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First sitting, 3 June 2024, 3.35 p.m.

Première séance, 3 juin 2024, 15 h 35

Primera sesión, 3 de junio de 2024, 15.35 horas

Chairperson: Mr Różycki

Président: M. Różycki

Presidente: Sr. Różycki

Representative of the Secretary-General (Ms VARGHA, Director of the International Labour Standards Department) – It is my pleasure on behalf of the Secretary-General to declare the discussion of the Conference Committee on the Application of Standards open.

My name, for those who do not know me, is Corinne Vargha. I am the Director of the International Labour Standards Department and I have been designated as the Representative of the Secretary-General for your Committee.

On behalf of the Secretary-General and the entire Secretariat, I wish to warmly welcome you all.

So, the first task of your Committee is the election of its Officers and the nomination of delegates for the following positions: the Chairperson, the Employer and Worker Vice-Chairpersons and the Reporter.

I now turn to the Government of Namibia on behalf of the Government group to receive the proposals for the nomination of the Chairperson and the Reporter.

Government member, Namibia (Ms NICODEMUS) – On behalf of the Government group, I am honoured to present the nomination of Mr Łukasz Różycki, Deputy Permanent Representative of the Republic of Poland to the United Nations Office at Geneva. He has the anonymous support of the Government group. Before starting his mission in Geneva, Mr Różycki was the head of the Political division, UN and Human Rights Department at the Ministry of Foreign Affairs. Being also responsible for the UN Security Council Polish membership task force. During his work in the foreign service, he was also responsible for migration and humanitarian affairs, as well as for handling disarmament in non-proliferation matters. The Government group is confident that Mr Łukasz Różycki has all the necessary skills and expertise to successfully guide the work of the Committee, and is honoured to nominate him as Chairperson. Furthermore, I am honoured to present the nomination of Mr Abdelkrim Siyoucef from Algeria who will serve as a Rapporteur for the Committee.

Representative of the Secretary-General (Ms VARGHA) – Thank you Madam for the nomination of the Government group, we now have a Chairperson and a Reporter, and I have been informed that for the Employers' group, Mr Kaizer Moyane has been nominated as the Employer Vice-Chairperson and I have been equally informed that Mr Marc Leemans has been nominated by the Workers' group as Worker Vice-Chairperson. We now have the full composition of our Committee and it is my great pleasure and honour to invite to the podium

the Chairperson and the Reporter of the Committee, Mr Łukasz Różycki from the Government of Poland and Monsieur Abdelkrim Siyoucef as Reporter, please join us on the podium.

Chairperson – Distinguished delegates, representatives of Governments, Employers and Workers, members of the Secretariat, ladies and gentlemen.

Let me start by thanking you for the confidence you have placed in me in electing me to preside over the work of this Committee. It is a great honour and privilege for me and for my country, Poland, to represent the Government group and to be given the responsibility for chairing this year the Committee. In the spirit of collaboration and mutual respect, I am eager to work alongside each and everyone of you and particularly keen on fostering an environment where every voice is heard, and every concern is addressed with the seriousness it deserves.

I would like to congratulate the two Vice-Chairpersons as well as the Reporter on their election as Officers of this Committee. I look forward to working closely with you over the course of the next two weeks. I count on your experience, cooperation and wise counsel in steering the work of this Committee.

The ILO and its supervisory system have a special meaning for my country. Democratic changes in Poland would not have been possible without ILO assistance which – effectively implemented over the course of many years – has borne its fruit.

It was the rise of the Solidarity or “Solidarność” in Polish, in the 1980s – the first independent, self-governing trade union in the then Eastern bloc, established in line with the [Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No. 87\)](#) – that truly highlighted the significance of this assistance. The story of an electrician named Lech Wałęsa scaling the walls of the Shipyard at Gdansk forty-four years ago still resonates despite the passing of almost half a century.

Imposition of the martial law in Poland a few months later, followed by suspension of all trade unions by the Government, met with the reaction of the ILO resulting in establishing a Commission of Inquiry to monitor the situation in my country. Based on the Commission's conclusions, the ILO and numerous countries and organizations urged Poland to fulfil its obligations under Convention No. 87 and the [Right to Organise and Collective Bargaining Convention, 1949 \(No. 98\)](#).

The Polish Government subsequently recognized Solidarność and finally granted it legal status. According to Lech Wałęsa, the leader of Solidarność and later President of Poland “the Commission of Inquiry created by the ILO after the imposition of martial law made significant contributions to the changes which brought democracy to Poland”.

From there, the road first opened in 1980, ultimately led to the transition to democracy, European Union membership – the 20th anniversary of which we celebrate this year and Poland’s new role in the international arena. The Polish example illustrates that the ILO and its well-functioning and authoritative supervisory system continues to play a crucial role in ensuring the implementation and compliance of international labour standards.

This Committee has always been the pillar of the regular ILO supervisory system and at the heart of the ILO’s tripartite system. It is the forum for tripartite dialogue in which the Organization debates the application of international labour standards and the functioning of the standards system since 1926.

The conclusions adopted by the Committee and the technical work of the Committee of Experts, together with the technical assistance of the Office, are essential tools for Member States when implementing international labour standards.

I am pleased to observe that the report of the Committee of Experts provides a solid basis for our debates once again this year. I would like to take this opportunity to acknowledge the

presence of Judge Thomas-Felix, on behalf of the Chairperson of the Committee of Experts on the Application of Conventions and Recommendations, who will address the Committee in a short while. For personal reasons beyond her control, the Chairperson of the Committee of Experts, Judge Dixon Caton, has been unable to travel to Geneva to address the Committee this year.

I also acknowledge the presence of the Chairperson of the Committee on Freedom of Association, Professor Evance Kalula.

Now I would like to say a few words about today's programme.

The work of the Committee will begin with a statement from the representative of the Secretary-General who will provide the Committee with general information. It will be followed by the preliminary remarks of the Vice-Chairpersons.

Our Committee will continue its work with the discussion of the Committee's working methods and the adoption of document D.1 as well as the adoption of list of individual cases (document D.2).

Thereafter, I will give the floor to Judge Thomas-Felix who will address the Committee on behalf of the Committee of Experts, followed by Professor Evance Kalula, Chairperson of the Committee on Freedom of Association.

As of tomorrow morning, the Committee will hold a general discussion including the issues raised in the General Report of the Committee of Experts.

Following the general discussion, the Committee will be called upon to discuss the General Survey of the Committee of Experts entitled "Labour administration in a changing world of work". The survey reviews the implementation in law and practice by ILO member States of the

Labour Administration Convention, 1978 (No. 150), and the Labour Administration Recommendation, 1978 (No. 158).

I strongly encourage you to participate actively in these debates and I trust that, in the course of the two-week session of the Conference, the Committee will be able to meet the high expectations of the ILO constituents in a spirit of constructive dialogue.

I would also like to particularly welcome those Government representatives, who have been asked to coordinate the work of the regional groups in this Committee. Your contribution and cooperation will be central to ensuring the full involvement of all Governments.

I would like to bring to your attention the fact that, unless otherwise specified, all statements made by Government members on behalf of regional groups or intergovernmental organizations are reported as having been made on behalf of all Governments members of the group or organization in question, who are members of the ILO and are attending the Conference.

It is also very important to keep in mind that new registrations in any Conference Committee will only take effect the following working day of the Conference at 5 p.m. The document reflecting the composition of this Committee will be adjusted on a daily basis, as required.

I am now pleased to give the floor to Ms Corinne Vargha, the Representative of the Secretary-General.

Représentante du Secrétaire général – En tant que représentante du Secrétaire général auprès de votre commission, j'ai le privilège de diriger l'équipe du secrétariat qui se tient prête à vous fournir toute l'assistance nécessaire pour assurer le bon fonctionnement des travaux de votre commission, qui, comme vous le savez, est une commission permanente de la Conférence.

Le mandat de votre commission consiste à examiner et à porter à l'attention de la plénière de la Conférence les mesures prises par les Membres au niveau national pour, d'une part, donner effet aux dispositions des conventions internationales du travail auxquelles ils sont parties et, d'autre part, s'acquitter de leurs obligations de communiquer les informations et les rapports en vertu des articles 19, 22, 23 et 35 de la Constitution de l'OIT.

Le travail de votre commission et son rôle de contrôle régulier de la mise en œuvre des normes internationales du travail touche de ce fait à l'essence même du rôle normatif historique de l'OIT.

Pour ce faire, votre commission est saisie du rapport produit par la commission d'experts lors de sa dernière session, ainsi que de l'Étude d'ensemble de la commission d'experts qui porte sur «L'administration du travail dans un monde du travail en mutation», ainsi que l'a indiqué à l'instant votre président.

Cela démontre qu'au travers de leur mandat respectif et distinct, vos deux commissions sont les piliers du mécanisme de contrôle régulier et qu'elles œuvrent de concert afin que tous les États Membres de l'Organisation respectent leurs engagements de mettre en œuvre les normes que vous – les gouvernements, les travailleurs et les employeurs du monde – avez adoptées collectivement et décidé d'appliquer au niveau national en pleine souveraineté afin de tenir la promesse de justice sociale, la promesse de progrès social et d'un avenir meilleur consacrée dans la Déclaration de Philadelphie dont nous célébrons le 80^e anniversaire.

Dans son discours inaugural prononcé à l'ouverture de la Conférence ce matin, la professeure Jayati Ghosh a démontré à quel point les principes et les valeurs de la Déclaration de Philadelphie demeurent un projet qui nous unit.

Ce projet qui nous unit est notre détermination commune à réaliser la liberté et la dignité de l'ensemble de l'humanité, comme nous le rappelait Wilfred Jenks, ancien Directeur général

de l'Organisation et un des co-auteurs de ce texte fondateur et, à cette fin, selon ses propres mots et je le cite:

«Notre détermination commune est de poursuivre la paix; de vivre ensemble dans la tolérance et le bon voisinage; de fonder notre vie commune sur la bonne foi et le respect de la vérité; de pratiquer et de défendre l'égalité entre les êtres humains; de préserver et étendre la liberté individuelle; de consacrer la science et la technologie au bien commun; et de promouvoir la justice sociale par la croissance économique et traduire la croissance économique en justice sociale.»

Compte tenu des crises qui perturbent profondément notre monde, il m'est apparu essentiel de prendre un temps à l'entame de vos travaux pour rappeler et mettre en perspective la finalité des discussions de votre commission qui est l'un des baromètres de la justice sociale, tout comme vous l'avez fait à l'instant, Monsieur le président, dans vos remarques préliminaires.

J'en viens à présent aux travaux de votre commission.

Toutes les mesures qui permettront à votre commission de s'acquitter de ses obligations constitutionnelles sont détaillées dans le document D.1 que vous trouvez accessible sur la page Web. Comme vous le savez, ce document reflète les consultations tripartites informelles sur les méthodes de travail de votre commission qui ont eu lieu pour la 18^e fois en mars 2024. Ces consultations tripartites informelles ont donné lieu à de nombreuses améliorations des méthodes de travail de votre commission et vous les trouverez toutes résumées dans les notes d'information disponibles sur la page Web de la commission.

J'ai donc le plaisir d'informer les délégués gouvernementaux que, cette année encore, l'adoption de la liste finale des cas individuels qui seront examinés est prévue lors de cette

séance d'ouverture. Cela devra sans aucun doute faciliter la préparation de l'examen de ces 24 cas.

Je vous rappelle également que le rapport de la commission sera présenté pour adoption à la séance plénière de la Conférence le vendredi 14 juin.

Il m'incombe à présent de porter à votre attention certains développements normatifs pertinents pour les discussions de votre commission.

Depuis la dernière réunion de la commission en juin dernier, 40 ratifications de conventions de l'OIT ont été enregistrées, confirmant l'engagement continu des États Membres en faveur d'un système multilatéral fondé sur des règles communes.

La grande majorité de ces ratifications porte sur la [convention \(n° 190\) sur la violence et le harcèlement, 2019](#), qui compte à l'heure actuelle un total de 39 ratifications ainsi que sur les deux nouvelles ratifications fondamentales sur la sécurité et santé au travail – la [convention \(n° 155\) sur la sécurité et la santé des travailleurs, 1981](#), et la [convention \(n° 187\) sur le cadre promotionnel pour la sécurité et la santé au travail, 2006](#).

Aucune ratification n'a en revanche été enregistrée au sujet des trois conventions dont nous célébrons l'anniversaire cette année.

À juste titre, s'agissant de la convention (n° 182) sur les pires formes de travail des enfants, 1999, adoptée il y a vingt-cinq ans, seule convention de l'OIT à avoir atteint une ratification universelle. Protégeant chaque enfant dans les 187 États Membres de l'OIT contre les pires formes du travail des enfants, la convention n° 182 a marqué un tournant dans l'histoire de l'OIT, en devenant, avec la convention (n° 138) sur l'âge minimum, 1973, le pilier normatif du principe fondamental de lutte contre le travail des enfants. Ce pilier normatif fut le premier à être promu dans le cadre d'un projet de coopération au développement à part entière, devenu

aujourd'hui l'Alliance 8.7 visant à mettre fin au travail forcé, à l'esclavage moderne, à la traite des personnes et au travail des enfants.

S'agissant de la convention n° 98, adoptée il y a soixante-quinze ans, aucune ratification n'a été enregistrée au cours des 12 derniers mois. Constituant, avec la convention n° 87, comme il est coutume de dire «l'ADN de notre Organisation», le Conseil d'administration a adopté en novembre 2023, une stratégie intégrée pour la promotion et la mise en œuvre du droit de négociation collective afin de renforcer la cohérence et l'efficacité de l'approche de l'OIT en la matière, ainsi que la capacité de l'Organisation à promouvoir la cohérence des politiques dans ce domaine, dans le système multilatéral.

Enfin, adoptée il y a trente-cinq ans, la convention (n° 169) relative aux peuples indigènes et tribaux, 1989, est un instrument phare pour l'ensemble du système des Nations Unies, il s'agit en effet du seul traité contraignant international concernant le droit des peuples indigènes. À ce titre, elle est l'un des instruments de l'OIT les plus souvent évoqués dans le cadre du processus d'examen périodique universel. La convention n° 169 est par ailleurs un exemple marquant de l'impact que la solidarité nationale et la solidarité internationale peuvent avoir au bénéfice des plus laissés-pour-compte. Elle illustre comment les normes internationales du travail, adoptées pourtant il y a des décennies, restent néanmoins à la pointe des défis actuels, je pense en particulier à la transition juste et à la protection de l'environnement.

Ceci étant, malgré son influence mondiale indéniable, la convention a été ratifiée par 24 pays, répartis de manière fort inégale entre les régions. Cette convention sera examinée cette année au niveau du Groupe de travail tripartite du mécanisme d'examen des normes lors de sa 9^e réunion qui aura lieu du 16 au 20 septembre prochain.

Permettez-moi rapidement d'évoquer quelques autres mesures importantes prises pour moderniser les activités normatives de l'OIT et promouvoir un corpus de normes solide, clair et actualisé.

Tout d'abord, le groupe de travail tripartite établi dans le cadre du mécanisme d'examen des normes s'est réuni pour la huitième fois en septembre de l'année dernière. Il est parvenu à des conclusions consensuelles concernant les instruments relatifs à la protection de la maternité, à la sécurité sociale s'agissant de la prestation de vieillesse, d'invalidité et de survivants, et à l'âge minimum. Il a par ailleurs reporté sa décision sur la classification de certains instruments relatifs au travail de nuit des enfants et des jeunes, dans l'attente des recherches qu'il a demandées au Bureau, jusqu'à son prochain examen en temps opportun. Le suivi des recommandations du groupe de travail est une priorité institutionnelle et requiert que nous redoublions d'efforts afin d'assurer que les décisions pertinentes du Conseil d'administration aboutissent à l'actualisation des ratifications au niveau national ainsi qu'à l'actualisation de certaines normes identifiées. Ainsi, pour donner suite à l'identification en 2017 d'une lacune dans le corpus normatif par le Groupe de travail concernant la protection contre les dangers biologiques, la Conférence entamera cette année une discussion visant précisément à élaborer de nouvelles normes internationales en la matière.

Enfin, et toujours en vue de donner suite aux recommandations du groupe de travail tripartite, la Commission des affaires générales sera saisie de l'abrogation de quatre conventions internationales déclarées obsolètes.

Par ailleurs, en novembre de l'année dernière, le Conseil d'administration a également demandé au Bureau d'élaborer des propositions visant à rationaliser les rapports demandés au titre de l'article 22 de la Constitution, et ce afin de faciliter le respect des obligations de communiquer les informations et les rapports. Ces propositions seront développées en

consultation avec les mandants tripartites, et vous avez dû recevoir notre invitation pour des réunions séparées avec chacun des trois groupes que nous organisons le 24 juin prochain.

Enfin, le Bureau continue de déployer toute son assistance technique afin que les orientations normatives adoptées par votre commission, l'ensemble des autres organes de contrôle, ainsi que la Conférence et le Conseil d'administration, donnent lieu à des résultats tangibles au niveau national. Comme vous pouvez le noter sur la page Web de la commission, le Bureau assure le suivi de pratiquement tous les cas examinés lors de la session précédente de votre commission afin de promouvoir la mise en œuvre effective des conclusions et des recommandations que vous avez adoptées l'année dernière. Nous venons en outre de clore l'Académie des normes internationales du travail qui a été dispensée, à la fois en ligne et en présentiel, au Centre international de formation à Turin.

Monsieur le président, ce bref aperçu de certains développements normatifs que nous estimions pertinents pour vos discussions démontre que la politique normative de l'Organisation est dynamique. En constante évolution, elle est à l'écoute des besoins de justice sociale de notre temps.

Pour conclure, je réitère que le Département des normes internationales du travail est honoré de mettre cette année encore son expertise à la disposition de votre commission et je souhaite saisir cette occasion pour saluer les nombreux et invisibles collègues de mon département qui sont au service de votre commission sous la direction avisée de M^{me} Karen Curtis, cheffe du service de la liberté syndicale, et de M. Horacio Guido, chef du service de l'application des normes, qui assureront à mes côtés la direction du secrétariat. Je voudrais faire une mention spéciale en remerciant en particulier les deux coordinateurs de notre commission, M^{me} Rosinda Silva et M. Carlos Magalhaes, pour le travail remarquable de préparation et d'accompagnement qu'ils nous apportent.

Monsieur le président, Messieurs les vice-présidents, Monsieur le rapporteur, Mesdames et Messieurs les délégués, je vous souhaite de bonnes discussions normatives et vous remercie de votre attention.

Chairperson – Now I would like to invite Mr Kaizer Moyane, the Employer Vice-Chairperson, to take the floor.

Employer members – Chairperson, we thought it would be Mr Leemans taking the floor but I do not mind, but he looks ready.

Chairperson – Mr Marc Leemans.

Worker members – Thank you very much. So indeed it is age before beauty.

The speaker continues in French.

Membres travailleurs – Permettez-moi d'abord d'adresser mes plus sincères félicitations au président de notre commission pour son élection en lui souhaitant tout le succès dans la conduite de nos travaux. Notre sort est dans vos mains. Mes félicitations vont également à Monsieur le rapporteur pour sa désignation, tâche très importante. J'en profite enfin pour réitérer officiellement mes félicitations à l'adresse de mon homologue employeur pour sa désignation en tant que vice-président employeur.

Notre commission entame ses travaux alors qu'en plusieurs endroits du globe sévissent des conflits meurtriers. Ce flot de victimes innocentes interpelle nos consciences et exige de mettre en œuvre notre intelligence. La majorité de ces victimes sont à compter parmi les plus faibles et en grande majorité des femmes et des enfants. Plus généralement, il s'agit de celles et ceux qui perdent leurs moyens de subsistance et se retrouvent plongés dans le désarroi. Les causes de ces conflits sont bien entendu multiples et très diverses. Mais dans leur diversité, ils renvoient à des dysfonctionnements profonds qui appellent des réponses structurelles. Ces

dysfonctionnements ne se limitent d'ailleurs pas aux endroits où nous voyons des conflits armés, mais s'étendent également à des pays où les équilibres sociaux sont perturbés et les droits fondamentaux sont bafoués. Tout cela s'inscrit dans un contexte où nos sociétés doivent faire face à de nombreux défis tels que la transition juste, la persistance de l'informalité et plus généralement les transformations des processus de travail et bien sûr le défi climatique.

Cette année constitue une échéance démocratique importante dans la mesure où pratiquement la moitié de la population mondiale ira aux urnes pour décider de son avenir. La démocratie et ses institutions sont d'ailleurs soumises à rude épreuve. Le fait que les travailleurs à travers le monde prennent de plus en plus conscience qu'ils ne reçoivent pas leur part de la prospérité qu'ils participent à créer érode l'adhésion à la démocratie. Les défenseurs de la démocratie doivent réaliser que le travail décent va main dans la main avec la consolidation des institutions démocratiques.

J'évoquais la nécessité d'apporter des réponses structurelles à ces enjeux. Ces réponses devraient prendre la forme d'un nouveau contrat social auquel les travailleurs appellent depuis plusieurs années. Nous devons refonder nos institutions démocratiques afin de créer des sociétés inclusives et apaisées, qui respectent la dignité humaine. Cela doit faire partie des messages que nous adresserons au Sommet social l'année prochaine, en 2025.

C'est aussi le sens du rapport qu'adresse le Secrétaire général à la Conférence cette année. Nous aurons l'occasion d'y revenir, mais notons déjà que – comme le relève le Secrétaire général – cet exercice n'implique pas de réinventer l'eau chaude. En effet, nous pouvons déjà nous appuyer sur le patrimoine de l'OIT et de ses multiples leviers et moyens d'action. À ce titre, comme l'a déjà fait M^{me} Varga, il convient de rappeler que nous fêtons cette année le 80^e anniversaire de la Déclaration de Philadelphie. Faisant partie intégrante de la Constitution

de l'OIT, cette Déclaration ne peut être comparée à celle sur la justice sociale ou à celle du centenaire. Ces dernières, en dépit de leurs intérêts respectifs, ont une portée bien plus limitée. Toutefois le texte adopté à Philadelphie joue le rôle de boussole pour notre organisation. Il brille par son actualité et identifie les enjeux et défis que nous devons affronter.

Dans ce patrimoine auquel je faisais allusion figurent bien entendu les organes de contrôle de l'OIT. En nous recentrant sur notre commission, on peut remarquer que celle-ci constitue un précieux observatoire pour déceler les obstacles que les normes internationales du travail doivent surmonter. Il s'agit également d'aider les gouvernements, via l'assistance directe et un usage approprié de la solidarité et de la coopération internationale. Au cours de nos travaux, nous allons avoir l'occasion d'examiner plusieurs cas qui illustrent les différentes formes que prennent ces dysfonctionnements.

Certains cas illustrent la montée de l'autoritarisme via les atteintes aux libertés syndicales, d'autres l'affaiblissement des institutions en charge de protéger les travailleurs mais aussi la persistance des discriminations et inégalités ou encore de l'exploitation des travailleurs. Il est très important de se projeter sur les enjeux de demain et de suivre les transformations du monde du travail, mais il faut aussi garder à l'esprit que l'avenir existe déjà en germe au présent et se nourrit du passé.

Pour clore ce propos introductif, je souhaite rappeler comme de coutume que le rôle de notre commission ne consiste pas à statuer sur la culpabilité d'un gouvernement. Il s'agit plutôt d'identifier les écarts dans le respect par les États Membres et de proposer un chemin pour les combler.

Comme à l'ouverture de chaque session, je lance un appel à tous les participants de notre commission, à tous les participants à nos travaux, afin de garder ces éléments à l'esprit de

sorte à contribuer de manière constructive à l'amélioration de la vie des travailleuses et des travailleurs à travers le monde.

Je vous remercie pour votre attention.

Chairperson – And now I would like to give the floor to Mr Kaizer Moyane, the Employer Vice-Chairperson.

Employer members – I do believe now it is beauty after age.

So once again, thank you Chairperson.

Firstly, I would like to thank my group, the Employers, for entrusting me this year with the Vice-Chairperson role of this very important Committee. I would also like to take this moment to thank my predecessor, Mr Paul McKay, for his contribution to this Committee in 2023.

Let me also congratulate you, Chairperson, the Reporter and my colleague from the Workers' group, Marc Leemans, on your appointments.

Once again, this year, the discussion in the Committee takes place against the backdrop of an increasingly challenging and unstable geopolitical situation that continues to shake the world in many ways. Conflicts around the world inevitably impact the world of work with sometimes very serious implications for the implementation and supervision of ILO standards.

Let me highlight one particularly concerning development:

In an increasing number of countries, we are seeing that the autonomy and independence of employers' and workers' organizations are under threat. Like many other civil society organizations, they are seen by autocratic governments as unwanted critical voices that must be silenced.

In the most radical cases, these organizations are criminalized, disbanded and their leaders imprisoned or forced to leave the country. However, there are also more subtle forms in which governments set up their “own” employers’ and workers’ organizations and use incentives or pressure to persuade members of independent organizations to switch to their “own” organizations.

There are also cases where independent organizations are infiltrated by governments or where governments create confusion by setting up “double” organizations.

Finally Chairperson, we are confronted with situations in which independent organizations, faced with the threat of sanctions or reprisals, buy their continued existence by ceasing to advocate for the needs of their members or by bringing their advocacy activities into line with government expectations.

We need to pay more attention to such situations, regardless of whether they concern employers’ organizations or workers’ organizations, and treat them equally, with the employers and the workers in the Committee supporting each other.

It should be reiterated that independent employers’ and workers’ organizations, like other civil society organizations, are not only guarantors of democracy, fundamental rights, market economy and political stability in their respective countries, but that their existence is also a prerequisite for the functioning of the ILO as a tripartite organization. Thus, the value of the ILO’s tripartite standards supervision in the Committee lies in the fact that employers’ and workers’ representatives can contribute with their respective perspectives to the compliance assessments. However, this only works if they are independent of each other and of governments.

Chairperson, there have also been developments within the ILO that represent both a novelty and a challenge for the work of our Committee.

Last November, the Governing Body of the ILO decided to refer to the International Court of Justice the question of whether ILO Convention No. 87 protects the right to strike. As is well known, this decision was taken after highly controversial discussions and votes in two special sessions, during which the Governing Body was divided on the appropriateness of this approach and its ability to find a lasting solution. We do not believe that this decision can completely avert the risk of a split among constituents that threatens the credibility and effectiveness of the ILO standards supervisory system.

In order not to burden this year's Committee's session with this pending dispute and given the uncertainty about the outcome of the International Court of Justice proceedings, we believe, Chairperson, it would be good to exclude the right to strike from our discussions. This would also be appropriate to avoid interfering in the International Court of Justice's advisory opinion process. We therefore consider it unhelpful that the Committee of Experts not only continued its comments on the right to strike unchanged, but even proposed a case containing elements of the right to strike for discussion in the Committee, as one of the so-called double footnote cases. For their part, the Employers will ensure that the right to strike is not mentioned in the outcomes of this Committee.

Chairperson, the Employers' group is committed to participating in this year's Conference discussions in a constructive spirit with the aim of achieving balanced and relevant outcomes.

While there may be differences of opinions on substantive issues among the Committee members and between the Committee and the Committee of Experts, we trust that these will continue to be expressed in a spirit of mutual respect and understanding.

We request that the views expressed in the Committee and in the Committee's conclusions be fully taken into account by the ILO supervisory bodies, by the Office in its technical assistance, and in all ILO initiatives and discussions in the context of the 2030 Agenda.

We look forward to productive discussions and the completion of the work of our Committee in the next two weeks.

Chairperson: And now I have the honour to invite Judge Thomas-Felix to address our Committee on behalf of the Chairperson of the Committee of Experts, Madame you have the floor.

Member of the Committee of Experts, Ms THOMAS-FELIX – Good afternoon to everyone I am honoured to be here today to bring remarks on behalf of the chairperson and members of the Committee of Experts. I bring warm congratulations to the Chairperson of the Committee, Mr Łukasz Różycki, First Counsellor and Deputy Permanent Representative of the Republic of Poland to the United Nations Office at Geneva, and the Reporter of the Committee, Mr Abdelkrim Siyoucef, Deputy Director of the Ministry of Labour, Employment and Social Security of Algeria, on their appointment.

I wish to extend greetings to the Vice-Chairpersons of the Committee, Mr Marc Leemans, Worker spokesperson, and Mr Kaizer Moyane, Employer spokesperson and all other delegates at the Conference.

I am grateful for the invitation for the Committee of Experts to participate at the start of this meeting and welcome this practice. The exchange of information is highly appreciated and demonstrates the linkages, complementarity and synergy essential to the effective functioning of the system for supervising the application of standards.

In 2023, as in previous years, we held a special sitting with the Vice-Chairpersons of your Committee and during this exchange we underlined how important it is for workers' and employers' organizations to send their comments on the application of the Conventions, as this enables the Committee of Experts to obtain a comprehensive picture of the situation in the countries, based on first-hand information.

In 2023, we also held another information session with Government representatives, which provided a valuable opportunity to explain the working methods of the Committee of Experts and to reiterate the importance, of sending complete and timely reports, so that it can carry out its work with full knowledge of the facts.

We remain mindful of the comments of the tripartite constituents concerning the functioning of various aspects of the supervisory system and in particular, the challenges faced by national administrations, when preparing reports and replies to detailed comments.

I wish to emphasize the critical importance of supervision and the pivotal role and responsibility of the Committee of Experts: to monitor compliance through an impartial, thorough and sound examination that will form the basis of the work of your Committee, which is the institutional forum for supervision and dialogue, in which employers and workers play a fundamental role.

It is also essential to recall the complementarity of the regular supervisory mechanism and the special procedures. The Committee of Experts reviewed, in several of its comments adopted at its last meeting, the measures taken by Member States, to follow up on the recommendations of the tripartite committees, established in the framework of the representations submitted under article 24 of the Constitution. In this regard, it is noted that there has been an increase in the number of representations submitted, which demonstrates that the social partners have confidence in the various supervisory procedures of the ILO. Similarly, the Committee of Experts pays serious attention to the legislative aspects referred to it, by the Committee on Freedom of Association. I take this opportunity to greet Professor Kalula and to commend him on the excellent work carried out by the Committee on Freedom of Association, that he so ably chairs.

With respect to the composition of the Committee of Experts, it is of great importance for the Committee to be able to function with all of its nominated experts – a total of 20. Each expert, with his or her individual and professional background, offers invaluable insights and knowledge and represents their own culture and tradition.

Currently there are three new experts and I wish to welcome them: Advocate Irene Kashindi from Kenya, Professor Mia Rönnmar from Sweden and Judge Iain Ross from Australia. At the end of our meeting in 2023, the Committee of Experts bid farewell to two experts, Professor Filali Meknassi and Professor Paul-Gerard Pougoué, who have completed their 15 years of service. I wish to express my deepest appreciation to these two gentlemen for their work at the Committee of Experts.

Now, with the departure of Professor Meknassi and Professor Pougoué, there will be two vacancies for experts and we are hopeful that these vacancies will be filled shortly.

I now turn to our report. In the course of its work, the Committee of Experts always takes into account the current situation in the world and the challenges faced by countries at the national and regional levels. During the crisis caused by the COVID-19 pandemic, supervisory systems played a key role in upholding labour rights provided for in the standards, and in limiting the adverse effects of the crisis on the application of standards. For instance, during the pandemic, in relation to the [Maritime Labour Convention, 2006 \(MLC, 2006\)](#), the Committee adopted a general observation urging governments to restore the protection of seafarers' rights.

In today's world, a considerable number of geopolitical challenges as well as economic, social and environmental challenges are affecting labour market institutions, employment and labour rights. The Committee of Experts refers, in its report, to the triple planetary crisis; the

increasing indebtedness of Member States; austerity measures; growing poverty; greater inequality; and pressure on labour administrations and labour market institutions.

In this respect, the Committee of Experts has highlighted the importance, in the context of these crises, of maintaining permanent and intensive dialogue with workers' and employers' organizations, particularly when adopting legislative texts that may have an effect on workers' rights, including those intended to alleviate a serious crisis situation.

The Committee of Experts is cognizant of the problems and challenges in various regions globally, and has made this clear in its General Report. The Committee of Experts has reiterated that, it is precisely in times of crisis that international labour standards acquire their full significance, by providing guidance on a way forward and safeguarding and promoting social justice. We trust that in the context of its general discussion, your Committee will be able to discuss these issues and contribute to overcoming the challenges that exist.

In view of these challenges, which call for greater vigilance and a more proactive approach by all, the opportunity to continue to carry out our work by including it in the framework of the work of the monitoring and supervisory bodies of the United Nations system, is relevant. In this context, and as a follow-up to the Joint Statement of the Committee of Experts and the Chairs of eight UN Human Rights Treaty Bodies underlining the importance of realizing labour rights as human rights, the Committee of Experts considered that it is appropriate to organize and to hold a thematic discussion with the Treaty Bodies to commemorate the 75th anniversary of the Declaration of Human Rights and Convention No. 87. This is the first time that the Committee of Experts has had this type of exchange and it is hoped that it will be followed by other key meetings on other relevant thematic issues.

As far as working methods are concerned, the Subcommittee on Working Methods has continued to meet during each of the Committee of Experts sessions. As in the past, there has

been discussion and adoption of adjustments to modernize and strengthen the Committee of Experts' working methods and incorporate new technologies. We are aware that the Governing Body is considering proposals to streamline reporting. There is no doubt that governments have a very heavy workload with respect to preparing reports, and the processing of reports by the Committee of Experts also represents a very significant workload for governments.

The General Survey of 2024 is on labour administration. This Survey is an in-depth examination of Convention No. 150 and Recommendation No. 158. The Committee of Experts' last General Survey on this subject was in 1997. The 2024 General Survey has provided the Committee of Experts with an opportunity to review developments in this area and to highlight the lasting importance of labour administration systems in the management of labour issues. The General Survey emphasizes how effective labour administration systems can make decent work a reality for all workers by promoting full employment, respecting labour standards, improving working and employment conditions and creating a framework of sound industrial relations.

The General Survey underscores the importance of some of the key principles included in Convention No. 150 and Recommendation No. 158, such as respect for social dialogue and cooperation and coordination between the different stakeholders, especially in times of crisis, such as the COVID-19 pandemic. During this time, labour administrations had to face the unprecedented challenges created by the pandemic by rapidly addressing occupational safety and health issues while preserving employment and ensuring respect for social dialogue in the adoption of emergency measures.

In the General Survey, the Committee of Experts also examines the structural and functional development of labour administrations in a rapidly changing world of work. Digitalization, including the use of artificial intelligence, the rise of non-standard forms of

employment, and work in global supply chains are key considerations in the formulation and implementation of labour policies. The General Survey emphasizes the need for labour administrations to ensure that national labour and employment policies remain relevant and effective for all workers, especially those in vulnerable situations, while taking advantage of the opportunities presented by these changes. The Committee of Experts hopes that its comprehensive analysis of law and practice in relation to the instruments examined will enable the constituents to put in place effective labour administration systems capable of responding to the changes in the world of work.

Even in the light of the serious problems facing the world of work, I believe that we must remain optimistic and continue our work with confidence and determination. Why do I say this? Because it is important to stress that there is a commitment to international labour standards. This commitment is manifested through concrete actions in recent years. Before I close, I will quickly say, in the recent years there has been the adoption and discussion of new standards in areas of major importance, such as violence and harassment in the world of work, a safe and healthy working environment, protection against biological hazards. There has been the steady increase in the number of ratifications of Conventions and Protocols, and we now have universal ratification of Convention No. 182. I want to acknowledge that we have a supervisory system that works. The number of reports received has steadily increased since 2021 and has exceeded pre-pandemic levels. In addition, in 2021 the Committee of Experts identified almost 180 cases of progress, and in 2022 it identified more than 250, and now in 2023 it has identified almost 220 cases of progress. I wish to underscore, therefore, the unwavering commitment of the Committee of Experts to continue to carry out its work with the highest sense of responsibility, impartiality and objectivity in the fulfilment of its mandate, as noted in paragraph 30 of the General Report.

In times of crisis, the work of the Committee of Experts will always be available to the constituents to support them in seeking sustainable solutions. The independence and objectivity, as well as the persistence, with which issues relating to the application of the standards adopted by the Conference, and ratified as a sovereign act by States, are analysed, will always be a guarantee in this regard. I am confident that, on the basis of this work, your Committee will hold robust discussions and fruitful dialogue with a view to finding solutions to resolve non-compliance issues.

I will end by commending the International Labour Standards Department, led by Ms Corinne Vargha, for its exemplary work. The commitment and dedication shown by the staff of this Department is truly laudable, and it enables us, the Committee of Experts, to produce high quality documents and analyses, ensuring that we perform our work in the best way possible.

Chairperson, and everyone here, I thank you for your kind attention and I wish you all a successful meeting and discussions.

Chairperson – Distinguished Judge Thomas-Felix, I thank you for your important intervention. We have taken due note of your detailed information and point you raised. I now have the honour to invite the Chairperson of the Committee on Freedom of Association, Professor Evans Kalula to address our Committee. Professor Kalula the floor is yours.

Chairperson of the Committee on Freedom of Association (Mr KALULA) –Officers of the Committee, the two Vice-Chairpersons and the Reporter, distinguished members of the Committee , the Representative of the Secretary-General, my colleague Judge Thomas-Felix, representing the Committee of Experts. I thank you for your kind sentiments, Madam. Colleagues of the Committee on Freedom of Association, good afternoon. Allow me Chairperson, to join in congratulating you, most sincerely, you and your Officers on your

election, Chairperson. I wish you well on your very critically important task ahead to guide the Committee in its deliberations.

Honourable Chairperson, it is an honour and a privilege for me to once again come before your esteemed Committee to report on the activity of the Committee on Freedom of Association. We last met a year ago. Since then, Chairperson, the Committee on Freedom of Association has issued its 7th annual report, which covers the year 2023. The Committee on Freedom of Association's annual reports are intended to provide useful information on the work undertaken throughout the year and assist constituents' understanding its work and functioning. They contain information, supported by visual statistical data, on the developments over the years in the use of the Committee on Freedom of Association's special procedure, the progress made, and the serious and urgent cases examined. Furthermore, the annual report and its presentation to your august body fulfils an important objective of the Workers' and Employers' groups 2015 Joint Statement to support the complementarity of the ILO supervisory system while avoiding duplication of procedures.

Chairperson, I would like to recall that the role of the Committee on Freedom of Association is to examine violations of freedom of association regardless of ratification of the relevant Freedom of Association Conventions. The object of the complaint procedure of the Committee of Freedom of Association is not to blame governments, but rather engage in a constructive tripartite dialogue to ensure the respect of freedom of association both in law and in practice. I would like to underline that the conclusions of the Committee on Freedom of Association in specific cases are issued following very robust, like in your Committee, discussions guided by shared values and intention to promote universal respect for freedom of association and the right to collective bargaining both in law and in practice. In turn, the decisions of the Committee on Freedom of Association are intended to guide governments and national authorities in their discussion of actions to be taken to follow up on the

recommendations of the Committee on Freedom of Association through a constructive tripartite dialogue.

In 2023, the Committee on Freedom of Association examined 60 active cases and 24 cases concerning the effect given to its recommendations through its follow-up procedure. Freedom of association is a fundamental right which must be ensured for both workers' and employers' organizations. Last year, the Committee on Freedom of Association examined one important complaint brought by an employers' organization. The allegations received over the year globally covered both the public and the private sectors.

The annual report outlines, among other information, the types of allegations that came before it most often. In 2023, similar to the previous year, these were: trade union rights and civil liberties, protection against acts of anti-union discrimination, and violation of collective bargaining rights.

While a lot remains to be done it is my pleasure to inform you that there has been important progress noted by the Committee on Freedom of Association with interest or satisfaction during this period as well as positive developments that have been welcomed by the Committee on Freedom of Association in the various cases examined. The progress noted has encompassed a variety of measures, including, for example, legislative amendments to further freedom of association and collective bargaining in the state sector; the signing of new collective agreements, including a centralized collective agreement in the state sector; significant action taken by the competent authorities, including the doubling of the budget allocation, to ensure that the fight against anti-union violence constitutes a state priority; progress reported in the investigations of acts of anti-union violence; the reinstatement of workers; the restoration of trade union status following court decisions, etc. I invite you,

Members of the Committee, to consult the report which contains tables and graphs on the cases of progress by the type of allegations as well as on the cases of progress by region.

Aware of the fact that the ILO technical assistance is a critically important tool for governments and social partners alike to resolve outstanding matters, in 2023, the Committee on Freedom of Association suggested to governments to avail themselves of ILO technical assistance in 12 cases with a view to addressing its conclusions and recommendations. Furthermore, with a view to facilitating the dialogue between governments concerned and to identifying solutions to the issues raised, the Committee on Freedom of Association may propose on-the-spot missions, and governments may invite such missions, at various stages of the examination of the complaints submitted to it. The Committee on Freedom of Association has proposed five missions during the period covered by the report.

The engagement over the years with the procedures of the Committee on Freedom of Association demonstrates, Chairperson and Members of the Committee, that its work is well known and appreciated as an authoritative voice for identifying shortcomings and finding workable solutions, thereby promoting social dialogue at national level for full resolution. You will recall that just three years ago, the Committee on Freedom of Association adjusted its methods of procedure to further promote that space for crucial national dialogue when the parties to a complaint agree. That is work in progress and every indication is that it will make an invaluable contribution to social dialogue.

In order to ensure complementarity while avoiding duplication, the Committee on Freedom of Association often transmits the legislative aspects of the cases where governments have ratified the relevant Conventions to the Committee of Experts.

In 2023, comparable to previous years, this practice was used in eight cases. This also ensures a pertinent dialogue between the Committee on Freedom of Association, which is a

complaint-based procedure on the one hand, and the Committee of Experts and your Committee. The regular review provided by the Committee of Experts and your Committee provides an important key to ensuring sustainable progress in respect of freedom of association.

Chairperson, this statement would not be complete without my acknowledging in a similar way as my colleague from the Committee of Experts, the commitment of my colleagues in the Committee on Freedom of Association, and the work of the Office, in particular the Director of the International Labour Standards Department, and the Chief of the Freedom of Association branch. In our work, it cannot be over emphasized that the service that the department and the branch provide to the Committee on Freedom of Association, surpasses the limited resources that are at their hand. This support by the department and the branch, enables constructive engagement between governments and their social partners. As your Committee begins this important work, may I extend my sincere wishes for a very constructive and fruitful debate that would further boost the achievement of our common objectives.

Chairperson – Thank you very much Professor Kalula for your kind words and important intervention.

Distinguished delegates, we will now proceed with the adoption of document D.1 – Work of the Committee. This document sets out the manner in which the work of the Committee is carried out. This document takes into account the outcome of the last informal tripartite consultations on the working methods of the Committee held on 25 March 2024. I would also like to draw your attention to the fact that these consultations confirmed the decisions taken in 2023 to maintain some adjustments that had been put in place to address the special circumstances in the context of COVID-19 pandemic and that were considered to contribute to the smooth functioning of the Committee's work.

I can see no requests for the floor. We shall therefore proceed now with the adoption of document D.1 – Work of the Committee.

If there are no objections, may I take it that the Committee wishes to adopt document D.1?

(Document D.1 is adopted.)

Our Committee has just completed its first task, by adopting its working methods. In this regard, one of the important challenges that our Committee will have to face this year again will be to complete its crucial work in a tight timeframe. Therefore, now let me make a few remarks regarding time management.

To ensure success, we have to abide by our working schedule and implement strictly the measures contained in document D.1, in particular concerning time management. Allow me to emphasize certain key measures in this respect.

Maximum speaking time will apply during the general discussion, the discussion of the General Survey and during the examination of individual cases. I intend to enforce these limits strictly and I count on your good understanding and cooperation. Details about time limits are contained in Part IX of document D.1, which is available on the Committee's web page.

During the interventions, the screens will indicate the remaining time for speakers. Once the maximum speaking time has been reached, the time indication will turn red on the screen, and I will have the unpleasant duty to interrupt the speaker.

The speaking times will be adjusted according to the number of speakers registered. Where necessary, and in consultation with the other Officers of the Committee, I will have recourse to the possibility to decide, to reduce speaking time limits, for instance, where there is a very long list of speakers. Where such a decision is warranted, the Committee will be informed, and the Secretariat will try as far as possible to inform the delegates on the list of

speakers allowing them to adapt the text of their statements to the time they will finally be allocated.

To allow efficient time management, delegates are requested to register on the list of speakers as early as possible. As indicated in document D.1, the practice of drawing up a list of speakers 24 hours before the examination of each item on the Committee's agenda remains in force. Delegates who are accredited to the Conference should request their inclusion on the list of speakers by filling in the relevant form, which is available on the Committee's web page, and by sending this form by email to our general email address: CAN@ilo.org.

Speakers who have not registered in advance may only be given the floor if time allows. I draw your attention to the fact that during the tripartite consultations in March 2024, it was recalled that no delegate would be able to register on the list of speakers once the discussion of an individual case had begun.

The list of speakers will be visible on screens in the room for each sitting of the Committee. The number of speakers registered to take the floor will be clearly indicated. Moreover, as much as possible, group interventions are encouraged, instead of individual statements.

Furthermore, in accordance with the practice of the Committee, observers can only be placed on the list of speakers after approval by the Officers of the Committee.

I also invite speakers to send the text of their statements by email to the following address: can-interpret@ilo.org. This will greatly assist the work of the interpreters. Also, to facilitate their work, I would appreciate it if you could deliver your statements at a reasonable speed.

The discussions of the Committee will be produced in the form of verbatim transcripts. Each intervention will be reproduced in extenso in the working language in which it has been delivered, or failing that, the language chosen by the government – English, French or Spanish.

The verbatim draft minutes will be made available online on the Committee's dedicated web page.

It is the Committee's practice to accept amendments to the verbatim draft minutes of the previous sittings prior to their adoption by the Committee. The time available to delegates to submit amendments to the verbatim draft minutes will be clearly indicated by me when they are made available to the Committee. No amendments may be accepted once the draft minutes have been approved.

Delegates are kindly requested to send their amendments to the secretariat electronically with track changes to the Committee's mailbox: CAN@ilo.org. In order to make tracked changes, delegates are invited to request the Word version of the draft verbatim minutes by sending an email to the same address.

Finally, I also wish to draw attention to the fact that, in accordance with Part X of D.1, all delegates have an obligation to the Conference to abide by parliamentary language and by the generally accepted procedure. Interventions should be relevant to the subject under discussion and should avoid references to extraneous matters. It is my personal responsibility, as the Chair of this Committee, to ensure that the rules of decorum are respected.

Also let me recall that it is strictly forbidden to film, take photos of delegations other than your own, or tweet live during the Committee's sessions.

I would also like to draw your attention to the fact that the seating plan in the room for Government's representatives will change every day, so we kindly ask you not to leave your personal belongings in the room.

In conclusion, let me stress that, while the challenges ahead of us are great, I trust that we can count on our collective wisdom and experience, as well as on that of our dedicated Secretariat, to ensure the success of this Committee.

We shall now move on to the adoption of document D.2 – List of individual cases. The list is now available on the Committee's web page and will be shown immediately on the screens.

May I take it that the Committee wishes to adopt document D.2?

(Document D.2 is adopted.)

I now give the floor to Mr Marc Leemans, Worker Vice-Chairperson, to make a few comments on the document that has just been adopted.

Mr Leemans, you have the floor.

Membres travailleurs – Le contenu du document D1 est le fruit des consultations informelles tripartites qui se déroulent chaque année en amont de la Conférence. Ces consultations sont l'occasion pour les trois groupes de s'accorder sur les méthodes de travail de notre commission.

Les membres qui ont suivi les travaux de notre commission au cours des dernières années se souviendront des fortes perturbations qu'ont connues nos méthodes de travail à cause de la pandémie de COVID-19.

Cette année marque toutefois la seconde année consécutive au cours de laquelle notre commission peut reprendre le cours normal de ses travaux.

Nous avons toutefois pérennisé un certain nombre d'améliorations apportées au cours de cette période de troubles qui nous permettent de mener nos travaux de manière plus efficace, sans toutefois nuire à la qualité et à l'intensité des débats.

Il n'empêche que nous disposons d'une marge de manœuvre très faible pour réaliser tous les travaux de notre commission dans le laps de temps imparti. Il est dès lors fondamental d'observer scrupuleusement, comme le président vient de le rappeler, les règles convenues dans le document D1 pour ne pas mettre en péril le bon fonctionnement de notre commission.

En ce qui concerne le droit de grève, que le porte-parole des employeurs a soulevé dans son introduction d'ouverture, je me limite à répéter que ce différend d'interprétation existe depuis bien des années. Mais nous avons néanmoins trouvé un *modus operandi* en 2015, il y a dix ans, et l'envoi par le Conseil d'administration de l'OIT à la Cour internationale de Justice ne doit rien changer dans notre fonctionnement actuel.

Nous adoptons également le document D2 qui contient la liste des cas qui seront examinés par notre commission. Même si cela relève davantage de notre discussion générale, je tiens déjà à rappeler que la sélection des cas se fait sur la base du rapport de la commission d'experts. Nous remercions la commission d'experts pour le professionnalisme, l'impartialité et l'indépendance dont elle fait preuve dans l'exercice de son mandat. Nous saluons son impartialité et nous respectons son autonomie dans le cadre du système de supervision de l'OIT.

En ce qui concerne la liste que nous venons d'adopter, il s'agit des cas pour lesquels nous aurons l'occasion de mener un dialogue constructif en vue de contribuer à la résolution des problématiques qui se posent dans les États Membres concernés.

La sélection de ces cas est le fruit d'une négociation entre le porte-parole des employeurs et le porte-parole des travailleurs de notre commission. Les critères de sélection sont repris au paragraphe 26 du document D1. Il ressort de cette liste de critères que c'est la substance d'un cas qui doit au premier chef nous guider pour établir une liste de cas. Toute autre considération, qu'elle soit politique ou stratégique, qui perd de vue la substance des discussions de notre commission ne devrait en aucun cas guider la négociation de cette liste. Cela emporte le risque de faire perdre de vue à notre commission les objectifs de son action dont les fondements se trouvent décrits dans la Constitution de notre Organisation et dans la

Déclaration de Philadelphie. Fondements auxquels chacun des trois groupes constituant l'Organisation souscrit.

Figurer sur la liste des cas soumis à l'examen de notre commission doit davantage être vu comme une opportunité que comme un fardeau pour les États Membres concernés.

Si c'est une opportunité pour les États Membres de travailler en collaboration avec l'OIT à la résolution des problématiques rencontrées, c'est bien souvent une nécessité fondamentale pour celles et ceux qui sont victimes des manquements constatés aux conventions internationales du travail.

Ces victimes sont le plus souvent les travailleuses et les travailleurs qui nourrissent dans l'OIT l'espoir d'une résolution des difficultés auxquelles ils sont confrontés. Et l'examen d'un cas par notre commission matérialise ces espoirs.

Ces espoirs se matérialisent donc pour toutes celles et ceux concernés par les 24 cas que nous adoptons aujourd'hui pour examen.

Beaucoup d'autres situations qui auraient également mérité d'être examinées par notre commission ne le seront malheureusement pas cette année. Elles sont trop nombreuses pour être toutes passées en revue de manière exhaustive. Permettez-moi donc de me limiter à quelques-unes d'entre elles qui figuraient sur la liste longue.

En Indonésie, nous devons constater avec une profonde préoccupation que les graves problèmes que nous avons abordés l'année dernière dans notre commission n'ont pas disparu. D'importants manquements à la convention n° 98 demeurent en ce qui concerne la protection contre la discrimination syndicale, des restrictions de la portée des conventions collectives ainsi que des ingérences dans la négociation collective libre et volontaire. Et nous ne voyons à ce stade aucune perspective d'amélioration de la situation. Un nouveau gouvernement a récemment été élu en Indonésie. Nous en appelons à ce nouveau

gouvernement d'assurer la mise en œuvre des conclusions consensuelles adoptées l'année dernière en consultation avec les partenaires sociaux et avec l'assistance technique du Bureau.

Au Costa Rica aussi, les travailleurs sont victimes de discrimination antisyndicale et la négociation collective, particulièrement dans le secteur public, est vidée de sa substance. En outre, la pratique généralisée des accords directs avec des travailleurs non syndiqués va à l'encontre de la promotion de la négociation collective avec les organisations syndicales telle qu'entendue par la convention n° 98. Une assistance technique est actuellement fournie par l'OIT pour améliorer la situation dans le pays. Nous espérons que la mise en œuvre des conclusions adoptées l'année dernière seront abordées dans ce cadre et que les partenaires sociaux seront pleinement impliqués dans ce processus.

De jeunes travailleuses et travailleurs de la République de Corée, bien souvent à peine âgés de 16 ou 17 ans, sont exposés, sous couvert de programmes d'apprentissage, à des conditions de travail dangereuses. Il ne peut d'ailleurs être question de programmes d'apprentissage dans la mesure où ces jeunes ne bénéficient d'aucune supervision ni d'aucun encadrement, ce qui a pour conséquence que la formation pratique est quasi inexistante. Ces conditions de travail dangereuses exposent ces jeunes travailleurs à des accidents de travail qui provoquent souvent des lésions graves et parfois mortelles. Nous regrettons de ne pas pouvoir en parler dans le cadre de la liste finale.

Pour terminer, en Guinée-Bissau, la fixation d'un nouveau taux de salaire minimum pour le secteur privé n'est toujours pas intervenue alors que, à l'issue de l'examen du cas l'année passée, notre commission avait prié le gouvernement, entre autres, de revoir sans délai le salaire minimum pour les secteurs public et privé, en consultation étroite avec les organisations syndicales et patronales indépendantes et librement constituées. Nous sommes profondément préoccupés par l'interférence du gouvernement dans la sélection des

représentants des travailleurs pour les activités d'assistance technique et de suivi. Il s'agit d'une interférence dans les activités syndicales qui constitue clairement une violation de la convention n° 87 ratifiée par le gouvernement l'année dernière.

Nous ne manquerons pas d'être attentifs à l'évolution de la situation dans ces pays et dans bien d'autres encore dans lesquels des manquements aux conventions internationales du travail sont constatés. Le groupe des travailleurs témoigne toute sa solidarité avec les travailleuses et les travailleurs qui subissent les conséquences de ces manquements.

Nous continuerons à nous mobiliser, dans le cadre de cette commission et en dehors, pour que des évolutions positives puissent être observées dans ces États Membres.

Le rapport rendu par les experts et les recommandations qu'ils formulent doivent en tout cas permettre aux États Membres d'entrevoir les solutions à mettre en œuvre pour résoudre les manquements constatés dans l'application des conventions internationales du travail.

Chairperson – Thank you very much, Mr Leemans, and now I give the floor to Mr Kaizer Moyane, the Employer Vice-Chairperson, to also make a few observations on the document we have just adopted.

Employer members – I promise I will not be long at all. We agree to the adoption of the list of cases this year, but we would just like to make the following points for the record. We are still not satisfied with the selection of double-footnoted cases. For instance, we cannot see in what way the case of Paraguay, Labour Inspection Convention, 1947 (No. 81), meets the Committee of Experts' criteria for double-footnoted cases. To make the selection more transparent and comprehensive, we request the Committee of Experts to provide detailed justification for each chosen double-footnoted case in the future. In addition, Chairperson, we would like to be clear at the outset that, in line with the standing practice, any issues regarding a right to strike in Convention No. 87 which is contentious will not be included in the

conclusions of the cases of Cambodia, No. 87, Nicaragua, No. 87, Netherlands – St Maarten, No. 87, Philippines, No. 87, Tunisia, No. 87, El Salvador, No. 87, Ecuador, No. 87, Eswatini, No. 87, and Japan, No. 87.

Chairperson, we all need to continue our efforts to arrive at a balanced list of cases, that is a set of cases that can derive real benefit from the discussion in the Committee. We also wish to reiterate that the Committee is not a tribunal and the countries on the list are not defendants. The Committee tries to find solutions to compliance issues together, and in a tripartite dialogue with the governments concerned. In this regard, Chairperson, we appreciate that a number of governments have already provided additional information which will be taken into account, and we look forward to fruitful tripartite discussion.

Chairperson – I have been informed that the Government representative of Colombia has requested the Floor. Mr Muñoz Castro, the floor is yours.

Miembro gubernamental, Colombia (Sr. MUÑOZ CASTRO) – Gracias, señor Presidente.

Agradecemos la presentación de los documentos de esta Comisión y solo es para hacer un rápido comentario. Vamos a estar atendiendo a la Comisión, estamos en la lista corta por el Convenio sobre la readaptación profesional y el empleo (personas inválidas), 1983 (núm. 159). Vamos a asumir este ejercicio como una oportunidad para dialogar con los expertos y mostrarles los avances que Colombia ha hecho en esta materia. Así que, en ese sentido, les agradecemos habernos incluido en la lista, por raro que parezca decir esto aquí, porque creemos que es una muy buena oportunidad para este Gobierno informar que ha hecho realmente en ese campo un esfuerzo muy grande para acabar con la discriminación de las personas con discapacidad.

Desde luego, sí nos hemos hecho la pregunta de qué criterios se aplicaron para la escogencia de los países para pasar de una lista a la otra y solo quiero hacer una anotación

que me llamó ahora mismo la atención leyendo la lista. Sin hacer ninguna afirmación, quiero, digamos, mostrar mi curiosidad de cómo países de mi región que apoyaron el envío de este diferendo antiguo del derecho de huelga son los que se encuentran en la lista. Eso es todo lo que quería decir.

Muchas gracias, señor Presidente, y esperamos participar de manera constructiva y positiva en este debate ante la Comisión y lo haremos con un gusto enorme para contribuir al desarrollo de las normas del trabajo.

Chairperson – Thank you very much distinguished representative of Colombia and now I give the floor to the representative of Government of Algeria.

Membre gouvernemental, Algérie (M. BOUCHEBOUT) – La délégation note que l'Algérie figure parmi la liste des 24 cas. Par rapport à la convention n° 98, la commission d'experts a invité le gouvernement à présenter ses réponses de manière complète en 2025, alors que l'on figure pour ces griefs en 2024. Aussi, on note que la liste des 24 cas inclut deux pays de la même sous-région, alors que les critères de sélection de cas, tels qu'adoptés en 2015, et figurant dans le paragraphe 25 du document D1, note que la sélection doit tenir compte de l'équilibre géographique. Nonobstant cela, ce sera l'occasion pour nous, pour la délégation algérienne, de présenter les progrès réalisés et ses réponses par rapport aux recommandations et observations formulées par la commission d'experts.

Chairperson – I have no more requests for the floor. I would like to remind you that after this sitting, the two Vice-Chairpersons are organizing in the room an informal information session for the Governments on the list of individual cases and for any other interested government members.

I invite delegates from the Employers' and Workers' groups to leave the room immediately after the end of our meeting to facilitate the start of this informal information session.

We have now completed our work for this afternoon. Before closing the sitting, I would like to remind you that tomorrow we will start our general discussion, following by the discussion on the General Survey.

The sitting will start at 10.30 a.m. sharp, as we will have a long working day. After the general discussion and the discussion on the General Survey, the Committee will be called upon to examine the cases of serious failure of the Member States to respect their reporting and other standards-related obligations.

To take account of recent developments, updated information on the countries concerned was provided to our Committee in document CAN/D/SF which is available on the Committee's web page. This document takes into account the fact that some governments have submitted the required information and reports as indicated in part V of document D.1. This will be followed by the replies by Judge Thomas-Felix, the Representative of the Secretary-General and the final remarks by the Vice-Chairpersons on the general discussion. Thank you and the sitting is closed.

The sitting closed at 5.20 p.m.

La séance est levée à 17 h 20.

Se levantó la sesión a las 17.20 horas.