

Committee on the Application of Standards

CAN/PV Serious failure

03.06.24

112th Session, Geneva, 2024

Discussion of cases of serious failure by Member States to respect their reporting or other standards-related obligations

A. Update based on the information and reports received since the last session of the CEACR

1. Failure to supply reports for the past two years or more on the application of ratified Conventions

Countries mentioned in paragraph 85 of the General Report – page 66

Afghanistan, Antigua and Barbuda, Barbados, Comoros, Dominica, Grenada, Haiti, Papua New Guinea, Saint Lucia, Somalia, Syrian Arab Republic, Tonga, Tuvalu, Vanuatu and Yemen.

Since the last session of the Committee of Experts, reports have been received from the following country:

Antigua and Barbuda. The Government has sent a report due.

Therefore, the countries invited to supply information to the Committee on the Application of Standards concerning this failure are:

Afghanistan, Barbados, Comoros, Dominica, Grenada, Haiti, Papua New Guinea, Saint Lucia, Somalia, Syrian Arab Republic, Tonga, Tuvalu, Vanuatu and Yemen.

2. Failure to supply first reports on the application of ratified Conventions for two or more years

Countries mentioned in paragraph 88 of the General Report – page 67

State	Conventions Nos
Cook Islands	– Since 2021: MLC, 2006
Djibouti	– Since 2022: Convention No. 183
Fiji	– Since 2022: Convention No. 190
Grenada	– Since 2021: MLC, 2006, and Convention No. 189
Iraq	– Since 2022: Convention No. 185
Lebanon	– Since 2021: MLC, 2006
Marshall Islands	– Since 2021: Convention No. 182
Sudan	– Since 2021: MLC, 2006
Tonga	– Since 2022: Convention No. 182
Tuvalu	– Since 2021: Convention No. 182
Vanuatu	– Since 2021: Convention No. 138

Since the last session of the Committee of Experts, first reports have been received from the following countries:

Cook Islands. The Government has sent the first report on the application of the MLC, 2006.

Fiji. The Government has sent the first report on the application of the Convention No. 190.

Therefore, the countries invited to supply information to the Committee on the Application of Standards concerning this failure are:

Djibouti, Grenada, Iraq, Lebanon, Marshall Islands, Sudan, Tonga, Tuvalu and Vanuatu.

3. “Urgent appeals” – Failure to supply reports on the application of ratified Conventions for at least three years

Observations concerning particular countries (Part II of the CEACR Report – page 99)

Afghanistan, Antigua and Barbuda, Comoros, Cook Islands, Grenada, Marshall Islands, Saint Lucia, Sudan, Syrian Arab Republic, Tuvalu and Vanuatu.

Since the last session of the Committee of Experts, reports have been received from the following countries:

Antigua and Barbuda. The Government has sent a report due.

Cook Islands. The Government has sent a report due.

Therefore, the countries invited to supply information to the Committee on the Application of Standards concerning this failure are:

Afghanistan, Comoros, Grenada, Marshall Islands, Saint Lucia, Sudan, Syrian Arab Republic, Tuvalu and Vanuatu.

4. Failure to supply information in reply to comments made by the Committee of Experts

Countries mentioned in paragraph 93 of the General Report – page 68

Afghanistan, Antigua and Barbuda, Bahamas, Barbados, Cambodia, Comoros, Congo, Democratic Republic of the Congo, Djibouti, Dominica, Fiji, France (New Caledonia), Grenada, Haiti, Iceland, Iran (Islamic Republic of), Madagascar, Montenegro, Netherlands (Sint Maarten), Papua New Guinea, Romania, Rwanda, Saint Lucia, San Marino, Singapore, Slovenia, Solomon Islands, Somalia, South Sudan, Sudan, Syrian Arab Republic, Tuvalu, United Kingdom of Great Britain and Northern Ireland (British Virgin Islands), Vanuatu and Yemen.

Since the last session of the Committee of Experts, replies to all or most of the comments of the Committee of Experts have been received from the following countries:

Bahamas. The Government has sent all replies to the Committee's comments.

Cambodia. The Government has sent all replies to the Committee's comments.

Democratic Republic of the Congo. The Government has sent replies to the majority of the Committee's comments.

Fiji. The Government has sent all replies to the Committee's comments.

Iceland. The Government has sent all replies to the Committee's comments.

Islamic Republic of Iran. The Government has sent replies to the majority of the Committee's comments.

Madagascar. The Government has sent all replies to the Committee's comments.

Montenegro. The Government has sent replies to the majority of the Committee's comments.

Romania. The Government has sent replies to the majority of the Committee's comments.

Rwanda. The Government has sent all replies to the Committee's comments.

Slovenia. The Government has sent all replies to the Committee's comments.

In addition, written information was received from the Governments of **Congo, France (New Caledonia), and Rwanda**

See below under Part B.

Therefore, the list of countries invited to supply information to the Committee on the Application of Standards concerning this failure is as follows:

Afghanistan, Antigua and Barbuda, Barbados, Comoros, Congo, Djibouti, Dominica, France (New Caledonia), Grenada, Haiti, Netherlands (Sint Maarten), Papua New Guinea, Saint Lucia, San Marino, Singapore, Solomon Islands, Somalia, South Sudan, Sudan,

Syrian Arab Republic, Tuvalu, United Kingdom of Great Britain and Northern Ireland (British Virgin Islands), Vanuatu and Yemen.

5. Failure to supply reports for the past five years on unratified Conventions and Recommendations

Countries mentioned in paragraph 136 of the General Report – page 84

Albania, Barbados, Plurinational State of Bolivia, Chad, Djibouti, Dominica, Equatorial Guinea, Haiti, Marshall Islands, Mongolia, North Macedonia, Papua New Guinea, Rwanda, Saint Lucia, Samoa, Sao Tome and Principe, Singapore, Timor-Leste, Tuvalu, Uganda and Yemen.

Since the last session of the Committee of Experts, **Albania, the Plurinational State of Bolivia, Mongolia, Rwanda and Samoa**, have sent reports on unratified Conventions and Recommendations.

In addition, written information was received from the Governments of **Chad, Equatorial Guinea, Rwanda and Uganda**

See below under Part B.

Therefore, the countries invited to supply information to the Committee on the Application of Standards concerning this failure are:

Barbados, Chad, Djibouti, Dominica, Equatorial Guinea, Haiti, Marshall Islands, North Macedonia, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Singapore, Timor-Leste, Tuvalu, Uganda and Yemen.

6. Failure to submit instruments to the competent authorities

Countries mentioned in paragraph 148 of the General Report – page 87

Angola, Belize, Plurinational State of Bolivia, Brunei Darussalam, Democratic Republic of the Congo, Dominica, Equatorial Guinea, Gabon, Gambia, Grenada, Guinea-Bissau, Haiti, Hungary, Lebanon, Liberia, Libya, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Solomon Islands, Syrian Arab Republic, Timor-Leste, Tuvalu, Vanuatu, Yemen and Zambia.

Since the last session of the Committee of Experts, information has been received on this failure by the following country:

Democratic Republic of the Congo. On 12 June 2023, the Government submitted the ten instruments adopted by the International Labour Conference between its 99th and 108th Sessions (2010–19), to the Parliament.

In addition, written information was received from the Governments of the **Plurinational State of Bolivia, Brunei Darussalam and Equatorial Guinea.**

See below under Part B.

Therefore, the countries invited to supply information to the Committee on the Application of Standards concerning this failure are:

Angola, Belize, Plurinational State of Bolivia, Brunei Darussalam, Dominica, Equatorial Guinea, Gabon, Gambia, Grenada, Guinea-Bissau, Haiti, Hungary, Lebanon, Liberia, Libya, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Solomon Islands, Syrian Arab Republic, Timor-Leste, Tuvalu, Vanuatu, Yemen and Zambia.

B. Written information received from Governments concerned by serious failure

Plurinational State of Bolivia

The Plurinational State of Bolivia has been building a process of social and economic transformation, the achievements of which are recognized at regional and international level. Despite the interruption of democracy in 2020, the transformation process has succeeded in taking root once again and making its first significant achievements, such as the low rates of inflation and unemployment which have been recorded over the recent period, under the leadership of the Government of President Luis Arce Catacora. Among the deep-rooted social transformations in the country, emphasis should be placed on the protection of the rights of men and women workers, in accordance and compliance with the fundamental rights recognized by the ILO.

The Political Constitution of the State, promulgated in 2009, in article 46, recognizes the right to decent work, with industrial safety, occupational safety and health, without discrimination and with just, equitable and satisfactory remuneration and pay, which ensures workers and their families a decent existence. Article 48 establishes the premise that social and labour provisions are compulsory, and that labour standards shall be interpreted and applied in accordance with the principles of the protection of women and men workers, as the principal productive force of society; the primacy of the labour relationship; labour continuity and stability; non-discrimination and the reversal of the burden of proof in favour of women and men workers, with the added principle that the recognized rights and benefits of workers cannot be renounced, and that any agreement that is contrary to this principle or is likely to undermine its application shall be null and void.

Article 49(II) provides that the law shall regulate labour relations in respect of contracts and collective agreements; general and sectoral minimum wages and wage increases; reinstatement; paid leave and public holidays; the calculation of seniority, hours of work, overtime, night and Sunday rates; Christmas and other bonuses, premiums and other systems of sharing in enterprise assets, compensation and redundancy payments; work-related maternity rights; vocational capacity-building and training; and other labour rights.

Constitutional case law, and particularly Plurinational Constitutional Ruling No. 1202/2012 of 6 September 2012 “[o]n the right to work ...”, found that:

The Right to work and work-related rights constitute a nucleus, not only of socio-economic rights, but also of fundamental human rights. A central denominator of work-related rights, in terms of their purpose and content, appears to be ‘labour’ (work). In its traditional narrow meaning, work has been seen as a means of earning a living or, in other words, only a means of economic survival. At the beginning of the XXth century, another more important and global perspective began to be discussed: the interdependence between labour conditions, social justice and universal peace. Moreover, modern perceptions have positively intensified the

concept of labour as a human value, a social necessity and a means of self-realization and individual development.

In relation to labour rights, the national law set out in the Political Constitution of the State, the General Labour Act, the Regulatory Decree issued under the General Labour Act, as well as texts at the same or lower levels, have recognized rights and guarantees for women and men workers that merit being protected and guaranteed by the State, such as the right to a stable source of work, to receive remuneration or wages, the guarantee of employment stability for pregnant women and parents with children, persons with disabilities, mothers and fathers, spouses, guardians of persons with disabilities under 18 years of age, or with serious disabilities, persons suffering from cancer, HIV or serious illnesses, women subjected to violence; and the protection of trade union rights.

It is also important to indicate that, article 49(III), the Political Constitution of the State prohibits unjustified dismissal and any form of harassment at work, and is in accordance with article 8(II) of the Constitution, which provides that dignity is one of the underlying values of the State, and it is therefore one of its essential purposes and functions to guarantee the well-being, development, safety and protection, and equality of dignity of persons, nations, peoples and communities, and to promote mutual respect and intracultural, intercultural and plurilingual dialogue.

This whole social and legislative structure, which is being developed and modernized, under the strictest observance of labour rights and the applicable provisions, in itself implies the compliance of the State with international labour standards, as outlined above.

In relation to the examination of the 31 standards to the legislative authorities, on which the Committee of Experts is requesting information, they may be divided into:

- four Conventions: the Maritime Labour Convention, 2006 (MLC, 2006); the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187); the Work in Fishing Convention, 2007 (No. 188); the Violence and Harassment Convention, 2019 (No. 190);
- 23 Recommendation; and
- four Protocols.

Ratification of Conventions

The Conventions adopted by the ILO make up an international legal framework concerning all aspects of labour relations, conditions of work, social security and the protection of specific categories of workers. These Conventions are directly applicable by States that have ratified them.

Despite the provisions of article 19, paragraphs 1, 3 and 5, of the ILO Constitution, the ratification of ILO Conventions is not compulsory and, in accordance with paragraph 5(b), they have to be brought before the authority or authorities regarded as competent. Nevertheless, it is also necessary to take into consideration the specific circumstances of the situation in each country, which have prevented the Plurinational State of Bolivia from complying with this obligation, as indicated below:

- The MLC, 2006, and Convention No 188 both refer to working conditions with special characteristics, in respect of which the Plurinational State of Bolivia is not fully in control as, since 1879, Bolivia has been the victim of unjust maritime enclosure, as is globally

recognized. As a consequence, it is not a priority as there is a lack of specific conditions to be regulated in accordance with these Conventions.

- With reference to Convention No. 187, Bolivia is fully engaged in the process of the modernization of labour inspection, with a view to protecting the performance of work in all its forms and regulating the minimum conditions covering the labour relationship in relation to the health of the worker. In light of these considerations and in accordance with the provisions of the Constitution, Ministerial Decision No. 1444/23 was issued on 26 September 2023 approving the Labour Inspection General Regulations, which provide for the adoption of prevention measures respecting labour relations and conditions.
- With reference to Convention No. 190, in relation to its scope of application, it provides that:
 - Article 2(1). This Convention protects workers and other persons in the world of work, including employees as defined by national law and practice, as well as persons working irrespective of their contractual status, persons in training, including interns and apprentices, workers whose employment has been terminated, volunteers, jobseekers and job applicants, **and individuals exercising the authority, duties or responsibilities of an employer.**
 - (2). This Convention applies to all sectors, whether private or public, both in the formal and informal economy, and whether in urban or rural areas.

As a matter of principle, the ratification of Conventions cannot be made subject to reservations. There is a conceptual impediment built into the Convention in relation to ascendant harassment at work, where the victim occupies a hierarchically higher position in relation to the supposed harasser, which is in contradiction with the logic of the Plurinational State of Bolivia with regard to the possibility for a person in a position of greater authority being able to apply the disciplinary measures which may be pertinent and established by law in relation to persons at a lower level of authority, for conduct which when carried out or when it occurs may be considered “ascendant” harassment at work. This is a situation that cannot be accepted when it is used to undermine the rights of workers and leads to their unjustified dismissal. The inadmissibility of reservations, which was broadly explained in the Memorandum submitted by the ILO to the International Court of Justice in the Genocide Case in 1951, is based on the premise that “the rights which the treaties have conferred on non-governmental interests in regard to the adoption of international labour Conventions would be overruled if the consent of governments alone should suffice to modify the substance and detract from the effect of the Conventions” (paragraph 20).

Situation with regard to ILO Recommendations

The doctrine has it that the Recommendations adopted by the International Labour Conference constitute guidance for the action of governments in specific fields and are communicated to Member States for their consideration with a view to effect being given to them by national legislation. Unlike the Conventions adopted by the Conference, **Recommendations do not require ratification by Member States**, although their application would require their application through the provisions of the national legislation. (See the text of article 19(6) of the ILO Constitution.)

In the list of 31 standards in relation to which the Committee of Experts is seeking information on their submission to the competent authorities, 23 are Recommendations, in respect of which the Plurinational State of Bolivia has issued legal provisions regulating their application in the national territory, including:

- the Part-Time Work Recommendation, 1994 (No. 182), in relation to which the Ministry of Labour, Employment and Social Welfare has submitted, during the current year of 2024, a

draft Presidential Decree regulating so-called atypical working hours, with a view to safeguarding the labour rights of workers engaged under this type of contract, the text of which is currently under examination in accordance with the respective legislative procedure.

- the Safety and Health in Mines Recommendation, 1995 (No. 183): in the context of the recent implementation of the Labour Inspection General Regulations, adopted by Ministerial Decision No. 1444/23, of 26 September 2023, a preliminary stage of prevention has been implemented for the protection of the conditions of labour relationships, particularly in the mining and cooperative mining sectors, which is being implemented in coordination with the cooperative sector, under which the administrative authority can recommend the adoption of protection measures to members and, where appropriate, to workers. This prevention action is currently being implemented in a satisfactory manner in the provinces of the Yungas in the Department of La Paz and its implementation is planned in the Departments of Potosí and Oruro.
- the Home Work Recommendation, 1996 (No. 184): this Recommendation has been taken into consideration in the national legislation, and particularly in Act No. 2450, of 9 April 2003, the Act regulating waged domestic work, and in Presidential Decree No. 4589, of 28 September 2021, issued during the current term of the Government of President Luis Arce Catacora, which recognizes the right to protection of women and men domestic employees through short-term social security coverage by providing for their affiliation with the National Health Fund.
- the Labour Inspection (Seafarers) Recommendation, 1996 (No. 185), the Recruitment and Placement of Seafarers Recommendation, 1996 (No. 186), the Seafarers' Wages, Hours of Work and the Manning of Ships Recommendation, 1996 (No. 187), and the Work in Fishing Recommendation, 2007 (No. 199), which relate in particular to the conditions of persons engaged in labour relations subject to special conditions, such as "seafarers". It should be recalled that Bolivia, on the occasion of the War of the Pacific (1879–84), during which it faced Chile, was deprived of the whole of the territory on the coast of the Pacific Ocean, thereby being condemned to being unjustly landlocked in a situation that has persisted up to the present. As a result of this imposed geographical enclosure, the labour relations of seafarers are not an important consideration among all the sources of labour in the country. As a consequence, nor is their regulation a priority requiring immediate attention, nor does this imply any renunciation by the Plurinational State of Bolivia from recuperating its maritime status, as explicitly recognized in articles 267 and 268 of the Constitution:

Article 267. I. The Bolivian State declares its non-renounceable and imprescriptible right to the territory that gives it access to the Pacific Ocean and its maritime area. II. The effective resolution of the maritime dispute through peaceful measures and the full exercise of its sovereignty over that territory shall be permanent and non-renounceable objectives of the Bolivian State.

Article 268. The development of maritime, river and lake-based interests, and those of the merchant navy, shall be a priority for the State, and their administration and protection shall be carried out by the Bolivian Navy, in accordance with the law.
- the Private Employment Agencies Recommendation, 1997 (No. 188): although this instrument dates back to 1997, its content has been taken into consideration in the national legislation, for example in Act No. 163, of 31 July 2012, the Framework Act against the Smuggling and Trafficking of Persons, which provides that the Ministry of Labour, Employment and Social Welfare shall issue specific regulations to determine the

requirements for their functioning, rights, duties, inspection, prohibitions and penalties with a view to preventing the smuggling and trafficking of persons. This is in accordance with section 18 of Presidential Decree No. 1486, of 6 February 2013, which provides that the operation of private employment agencies shall be authorized by the Ministry of Labour, Employment and Social Welfare. For that purpose, Ministerial Decisions No. 1321/18, of 4 December 2018, and No. 108/19, of 1 February 2019, have been issued to approve the Regulations on the registration and operation of private employment agencies.

- the Maternity Protection Recommendation, 2000 (No. 191), which has been taken into consideration in the national legislation, which currently includes Act No. 1516, of 10 July 2023, the Act to amend section 31 of Legislative Decree No. 13214, of 24 December 1975, which was transformed into Act No. 006, of 1 May 2010, which allows the partial deferral of the maternity allowance and its addition to the 45 days following childbirth.

As can be seen, the Plurinational State of Bolivia, and particularly the executive authorities, have been engaged in the constant analysis of the international instruments adopted by the ILO, and particularly the Recommendations, with a view to their incorporation into the provisions of the national legislation, either through Presidential Decrees or Ministerial Decisions, while always strictly observing the progressivity and protection of the rights of women and men workers.

Measures taken in relation to the Protocols adopted by the ILO

Although information has been requested on four Protocols (the Protocol of 1995 to the Labour Inspection Convention, 1947; the Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976; the Protocol of 2002 to the Occupational Safety and Health Convention, 1981; and the Protocol of 2014 to the Forced Labour Convention, 1930), certain specific considerations need to be taken into account in that regard.

As explained above, in light of the geographical situation of the Plurinational State of Bolivia, it does not have a merchant navy that is sufficiently well developed, as a result of which it is not a priority to issue regulations governing this specific sector of workers.

Without prejudice to the above, it is important to indicate that the administration of President Luis Arce Catacora has overseen the adoption of Act No. 1436, of 22 June 2022, which in its sole section provides:

- I. In accordance with Article 158(I)(14) of the Political Constitution of the State, section 33(f)(b) and section 37 of Act No. 401, of 18 September 2013, respecting the conclusion of treaties, the "Protocol to the Forced Labour Convention, 1930", adopted during the 103rd Session of the International Labour Conference in Geneva, Switzerland, on 11 June 2014, shall be ratified, and its text forms part of the present Act. II. The executive authorities shall be responsible for formally depositing the Instrument of Ratification of the "Protocol to the Forced Labour Convention, 1930.

Brunei Darussalam

The Government acknowledges the concern raised by the Committee of Experts regarding the case of serious failure to submit instruments to the competent authority. We would like to reiterate that Brunei Darussalam has actively engaged in sharing information on previously adopted Conventions with relevant government agencies for their policy consideration and potential ratification.

When an ILO instrument is adopted by the ILO Conference, it undergoes an initial review by the Labour Department and the Ministry of Home Affairs. Subsequently, the instrument is shared with the respective government ministries that hold the relevant policy portfolios. These government agencies collectively assess and determine the appropriate timeline for Brunei Darussalam to ratify the ILO instrument and implement the relevant obligations domestically. This comprehensive review process ensures that all implications are thoroughly considered and align with the national priorities and legislative framework.

As part of this process, Brunei Darussalam has reviewed and shared several recently adopted ILO instruments with relevant agencies. Notably, the Quality Apprenticeships Recommendation, 2023 (No. 208), adopted at the 111th Session of the International Labour Conference in 2023, has been circulated for policy consideration and potential implementation.

The Government is committed to enhancing this existing practice and ensuring full compliance with the submission's obligation. We recognize the need for further consultation and exploration to identify the most appropriate mechanisms and platforms within our national context. This will ensure comprehensive fulfilment of these objectives and foster widespread understanding and participation.

Brunei Darussalam has proactively sought guidance from the ILO Regional Office to ensure timely and accurate fulfilment of its responsibilities. We will host an ILO expert mission to Brunei Darussalam in May 2024. This mission aims to clarify reporting responsibilities, work collaboratively to enhance compliance, and strengthen our commitment to the principles and goals of the ILO.

Brunei Darussalam welcomes any technical assistance or capacity-building efforts offered by the ILO to help achieve compliance with the obligations under article 19 of the ILO Constitution.

We appreciate the Committee and the ILO for highlighting these points, and we look forward to further collaboration in addressing this issue.

Chad

Act No. 7/66 of 4 March 1966, establishing the Labour and Social Insurance Code in Chad, takes account of the following Conventions:

- Workmen's Compensation (Agriculture) Convention, 1921 (No. 12);
- Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)

In accordance with section 298 of the above-mentioned Act, "the purpose of social insurance is to guarantee workers and their families against risks of any kind likely to reduce or eliminate their earning capacity. It also covers family expenses".

Title IV of the same Act refers to the employment injury scheme. Therefore, although they have not yet been ratified, the above-mentioned ILO instruments are already incorporated into the Republic's legal instruments.

However, it is difficult for us to understand how a report could be produced on an instrument that has not yet been ratified. This is where the difficulty lies for those responsible for producing reports. We therefore request the support of the Committee to facilitate the drafting of reports on non-ratified instruments.

Congo

The Government, while noting this serious failure, nevertheless reaffirms its strong commitment to fulfilling all its obligations in this regard. It recalls that, several years ago, it was the subject of cases of failure concerning almost all obligations under the ILO Constitution. Continuous efforts to ensure compliance have, however, been undertaken and are ongoing.

The Government submitted reports to the International Labour Standards Department in August and September 2023, including one on the Labour Administration Convention, 1978 (No. 150), and another on the Nursing Personnel Convention, 1977 (No. 149). Moreover, it submitted a document in reply to the comments made by the Committee of Experts, a copy of which is appended. The Government considers that this document fulfils its obligation to reply to all or most of the comments made by the Committee of Experts.

The Congo has not yet, however, submitted first reports on the application of the Conventions identified in the report of the Committee of Experts: the Minimum Age Convention, 1973 (No. 138); the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152); the Maritime Labour Convention, 2006, as amended (MLC, 2006); and the Work in Fishing Convention, 2007 (No. 188). It takes the opportunity to append to this submission its first report on the MLC, 2006, a result of numerous exchanges between the experts of the International Labour Standards Department and national stakeholders, particularly in 2023. It should be noted, however, that a joint workshop (merchant shipping and labour) is planned for a later date with a view to updating the report in the light of developments in the area of maritime labour; those developments will be the subject of an additional report by the Government.

On 8 March 2024, the Congo received, through the Ministry of Foreign Affairs, a reminder from the International Labour Standards Department concerning the report requested in an initial letter dated 7 July 2023. That report concerns the following Conventions and Recommendations:

- the Workmen's Compensation (Agriculture) Convention, 1921 (No. 12);
- the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19);
- the Equality of Treatment (Accident Compensation) Recommendation, 1925 (No. 25);
- the Social Security (Minimum Standards) Convention, 1952 (No. 102) (Part VI);
- the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121);
- the Employment Injury Benefits Recommendation, 1964 (No. 121).

The Government has made every effort to reply, with the involvement of technical departments and bodies. To that end, work to gather data from the General Directorate of Social Security and the National Social Security Fund has recently been completed; those data are being processed and will soon be consolidated in a report to be submitted to the International Labour Standards Department as early as the first half of June 2024.

Equatorial Guinea

Equatorial Guinea, an ILO Member State, in its efforts to fulfil its duty as an ILO Member, has provided its written views stating, inter alia, that the country has endured a chain of events which have delayed certain steps relating to ILO obligations.

Let us begin by highlighting the economic recession generated by the reduction in crude oil, which is our main source of revenue, which has forced the Government to amend its road map

in certain sectors. We also highlight the emergence of the health crisis caused by the global coronavirus (COVID-19) pandemic, throughout which the Government turned to finding strategies to combat such a crisis. While governments were focused on combating the pandemic, the country was affected by the explosion of ammunition on 7 March 2021, which affected our work and, on top of the health crisis, meant that solutions had to be found to assist the victims of the disaster by applying policies to support victims. In this context, the Government enacted Decree No. 116/2022, calling Presidential elections in the Deputies Chamber, Senate and the municipalities, which meant that administrative management came to a halt.

The Government made progress in addressing situations related to the economic recession caused by the fall in the prices of crude oil and the global health crisis caused by the COVID-19 pandemic by setting up a support fund for small and medium-sized enterprises to compensate for the repercussions of the health crisis. The Government also continues to help victims of the disaster of 7 March 2024 by setting up accounts in commercial banks where philanthropic citizens may deposit voluntary contributions for the victims. Various non-governmental organizations, such as the Constancia Mangué Nsue Okomo Foundation, which supports all of the most vulnerable sections of society that do not have help, also added to the Government's actions of solidarity. Since 2020, preparation has begun on 12 reports, which had come to a standstill owing to the above sociopolitical events.

Regarding the failure to submit the instruments to the competent authorities, therefore, we report that the instruments that had been pending submission were already submitted to the Government on 19 August 2019, that is a total of 22 Conventions, 2 Protocols and 18 Recommendations, to continue the regulatory procedure.

With regard to the information that was not received in reply to all or most of the comments of the Committee of Experts, despite the difficulties faced by the Government, we were able to adopt measures to make improvements, such as the enactment of the General Labour Act No. 4/2021. Since 2018, the Government has been following a road map with the Community of Portuguese Language Countries (CPLP) on child labour, within the context of which the Government has recently attended the meeting of the Labour Ministers of CPLP Member States to identify appropriate solutions aimed at eliminating child labour. In addition to establishing an action plan to combat trafficking in persons, the Government has already drawn up an update to the Act on trade unions. A new Criminal Code was also enacted and disseminated, adopted through Act No. 4/2022 of 17 August 2022, to repeal the 1963 Spanish Criminal Code which was still being applied in the country.

Another significant step is the enactment of Act No. 1/2020 of 13 July 2020, on preventing and combating corruption in Equatorial Guinea, as well as the dissemination of Decree No. 147 of 21 November 2023, adopting measures for the protection and care of minors in Equatorial Guinea, which was recently adopted.

Further actions include the study of the National Employment Policy, which will result in the updating of the current Act. Likewise, and without any interruption, the Government is continuing to subsidize the occupational training centres. We highlight some projects that are under way, such as the updating of the Act on Social Security; the establishment of a technical office for the promotion of decent work; the enactment of an Act for the prevention of occupational hazards; the 11th survey of the active population in training and employment; the organization of industrial arbitration to facilitate mediation of collective disputes; the training of enterprise committees and the holding of elections of workers' delegates in the

enterprises, which will be carried out with the social partners, PATRONAL and OSGTGE; the updating of the Act on cooperatives; and the creation of an Act on occupational training.

In view of the above, the Government is committed to providing all the reports in the ordinary session of 2024. Furthermore, we requested technical assistance from the ILO in 2023 for the training of civil servants, as our geographical location does not allow us to easily find trainers in the ILO Africa offices because of language barriers, as Spanish is the main official language.

An agency for drafting reports has been set up, which, with ILO assistance, is receiving advice and guidance for the technical office responsible for drafting reports from the decent work office, and a proposal has been made for the establishment of an interinstitutional committee for drafting reports on international labour standards, which will involve various ministerial departments. We highlight that since 2023 we have been receiving ILO technical assistance through actions which are to continue through the 2024–25 biennium. Two seminars have been organized to strengthen understanding of the ILO basic principles for all the social partners and other training has been carried out for various civil servants on drafting reports. Consultation is also being considered concerning the Maritime Labour Convention, 2006 (MLC, 2006), which has replaced the Food and Catering (Ships' Crews) Convention, 1946 (No. 68) and the Accommodation of Crews Convention (Revised), 1949 (No. 92), ratified by Equatorial Guinea and whose adoption is envisaged following publication of the consultation.

France – New Caledonia

Of all ILO Member States, France has ratified the second highest number of Conventions. While this is a source of pride, it also imposes obligations on us, particularly in the area of reporting, which, although extremely useful, is also very demanding to carry out and coordinate. The various Government departments, in particular those of the Ministry of Labour, Health and Solidarity, in cooperation with our social partners, are doing their utmost to produce timely reports that meet the requirements of the ILO instruments, including with the Non-Metropolitan Territories.

The Committee of Experts' warning regarding the "serious failure to respect reporting and other standards-related obligations" was communicated immediately to the competent authorities. Any comments that the Committee on the Application of Standards may make in this respect during the Conference will also be forwarded to the relevant authorities without delay.

Nevertheless, for the past two weeks New Caledonia has been experiencing an episode of urban rioting of rare intensity, which has disrupted the normal functioning of local authorities, in particular the Government of New Caledonia. The French State, which is responsible for public order, is deploying all its efforts to restore public peace. The obligation to report and respond to the Committee of Experts' observations cannot be dealt with in isolation from this context.

The Government thanks the Committee of Experts for this alert. It will make representations to the competent authorities in the Non-Metropolitan Territory of New Caledonia to urge them to continue, as in the past and at the earliest opportunity, to comply with their ILO standards-related obligations.

Rwanda

As part of the efforts of the Government towards ensuring full respect of its reporting obligations, the Ministry of Public Service and Labour consults extensively with all social

partners in the process of adopting reports due for submission to the International Labour Office. In this regard, a meeting of the National Labour Council is scheduled for 30 May 2024 to validate the reports on both ratified and unratified Conventions and Recommendations, after which all pending reports will be submitted to the ILO, no later than June 2024.

Uganda

The Government of Uganda acknowledges its reporting obligations to the ILO and appreciates the work done by the Committee on the Application of Standards and the Committee of Experts.

As part of the efforts to ensure full compliance with its reporting obligations, the Government consults extensively with numerous stakeholders, including social partners, during the process of preparing reports for submission to the ILO.

Due to the new Government's regulations concerning reporting to international bodies, additional time is required to provide the requisite responses. In this regard, the Ministry of Gender, Labour and Social Development is conducting the final stages of stakeholder consultations with a view of providing a comprehensive response to both individual cases and reports on non-ratified Conventions in accordance with article 19 of the ILO Constitution.

These reports will be submitted to the ILO by 30 September 2024.

Uganda is committed to working closely with the ILO to ensure the timely and accurate fulfilment of its responsibilities. We welcome any capacity-building support regarding our obligations, especially under article 19 of the ILO Constitution.

C. Discussion by the Committee

Chairperson – Now, we move on to the discussion of cases of serious failure of Member States to respect reporting and other standards-related obligations.

Before giving the floor to the Vice-Chairpersons for their opening remarks, I would like to recall the Committee's working methods when dealing with the cases of serious failure to fulfil reporting and other standards-related obligations.

The Committee has established specific criteria to determine what constitutes a "serious failure" when it examines these compliances. These criteria are contained in document D.1, which is available on the Committee's web page. The cases of serious failure have been identified in the relevant parts of the General Report of the Committee of Experts. It should be recalled that the following criteria are applied:

- none of the reports on ratified Conventions have been supplied during the past two years or more;
- first reports on ratified Conventions have not been supplied for at least two years;
- "Urgent appeals": failure to send reports on the application of ratified Conventions for at least three years;
- none of the reports on unratified Conventions and Recommendations requested under article 19, paragraphs 5, 6 and 7, of the Constitution have been supplied during the past five years;

- no indication is available on whether steps have been taken to submit the instruments adopted during the last seven sessions of the Conference to the competent authorities, in accordance with article 19 of the Constitution;
- no information has been received as regards all or most of the observations and direct requests of the Committee of Experts to which a reply was requested for the period under consideration;
- the Government has failed during the past three years to indicate the representative organizations of employers and workers to which, in accordance with article 23, paragraph 2, of the Constitution, copies of the report and information supplied to the Office have been communicated.

To take account of recent developments, updated information on the countries concerned was provided to our Committee in document CAN/D/SF, which was made available on Monday, 3 June 2024. This document takes into account the fact that some governments have submitted the required information or reports before the present sitting. The Document also compiles the written information received from governments with respect to these failures as indicated in Part V of document D.1.

Government representatives from the countries mentioned in this document and registered on the list of speakers will be invited to provide information and explanations to the Committee. When providing information to the Committee, governments are asked to provide information on all the cases of non-compliance in one single statement. The governments concerned may, in particular, highlight the challenges they may be facing in fulfilling their obligations and indicate the areas in which ILO assistance and technical cooperation may be desirable. Such information would enable the Committee to have a better understanding of the situation in the country and is helpful to the Office in its response to governments' requests.

At the end of the discussion, I will give again the floor to the Vice-Chairpersons for their final remarks, following which I will present the draft conclusions for approval by the Committee, in accordance with its working methods.

I am now going to open the discussion on serious failure of Member States to respect reporting and other standards-related obligations. I would like to invite the two Vice-Chairpersons to make their introductory statements.

Employer members – The Employer members take note that the Committee of Experts have once again expressed concern in their report at the low number of government responses received by the 1 September deadline. We in the Committee collectively count on governments to comply with their reporting obligations under articles 19, 22 and 35 of the ILO Constitution in a timely manner and to prepare their reports in consultation with the most representative employers' and workers' organizations in their countries. We wish to stress that government reports containing complete and relevant information provide an important foundation upon which our supervisory work is built.

The persistently high number of the Committee of Experts' comments – there are 612 observations and 1,053 direct requests this year – is also a concern. It appears that ratification may, on occasion, be undertaken as a political statement or a declaration of intent rather than what it really is, namely the conclusion of a treaty under international law containing legal obligations, all of which are to be complied with, including the associated reporting obligations.

We would like to stress once again that in promoting ratification it is important for the Office to educate Member States of the necessity of making thorough, pre-ratification assessments and that these assessments should occur in consultations with the social partners. These pre-ratification assessments must include, not only an appraisal of the applicable country's capacity to implement the Convention envisaged for ratification, but also the country's capacity to report on implementation. Ratification should only occur when both the implementation and reporting capacities can be ensured.

We observe that there has been an increase in the number of reports received by the end of the session from 70.9 per cent out of the total number of reports requested last year to 75.3 per cent this year. We also note a decrease in the number of reports submitted after the 1 September deadline, from 59 per cent of reports last year to 54.4 per cent of reports this year. While this decrease in late reports is an improvement it is not yet satisfactory. We therefore ask all governments to make special efforts to provide their reports in a timely manner so that the supervisory bodies can perform their work efficiently and effectively.

We also note with concern that the following 14 countries have not provided the reports due with respect to ratified Conventions for the past two or more years: Afghanistan, Barbados, Comoros, Dominica, Grenada, Haiti, Papua New Guinea, Saint Lucia, Somalia, Syrian Arab Republic, Tonga, Tuvalu, Vanuatu and Yemen. Respectfully this is unacceptable, and we urge the governments concerned to supply all their respective outstanding reports at the earliest opportunity. If the reports cannot be submitted for reasons beyond the control of the given government, we ask that the applicable government should, at a minimum, inform the ILO of its circumstances. In such cases the applicable government may also request ILO technical assistance with the goal of addressing the problem in a sustainable manner.

With respect to the first reports on ratified Conventions, we note with concern that there are nine countries that have failed to supply these reports for two or more years, namely, Djibouti, Grenada, Iraq, Lebanon, Marshall Islands, Sudan, Tonga, Tuvalu and Vanuatu. We would like to stress that first reports are particularly important as they are meant to provide complete information about government action to implement the applicable ratified Convention. As such, first reports provide an indispensable baseline for an initial, comprehensive assessment of compliance. We therefore call on the Governments of these nine countries to submit their overdue first reports to the ILO without further delay. Here too, if necessary, the applicable governments are encouraged to request ILO technical assistance to enable them to address the problem in a sustainable manner.

We also note with concern that the number of comments – whether observations or direct requests – by the Committee of Experts to which replies have not been received from the governments remains high. Specifically, there are 35 governments that have not provided responses this year.

On a positive note, we appreciate that the governments of 11 of those 35 countries have provided information regarding their failure to reply to all or most the Committee of Experts comments, namely, Bahamas, Cambodia, Democratic Republic of the Congo, Fiji, Iceland, Islamic Republic of Iran, Madagascar, Montenegro, Romania, Rwanda and Slovenia. We welcome the provision of explanations by these governments for their respective failures, as well as the steps taken to address the situation. We trust that they will be able to meet all their reporting obligations going forward. We would also like to hear from the other governments that have yet to provide their reasons for their unresponsiveness to the Committee of Experts' comments. This high rate of unresponsiveness by governments is an indication that there may be systemic challenges or barriers to reporting. However, without further clarity from

applicable governments regarding the reasons for their unresponsiveness, we are not in a position to either diagnose or recommend broader remedies for addressing these deficiencies.

We also note with regret that the following 16 countries have not provided reports on unratified Conventions and Recommendations requested under article 19 of the ILO Constitution for the past five years: Barbados, Chad, Djibouti, Dominica, Equatorial Guinea, Haiti, Marshall Islands, North Macedonia, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Singapore, Timor-Leste, Tuvalu, Uganda and Yemen. We suggest that the Office, together with the applicable governments, work towards identifying the underlying reasons for these reporting deficiencies and develop effective remedies.

We welcome the decision of the Committee of Experts to further extend the practice of “urgent appeals” for cases meeting certain criteria of serious reporting failure that require this Committee’s attention. This enables the Committee to have a direct and serious dialogue on this point with the governments concerned and to remind them that the Committee of Experts will examine the substance of the matter at its next session, even in the absence of a government report. We note with appreciation that all reports that were pending for more than three years have been examined following the launch of urgent appeals and we trust that there will be the same positive results in future.

Furthermore, we appreciate that, with the assistance of the Office, the Committee of Experts and this Committee have decided to strengthen the follow-up given to cases of serious failure.

Finally, and before concluding, we wish to comment on the social partners’ role and participation in the regular supervisory system. Under article 23(2) of the ILO Constitution, governments of Member States have an obligation to communicate copies of their reports to representative employers’ and workers’ organizations. Compliance with this obligation is essential to ensuring the proper involvement of the social partners in standards’ implementation at the national level.

We observe that the social partners submitted 1,276 observations to the Committee of Experts this year, which is an increase as compared to last year at 1,156. Two hundred twenty-one of this year’s observations were communicated by employers’ organizations which is up from 212 last year and 1,055 were communicated by workers’ organizations, again an increase from 944 last year. We welcome the overall increase in submissions, and we trust that the Office will continue to provide technical assistance, including capacity building, to social partners where needed to enable them to provide relevant comments to the Committee of Experts.

The International Organization of Employers (IOE) together with ILO ACT/EMP is supporting employers’ organizations in submitting up-to-date and relevant information to the Committee of Experts in law and in practice in their respective countries. In particular, employers’ organizations are critical in highlighting when governments have failed to take into account the needs and realities of sustainable enterprises when implementing ratified Conventions and routinely make suggestions on how this could be improved.

We trust that the Committee of Experts, in their assessments, will give due consideration to the comments from employers’ organizations, as well as any additional comments made by employers’ representatives in the discussion of the Committee.

Worker members – Reporting obligations are fundamental to the work of our Committee. Not only that, they are fundamental to the proper functioning of the ILO’s standard-setting system. The first fundamental obligation to which I would like to refer is that

which goes to the very essence of the ILO. This is the obligation to communicate to the respective organizations of workers and employers, copies of the reports and information communicated to the ILO. Tripartism is at the heart of the ILO and this is reflected in particular in the need to involve the most representative workers' and employers' organizations in the dialogue that is being established with the ILO. A serious failure in this regard consists of not having indicated for three years or more the workers' and employers' organizations to which copies of the reports have been communicated. No serious breach of this obligation has been alleged against an ILO Member State for several years. If this formal obligation is universally respected, there is still a need for genuine tripartite social dialogue to be put in place in the Member States to guarantee the tripartism promoted by the ILO. We will have the opportunity to see in other discussions in this Committee that a lot of effort still needs to be made in this area.

The second fundamental obligation related to standards is the obligation under article 19 of the ILO Constitution, which requires Member States to submit a Convention adopted at a session of the Conference within one year to the competent authorities, with a view to transforming it into law or taking other measures. This obligation makes it possible to enhance the Standard-Setting Committees of the ILO and to reflect the standard-setting activity of the ILO at the national level. Any Member State which does not provide any indication that initiatives have been taken to submit the instruments adopted during the last sessions of the Conference is in a situation of serious failure to comply with this obligation. Twenty-six Member States were in this situation at the time of the publication of the Committee of Experts' report. The Democratic Republic of Congo has since provided information on this subject that allows this Member State to be removed from the list of States in serious breach of this obligation.

The third obligation is that which requires the submission of a report within the framework of the theme chosen by the Governing Body for the preparation of the General Survey by the Committee of Experts. This obligation also applies to the Member States which have not ratified the Conventions concerned. This obligation is fundamental in that it allows the ILO to identify areas of action to support and encourage the ratification of instruments by Member States. If a Member State does not provide any report expected for the carrying out of an overall Survey in the course of five consecutive years, it will be in serious breach of this obligation. Twenty-one Member States were in this situation at the time of the publication of the report of the Committee of Experts. In the meantime, five Member States have submitted a report on the subject. However, we regret that the failure to respond to this call for five consecutive years has irreparably deprived the ILO of being able to benefit from the information this Member State can provide at the appropriate time. This obviously also applies to the Member States that is still in serious breach of this obligation.

After these obligations, which are imposed independently of the ratification of instruments, there are a series of obligations that are imposed by the ratification of ILO Conventions. The first of these is the obligation to communicate to the Committee of Experts an initial report on the application in law and practice of a Convention newly ratified by the Member State concerned. The ratification of Conventions by Member States is obviously the objective that we must pursue as tripartite constituents. These ratifications make it possible to initiate an essential dialogue between the ILO and the Member States concerned to assess the implementation of international Conventions in a national context. The first reports are of crucial importance in that they are particularly detailed in order to enable the ILO to have a comprehensive view of how a Convention is implemented in the country concerned. Failure to provide a first report for at least two years thus constitutes a serious breach of this obligation. Eleven Member States were in serious breach at the time of the publication of the Committee

of Experts' report. Since then, two Member States, Fiji and the Cook Islands have regularized the situation by providing their first expected reports.

Secondly, the ratification of Conventions entails the need to be able to submit regular reports on the basis of the reporting cycle defined for each country. This is also an essential process for the dialogue that must take place between the ILO and Member States. If none of these reports is provided for at least two years, it will be a serious breach on the part of the Member State concerned. Fifteen Member States were in this situation at the time of the publication of the experts' report. One Member State, Antigua and Barbuda, has since regularized the situation.

Finally, the dialogue between the ILO and Member States often leads to observations or direct requests from the bodies of the ILO's standard-setting system. The responses to these observations or requests are fundamental to continue this dialogue. Unfortunately, some Member States do not respond to these comments or requests. This is also a serious breach. At the time of the publication of the report of the Committee of Experts, 35 Member States had not responded to most, if not all, of the observations and direct requests made. Some of these Member States did submit reports but did not respond to observations or direct requests. The response to the questions raised by the bodies of the ILO standard-setting system is fundamental and testifies to the value that the ILO's constituents attach to dialogue with them. We note that between the publication of the Committee of Experts' report and the special session, eleven Member States provided information in response to the observations and direct requests of the Committee of Experts. We encourage them to continue along this path, and invite other Member States to follow up as well, if necessary by having recourse to the ILO's technical assistance. This year, the Committee of Experts issued eleven urgent appeals against Member States that had not transmitted any report for three years or more. This procedure allows the Committee of Experts to draw to the attention of the Member States concerned that an examination of the conformity of the legislation in practice will be carried out, even in the absence of a government report.

In this year's report, the Committee examined seven cases that had previously been the subject of an urgent appeal. This procedure is essential in that it ensures that the work of the ILO's standard-setting system is not paralyzed, despite the difficulties for the Member States concerned to provide the requested reports. It will be interesting to hear from the Member States concerned about the difficulties they are facing, and I hope that after the respective interventions from workers and employers that governments will use this opportunity to take the floor in this discussion. It cannot be stressed enough that Member States can have recourse to the technical assistance of the ILO to assist them in this reporting task. The difficulties encountered in this regard must never be an obstacle to ratifying an ILO Convention. If these difficulties were to lead to such consequences, it would be an important signal for the ILO to strengthen its technical assistance, and also a strong signal for the Member States concerned on the need to strengthen their systems of labour administration, as we have just heard in the General Survey discussion.

In addition, there are many tools that are available to tripartite constituents to help them participate fully in the ILO's standard-setting system. Examples include the managing international labour standards reporting website which focuses specifically on reporting obligations, and the online guide on established practices of the ILO supervisory system which, in turn, makes it possible to understand the essential role of these reporting obligations for the supervisory system. We can only invite Member States to take note of these new tools, and invite the Office and the experts to ensure the greatest possible visibility of them. In addition to these tools, the training of government officials responsible for producing the requested

reports is an absolute necessity. In this regard, ILO constituents can rely on the training programmes offered by the ITC Centre in Turin which will be able to train government officials in the reporting obligations incumbent on Member States, and thus avoid having to identify shortcomings in this area.

Many Member States were able to regularize this situation between the publication of the Committee of Experts' report and the holding of this special session. In total, out of the 63 Member States concerned by one or more serious breaches, 17 of them have regularized one or more serious breaches for which they were accused. This is a very positive signal that we would like to highlight, and we encourage other Member States to request the technical assistance of the Office, which we have no doubt they will be fully prepared to provide in order to regularize their situation.

Our committee cannot afford to evade the fundamental issue of reporting obligations. The work of the ILO, and more particularly that of our Committee, is based on the reports provided by the Member States, as well as on the observations submitted by trade unions and employers' organizations. Failure to meet these obligations inevitably disrupts the proper functioning of the ILO's many areas of work, meaning the ILO is not in a position to fully assess the implementation of its standards-setting instruments in the Member States, and to provide the necessary responses. Ensuring the effective implementation of ILO instruments means ensuring respect for the dignity and rights that workers must derive from ILO instruments. Let us not lose sight of the fact that this is the purpose of these reporting obligations.

Chairperson – Thank you very much, as I can see no request for the floor I now give back the floor to, the Worker spokesperson for her concluding remarks.

Worker members – We had really hoped that we would hear from some governments so I am sorry to have to hear from me again, it is a shame.

The aim of this special sitting is to make us aware that these reporting obligations, beyond the formalism that they may present, are fundamental in that they stimulate dialogue between Member States and the ILO, and underpin the dynamics of tripartite social dialogue, as well as the respect and promotion of International Labour Conventions. Member States must commit themselves fully to these processes.

With this in mind, it would be advisable to actively promote the ratification of the Tripartite Consultations (International Labour Standards) Convention, 1976 (No. 144), as well as its correct application, as this can also contribute to the greater compliance with reporting obligations.

As we were able to discuss in the context of the General Survey, strengthening labour administrations can be one way of enhancing Member States' ability to meet these reporting obligations. Ratification and effective implementation of Convention No. 150 is therefore also appropriate in this context.

We have also taken note of the written information transmitted and of the difficulties encountered by certain Member States and are pleased to point out that these Member States generally call on the ILO for assistance, and that the Office systematically responds favourably and with great efficiency.

We have also taken note of the information provided by one Member State, which pointed to an ongoing crisis situation that would not enable it to resolve in the short term its serious shortcomings identified. First of all, it should be pointed out that the shortcomings identified had already occurred long before the crisis arose. Although this is a factor to be taken into

account, we have already pointed out during the COVID-19 crisis that reporting obligations cannot be waived, even in times of crisis. We hope that the Member State in question will do everything in its power to resolve the shortcomings identified as soon as possible.

We regret that some Member States appear to be wilfully ignoring their reporting obligations. The approach towards these Member States should be firmer than towards the Member States with proven technical difficulties or insufficient capacity. The urgent appeal procedure is a first response, but it applies indiscriminately to Member States acting in good or bad faith.

Within the framework of activities to promote international labour standards, additional resources could still be allocated to technical assistance and support activities for Member States and social partners, to enable them to meet their standards-related obligations and to engage them actively in the ILO's tripartite dialogue.

We have taken good note of the commitments made by certain governments, and we hope that these will be followed by concrete action to ensure full compliance with their obligations.

It is essential that all these governments, and particularly those which have not provided any information to the Committee, put an end to these serious breaches and bring themselves into compliance as soon as possible.

Proactive support through the Office's technical assistance will remain essential to enable Member States to fully meet their standards-related obligations.

Employer members – We would like to conclude by reiterating that in order to be effective, the ILO's regular supervisory system depends on governments' reports that contain complete and relevant information and that are sent regularly and on time. It is also critical that the Committee of Experts takes note of the additional comments from the social partners, as they provide key context. It is only with all of these inputs that the supervisory bodies can properly assess the implementation of ILO standards. Overall, we have reason for optimism but also significant room for improvement in the fulfilment of reporting obligations this year. To that end we support all efforts aimed at enabling the supervisory system to do its work more efficiently, including the streamlining of reporting and the extension of possibilities for e-reporting. We stress however, that these efforts can only be successful if they are accompanied by the consolidation and simplification of the ILO standards themselves. Such consolidation and simplification would lead not only to better implementation of standards but also focus government reporting on the more critical issues facing the world of work. In that regard we are encouraged by the ongoing efforts of the standards review mechanism.

Conclusions of the Committee

Chairperson – As announced, now I will read out the draft conclusions on cases of serious failure to report.

The Committee takes note of the information provided in written information submitted by the Governments of *Plurinational State of Bolivia, Brunei Darussalam, Chad, Congo, Equatorial Guinea, France (New Caledonia) and Rwanda.*

However, the Committee regrets that the Governments of *Afghanistan, Angola, Antigua and Barbuda, Barbados, Belize, Comoros, Djibouti, Dominica, Gabon, Gambia, Grenada, Guinea-Bissau, Haiti, Hungary, Iraq, Lebanon, Liberia, Libya, Marshall Islands, Netherlands (Sint Maarten), North Macedonia, Papua New Guinea, Saint Kitts and Nevis, Saint*

Lucia, Saint Vincent and the Grenadines, San Marino, Sao Tome and Principe, Singapore, Solomon Islands, Somalia, South Sudan, Sudan, Syrian Arab Republic, Timor-Leste, Tonga, Tuvalu, Uganda, United Kingdom of Great Britain and Northern Ireland (British Virgin Islands), Vanuatu, Yemen and Zambia did not make statements or provide any written communication.

The Committee notes in particular the specific difficulties mentioned by some governments in complying with their constitutional obligations related to reporting and the submission of the instruments adopted by the International Labour Conference to the competent national authorities. It also takes note of the promises made by some governments to comply with these obligations in the near future. The Committee recalls that the governments can avail themselves of ILO technical assistance to comply with their reporting obligations.

Concerning the failure to supply reports for the past two or more years on the application of ratified Conventions, the Committee recalls that reporting on the application of ratified Conventions is a fundamental constitutional obligation and the basis of the supervisory system. The Committee also stresses the importance of respecting the deadlines for such reporting. The Committee expresses the firm hope that the Governments of *Afghanistan, Barbados, Comoros, Dominica, Grenada, Haiti, Papua New Guinea, Saint Lucia, Somalia, Syrian Arab Republic, Tonga, Tuvalu, Vanuatu and Yemen* will supply the reports due as soon as possible, and decides to note these cases in the corresponding paragraph of its General Report.

Concerning the failure to supply first reports for two or more years on the application of ratified Conventions, the Committee recalls the particular importance of this submission of the first report on the application of ratified Conventions. The Committee expresses the firm hope that the Governments of *Djibouti, Grenada, Iraq, Lebanon, Marshall Islands, Sudan, Tonga, Tuvalu and Vanuatu* will supply the first reports due as soon as possible, and decides to note these cases in the corresponding paragraph of its General Report.

Concerning the urgent appeals, the Committee underlines the fundamental importance of sending the report and the detailed information requested in the first report on the application of ratified Conventions. The Committee stresses the importance of the information provided in the reports submitted by governments on ratified Conventions to enable the regular supervision by the Committee of Experts. The Committee expresses the firm hope that the Governments of *Afghanistan, Comoros, Grenada, Marshall Islands, Saint Lucia, Sudan, Syrian Arab Republic, Tuvalu and Vanuatu* will send the reports due as soon as possible, and decides to note these cases in the corresponding paragraph of its General Report.

The Committee brings to the attention of these Governments that the Committee of Experts could examine in substance at its next session the application of the Conventions concerned on the basis of publicly available information, even if the Governments mentioned have not sent the reports due. The Committee reminds governments that they can request technical assistance from the Office to overcome their difficulties in this respect.

Concerning the failure to supply information in response to comments made by the Committee of Experts, the Committee underlines the fundamental importance of clear and complete information in response to the comments of the Committee of Experts in order to permit continued dialogue with the governments concerned. The Committee

expresses the firm hope that the Governments of *Afghanistan, Antigua and Barbuda, Barbados, Comoros, Congo, Djibouti, Dominica, France (New Caledonia), Grenada, Haiti, Netherlands (Sint Maarten), Papua New Guinea, Saint Lucia, San Marino, Singapore, Solomon Islands, Somalia, South Sudan, Sudan, Syrian Arab Republic, Tuvalu, United Kingdom of Great Britain and Northern Ireland (British Virgin Islands), Vanuatu and Yemen* will supply the requested information in the future, and decides to note these cases in the corresponding paragraph of its General Report.

Concerning the failure to supply reports for the past five years on unratified Conventions and Recommendations, the Committee stresses the importance it attaches to the constitutional obligation to supply reports on non-ratified Conventions and Recommendations. The Committee expresses the firm hope that the Governments of *Barbados, Chad, Djibouti, Dominica, Equatorial Guinea, Haiti, Marshall Islands, North Macedonia, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Singapore, Timor-Leste, Tuvalu, Uganda and Yemen* will comply with their obligation to supply reports on non-ratified Conventions and Recommendations in the future. The Committee decides to note these cases in the corresponding paragraph of its General Report.

Concerning the failure to submit instruments to the competent authorities, the Committee recalls that compliance with the obligation to submit Conventions, Recommendations and Protocols to competent national authorities is a requirement of the highest importance to ensure the effectiveness of the Organization's standards-related activities. The Committee expresses the firm hope that the Governments of *Angola, Belize, Plurinational State of Bolivia, Brunei Darussalam, Dominica, Equatorial Guinea, Gabon, Gambia, Grenada, Guinea-Bissau, Haiti, Hungary, Lebanon, Liberia, Libya, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Solomon Islands, Syrian Arab Republic, Timor-Leste, Tuvalu, Vanuatu, Yemen and Zambia* will comply with their obligation to submit Conventions, Recommendations and Protocols to the competent authorities in the future. The Committee decides to note these cases in the corresponding paragraph of its General Report.

In relation to the failure to indicate during the past three years the representative organizations of employers and workers to which copies of the reports and information supplied to the Office have been communicated, the Committee stresses the importance it attaches to the constitutional obligation, under article 23, paragraph 2, of the Constitution, of governments to communicate copies of the reports and information supplied to the Office to employers' and workers' organizations. The Committee recalls that the contribution of employers' and workers' organizations is essential for the evaluation of the application of Conventions in national legislation and in practice for their participation in ILO supervisory mechanisms.

The Committee welcomes the fact that this year again no Member State has failed to indicate during the past three years the representative organizations of employers and workers to which copies of the reports and information supplied to the Office have been communicated. The Committee expresses the firm hope that this is a sign that genuine tripartite social dialogue has been established in all ILO Member States. The Committee decides to note this positive development and to encourage Member States to continue in that direction in the corresponding paragraph of the General Report.

(The conclusions are adopted.)