' dependants also were entitled in the case of death as a result of an occupational accident or disease. In such a case, the condition of the ten-year period would not be applicable. He highlighted that the period of pension entitlements or benefits were not determined haphazardly, but were decided on in accordance with technical studies. He pointed out that such texts were not in conflict with other provisions of international Conventions which provided for pensions of non-nationals in the case of an occupational accident or disease, with the countries of origin of the non-national beneficiaries. The speaker also underlined that section 161 authorized the transfer of pensions of all types as well as monetary benefits to beneficiaries resident abroad, subject, where appropriate, to any agreements to which the Libyan Arab Jamahiriya was party. It also takes into account the principle of reciprocity con-
tained in other international Conventions. This principle of reciprocity excludes by virtue of Article 10(1) of Convention No. 118 refugees and stateless persons. He indicated that this issue required special consideration by the Committee of Experts and that the Libyan Arab Jamahiriya had already replied to observations made in the past by the experts on Convention No. 118. He considered it out of place because of its provocative style, which fell outside the scope of the issue under discussion, especially in light of the fact that this issue was raised, and the discussion thereon was ended. He indicated in this regard that there was no reason for its inclusion in the report of the Committee of Experts.

The Employer member stated that it was entirely clear why the Committee of Experts had asked the government to report to the Conference Committee, as this was an extreme case involving a refusal of the government to comply to comply with its obligations under the Convention. The Government, in 2001, had sent the same information as it already had in 1995 and 1997, without any addition. The Libyan Arab Jamahiriya had previously agreed to consider the application of ILO Conventions on several legal provisions resulting in unequal treatment of Libyan citizens and foreigners in the context of the Convention, such as in the case of premature termination of work, the voluntary coverage in the social security scheme of foreigners in public employment, the payment of old-age pension and restrictions on transferring pensions or other monetary benefits abroad. The provisions establishing these inequalities were all very important, having in mind the great number of foreign workers in the country. The Employer members wondered why, if the national legislation was different as described by the Committee of Experts, the Government had never reported its views to the ILO. It was impossible to remain silent for such a long period of time and to come forward suggesting that the Government of Libya was ready to welcome any expert from the ILO to visit the country. Moreover, the ILO had established at the level of the Community to form a committee of experts, to ensure that the Libyan Arab Jamahiriya provided both the Committee of Experts and the government with the information that was required to bring its legislation into compliance with the Convention. Therefore the Worker members requested that the Government of Libya to submit a report to the Committee of Experts on the application of Convention No. 118.

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The Committee took note of the statements made by the Government representative as well as the discussion that followed. The Committee regretted to note that despite the severe terms of its conclusions formulated on this case in 1992 and 1999, and the assurance offered by the Libyan Arab Jamahiriya in these reports, the Government had still not given any indications that it had adopted any particular measures since 1992. It was the opinion of the Committee that the verbal explanations presented by the Government representative did not reflect the Government's intention to modify the legislation in accordance with the requirements of the Convention. In these circumstances, it was important to recall that, although the Government's intention to maintain a fruitful dialogue with the supervisory bodies was imperative, it still had the obligations to establish that there were no obligations to continue with the obligations that were exceeded in a ratified Convention. The Committee expressed the hope that, on the basis of the assurances offered by the Government representative, the Government would soon re-initiate a substantive dialogue. It urged the Government, once again, to adopt specific and concrete measures with a view to achieving full conformity of the legislation with the provisions of the Convention, ensuring that such full observance of the principles of equality of treatment in the area of social security, it also asked for progress report on the observance of the principles of equality of treatment in the area of social security. The Committee also requested that the Government provide a detailed report to the Committee of Experts on the application of Convention No. 118.

The Employer members, supported by the Worker members, agreed with the conclusions of the Committee in this case and requested that they be placed in a special paragraph of the report.

Convention No. 122: Employment Policy, 1964

Portugal (ratification: 1981). A Government representative stated that he would tackle the different issues raised by the Committee of Experts and provide some indications on recent trends in the labour market. In the first quarter of 2002 and the first quarter of 2003, the active population had grown at a rate of 1.2 per cent, while the activity rates had remained practically constant and the unemployment rates had decreased slightly (0.01 per cent). In the first quarter of 2003, the unemployment rate had been 6.4 per cent with an increase in the number of unemployed workers of 45.6 per cent. In his opinion, youth unemployment and unemployment of older workers had increased less than the overall average. This trend resulted from a slowdown in economic activity, with the slowdown itself being related to the international economic policy and the national economic situation of reducing budget deficits and monitoring public expenditure. Moreover, it had to be kept in mind that because of the extended period of economic crisis in the market, the national employment policy had followed the guidelines established at the level of the Community to formulate national employment plans. It should also be noted that the average unemployment rate (in the first quarter, according to Eurostat), was 5.2 per cent in the E.U and 7 per cent in Portugal.
Concerning the rise in the use of temporary contracts, the latter corresponded to 17.1 per cent of the total of contracts. This rate rose to 15.5 per cent for men and to 18.9 per cent for women. In this period of economic slowdown, employment mainly adjusted itself to the use of temporary contracts. With the measures taken within the framework of the national employment plan on the quality of employment, social protection, increased productivity and competitiveness, the fight against illegal employment and the use of fixed-term contracts, the formulation of a pro-
gramme to combat occupational risks, the speaker wished to men-
tion the adoption of a new basic law on social security and the ap-
proval of the first Labour Code of Portugal which revised and systematized the legislation in force. The Code had been approved by Parliament and was to be signed by the President of the Republic who had requested the Constitutional Court to examine the consti-
tutionality of certain sections of the Code. Concerning the fight against illegal unemployment, certain independent workers sometimes found themselves in a situation of dependency or subcon-
tracting. In this regard, the Labour Code presumed, on the basis of certain factual elements, the existence of a labour contract. In addi-
tion, regional plans that were adapting the national strategies to the characteristics of each region comple-
ted the National Employment Plan. He stated that, in particular with respect to rural and informal economy workers, the latter were represented by the trade union confedera-
tions cited by the Committee of Experts. Informal economy work-
ers enjoyed the same rights as other workers and could set up trade unions because members of an enterprise, in the consultation with the social partners took place within the Per-
manent Commission on Social Consultation, which is a tripartite body, and in the framework of which quarterly reports on the im-
plementation of the Plan were being presented and discussed. There existed also a tripartite working group that provided techni-
cal support to the formulation of the national plan. Furthermore, laws dealing with employment policy were initially submitted for examina-
tion by representative workers’ and employers’ organiza-
tions.

The speaker further referred to the comments made by General Workers’ U’ion (UGT) regarding the difficulty for young jobseek-
ers entering the labour market. This was the same match between the offer proposed by the system of higher educa-
tion as a whole and the needs of the labour market. Information on this point was available to young jobseekers so that they could orientate themselves towards skills training sought by the labour market. With respect to the problems of regional differences in em-
ployment mentioned by the UGT, some public investment existed to stimulate economic activity in those regions where unemploy-
ment was highest. In addition, regional plans that were adapting the national strategies to the characteristics of each region comple-
ted the National Employment Plan. With regard to the training of less skilled youth, those of less than 16 years of age must follow a vocational training course during working time. This was the case for less skilled youth of 16 and 17 years of age who had not complet-
ed compulsory schooling and who, if necessary, could follow cours-
es equivalent to compulsory schooling. There also existed vocational-
al guidance services to assist youth in choosing vocational training courses. Finally, it was likely that the duration of compulsory schooling would pass from nine to 12 years, which would consider-
ably improve the basic training of youth. A tenth year of schooling was established focused on professional training, aimed at youth who completed compulsory schooling but did not pursue further studies.

The speaker stated that the UGT had rightly drawn the atten-
tion to the existence of a law on the training of older workers who were more exposed to long-term unemployment. Re-
cent figures showed however that older workers had not been affected by the increase in unemployment. The training possibilities of these workers depended in particular on their capacity to learn and many of them had not completed their compulsory schooling. In this context, to respond to the recent rise in unemployment, the Employment and Social Protection Programme envisaged mea-
sures aimed at facilitating the transition of these workers into re-
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portive measures for workers who became entitled to a pension, and for the unemployed, independent of their age. Some of these mea-
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respect to lifelong learning and access to training for all workers, the Government was preparing a law on the training that would regulate the aspects of lifelong learning. The Employment and Social Protection Programme envisaged other training measures to address the current economic situation of in-
creased unemployment, and the new Labour Code embodied the principle that employers have to ensure the vocational training of their workers.

In reference to the observations made by the Confederation of Portuguese Workers (CGTP-IN) regarding the training of con-
dominium in various sectors of the economy and the sex-based discrimi-
nation in certain sectors, the speaker confirmed that there had been a reduction in the agricultural and industrial activities to the benefit of the services sector. This difficulty resulted from a mis-
match of the demand for labour and the supply of skilled labour.

The Government representative further mentioned that the Committee of Experts had requested the Government to make public the reports of the tripartite working group on which governments had to provide explanations. The Employer members thanked the Government representa-
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ployment in Portugal in that it had increased more rapidly than elsewhere in E Urope and, paradoxically, had affected skilled young people. This was not only related to the economic situation but also to Portugal’s economic structure (low-skilled jobs and relatively low salaries). In this context, the unemployment issue was subjected to a triple effect of a difficult economic situation, restrictive budgetary policies and industrial restructuring. Nevertheless, the Worker members were satisfied with the participation of the social partners in the discussion of non-legislative items of employment policy. In October 2000, an agreement had been signed on 1 February 2001 to improve training and to combat precarious employment, in particular, by means of tackling illegal employment and monitoring reliance on temporary contracts. However, the fact still remained that the implementation of these employment agreements was a major problem. The Worker members, therefore, requested that the Government focus its efforts on the problem of increasing unemployment, including that of skilled young people, by ensuring the implementation of these employment agreements, and that it keep them informed of the measures taken to this end.

The Worker member of Portugal stated that, although there was no real contradiction in principle between the objectives of full employment and monitoring reliance on temporary contracts. The Labour Code adopted by the National Assembly had disrupted the balance of force between employers and workers. Pro-mulgation of this Code could in future lead to new increases in unemployment, above all because the social dialogue and collective bargaining more difficult, inasmuch as the employers, being in a stronger position, would be less inclined to negotiate with the workers. The adoption of the Code by the National Assembly was an extremely controversial process that led to a general strike in December 2000. It forced the President of the Republic to submit some of its provisions to the Constitutional Tribunal. In conclusion, Portuguese workers were deeply worried by the progression of unemployment and demanded an active employment policy with more vocational training programmes, and for the adoption of measures to realize concluded tripartite agreements. Furthermore, the promulgation of the Code of the President of the Republic might have provoking repercussions on the quality of employment, qualification of workers, national productivity and tripartite dialogue.

The Worker member of Senegal considered that the reply provided by the Government representative of Portugal had not addressed all the concerns. He pointed out that primary work had taken disturbing proportions and that the level of employment had indeed decreased in the agricultural and industrial sectors. He stressed the role of the social partners with regard to the development of employment policy in the areas of employment protection, including the workers in the rural sector and the informal economy. The speaker further invoked the persistent structural problems in employment and training, in particular the unemployment of skilled young people and the inadequate training possibilities offered to less skilled youth. He denounced the gap between the regions and persistence of sex discrimination and expected measures to be taken on the part of the Government to ensure comparability of the economic conditions in the different regions. The social partners should be given the necessary weight to deal with the social questions and determine the priorities. In any event, the protection of young people from precarious employment was subject to the introduction of a legal framework that would ensure the respect of the social partners and the judiciary. In respect of this, he requested the Committee to recommend to the Government of Portugal to use all available resources for a proactive employment policy. He requested the Committee to recommend to the Government of Portugal to use all available resources for a proactive employment policy. He requested the Committee to recommend to the Government of Portugal to use all available resources for a proactive employment policy.
ters raised by the Committee of Experts and that it would include information in its reports on the result of the tripartite consultation and on the other measures taken to achieve the important objectives set by this priority Convention.

Convention No. 131: Minimum Wage Fixing, 1970

Uruguay (ratification: 1977). A Government representative thanked the Committee for the possibility to present updated information on the application of the Minimum Wage Fixing Convention, 1970 (No. 131). She considered that a literal reading of Article 3 of the Convention would lead to the conclusion that it was being adequately applied by the Government in view of the national conditions. Even if one assumes that the conditional character of the phrase used in the instrument (“shall, so far as possible”) allows ratifying states to exempt themselves from these provisions, it was not the intention of the Government to deviate from the recommendations set forth in the international standard. The Government of Uruguay also complied with Article 3 of the Convention, as the minimum national wage was fixed and adjusted periodically every four years since 1965, which had brought much result. Had they been more effective, it would have been possible to set up a new tripartite committee for long-term agreements, adjusting themselves to economic realities.

In 1995, when the Government was experiencing severe financial crisis in its history due to the same causes that have led to the destabilization of the economic policy in the whole region. Nevertheless, as the Government had indicated in its previous reports, it remained the Government’s view that the national minimum wage was fixed by the Executive not as a reference amount for the payment of wages, but as a criteria for the calculation of all the benefits provided by the social security system, such as old-age and other pensions, family allowances, advance payments for sickness, accidents and unemployment. In this sense, the real wages received by the workers were in their large majority higher than the national minimum wage. She strongly reprimanded the view that all those whose salary was not directly related to the national minimum wage, and referred to the official statistics in this respect.

A wording to the continuous monitoring of households in 2002, the average salary in Uruguay amounted to 8,500 pesos, which was 8 times higher than the national minimum wage fixed at the level of 1,170 pesos per month. The data collected by the Social Protection Bank in 2002 showed that the average salary of contributors amounted to 4,596 pesos (5 times higher than the minimum wage) in the private sector and to 9,329 pesos (8 times higher) in the public sector. The benefits of the state fund for the military police personnel, as well as members of the parastatal social security institutions, such as university professors, banking employees and notaries had incomes much higher than the national minimum wage. The statistical information showed that the figures advanced by the Uruguayan trade unions and noted by the Committee of Experts were not exact. Out of the total of approximately 3 million residents and 780,000 wage earners, it was incorrect to state that 875,000 earned less than their dependency levels of the fixed national minimum wage. Furthermore, in addition to their salaries, Uruguayan workers received family allowances equivalent to 16 per cent of the national minimum wage, as well as food allowances which constituted another 4 per cent. In addition, with these measures, the Government had implemented a plan for contracts for transitory occupation in cases of critical social situations and employment in various services with the payment of the average monthly salary at the minimum level for 17 workdays of 6 work-hours per day.

With regard to consultations with the social partners, the Government representative indicated that, notwithstanding the fact that the national minimum wage was fixed by the administrative decision, the informal contacts and permanent relations with the social partners could surely not escape the attention of the Committee when assessing the reality in the country. Tripartism had a long historical tradition in Uruguay. A long time ago it was decided to set up the employment contract with the minimum wage. In 1945 the country had-established the tripartite mechanism for wage fixing by sector of activity on a tripartite basis.

Now, there were numerous institutions providing for the tripartite participation including the National Employment Council, the Social and Labour Commission of MERCOSUR, the National Council in Occupational Safety and Health, the Tripartite Commission on Equity of Opportunities, the tripartite Commission for the application of Convention No. 144, and the Social Protection Bank.

Consultations and relations between the Government and social partners were continuous, cordial and respectful of the differences of opinion which naturally emerged on the various aspects of the national policies. In 1995, when the Government was experiencing severe financial crisis in its history due to the same causes that have led to the destabilization of the economic policy in the whole region. The Government representative thanked the Committee for the possibility to present updated information on the application of the Minimum Wage Fixing Convention, 1970 (No. 131). She considered that a literal reading of Article 3 of the Convention would lead to the conclusion that it was being adequately applied by the Government in view of the national conditions. Even if one assumes that the conditional character of the phrase used in the instrument (“shall, so far as possible”) allows ratifying states to exempt themselves from these provisions, it was not the intention of the Government to deviate from the recommendations set forth in the international standard. The Government of Uruguay also complied with Article 3 of the Convention, as the minimum national wage was fixed and adjusted periodically every four years since 1965, which had brought much result. Had they been more effective, it would have been possible to set up a new tripartite committee for long-term agreements, adjusting themselves to economic realities.

As regards legislative initiatives, the Ministry of Labour and Social Security had put forward proposals for draft laws and various initiatives for the protection of workers, reform of the unemployment insurance and modification of the hours of work. The draft concerning the protection of wages had been submitted in consultation with the PIT-CNT, which had, inter alia, asked for inclusion in the text of an article providing for the direct discount of trade union contributions. The draft concerning the modification of the hours of work will be submitted shortly for consideration in consultation with the social partners.

The Worker members, following the comments made by the Committee of Experts, recalled that wage fixing had passed from the level of tripartite consultation by sector of economic activity to wage fixing at the enterprise level, which contributed to the weakening of collective bargaining. Regrettably, nearly four years of meetings had not brought much result. Had they been more effective, it would have been possible to set up a new tripartite committee for the purpose of fixing the wages of workers who were not covered by collective agreements. The difficult economic and financial situation which the country was passing through required enormous efforts of all social partners. In recent years, new collective agreements had been concluded at the level of the sector of activity, trade unions became more representative and were able to conclude long-term agreements, adjusting themselves to economic realities.

A Government representative recalled that wage fixing had passed from the level of tripartite consultation by sector of economic activity to wage fixing at the enterprise level, which contributed to the weakening of collective bargaining. Regrettably, nearly four years of meetings had not brought much result. Had they been more effective, it would have been possible to set up a new tripartite committee for long-term agreements, adjusting themselves to economic realities. As regards legislative initiatives, the Ministry of Labour and Social Security had put forward proposals for draft laws and various initiatives for the protection of workers, reform of the unemployment insurance and modification of the hours of work. The draft concerning the protection of wages had been submitted in consultation with the PIT-CNT, which had, inter alia, asked for inclusion in the text of an article providing for the direct discount of trade union contributions. The draft concerning the modification of the hours of work will be submitted shortly for consideration in consultation with the social partners.

The Employer members stated that the discussions on this issue concerned two issues: the criteria and the procedure for establishing a minimum wage. As regards the criteria, they noted that the Government of Uruguay had indicated the need for greater representativeness and for equalizing prices with those of its main partners in MERCOSUR.

There were, of course, other criteria to be taken into consideration but the problem remained the specific minimum wage itself. Such criteria were not so much legal terms requiring further interpretation; they were rather factors which had to be reconciled. They understood the dissatisfaction of the Worker members with the minimum wage set in reality. However, it was not up to the Committee of Experts nor this Committee to consider or judge a specific minimum wage or to set or even to fix it. A regards the procedure for fixing a minimum wage, they noted that they were set unilaterally as indicated in the observation of the Committee of Experts. The question was the relationship between the setting of a minimum wage by law and by collective agreement, especially at the enterprise level. It seemed that differentiated solutions were needed. In any case, representative organizations of employers and workers needed to be consulted. They noted that the Government representative of Uruguay indicating that these organizations did not exist for all sectors and branches of economic activity. Moreover, there seemed to be differences of opinion as to which organizations were representative and thus should be consulted. With reference to the comments of the Committee of Experts regarding existing organizations which could be consulted, they reminded this Committee that it was certainly a question of the constitution of these organizations as to whether they also had the authority to engage in consultations. They supported the request of the Committee of Experts regarding the need for information on collective agreements that fixed wages for specific sectors and branches of economic activity, as indicated in paragraph 9 of the observation. They finally noted that a specific minimum wage could not be fixed or recommended by the Committee of Experts or this Committee, but technical problems in the procedure for fixing a minimum wage could be solved through technical assistance provided by the Office.

The Worker member of Uruguay stated that the information provided by the Government representative did not contribute at all to the debate. The argumentation on labour standards that the Government did not permit them to see what the actual value of the lowest wage used to carry out the calculations was. Moreover, none of the tripartite bodies mentioned in the Government’s statement had discussed the fixing of minimum wages. In relation to Article 3 and 4 of Convention No. 131, reference was made to the
observation of the Committee of Experts regarding the “elements to be considered in fixing and adjusting the minimum wage rates”. The situation, already deplored by the PIT-CNT, continued to worsen. It continued without taking into account the criteria set in Article 3 of the Minimum Wage Fixing Convention, 1970 (No. 131). Historically, according to A ct No. 10449 of 12 November 1943, minimum wages were set through negotiation in tripartite committees, by category of work and branch of economic activity. These wage councils had not been convened by the State since 1990, except in the health, transportation, construction and banking sectors – sectors which the Government considered to be key from a macro-economic point of view. By failing to call upon the wage councils to fix the minimum wage, the Government had left wage fixing in the hands of the market.

The group of workers, whose working conditions – including the minimum wage – were being regulated through collective bargaining, had been dramatically reduced from 95 per cent in 1986 to 36 per cent in 2002. Overall, this had led to a situation where real national minimum wages in the private sector were set administratively by the executive. The absurd result of this minimum wage-fixing practice was a very low small amount which was equivalent to U$S 36 per month, while the basket of basic products for a family of three cost the equivalent of U$S 824. Real wages in the private sector decreased by 5.7 per cent between July 2001 and July 2002. The level of today’s real wages was similar to that of December 1984. This was the result of the implementation of a minimum wage-fixing machinery in the absence of consultation as part of an economic policy that was using wages as an instrument of adjustment. What they had stated in its reply to the Committee of Experts was incorrect. It had stated that “there was no one ready to work for such a low minimum wage”. Yet, the PIT-CNT observed that with almost 20 per cent of the active population registered as unemployed, over 1 million people were desperately trying to find work to avoid the most absolute misery. In respect of direct employment in emergency situations, it indicated that the remuneration offered was the minimum wage plus 25 per cent, which was the equivalent of U$S 45. However, only 0.5 per cent of the unemployed benefited from these plans.

The worker member further stated that the Government had violated its obligation to consult with the representatives of workers’ and employers’ organizations concerned in the fixing of minimum wages. The situation had worsened when, in March 2003, A ct No. 17626, which provided that all wage adjustments of all civil servants, without exception, including statutory wages or those determined in collective agreements, would be determined at the same time and according to the percentage of the general adjustments arranged by the executive powers of the central administration, was adopted.

In conclusion, he mentioned that the statement by the Government under discussion did not help to clarify the issue and the Committee should explain the formal and substantial aspects of the Convention. It should also be requested to provide a detailed report on the situation next year. He supported the suggestion of technical assistance for the preparation of the report of the Office for the application of the Convention, in consultation with the social partners.

The Government member of Chile stated that he valued the very detailed presentation of the Government representative of Uruguay. He said that Uruguay distinguished itself by its devotion to set up tripartism, which should be taken as an example for the rest of the Latin American region. He indicated that in the framework of M E R C O S U R, Uruguay had boosted social dialogue and coordination. In his opinion, the problems of collective bargaining referred to by the worker member of Uruguay, even if they related to the subjects debated, did not fall within the scope of the Convention No. 131 on minimum wage fixing. He added that the framework of social dialogue would be able to offer solutions to this case.

The Worker member of Venezuela declared that the interventions of the worker member of Uruguay and of the Worker members had been very illustrative of the situation in Uruguay. He indicated that attention should be paid to the fact that for 12 years no minimum wage negotiations by sector of activity in favour of wage negotiation at the enterprise level which resulted in the weakening of collective bargaining; and (2) unilateral minimum wage fixing. They noted with interest that the Government had accepted the technical assistance from the Office and requested the Government to provide the Committee of Experts with information on developments regarding the situation in order to enable it to examine at its next year’s session the progress achieved.

The Committee noted the oral explanations and detailed statistical information given by the Government representative and took note of the ensuing discussion. It recalled that the case had been initially discussed in the Committee of Experts and that it had been addressed by a number of States recently in 1998, when the Committee had noted that problems remained in regard to the application, in practice, of the Convention both concerning the criteria of determination of the minimum wage and the prior consultation with the social partners for that purpose. The Committee noted the information regarding the average national wage which was significantly higher than the minimum wage and the tripartite consultations which had taken place with respect to other ratified Conventions. The Committee observed, however, that it had not as yet been possible to set up the tripartite committee for the determination of minimum wages. The Committee noted the importance of meaningful consultations with the social partners in determining minimum wage levels, due regard being taken of the basic needs of workers and their families, was the quintessence of Convention No. 131 and that no government could be relieved of its obligations for reasons of economic policy or expediency. The Committee expressed concern about the absence of concrete progress in determining minimum wage levels which kept in line with the economic and social realities of the country and also in consulting the social partners for this purpose in an institutionalized form and on a regular basis. The Committee expected that the Government would give proper consideration to its persistent requests and urged the Government to communicate detailed information to the Committee of Experts, including the measures taken to address these issues. The Committee took note of the Government’s interest to draw on the technical assistance of the Office in addressing the questions which hindered the application of the Convention and in promoting social dialogue in this field.

Kenya (ratification: 1979). A Government representative stated that his Government had taken careful note of the various comments made by the Committee of Experts and had the following points to raise concerning these comments. The Children Act, 2001, which established safeguards for the rights and welfare of the child, had received Presidential assent in December 2001, six months after the 1999 Session of the Conference. The primary purpose of this Act was threefold. First, to make provision for parent responsibility, fostering, adoption, custody, maintenance, guardianship, care and protection of children. Second, to make provision for the administration of children’s institutions. Third, to give effect to the principles of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. A copy of the Children Act, which had come into effect on 1 March 2002, had been supplied to the Office.

The implementation of truly free and compulsory primary education for all children of school age, with effect from January 2003, was one of the most important developments in the area of protection of children. The new policy on free primary education had been adopted in fulfilment of an electoral commitment made by the new Government elected in December 2002. Under this electoral commitment, the Government had undertaken to completely eliminate all financial contributions, including levies and tracts, that hindered the enjoyment of free primary education by all children. Consequently, of the 9.2 million school-age children, 7.5 million were currently enrolled, up from 5.9 million before the programme.

In short, both the Children and Youth Act and the Children Act, who would otherwise have been engaged in child labour, had now been enrolled in school. The Government was currently engaged in massive construction of classrooms and the provision of other facilities in order to accommodate the expected large influx of children. In this respect, he acknowledged with appreciation the generous donor assistance received from UNICEF, the European Union, the United Kingdom and the United States.

Another area of progress recorded since January 2003 was the rehabilitation of street children in all urban centres in Kenya. These children, especially between the ages of 16 and 18 years, had been placed into rehabilitation and vocational training centres. The programme was ongoing and already a total of 3,183 former street children had been admitted into the National Youth Service, with others to follow in due course. The Government would continue to update the Office on the implementation of this programme.

With regard to the minimum age for admission to employment, he said that the revision of the country’s labour laws, including both the Employment Act (Chapter 226) and the Employment Act (Children) Rules of 1971, was being undertaken by a task force with the assistance of experts in order to bring them into conformity with the various Conventions ratified by Kenya. The task force would complete its work by August 2003. In this framework, the minimum age for employment would remain at 16 years, instead of 13 years as had been initially proposed. In this respect, the Government intended to develop comprehensive legislation which would address the protection of children against all forms of economic exploitation and any work that was likely to be hazardous or to interfere with their development in all economic sectors, in accordance with Convention No. 182, which had also been ratified by Kenya. The task force was working on harmonizing the proposed legislation with the relevant provisions of Convention No. 182.

With regard to the preparation by the Ministry of Education of draft legislation to make primary education compulsory, the Government had, in addition to the new policy mentioned earlier, identified and was implementing measures to ensure that all children affected by factors affecting access and retention of children in school: the continued prevalence of poverty in many parts of Kenya, as manifested in the lack of food and finances in many schools; gender bias that had continued to lead to preference for boys’ access to education as opposed to girls; teenage pregnancies which had continued to contribute to increased school drop-out by girls; prohibitive distances to schools, particularly among nomadic communities; the occupation of children, for example in coffee picking, tourist activities and livestock herding; unfavourable geographic and climatic conditions in certain regions; excessively heavy curricula coupled with inadequate implementation; cultural practices, such as early marriages. The Government had also taken note of the ongoing review of the country’s labour legislation. Concerning the comments made by the Committee of Experts on the information contained in the 1998/99 Child Labour Survey and the draft document entitled “Child Labour in Kenya: Policy Options and Priority Measures” (ILO, October 2003), it should be noted that a major development had occurred in this area following the introduction of truly free primary education, as a result of which 1.6 million additional children had been enrolled in primary schools throughout the country. The Government had thus been able to achieve the Government’s commitment to achieving the application of Convention No. 138 in practice and stated that he looked forward to a constructive dialogue in the Conference Committee.

He thanked the Employment, Training and Youth Affairs Committee for the information provided and took note of the heavy emphasis that he had placed on Convention No. 182, which was nevertheless the subject of the discussion. However, one aspect of the case that did overlap with the provisions of Convention No. 182 was hazardous work. In this respect, the Government had already explained in writing to the ILO how the Children Act, 2001, related to Convention No. 182. They emphasized that Convention No. 138 was the most technical and detailed of the fundamental Conventions. The Committee of Experts had identified six areas in which the national legislation fell short of the provisions of the Convention. The Government had indicated to the Conference Committee that it was aware of these areas but had not provided the information required to determine whether the Convention was being taken to address these issues or when draft legislation would be forthcoming in order to bring the law in line with the Convention. This issue had already been discussed the previous year. Legislation initiated in respect of the Convention was not easy, and ILO assistance might be useful in this respect, especially since the way in which the Government had addressed the comments made by the Committee of Experts, as a six point list, seemed to indicate that it did not know exactly how economic conditions were and how the Government was expected to resolve the problems. With respect to compulsory education, the Employment, Training and Youth Affairs Committee requested clarification on the gap which seemed to exist between the age at which compulsory education ended (which had been understood by the Employers to be 13 years) and the minimum age for admission to employment (16 years).

With regard to the six points raised by the Committee of Experts, they noted, first, that the extension of the minimum age of 13 years for admission to employment beyond industrial enterprises was an important point, as the legal gap in this area left a large potential workforce of children without legislative protection. In this respect, they noted that although compulsory primary education was not mentioned explicitly in the Convention, it was inextricably intertwined with the provisions on minimum age and needed to be addressed in order to comply fully with the Convention. Secondly, with regard to the definition in the national legislation of child labour consisting of labour in exchange for payment, the law did not provide effective protection given that 80 per cent of children were engaged in unpaid work. There was a need to adopt measures in line with the identification of children provided in the text of the Convention. Thirdly, with regard to permits allowing the employment of children, this issue raised three complex questions: child labour under the age of 13 years, light work and hazardous work. The Employment, Training and Youth Affairs Committee sought additional clarification, particularly with regard to the possible implications of their decisions.
work in particular was a complicated issue which needed to be ex-

amined further in the light of the inconsistencies noted by the Com-

mittee of Experts between the various legislative provisions. With

regard to hazardous employment, although the Children A ct. 2001,

provided for the determination by the Government of the age for ad-
mittance to employment or work (16 years). They hoped that the

Government had still not adopted the implementing regulations to
define the types of hazardous employment covered by this provi-
sion. Thus, although there was an appearance of protection in law,
the need remained for ILO technical assistance which might be neces-
sary in order to adopt the necessary legislation and take measures
for its implementation.

The Worker members thanked the Government representative for
the information provided, which showed that the new Government
intended to make real progress. They also welcomed the assur-
ances given about the Government's commitment to provide a basic
education, which was essential for the effective elimination of child
labour. They welcomed the expression of goodwill by the Government,
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workers as well as the speakers who had taken the floor, for the debate which had been so
The worker member of Finland speaking on behalf of the Worker
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he expressed the hope that the new Government would also recog-
nize the need for retraining and retraining labour inspectors so that they would be able to face the new challenges that have arisen with respect to child labour. Child labour was rare where trade
unions existed and where a collective agreement was in place. However, it was present in many small farms where labour had not yet been organized. The eradication of child labour requires concerted efforts by all the social partners, and needed to be extended to the fisheries and mining sectors of the economy. He urged the ILO to continue to provide assistance so that poverty, which was the main cause of child labour, could be combated.
The worker member of Finland, speaking on behalf of the Worker
members of the Nordic countries, raised the question of the edu-
cation of children, and especially girls, who should receive educa-
equal education. Parents often undervalued the education of girls.
children were the most valuable resource and represented the
future. Their place was not at work, but at school. The report men-
tioned earlier by the Worker members indicated that poverty was a
serious problem in Kenya, due partly to the high levels of unem-
crimination in employment and were thus viewed as having a lower
earnings potential. As a result, only 35 per cent of girls finished
school. It was extremely important for the Government to do its
utmost in its fight against child labour, and to secure legislation
for defining the term “child”; this issue needed to be explored further
in order to adopt a definition of child labour which would be in
accordance with the Convention. The new Government seemed to be
committed to conformity with child labour, as evidenced by the
Government’s promise to introduce free primary education. He
expressed the hope that the new Government would also recognize the
necessity of training and retraining labour inspectors so that they would be able to face the new challenges that have arisen with respect to child labour. Child labour was rare where trade
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The Government member of the United States stated that the
issue of child labour was one of utmost concern to her Government. She noted the statement made by the Government representative and welcomed the fact that primary education was now both free and compulsory for children up to the age of 16 years, if that was
indeed what the Government was indicating to the Committee, as well as the other efforts made by the Government to bring the law and practice into conformity with the Convention. She further noted that Kenya was a recipient country of United States government funding through the ILO’s IPEC technical assistance programme and encouraged the Government to work with the ILO to bring its
child labour legislation into conformity with Convention No. 138.
A Worker member of Chad stated that the information supplied
by the Government representative to the Committee had been en-
couraging. A cording to earlier statistics, over 3 million children
between the ages of 6 and 14 years were obliged to work. Of this
number, more than half could not have access to primary education
and a large majority could not have access to secondary education.
The Government representative had indicated that since January
2013, the compulsory education age was 16 years, but many children had access to education, which repre-
sented important progress.
The problem of child labour in Kenya was nevertheless serious.
the corruption of the previous Government and structural adjust-
ment had been partially responsible for this situation. The Afro
trade union movement was confident that the new Government would re-establish tripartism in Kenya, in conformity with the re-
spective ILO Conventions. Indeed, the application of the eight fun-
damental ILO Conventions and dialogue among the social partners
would eliminate child labour in itself. He hoped that the Gover-
ment would take measures in this regard.
A Worker member of Chad stated that child labour af-
fected the development of the country and the dignity of children.
In Kenya, the problem of child labour was serious. A cording to the
statistics, 1.9 million children between the ages of 5 to 17 years were
attending free meals at school and urged the Government to tackle this
problem. He hoped that the new Government would take measures in this regard.
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problem. He hoped that the new Government would take measures in this regard.
conditions had to be fulfilled; for instance, the work carried out had to be light work under supervision and should not affect the moral integrity of the child. As to the point raised with regard to girl children, he endorsed the view that there was a need to pay equal attention to girls and boys, as various issues, such as forced marriages and unwanted pregnancies, constituted a problem to which the Government was paying attention with a view to finding a solution.

The Employer members thanked the Government representatives for the information provided which had confirmed the comments they had made earlier about the existence of a gap between the age at which compulsory schooling ended and the minimum age for admission to employment. It seemed that the age at which children happened to conclude their compulsory education depended on the age at which they had started school and that this age varied. It was necessary to indicate in this respect that there was a need for a more regular educational system. The Employer members did not doubt the good intentions of the Government Committee of Experts would be taken into consideration. The Government representative that the various matters raised by the Employers for their comments, as well as the results obtained by this measure between January and May 2003, as well as the results obtained by this measure between January and May 2003, would be given to the ILO for printing, they suggested that the ILO should provide assistance at an earlier stage to facilitate the development of such legislation.

The Worker members stated that this case had been examined with the attention it deserved and thanked the Government for the observations it had made, and the assurance, as well as the draft legislation, which had been provided for their comments. After having heard the Government's summary, the Worker members were puzzled by the fact that millions of children continued to work in Kenya. The fundamental problem was the remote universal basic education. They also expected the Government to avail itself, as a matter of urgency, of ILO technical assistance from all relevant departments in order to develop coherent legislation in conformity with the Convention. The ILO assistance, a coherent legislative framework, an effective tripartite alliance in the country in order to eradicate child labour, the provision of universal basic education. They also expected the Government to aim itself, as a matter of urgency, of ILO technical assistance from all relevant departments in order to develop coherent legislation in conformity with the Convention.

The Employer members looked forward to the Government's next report. They expressed their concern at the information in the Government's last report that the draft legislation was under preparation. They pointed out that the fact that 331 of the Labour Code could in fact obscure the clear provision defined according to the minimum rest periods. Without prejudice to this conclusion, there are general provisions in the labour law and the Constitution, that prevail over these questionable provisions, and that workers should benefit from the minimum rest periods. The Committee of Experts noted in particular the indication by the Government that draft legislation was under preparation. The Committee noted that the various matters raised by the Government representatives for their comments, as well as the results obtained by this measure between January and May 2003, would be given to the ILO for printing, they suggested that the ILO should provide assistance at an earlier stage to facilitate the development of such legislation.

The Worker members concluded by referring to the case of Benta, a 10-year-old girl who worked in a coffee plantation. Exposure to pesticides put children like her at greater risk of developing skin irritations, breathing difficulties and long-term health problems, including cancer. They also suffered from snake bites, back strain and other injuries. Benta did not go to school, but on Saturdays she reported by 7 a.m. to the coffee fields, where she earned less than $1 for ten hours of work. Her hands were very painful and the chemicals burnt her as if hot water had been poured over them. The Worker members looked forward to the Government's next report. They wished them and Kenya's social partners every success in their efforts. Benta and millions like her, as well as the member of the Committee that externalized the situation with regard to the age of compulsory schooling and the minimum age for admission to employment. The Committee emphasized the benefits of labour inspection for preventing purposes in determining hazardous work, in accordance with the Convention, with particular reference to the agricultural sector.

**Convention No. 153: Hours of Work and Rest Periods (Road Transport), 1979**

**Ecuador (ratification: 1988).** A Government representative (Minister of Labour and Human Resources) stated that the Government of Ecuador had not avoided taking measures to give effect to the requirements of Convention No. 153. In the last six years, six Ministers of Labour had succeeded one another, having no possibility in their short terms in office to develop any coherent labour policy and plans of medium and long term, nor present and effect changes in the legislative. The Government had observed that sections 330 and 331 of the Labour Code, which gave certain flexibility for the determination of the hours of work and obligatory rest periods on weekends and holidays, could potentially lead to abuse on the part of the employers due to lack of legal clarity as to the exercise of those rights.

Nevertheless, section 47 of the Labour Code limited the working day to eight hours of work, and work on Sunday and Saturday afternoon was considered a dispensation, as defined in section 330 of the Labour Code, according to the specificity of the activities carried out, such as transport by road. The fact that road transport was the only means of delivery of the merchandise and resources did not imply that workers did not benefit from the minimum rest periods. The Employer members expected the new Government to rebuild and strengthen cooperation among the authorities, including support and not hindrance from the Bretton Woods institutions, were key tools for practical success.

The Committee noted the information provided by the Government representative and the discussion that followed. It noted the information in the Government's last report that the draft legislation to reduce the minimum age from 16 to 15 had been withdrawn. The Committee requested the Government to provide information in its next report containing statistics on the number of boys and girls who were working, their ages, the sectors concerned and the geographical areas. The Committee noted the statement by the Government representative that the various matters raised by the Committee of Experts would be taken into consideration. The Committee noted that the interpretation of the national legislation made by the Government, which differed from that given by the Committee of Experts, pointed out that there was a discrepancy between the national legislation and the provisions of the Convention. Furthermore, the discussions should bear in mind that the Governing Body had classed this Convention among those that needed to be revised.

The Worker members emphasized that the interpretation that was traditional being accorded to the issue of working time within the ILO. For them, it was crucial to have a discussion on the law and practice concerning the road transport sector in Ecuador. The legislation of Ecuador was not yet being adapted to the requirements of Convention No. 153. As such, the case as found in section 52(1) of 1997, employers could make contradictory decisions on the duration of working time, including on Sundays, Saturday afternoons as well as on public holidays. Respect of the principles contained in the Convention was the more important when one had a complex road network and an insufficient infrastructure. Moreover, the case of Ecuador reflected a serious health and safety at work situation, a topic that was at the heart of the integrated approach currently being discussed at this session of the Conference. Finally, this case was important to the extent that the race for competitiveness...
ness directly affected the working conditions in this sector, which also suffered from the absence of an efficient labour inspection service. In conclusion, the Worker members suggested that the offer for technical assistance by the Office should be renewed. They also requested that the fact that the report had not been brought into conformity with the Convention, reinforce its labour inspection services in the road transport sector and finally reply to the comments that had been transmitted by a worker organization many years ago.

The Worker member of Ecuador stated that the biggest transport companies in the country were those that paid the lowest salaries to their drivers. In this sector, overtime was often not compensated. The roads in Ecuador and in the whole region were in a very poor condition. He requested the Government to carry out the labour reform, as promised by the Minister, and to do so in consultation with the social partners. Without prejudice to the labour reform, priority should be given to the application of Convention No. 153. Failing this, he suggested this case should be examined anew next year.

The Government representative stated that measures had been taken to bring the damage caused in 1998 by the climatic phenomenon called El Niño. There were in place labour inspection services and a legal framework, as well as the regional accords on transportation. However, it was not the Ministry of Labour which was responsible for these matters. He repeated that reforms were being pursued on the basis of tripartite dialogue. The Minister of Labour could suggest to the President of the Republic to submit the draft of a law and the regional accords to the executive branch of government, which would in turn forward it to the President. The same Minister requested the submission of the Labour Code in those cases where it was not in force, and in those cases where the Code was in force, to bring it into conformity with the provisions of the Convention. The report only made any reference to the practical relevance of the Convention but to the low number of ratifications and the fact that the Governing Body had taken note of the case of El Niño. This was the case for Ecuador.

The Employers members agreed with the comments made by the Worker members and supported the common request that the national legislation be updated as soon as possible in conformity with the Convention. They added that they had not made any reference to the practical relevance of the Convention but to the low number of ratifications and the fact that the Governing Body had taken note of the case of El Niño. This was the case for Ecuador.

The Worker members recalled that the law should be amended to bring it into conformity with the provisions of the Convention. The law was still in force and had to be applied in full and without restriction. Concerning the proposal for technical assistance, they noted that they had not received any response from the Government in this regard. They urged the Government to supply, before the next session of the Committee of Experts, the report requested with information on the developments in law and practice.

The Committee took note of the statement of the Government representative concerning national law and practice in the hours of work and rest periods in road transport and the discussion which followed. The report of the Committee of Experts had revealed discrepancies in the previous legislation and in the Labour Code of 1997, which contained special provisions concerning conditions of work in public and private transport enterprises. The legislation, in its present form, did not ensure conformity with the main provisions of the Convention. The Government had adopted the necessary administrative and legal measures in consultation with the interested representatives of workers and employers with a view to bringing the national legislation and practice into conformity with the requirements of the Convention. The Committee took note of the Government’s request for the continuation of technical cooperation and hoped that it would be effective. It invited the Government to supply in its next report full information on the progress achieved in the application of the Convention.

Convention No. 162: A asbestos, 1986

Croatia (ratification: 1991). The Government provided the following information.

In October 2000, the Ministry of Health set up a multidisciplinary working group composed of the representatives of different ministries, institutes and trade unions to deal with the issue of workers who were professionally exposed to asbestos fibres and contracted related occupational diseases. Between August 2001 and January 2002, a number of meetings of this working group took place, referring in particular to problems of diagnosis, treatment and claims for damages of persons with asbestos-related diseases.

The company, Salonit d.d. Vranjic, the only company in Croatia engaged in the production of asbestos products, proposed a solution by means of a separate law modelled on the Slovenian Law on the Prohibition of Production and Marketing of Asbestos Products, and Provision of Funds for Restructuring of Asbestos-based Enterprises. The proposed law was entitled “Asbestos Production into Non-Asbestos Production and related Regulations, particularly because of the fact that the Government of Croatia, having signed the Stabilization and Association Agreement with the European Union, undertook the obligation to harmonize occupational safety and health legislation in the country with EU legislation in this regard. The Government of Croatia encouraged the diagnosis, treatment and damage claims of the persons with asbestos-related diseases, and proposed solutions with the involvement of all competent bodies of the government administration and the representatives of the board and the trade union of Salonit-Vranjic factory.

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In the second half of the year 2001, the labour inspectors of the State Inspectorate for Occupational Health and Safety introduced changes in the way of retroactively proposing the diagnosis of asbestos-related diseases. This was to harmonize with EU regulations in this area. The Government of Croatia encouraged the diagnosis, treatment and damage claims of persons with asbestos-related diseases, and proposed solutions with the involvement of all competent bodies of the government administration and the representatives of the board and the trade union of Salonit-Vranjic factory.

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cording to the latest inspection findings the workers were regularly sent for periodic medical check-ups when they performed work under special working conditions, and the employer undertook specific measures to reduce the negative effects of asbestos. He then gave some figures for the company in question. The problem of using asbestos was initiated by Salonit d.d. Vranjic, the only company in Croatia engaging in asbestos-based production. This was necessary because, in addition to Salonit d.d. Vranjic, all relevant institutions in the country were involved in the situation and the Government turned out to be the only company in Croatia to state the concentration limits allowed by national law.

The Worker members stressed the following violations: Article 12 (prohibition of spraying all forms of asbestos); Article 14 (adequate labelling of the product and the provision of information to the workers concerned); Article 18 (protective measures concerning workers' clothing); Article 19 (risk-free elimination of asbestos and protection of the environment); and Article 22 (promotion of information, dissemination and education). In their opinion, the violation of Article 22 came close to a premeditated criminal act and the Government should react quickly to remedy the situation, following the example of Slovenia which, confronted with similar problems, had succeeded in adopting the necessary measures. The progress referred to by the Government turned out to be insufficient. Very few days, a person died from the consequences of the irresponsible way asbestos was being handled. In addition to financial compensation, the Government should adopt mandatory legislative measures that would put an end to this very serious and unacceptable situation. To this end, they suggested that the Government should request technical assistance from the ILO.

The Worker member of the Netherlands noted that this was a terrible case and wished to be quite blunt in his remarks. While he considered the beneficial impact of the Convention, he emphasized that it was the Government that was responsible for the implementation of the Convention. Even though the Government talked about its intention to change its legislation to conform to EU legislation, this declaratory act was no more than a lip service. The violation of the Convention continued, as had been indicated in D.11, including the setting up of a Working Group to examine the issue and the subsequent measures taken and a few of these actions had been indicated in D.11, including the setting up of a Working Group to examine the issue and the subsequent measures taken. The Worker members stressed the following violations: Article 12 (prohibition of spraying all forms of asbestos); Article 14 (adequate labelling of the product and the provision of information to the workers concerned); Article 18 (protective measures concerning workers' clothing); Article 19 (risk-free elimination of asbestos and protection of the environment); and Article 22 (promotion of information, dissemination and education). In their opinion, the violation of Article 22 came close to a premeditated criminal act and the Government should react quickly to remedy the situation, following the example of Slovenia which, confronted with similar problems, had succeeded in adopting the necessary measures. The progress referred to by the Government turned out to be insufficient. Very few days, a person died from the consequences of the irresponsible way asbestos was being handled. In addition to financial compensation, the Government should adopt mandatory legislative measures that would put an end to this very serious and unacceptable situation. To this end, they suggested that the Government should request technical assistance from the ILO.
The Employer members recalled that people had already been seriously affected by asbestos. They hoped that help would soon be provided to those concerned. They reiterated that the issue here was compliance with Convention No. 162 irrespective of the express intention to meet European standards. Obligations resulting from this Convention should be met as soon as possible. They pointed out that accepting technical assistance would be the right way to go.

The Committee took note of the information communicated by the Government representative of Croatia, who recognized the seriousness of the situation, as well as of the subsequent discussions. The Committee took careful note of the information provided by the Government, in particular on the multidisciplinary working group that dealt with the exposure of workers to asbestos, and on the ongoing revision of the laws and regulations concerning the management and the handling of waste containing asbestos. The Committee recommended that the Government should monitor measures to ensure that the Convention was implemented as urgently as possible. The Committee requested the Government to adopt adequate measures in coordination and cooperation with the most representative organizations and other people concerned, with respect to health risks due to asbestos, with a view to preventing their exposure, taking into account the need for workers to be informed of the nature of the risks, the associated risks and the measures taken to eliminate or reduce these risks.

The Committee took note of the information concerning the asbestos faced by the workers in the copper extraction industry. The Committee requested the Government to provide information on conditions and levels of asbestos exposure in the country and in particular to state whether adequate measures had been undertaken to reduce this risk. The Committee expressed concern at the fact that the asbestos contained in the copper mine had not been identified as such during the mining phase. The Committee requested the Government to provide further information on the asbestos deposit in the copper mine at the Copper Mine of the Cobre in addition to the monitoring of the employment conditions of workers in the copper extraction industry. The Committee also asked the Government to undertake the necessary action to protect the health of workers exposed to asbestos and to inform the ILO of any decisions in this regard.

The Committee noted the information provided by the Government on the measures taken to ensure the health and safety of workers exposed to asbestos. The Committee requested the Government to provide further information on the measures taken to prevent exposure to asbestos and to ensure the safety of workers.

The Committee took note of the information communicated by the Government on the implementation of the Convention. The Government representative of Croatia, who recognized the seriousness of the situation, as well as of the subsequent discussions. The Government representative said that the Convention was essential to the workers of this sector and that it should be applied in law but also in practice. The Government representative of Croatia requested the Government to adopt adequate measures in coordination and cooperation with the most representative organizations and other people concerned, with respect to health risks due to asbestos, with a view to preventing their exposure, taking into account the need for workers to be informed of the nature of the risks, the associated risks and the measures taken to eliminate or reduce these risks.

The Committee took note of the government's decision to set up an inter-ministerial working group to provide the necessary technical assistance to the Government. The Committee requested the Government to provide information on the implementation of the Convention and the progress made in this regard. The Committee also requested the Government to provide information on the measures taken to prevent exposure to asbestos and to ensure the safety of workers.
They regretted that the statement of the representative of the Government of Paraguay did not indicate the future steps it intended to take to overcome this non-compliance and stated that the Government should be requested to do so. With regard to the findings of the Committee of Experts concerning paragraph 5 concerning the communication sent by the World Confederation of Labour (WCL) in October 1997 under Convention No. 29, indicating that the working conditions of indigenous persons in ranches suggested an extensive practice of forced labour, they noted the comments of the representative of the Government of Paraguay concerning the legal and administrative measures taken in 2000 in this regard, and in particular those concerning inspections. However, the statement of the Government representative seemed to suggest that inspections were not effectively being conducted. Therefore, it would seem necessary for the national authorities to take new measures to solve the problem without delay. Despite the large number of the indigenous people of the Government of Paraguay, it did not contain precise elements in reply to the observation of the Committee of Experts. They asked the Government of Paraguay to indicate what measures it intended to take with a view to implementing the ILO Conventions on the subject.

The Employer members noted that the Government of Paraguay had indicated in its reply that the ILO Conventions on the subject be respected and that the necessary mechanisms be found to deal with the violations of the Convention. The Committee noted the Government's request for technical assistance by the Office to collaborate in the application of the Convention. The Committee reminded the Government concerning the application of the Convention formulated by the Committee in its previous comments, which primarily related to the practical application of the Convention. The Committee took note that the comments of the Committee of Experts in relation to the application of the Convention had been fully addressed by the Government in its reply. The Committee thanked the Government for addressing the comments and noted that the Government had not communicated a first detailed report, its next report should imperatively be detailed. It would be appropriate if the Office provided technical support to the Government in order to properly address the comments formulated by the Committee in its previous comments, which primarily related to the practical application of the Convention. The Committee noted that the comments of the Committee of Experts and the statements of certain members had raised the lack of a reply by the Government to the serious allegations concerning the application of the Convention formulated by the workers' organizations. The Committee reminded the Government that non-compliance with the obligations arising from article 22 of the Constitution hampered the effectiveness with which the supervisory mechanism of the Organization was able to verify the manner in which the provisions of ratified Conventions had been applied. For the said reasons and taking note of detailed information communicated by the Government during the Conference, the Committee urged the Government to take all necessary efforts to adopt measures that would enable it to send on a regular basis, in its next reports, the information requested by the Committee of Experts, including on its observations on the allegations formulated by the workers' organizations in relation to the application of the Convention. The Committee noted the Government's request for technical assistance by the Office to complement, together with the organizations concerned, to achieving compliance with the Convention, and asked the Office to do its very best to provide this assistance.
II. OBSERVATIONS AND INFORMATION CONCERNING THE APPLICATION OF CONVENTIONS IN NON-METROPOLITAN TERRITORIES (ARTICLES 22 AND 35 OF THE CONSTITUTION)

A. Information concerning Certain Territories

Written information received up to the end of the meeting of the Committee on the Application of Standards.

Netherlands (Aruba). Since the meeting of the Committee of Experts, the Government has sent replies to all of the Committee's comments.

United Kingdom (British Virgin Islands). Since the meeting of the Committee of Experts, the Government has sent replies to all of the Committee's comments.

United Kingdom (St. Helena). Since the meeting of the Committee of Experts, the Government has sent replies to all of the Committee's comments.

1 The list of the reports received is to be found in Part Two: IIB of the Report.
### Appendix I. Table of reports received on ratified Conventions
(articles 22 and 35 of the Constitution)

**Reports received as of 19 June 2003**

*The table published in the Report of the Committee of Experts, page 731, should be brought up to date in the following manner:*

**Note:** First reports are indicated in parentheses. Paragraph numbers indicate a modification in the lists of countries mentioned in Part One (General Report) of the Report of the Committee of Experts.

<table>
<thead>
<tr>
<th>Country</th>
<th>Reports requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>Angola</td>
<td>11 reports requested</td>
</tr>
<tr>
<td><em>(Paragraph 100)</em></td>
<td></td>
</tr>
<tr>
<td>* 10 reports received: Conventions Nos. 26, 29, 68, 73, 74, 91, 92, 98, 100, 111</td>
<td></td>
</tr>
<tr>
<td>* 1 report not received: Convention No. 69</td>
<td></td>
</tr>
<tr>
<td>Azerbaijan</td>
<td>16 reports requested</td>
</tr>
<tr>
<td>* 12 reports received: Conventions Nos. 29, 87, 92, 100, 103, (105), 119, 120, 131, 133, 135, 138</td>
<td></td>
</tr>
<tr>
<td>* 4 reports not received: Conventions Nos. (81), 122, 126, (129)</td>
<td></td>
</tr>
<tr>
<td>Barbados</td>
<td>16 reports requested</td>
</tr>
<tr>
<td>* 15 reports received: Conventions Nos. 19, 26, 74, 87, 100, 102, 105, 108, 118, 122, 128, 135, (138), 172, (182)</td>
<td></td>
</tr>
<tr>
<td>* 1 report not received: Convention No. 29</td>
<td></td>
</tr>
<tr>
<td>Botswana</td>
<td>7 reports requested</td>
</tr>
<tr>
<td>* All reports received: Conventions Nos. 19, 26, 87, 100, 138, 173, (182)</td>
<td></td>
</tr>
<tr>
<td>Cambodia</td>
<td>10 reports requested</td>
</tr>
<tr>
<td>* 4 reports received: Conventions Nos. (87), (98), (100), (138)</td>
<td></td>
</tr>
<tr>
<td>* 6 reports not received: Conventions Nos. 13, 29, (105), (111), 122, (150)</td>
<td></td>
</tr>
<tr>
<td>Chad</td>
<td>12 reports requested</td>
</tr>
<tr>
<td>* 2 reports received: Conventions Nos. 26, 135</td>
<td></td>
</tr>
<tr>
<td>* 10 reports not received: Conventions Nos. 29, 87, 98, 100, 111, (132), 144, (151), (173), (182)</td>
<td></td>
</tr>
<tr>
<td>Chile</td>
<td>14 reports requested</td>
</tr>
<tr>
<td><em>(Paragraph 100)</em></td>
<td></td>
</tr>
<tr>
<td>* 9 reports received: Conventions Nos. 9, 29, 100, (121), 122, 144, (151), (161), (182)</td>
<td></td>
</tr>
<tr>
<td>* 5 reports not received: Conventions Nos. 87, 103, 131, 135, 138</td>
<td></td>
</tr>
<tr>
<td>China</td>
<td>6 reports requested</td>
</tr>
<tr>
<td>* All reports received: Conventions Nos. 22, 26, 100, 122, 138, 170</td>
<td></td>
</tr>
<tr>
<td>Côte d'Ivoire</td>
<td>24 reports requested</td>
</tr>
<tr>
<td>* 22 reports received: Conventions Nos. 3, 6, 13, 14, 18, 19, 26, 33, 52, 81, 87, 95, 98, 99, 100, 105, 110, 111, 129, 133, 144, (159)</td>
<td></td>
</tr>
<tr>
<td>* 2 reports not received: Conventions Nos. 29, 135</td>
<td></td>
</tr>
<tr>
<td>Cuba</td>
<td>15 reports requested</td>
</tr>
<tr>
<td>* All reports received: Conventions Nos. 9, 29, 87, 91, 92, 100, 103, 110, 120, 122, 131, 135, 137, 138, 141</td>
<td></td>
</tr>
<tr>
<td>Cyprus</td>
<td>16 reports requested</td>
</tr>
<tr>
<td><em>(Paragraph 100)</em></td>
<td></td>
</tr>
<tr>
<td>* 13 reports received: Conventions Nos. 23, 87, 92, 95, 100, 111, 114, 119, 122, 135, 138, 141, 147</td>
<td></td>
</tr>
<tr>
<td>* 3 reports not received: Conventions Nos. 29, 172, (182)</td>
<td></td>
</tr>
<tr>
<td>Denmark</td>
<td>24 reports requested</td>
</tr>
<tr>
<td><em>(Paragraph 100)</em></td>
<td></td>
</tr>
<tr>
<td>* 17 reports received: Conventions Nos. 9, 19, 29, 87, 92, 98, 100, 105, 111, 122, 126, 134, 135, 138, 141, 163, 169</td>
<td></td>
</tr>
<tr>
<td>* 7 reports not received: Conventions Nos. 102, 118, 119, 120, 129, 139, (182)</td>
<td></td>
</tr>
<tr>
<td>Fiji</td>
<td>16 reports requested</td>
</tr>
<tr>
<td><em>(Paragraph 96)</em></td>
<td></td>
</tr>
<tr>
<td>* All reports received: Conventions Nos. 8, 11, 12, 19, 26, 29, 45, 58, 59, 84, 85, 98, 105, 108, (144), (169)</td>
<td></td>
</tr>
<tr>
<td>Country</td>
<td>Reports requested</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>France</td>
<td>24 reports requested</td>
</tr>
<tr>
<td>* 23 reports received: Conventions Nos. 3, 9, 29, 42, 63, 68, 87, 92, 100, 120, 122, 126, 129, 131, 133, 134, 135, 137, 138, 141, 145, 146, 152</td>
<td></td>
</tr>
<tr>
<td>* 1 report not received: Convention No. 82</td>
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<tr>
<td>Guinea</td>
<td>34 reports requested</td>
</tr>
<tr>
<td>* 22 reports received: Conventions Nos. 3, 13, 26, 29, 81, 87, 89, 94, 95, 98, 99, 100, 105, 111, 112, 119, 120, 122, 133, 135, 144, 149</td>
<td></td>
</tr>
<tr>
<td>* 12 reports not received: Conventions Nos. 10, 16, 33, 62, 113, 118, 121, 134, 139, 140, 152, 159</td>
<td></td>
</tr>
<tr>
<td>Iceland</td>
<td>9 reports requested</td>
</tr>
<tr>
<td>* All reports received: Conventions Nos. 29, 87, 91, 100, 102, 122, 138, (156), (182)</td>
<td></td>
</tr>
<tr>
<td>Republic of Korea</td>
<td>5 reports requested</td>
</tr>
<tr>
<td>(Paragraph 100)</td>
<td></td>
</tr>
<tr>
<td>* All reports received: Conventions Nos. (19), 100, 122, 138, 160</td>
<td></td>
</tr>
<tr>
<td>Kuwait</td>
<td>9 reports requested</td>
</tr>
<tr>
<td>* All reports received: Conventions Nos. 29, 87, 105, 117, 119, 138, (144), 159, (182)</td>
<td></td>
</tr>
<tr>
<td>Lao People's Democratic Republic</td>
<td>2 reports requested</td>
</tr>
<tr>
<td>* All reports received: Conventions Nos. 13, 29</td>
<td></td>
</tr>
<tr>
<td>Libyan Arab Jamahiriya</td>
<td>16 reports requested</td>
</tr>
<tr>
<td>* 6 reports received: Conventions Nos. 14, 29, (87), 95, 100, 103</td>
<td></td>
</tr>
<tr>
<td>* 10 reports not received: Conventions Nos. 81, 96, 118, 121, 122, 128, 130, 131, 138, (182)</td>
<td></td>
</tr>
<tr>
<td>Luxembourg</td>
<td>16 reports requested</td>
</tr>
<tr>
<td>(Paragraph 100)</td>
<td></td>
</tr>
<tr>
<td>* 11 reports received: Conventions Nos. 9, 13, 19, 26, 68, 87, 92, 98, 100, 105, 166</td>
<td></td>
</tr>
<tr>
<td>* 5 reports not received: Conventions Nos. 29, 81, 103, 135, 138</td>
<td></td>
</tr>
<tr>
<td>Madagascar</td>
<td>12 reports requested</td>
</tr>
<tr>
<td>(Paragraph 100)</td>
<td></td>
</tr>
<tr>
<td>* 11 reports received: Conventions Nos. 26, 29, 87, 88, 100, 119, 120, 122, (138), 159, 173</td>
<td></td>
</tr>
<tr>
<td>* 1 report not received: Convention No. 129</td>
<td></td>
</tr>
<tr>
<td>Republic of Moldova</td>
<td>14 reports requested</td>
</tr>
<tr>
<td>* All reports received: Conventions Nos. (29), 87, 95, (100), 103, 105, (108), 122, 129, (131), 132, 135, 138, (155)</td>
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<tr>
<td>Mongolia</td>
<td>12 reports requested</td>
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<tr>
<td>(Paragraphs 89, 96 and 100)</td>
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</tr>
<tr>
<td>* 8 reports received: Conventions Nos. 59, 87, 111, 122, (135), (144), (155), (159)</td>
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</tr>
<tr>
<td>* 4 reports not received: Conventions Nos. 98, 100, 103, 123</td>
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</tr>
<tr>
<td>Netherlands</td>
<td>35 reports requested</td>
</tr>
<tr>
<td>Aruba</td>
<td></td>
</tr>
<tr>
<td>(Paragraph 100)</td>
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</tr>
<tr>
<td>* All reports received: Conventions Nos. 9, 11, 14, 22, 23, 25, 29, 69, 74, 81, 87, 88, 90, 94, 95, 101, 105, 106, 113, 114, 118, 121, 122, 126, 129, 131, 135, 137, 138, 140, 142, 144, 145, 146, 147</td>
<td></td>
</tr>
<tr>
<td>Niger</td>
<td>13 reports requested</td>
</tr>
<tr>
<td>* 4 reports received: Conventions Nos. 29, 100, 138, 156</td>
<td></td>
</tr>
<tr>
<td>* 9 reports not received: Conventions Nos. 6, 13, 87, 95, 102, 119, 131, 135, (182)</td>
<td></td>
</tr>
<tr>
<td>Pakistan</td>
<td>5 reports requested</td>
</tr>
<tr>
<td>(Paragraph 100)</td>
<td></td>
</tr>
<tr>
<td>* 4 reports received: Conventions Nos. 16, 22, 29, 98</td>
<td></td>
</tr>
<tr>
<td>* 1 report not received: Convention No. 87</td>
<td></td>
</tr>
<tr>
<td>Panama</td>
<td>16 reports requested</td>
</tr>
<tr>
<td>* All reports received: Conventions Nos. 3, 9, 26, 29, 30, 68, 87, 92, 100, 110, 119, 120, 122, 126, (138), (182)</td>
<td></td>
</tr>
<tr>
<td>Saint Kitts and Nevis</td>
<td>8 reports requested</td>
</tr>
<tr>
<td>* 1 report received: Convention No. (182)</td>
<td></td>
</tr>
<tr>
<td>* 7 reports not received: Conventions Nos. (29), (87), (98), (100), (105), (111), (144)</td>
<td></td>
</tr>
<tr>
<td>Country</td>
<td>Reports Requested</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td><strong>Slovakia</strong></td>
<td>31 reports requested</td>
</tr>
<tr>
<td>* 25 reports received: Conventions Nos. 14, 19, 26, 77, 78, 87, 89, 90, 99, 100, 102, 111, 122, 123, 124, 128, 130, 138, 142, 148, 159, 163, 164, 173, 176</td>
<td></td>
</tr>
<tr>
<td>* 6 reports not received: Conventions Nos. 13, 29, 115, 120, 139, 144</td>
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</tr>
<tr>
<td><strong>Slovenia</strong></td>
<td>30 reports requested</td>
</tr>
<tr>
<td><em>(Paragraph 96)</em></td>
<td></td>
</tr>
<tr>
<td>* 28 reports received: Conventions Nos. 9, 13, 16, 19, 29, 32, 53, 69, 73, 74, 81, 87, 91, 98, 102, 103, 105, 111, 113, 119, 122, 126, 129, 131, 135, 138, 139, (147)</td>
<td></td>
</tr>
<tr>
<td>* 2 reports not received: Conventions Nos. 92, 100</td>
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</tr>
<tr>
<td><strong>Spain</strong></td>
<td>27 reports requested</td>
</tr>
<tr>
<td>* All reports received: Conventions Nos. 9, 29, 68, 77, 78, 87, 92, 100, 103, 119, 120, 122, 126, 129, 131, 135, 137, 138, 141, 146, 153, 163, 164, 165, 166, 172, 173</td>
<td></td>
</tr>
<tr>
<td><strong>United Republic of Tanzania</strong></td>
<td>19 reports requested</td>
</tr>
<tr>
<td><em>(Paragraph 100)</em></td>
<td></td>
</tr>
<tr>
<td>* 12 reports received: Conventions Nos. 11, 12, 16, 17, 29, 63, (87), 95, 131, 138, 140, 170</td>
<td></td>
</tr>
<tr>
<td>* 7 reports not received: Conventions Nos. 19, 94, 134, 135, 137, 144, 149</td>
<td></td>
</tr>
<tr>
<td><strong>Tanganyika</strong></td>
<td>3 reports requested</td>
</tr>
<tr>
<td><em>(Paragraph 89)</em></td>
<td></td>
</tr>
<tr>
<td>* 1 report received: Convention No. 81</td>
<td></td>
</tr>
<tr>
<td>* 2 reports not received: Conventions Nos. 45, 101</td>
<td></td>
</tr>
<tr>
<td><strong>Trinidad and Tobago</strong></td>
<td>6 reports requested</td>
</tr>
<tr>
<td>* 5 reports received: Conventions Nos. 87, 100, 125, (147), (159)</td>
<td></td>
</tr>
<tr>
<td>* 1 report not received: Convention No. 29</td>
<td></td>
</tr>
<tr>
<td><strong>Tunisia</strong></td>
<td>16 reports requested</td>
</tr>
<tr>
<td><em>(Paragraph 100)</em></td>
<td></td>
</tr>
<tr>
<td>* All reports received: Conventions Nos. 19, 26, 29, 81, 87, 91, 99, 100, 111, 118, 119, 120, 122, 127, 138, (182)</td>
<td></td>
</tr>
<tr>
<td><strong>United Kingdom</strong></td>
<td></td>
</tr>
<tr>
<td><strong>British Virgin Islands</strong></td>
<td>5 reports requested</td>
</tr>
<tr>
<td><em>(Paragraph 100)</em></td>
<td></td>
</tr>
<tr>
<td>* 4 reports received: Conventions Nos. 10, 26, 29, 87</td>
<td></td>
</tr>
<tr>
<td>* 1 report not received: Convention No. 58</td>
<td></td>
</tr>
<tr>
<td><strong>St. Helena</strong></td>
<td>4 reports requested</td>
</tr>
<tr>
<td><em>(Paragraph 100)</em></td>
<td></td>
</tr>
<tr>
<td>* All reports received: Conventions Nos. 17, 29, 58, 87</td>
<td></td>
</tr>
</tbody>
</table>

**Grand Total**

A total of 2,368 reports (article 22) were requested, of which 1,701 reports (71.83 per cent) were received.

A total of 351 reports (article 35) were requested, of which 266 reports (75.78 per cent) were received.
# Appendix II. Statistical table of reports on ratified Conventions

*(article 22 of the Constitution) as of 19 June 2003*

<table>
<thead>
<tr>
<th>Conference Year</th>
<th>Reports requested</th>
<th>Reports received at the date requested</th>
<th>Reports received in time for the session of the Committee of Experts</th>
<th>Reports received in time for the session of the Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1932</td>
<td>447</td>
<td>-</td>
<td>406 90.8%</td>
<td>423 94.6%</td>
</tr>
<tr>
<td>1933</td>
<td>522</td>
<td>-</td>
<td>435 83.3%</td>
<td>453 86.7%</td>
</tr>
<tr>
<td>1934</td>
<td>601</td>
<td>-</td>
<td>508 84.5%</td>
<td>544 90.5%</td>
</tr>
<tr>
<td>1935</td>
<td>630</td>
<td>-</td>
<td>584 92.7%</td>
<td>620 98.4%</td>
</tr>
<tr>
<td>1936</td>
<td>662</td>
<td>-</td>
<td>577 87.2%</td>
<td>604 91.2%</td>
</tr>
<tr>
<td>1937</td>
<td>702</td>
<td>-</td>
<td>580 82.6%</td>
<td>634 90.3%</td>
</tr>
<tr>
<td>1938</td>
<td>748</td>
<td>-</td>
<td>616 82.4%</td>
<td>635 84.9%</td>
</tr>
<tr>
<td>1939</td>
<td>766</td>
<td>-</td>
<td>588 76.8%</td>
<td>-</td>
</tr>
<tr>
<td>1944</td>
<td>583</td>
<td>-</td>
<td>251 43.1%</td>
<td>314 53.9%</td>
</tr>
<tr>
<td>1945</td>
<td>725</td>
<td>-</td>
<td>351 48.4%</td>
<td>523 72.2%</td>
</tr>
<tr>
<td>1946</td>
<td>731</td>
<td>-</td>
<td>370 50.6%</td>
<td>578 79.1%</td>
</tr>
<tr>
<td>1947</td>
<td>763</td>
<td>-</td>
<td>581 76.1%</td>
<td>666 87.3%</td>
</tr>
<tr>
<td>1948</td>
<td>799</td>
<td>-</td>
<td>521 65.2%</td>
<td>648 81.1%</td>
</tr>
<tr>
<td>1949</td>
<td>806</td>
<td>134 16.6%</td>
<td>666 82.6%</td>
<td>695 86.2%</td>
</tr>
<tr>
<td>1950</td>
<td>831</td>
<td>253 30.4%</td>
<td>597 71.8%</td>
<td>666 80.1%</td>
</tr>
<tr>
<td>1951</td>
<td>907</td>
<td>288 31.7%</td>
<td>507 77.7%</td>
<td>761 83.9%</td>
</tr>
<tr>
<td>1952</td>
<td>981</td>
<td>268 27.3%</td>
<td>743 75.7%</td>
<td>826 84.2%</td>
</tr>
<tr>
<td>1953</td>
<td>1026</td>
<td>212 20.6%</td>
<td>840 75.7%</td>
<td>917 89.3%</td>
</tr>
<tr>
<td>1954</td>
<td>1175</td>
<td>268 22.8%</td>
<td>1077 91.7%</td>
<td>1119 95.2%</td>
</tr>
<tr>
<td>1955</td>
<td>1234</td>
<td>283 22.9%</td>
<td>1063 86.1%</td>
<td>1170 94.8%</td>
</tr>
<tr>
<td>1956</td>
<td>1333</td>
<td>332 24.9%</td>
<td>1234 92.5%</td>
<td>1283 96.2%</td>
</tr>
<tr>
<td>1957</td>
<td>1418</td>
<td>210 14.7%</td>
<td>1295 91.3%</td>
<td>1349 95.1%</td>
</tr>
<tr>
<td>1958</td>
<td>1558</td>
<td>340 21.8%</td>
<td>1484 95.2%</td>
<td>1509 96.8%</td>
</tr>
</tbody>
</table>

As a result of a decision by the Governing Body, detailed reports were requested as from 1959 until 1976 only on certain Conventions.

<table>
<thead>
<tr>
<th>1959</th>
<th>995</th>
<th>200 20.4%</th>
<th>864 86.8%</th>
<th>902 90.6%</th>
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<tbody>
<tr>
<td>1960</td>
<td>1100</td>
<td>256 23.2%</td>
<td>838 76.1%</td>
<td>963 87.4%</td>
</tr>
<tr>
<td>1961</td>
<td>1362</td>
<td>243 18.1%</td>
<td>1090 80.0%</td>
<td>1142 83.8%</td>
</tr>
<tr>
<td>1962</td>
<td>1309</td>
<td>200 15.5%</td>
<td>1059 80.9%</td>
<td>1121 85.6%</td>
</tr>
<tr>
<td>1963</td>
<td>1624</td>
<td>280 17.2%</td>
<td>1314 80.9%</td>
<td>1430 88.0%</td>
</tr>
<tr>
<td>1964</td>
<td>1495</td>
<td>213 14.2%</td>
<td>1268 84.8%</td>
<td>1356 90.7%</td>
</tr>
<tr>
<td>1965</td>
<td>1700</td>
<td>282 16.6%</td>
<td>1444 84.9%</td>
<td>1527 89.8%</td>
</tr>
<tr>
<td>1966</td>
<td>1562</td>
<td>245 16.3%</td>
<td>1330 85.1%</td>
<td>1395 89.3%</td>
</tr>
<tr>
<td>1967</td>
<td>1883</td>
<td>323 17.4%</td>
<td>1551 84.5%</td>
<td>1643 89.6%</td>
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<tr>
<td>1968</td>
<td>1647</td>
<td>281 17.1%</td>
<td>1409 85.5%</td>
<td>1470 89.1%</td>
</tr>
<tr>
<td>1969</td>
<td>1821</td>
<td>249 13.4%</td>
<td>1501 82.4%</td>
<td>1601 87.9%</td>
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<tr>
<td>1970</td>
<td>1894</td>
<td>360 18.9%</td>
<td>1463 77.0%</td>
<td>1549 81.6%</td>
</tr>
<tr>
<td>1971</td>
<td>1992</td>
<td>237 11.8%</td>
<td>1504 75.5%</td>
<td>1707 85.8%</td>
</tr>
<tr>
<td>1972</td>
<td>2025</td>
<td>297 14.6%</td>
<td>1572 77.6%</td>
<td>1753 86.5%</td>
</tr>
<tr>
<td>1973</td>
<td>2048</td>
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<td>1521 74.3%</td>
<td>1691 82.5%</td>
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<tr>
<td>1974</td>
<td>2189</td>
<td>370 16.5%</td>
<td>1854 84.6%</td>
<td>1958 89.4%</td>
</tr>
<tr>
<td>1975</td>
<td>2034</td>
<td>301 14.8%</td>
<td>1663 81.7%</td>
<td>1764 86.7%</td>
</tr>
<tr>
<td>1976</td>
<td>2200</td>
<td>292 13.2%</td>
<td>1831 83.0%</td>
<td>1914 87.0%</td>
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</tbody>
</table>

24 Part 2/75
<table>
<thead>
<tr>
<th>Conference Year</th>
<th>Reports requested</th>
<th>Reports received at the date requested</th>
<th>Reports received in time for the session of the Committee of Experts</th>
<th>Reports received in time for the session of the Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1977</td>
<td>1529</td>
<td>215</td>
<td>1120 73.2%</td>
<td>1328 87.0%</td>
</tr>
<tr>
<td>1978</td>
<td>1701</td>
<td>251</td>
<td>1289 75.7%</td>
<td>1391 81.7%</td>
</tr>
<tr>
<td>1979</td>
<td>1593</td>
<td>234</td>
<td>1270 79.8%</td>
<td>1376 86.4%</td>
</tr>
<tr>
<td>1980</td>
<td>1581</td>
<td>168</td>
<td>1302 82.2%</td>
<td>1437 90.8%</td>
</tr>
<tr>
<td>1981</td>
<td>1543</td>
<td>127</td>
<td>1210 78.4%</td>
<td>1340 86.7%</td>
</tr>
<tr>
<td>1982</td>
<td>1695</td>
<td>332</td>
<td>1382 81.4%</td>
<td>1493 88.0%</td>
</tr>
<tr>
<td>1983</td>
<td>1737</td>
<td>236</td>
<td>1388 79.9%</td>
<td>1558 89.6%</td>
</tr>
<tr>
<td>1984</td>
<td>1669</td>
<td>189</td>
<td>1286 77.0%</td>
<td>1412 84.6%</td>
</tr>
<tr>
<td>1985</td>
<td>1666</td>
<td>189</td>
<td>1312 78.7%</td>
<td>1471 88.2%</td>
</tr>
<tr>
<td>1986</td>
<td>1752</td>
<td>207</td>
<td>1388 79.2%</td>
<td>1529 87.3%</td>
</tr>
<tr>
<td>1987</td>
<td>1793</td>
<td>171</td>
<td>1408 78.4%</td>
<td>1542 86.0%</td>
</tr>
<tr>
<td>1988</td>
<td>1636</td>
<td>149</td>
<td>1230 75.9%</td>
<td>1384 84.4%</td>
</tr>
<tr>
<td>1989</td>
<td>1719</td>
<td>196</td>
<td>1256 73.0%</td>
<td>1409 81.9%</td>
</tr>
<tr>
<td>1990</td>
<td>1958</td>
<td>192</td>
<td>1409 71.9%</td>
<td>1639 83.7%</td>
</tr>
<tr>
<td>1991</td>
<td>2010</td>
<td>271</td>
<td>1411 69.9%</td>
<td>1544 76.8%</td>
</tr>
<tr>
<td>1992</td>
<td>1824</td>
<td>313</td>
<td>1194 65.4%</td>
<td>1384 75.8%</td>
</tr>
<tr>
<td>1993</td>
<td>1906</td>
<td>471</td>
<td>1233 64.6%</td>
<td>1473 77.2%</td>
</tr>
<tr>
<td>1994</td>
<td>2290</td>
<td>370</td>
<td>1573 68.7%</td>
<td>1879 82.0%</td>
</tr>
</tbody>
</table>

As a result of a decision by the Governing Body (November 1993), detailed reports on only five Conventions were exceptionally requested in 1995.

<table>
<thead>
<tr>
<th>Conference Year</th>
<th>Reports requested</th>
<th>Reports received at the date requested</th>
<th>Reports received in time for the session of the Committee of Experts</th>
<th>Reports received in time for the session of the Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1995</td>
<td>1252</td>
<td>479</td>
<td>824 65.8%</td>
<td>988 78.9%</td>
</tr>
</tbody>
</table>

As a result of a decision by the Governing Body (November 1993), reports are henceforth requested, according to certain criteria, at yearly, two-yearly or five-yearly intervals.

<table>
<thead>
<tr>
<th>Conference Year</th>
<th>Reports requested</th>
<th>Reports received at the date requested</th>
<th>Reports received in time for the session of the Committee of Experts</th>
<th>Reports received in time for the session of the Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996</td>
<td>1806</td>
<td>362</td>
<td>1145 63.3%</td>
<td>1413 78.2%</td>
</tr>
<tr>
<td>1997</td>
<td>1927</td>
<td>553</td>
<td>1211 62.8%</td>
<td>1438 74.6%</td>
</tr>
<tr>
<td>1998</td>
<td>2036</td>
<td>463</td>
<td>1264 62.1%</td>
<td>1455 71.4%</td>
</tr>
<tr>
<td>1999</td>
<td>2288</td>
<td>520</td>
<td>1406 61.4%</td>
<td>1641 71.7%</td>
</tr>
<tr>
<td>2000</td>
<td>2550</td>
<td>740</td>
<td>1798 70.5%</td>
<td>1952 76.6%</td>
</tr>
<tr>
<td>2001</td>
<td>2313</td>
<td>598</td>
<td>1513 65.4%</td>
<td>1672 72.2%</td>
</tr>
<tr>
<td>2002</td>
<td>2368</td>
<td>600</td>
<td>1529 64.5%</td>
<td>1701 71.8%</td>
</tr>
</tbody>
</table>
III. Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference (Article 19 of the Constitution)

Observations and Information

(a) Failure to submit instruments to the competent authorities

The Worker members recalled that this obligation constituted a fundamental element of the ILO system. It allowed for the reinforcement of the links between the Organization and the national authorities, the promotion of the ratification of Conventions and the encouragement of a tripartite dialogue at the national level. This was emphasized a few years ago, by this Committee in the course of the discussion on the General Survey on tripartite consultation. On this occasion, the Committee of Experts had specified the nature and modalities of this obligation and had insisted on the fact that submission did not imply for governments an obligation to propose the ratification of Conventions that were under consideration. The significant delay accumulated by certain countries and the difficulties that might arise in overcoming this delay were worrying. The Committee must insist that governments should respect this obligation and must recall the possibility of seeking the technical assistance of the ILO.

The Employer members stated that the obligation to submit the Conventions and Recommendations adopted by the International Labour Conference to their respective national competent authorities should have gone without saying in democratic States. Considering that this constitutional obligation did not contain the additional obligation to ratify or even to recommend the ratification of Conventions, and in comparison with the situation in the past where more less-democratic States had existed, it was even more surprising that today a great number of democratic States did not fully comply with this obligation. They hoped that the situation would improve.

A Government representative of Cambodia reiterated his comments on the lack of qualified personnel within the Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation (MOSALVY) and indicated that MOSALVY would speed up the process of submission of Conventions and Recommendations to the competent authorities and build up the capacity of its staff. The delegation of Cambodia requested technical assistance from the Office in order to accomplish this task.

A Government representative of Latvia explained that on 10 July 2002, the National Tripartite Cooperation Council had supported the ratification of ILO Conventions Nos. 29, 138, 182 and 183. These Conventions were not, however, submitted to Parliament because they were not translated into the Latvian language. This was also a major hurdle in fulfilling obligations under article 19 of the ILO Constitution. The Government of Latvia expected that the implementation of a project designed to provide assistance for the translation of ILO Conventions and Recommendations into the Latvian language, with the cooperation of the ILO Regional Office for Europe and Central Asia, will help in fulfilling its commitments under article 19 of the ILO Constitution. The Government referred to the statements made by the earlier explanations and appealed for technical assistance from the ILO in training the new labour officers of his Government to better carry out their functions.

The Employer members referred to the statements made by governments on the reasons for their non-compliance with their constitutional obligations. They expressed the hope that these governments will submit the adopted instruments in the future, and indicated that there will be rising difficulties and increased workload for the national authorities if submissions were further postponed. They made it clear that the issue was not primarily ratification. It was rather to inform national authorities about instruments adopted at the International Labour Conference. They recommended that the member States concerned should be highlighted in the general part of the report of the Committee.

The Worker members agreed with the comments made by the Employer members; the procedure of submission should in fact not pose problems in a democratic country. It was hoped that the situation would improve and that the ILO instruments adopted would be submitted to the competent authorities in the member States.

The Committee took note of the information and explanations provided by the Government representatives. The Committee also noted the specific difficulties mentioned in order to meet this obligation. The Committee expressed the firm hope that the countries cited, in particular, Afghanistan, Armenia, Cambodia, Comoros, Haiti, Kyrgyzstan, Lao People’s Democratic Republic, Latvia, Sao Tome and Principe, Sierra Leone, Solomon Islands, Somalia, Turkmenistan and Uzbekistan, would transmit in the near future information on the submission of Conventions, Recommendations and Protocols to the competent authorities. The Committee expressed great concern over the delay or lack of submission and the increase in the number of these cases. In this respect, the Committee recalled that the ILO was in a position to provide technical assistance so that this obligation – essential to the effectiveness of standards-related activities – could be met.

The Committee decided to mention all these cases in the appropriate section of its General Report.

(b) Information received

Grenada. The ratification of Convention No. 182 was registered on 14 May 2003.

Kazakhstan. The ratification of convention No. 182 was registered on 26 February 2003.

Kyrgyzstan. The Government provided detailed information on the submission to the National assembly, on 27 May 2003, of the instruments adopted by the International Labour Conference at the sessions held between 1994 and 2001 (81st to 89th Sessions).

Syrian Arab Republic. The Government provided information on the submission to the President of the People’s Council (Majlis al-Chaab), on 29 May 2003, of the instruments adopted by the International Labour Conference at its 88th and 89th Sessions (May-June 2000, June 2001).
IV. REPORTS ON UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

(Article 19 of the Constitution)

(a) Failure to supply reports on unratified Conventions and on Recommendations for the past five years

The Worker members indicated that Article 19 of the ILO Constitution stipulated that member States had to communicate reports on unratified Conventions and on Recommendations. These reports served as a basis for the drafting of the General Survey and they also served as a rate of compliance encountered by member States. It also allowed the examination of the relevance of Conventions to the economic and social conditions. This year, the Committee had received 55.29 per cent of reports requested and 25 countries had not met this obligation for the last five years.

The Employer members referred to the statement made by the Worker members and to paragraph 136 of the CEACR report. They restricted that only a very low beam was a shortage of staff (55 per cent) for the latest General Survey had been received. Moreover, member States cited in this paragraph of the report of CEACR had not submitted reports for the preparation of General Surveys for the last five years. They stressed that the purpose of General Surveys was to inform members on the generalization of a specific Convention and its related Recommendation and to identify obstacles to ratifications in order to better prepare follow-up action by the Organization. A long as member States did not comply with these obligations appropriate steps to improve the situation could not be taken. They were emphatic in requesting that member States should meet their obligations in the future in their own interest.

A Government representative of Fiji indicated that, as regards the reports now requested under Conventions Nos. 122 and 142 and Recommendations Nos. 169 and 189, the reports would be submitted to the secretariat shortly. He explained that the delays in submitting the report were due to several reasons. Priority was given to reporting obligations for ratified Conventions. Fiji had ratified 24 Conventions and first reports for four of these Conventions would be due next year. He indicated that his Government had started work on these reports already. He stated that his Government believed that it had made significant progress in meeting its reporting obligations in respect of ratified Conventions. He drew the Committee’s attention to paragraph 107 of the General Report and to the table immediately below this paragraph where Fiji was listed as one of the 24 countries about which the Committee of Experts had expressed satisfaction about certain measures taken by the Government. He recalled that Fiji was one of the 24 individual cases listed for detailed examination at the last session. It was no longer on that list, and it was regarding the Convention discussed last year (Convention No. 98) that the Committee of Experts had expressed its satisfaction. He stated that, as shown in Appendix I of the General Report, Fiji was requested to submit 19 reports on Conventions it had ratified. He said Fiji had met its obligations and had submitted all 19 reports. He regretted that the true picture was not reflected in Appendix I of the General Report because it was indicated that six reports were not received. He reiterated that priority was given to first reports, in particular on Conventions Nos. 144 and 169, first reports for which had been received by the Office as noted in document D.7. He indicated that early this year, the Ministry of Labour was restructured and consequently there was a shortage of staff dealing with reporting obligations on ILO Conventions. New staff was being trained to take on added responsibilities. In addition he indicated that during the early part of this year, technical assistance from the ILO was approved but it did not materialize due to SARS. Yet it did not comply with these obligations appropriate steps to improve the situation could not be taken. They were emphatic in requesting that member States should meet their obligations in the future in their own interest.

A Government representative of the United Republic of Tanzania regretted the late submission of reports by her Government and indicated that these would be submitted before the end of the Conference. She said that her Government had been doing its best to meet these obligations and that reports on the fundamental instruments had been sent to the ILO. She attributed the difficulties in meeting these obligations to lack of capacity in her Ministry and stated that the Ministry was being restructured. She indicated a desire for ILO technical assistance to train the new staff of her Ministry.

The Employer members finally stated that reports for General Surveys were normally limited to one Convention and a supplemental Recommendation and did not require many resources for preparation. Yet they urged member States to submit already this year the reports needed to prepare the next General Survey. They recalled that the issue was not to make up for past failures but to send future reports on time. They noted that all the member States that had commented on their non-compliance promised to meet their obligations in the future. They hoped that in future sessions such a long discussion on non-compliance by member States with their constitutional obligations would become obsolete.

The Worker members regretted the late submission of reports by her Government and indicated that these would be submitted before the end of the Conference. She said that her Government had been doing its best to meet these obligations and that reports on the fundamental instruments had been sent to the ILO. She attributed the difficulties in meeting these obligations to lack of capacity in her Ministry and stated that the Ministry was being restructured. She indicated a desire for ILO technical assistance to train the new staff of her Ministry.

The Committee took note of the information and explanations provided by the Government representatives. It emphasized the importance attached to the constitutional obligation to communicate reports on unratified Conventions and Recommendations. The Committee insisted on the fact that all member States had to fulfill their obligations in this regard and expressed the firm hope that the governments of Afghanistan, Bosnia and Herzegovina, Democratic Republic of the Congo, Equatorial Guinea, Georgia, Grenada, Guinea, Iraq, Liberia, Mongolia, Saint Vincent and the Grenadines, Sao Tome and Principe, Sierra Leone, Solomon Islands, United Republic of Tanzania, the former Yugoslav Republic of Macedonia, Turkmenistan, Uganda and Uzbekistan, would in the future respect their obligations under Article 19 of the Constitution. The Committee decided to mention these cases in the appropriate section of its General Report.

(b) Information received

Bahamas. Since the meeting of the Committee of Experts, the Government has sent reports on unratified Conventions and Recommendations.

Lao People’s Democratic Republic. Since the meeting of the Committee of Experts, the Government has sent reports on unratified Conventions and Recommendations.
Nigeria. Since the meeting of the Committee of Experts, the Government has sent reports on unratified Conventions and Recommendations.

Saint Lucia. Since the meeting of the Committee of Experts, the Government has sent reports on unratified Conventions and Recommendations.

(c) Reports received on unratified Convention No. 95 and Recommendation No. 85 as of 19 June 2003.

In addition to the reports listed in Appendix I on page 303 of the Report of the Committee of Experts (Report III, Part1B), reports have subsequently been received from the following countries: Bangladesh, Iceland, Jamaica, Papua New Guinea, Saint Kitts and Nevis.
Afghanistan
Part One: General report, paras. 171, 173, 176, 180, 199
Part Two: I A (a), (c)
Part Two: II (a)
Part Two: IV (a)

Armenia
Part One: General report, paras. 171, 173, 174, 200
Part Two: I A (a), (b)
Part Two: III (a)

Azerbaijan
Part One: General report, paras. 176, 199
Part Two: I A (c)

Belarus
Part One: General report, paras. 190, 196
Part Two: I B, No. 87

Belize
Part One: General report, paras. 174, 200
Part Two: I A (b)

Bosnia and Herzegovina
Part One: General report, paras. 180, 199
Part Two: IV (a)

Cambodia
Part One: General report, paras. 171, 174, 176
Part Two: I A (b), (c)
Part Two: II (a)

Cameroon
Part One: General report, para. 191
Part Two: I B, No. 87

Cape Verde
Part One: General report, paras. 174, 176, 199
Part Two: I A (b), (c)

Chad
Part One: General report, paras. 174, 176
Part Two: I A (b), (c)

Colombia
Part Two: I B, No. 87

Comoros
Part One: General report, paras. 171, 176, 200
Part Two: I A (c)
Part Two: III (a)

Congo
Part One: General report, paras. 174, 176, 199
Part Two: I A (b), (c)

Croatia
Part Two: I B, No. 162

Cuba
Part Two: I B, No. 87

Democratic Republic of the Congo
Part One: General report, paras. 180, 199
Part Two: IV (a)

Denmark
Part One: General report, paras. 173, 176
Part Two: I A (a), (c)

Djibouti
Part One: General report, para. 176
Part Two: I A (c)

Ecuador
Part Two: I B, No. 153

Equatorial Guinea
Part One: General report, paras. 173, 174, 176, 180
Part Two: I A (a), (b), (c)
Part Two: IV (a)

Ethiopia
Part One: General report, para. 176
Part Two: I A (c)

France
Part One: General report, para. 176
Part Two: I A (c)

Georgia
Part One: General report, paras. 180, 199
Part Two: IV (a)

Grenada
Part One: General report, paras. 180, 200
Part Two: IV (a)

Guatemala
Part Two: I B, No. 98

Guinea
Part One: General report, paras. 173, 176, 180
Part Two: I A (c)
Part Two: IV (a)

Haiti
Part One: General report, paras. 171, 176
Part Two: I A (c)
Part Two: III (a)

India
Part Two: I B, No. 29

Islamic Republic of Iran
Part Two: I B, No. 111

Iraq
Part One: General report, paras. 176, 180, 200
Part Two: I A (c)
Part Two: IV (a)

Kenya
Part Two: I B, No. 138