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International Labour Conference – 112th Session, Geneva, 2024**Part One**

Date: 14 June 2024

Third item on the agenda: Information and reports on the application of Conventions and Recommendations

Report of the Committee on the Application of Standards

Part One

General Report

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A. Introduction

1. In accordance with article 7 of the Standing Orders, the Conference set up a Committee to consider and report on item III on the agenda: "Information and reports on the application of Conventions and Recommendations". The Committee was composed of **156** members (**140** Government members, **8** Employer members and **8** Worker members). It also included **11** Government deputy members, **85** Employer deputy members and **229** Worker deputy members. In addition, **75** international non-governmental organizations were represented by observers.
2. The Committee elected its Officers as follows:

Chairperson:	Mr Łukasz Różycki Government member, Poland
Vice-Chairpersons:	Mr Kaizer Moyane (Employer member, South Africa) and Mr Marc Leemans (Worker member, Belgium)
Reporter:	Mr Abdelkrim Siyoucef (Government member, Algeria)
3. The Committee held **24** sittings.
4. In accordance with its terms of reference, the Committee considered information reflected in the annual report of the Committee of Experts on the Application of Conventions and Recommendations¹ regarding (i) the reports supplied under articles 22 and 35 of the ILO Constitution on the application of ratified Conventions; (ii) the reports requested by the Governing Body under article 19 of the Constitution on the [Labour Administration Convention, 1978 \(No. 150\)](#), and the [Labour Administration Recommendation, 1978 \(No. 158\)](#); (iii) the submission to the competent authorities of Conventions and Recommendations adopted by the Conference, in line with article 19 of the Constitution. The Committee also considered additional written information supplied to it by the governments.

Opening sitting

5. **Chairperson:** Let me start by thanking you for the confidence you have placed in me by 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 be given the responsibility for chairing the Committee this year. In the spirit of collaboration and mutual respect, I am eager to work alongside each and every one of you and am 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.
6. 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

¹ Report III to the International Labour Conference – Part A: [Report of the Committee of Experts on the Application of Conventions and Recommendations](#); Part B: [General Survey](#).

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 in Gdansk 44 years ago still resonates despite the passing of almost half a century. The imposition of martial law in Poland a few months later, followed by the suspension of all trade unions by the Government, met with the reaction of the ILO resulting in the establishment of 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 of, and compliance with, international labour standards.

7. 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 our 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, who will address our 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.
8. I strongly encourage you to participate actively in the debates and 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 Government members of the group or organization in question, who are members of the ILO and are attending the Conference.
9. **Worker members:** Our Committee is commencing its work at a time when murderous conflicts are being waged in several parts of the world. This flood of innocent victims challenges our consciences and requires us to use our intelligence. The majority of the victims are among the most vulnerable, and are in their great majority women and children. More generally, they consist of women and men who have lost their means of subsistence and have been plunged into distress. Clearly, the causes of these conflicts are multiple and very diverse. But, in their

diversity, they are related to deep-rooted dysfunctions that require structural responses. These dysfunctions are not confined to the areas where armed conflicts have arisen, but also include countries where the social balance is disturbed and fundamental rights are flouted. All of that lies within a context in which our societies are having to face multiple challenges, including the just transition, the persistence of informality and, more generally, transformations in work processes and, of course, the climate challenge.

10. This year sees important democratic events, as practically half of the world will go to the polls to decide their future. Moreover, democracy and its institutions are facing severe tests. The fact that workers throughout the world are becoming increasingly aware that they are not receiving their share of the prosperity that they are helping to create is eroding support for democracy. Defenders of democracy have to understand that decent work goes hand-in-hand with the consolidation of democratic institutions.
11. We have referred to the need to find structural responses to these challenges. These responses should take the form of a new social contract, for which workers have been calling for several years. We need to refound democratic institutions in order to create inclusive societies that find peace once again, and which respect human dignity. This must be part of the messages that we will be addressing to the World Social Summit next year, in 2025.
12. That is also the meaning of the report of the Director-General addressed to the Conference this year. We will have the opportunity to come back to this, but we can already note that – as indicated by the Director-General – this exercise does not involve the reinvention of the wheel. Indeed, we can already rely on the heritage of the ILO and its multiple levers and means of action. In this respect, it should be recalled that this year we are celebrating the 80th anniversary of the Declaration concerning the aims and purposes of the International Labour Organisation ([Declaration of Philadelphia](#)). As an integral part of the ILO Constitution, this Declaration cannot be compared to the [ILO Declaration on Social Justice for a Fair Globalization, 2008, as amended in 2022](#), and the [Centenary Declaration for the Future of Work \(2019\)](#). The latter, despite their respective focus areas, are much more limited in scope. However, the text adopted in Philadelphia plays the role of a compass for our Organization. It shines by its topicality and identifies the issues and challenges that we have to confront.
13. The heritage to which we were alluding includes, of course, the ILO supervisory bodies. Focusing on our Committee, that it constitutes a valuable observatory for the identification of the obstacles that international labour standards have to overcome. It also offers a means of helping governments, through direct assistance and the appropriate use of solidarity and international cooperation. During the course of our work, we will have the opportunity to examine several cases which illustrate the different forms taken by these dysfunctions.
14. Certain cases demonstrate the rise in authoritarianism through violations of freedoms of association while others weaken institutions responsible for protecting workers, as well as the persistence of discrimination and inequalities, and the exploitation of workers. It is very important to look towards tomorrow's issues and to follow the transformations in the world of work, but it is also necessary to bear in mind that the future has already sown its seed in the present and takes nourishment from the past.
15. To close this introductory statement, the Worker members wish to recall, as usual, that the role of our Committee does not consist of determining the culpability of a government. It consists more of identifying gaps in compliance by Member States and proposing a way forward for their resolution. As at the opening of each session, the Worker members appeal to all the participants in our Committee, all the participants in our work, to bear these considerations in

mind so that they can contribute constructively to improving the lives of women and men workers the world over.

- 16. Employer members:** 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 us 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, 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.
- 17.** 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 that it would be good to exclude the right to strike from our discussions. This would also be appropriate in order 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-footnoted cases. For their part, the Employer members will ensure that the right to strike is not mentioned in the outcomes of this Committee.

18. The Employer members are 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 this 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 for Sustainable Development. We look forward to productive discussions and the completion of the work of our Committee in the next two weeks.

Work of the Committee

19. During its opening sitting, the Committee adopted document D.1, which sets out the manner in which the work of the Committee is carried out.²
20. The Committee also adopted, during the course of the opening sitting, the list of individual cases to be discussed (document D.2).³
21. In accordance with its usual practice, the Committee continued its work with a discussion on general aspects of the application of Conventions and Recommendations and the discharge by Member States of standards-related obligations under the ILO Constitution. In this general discussion, reference was made to Part One of the report of the Committee of Experts. A summary of the general discussion is found under relevant headings in sections A and B of this Part (Part One) of the present report.
22. The final part of the general discussion focused on the General Survey entitled *Labour administration in a changing world of work*. This discussion is contained in section I of Part Two of this report. The outcome of this discussion is contained in section C of Part One of this report.
23. Following these discussions, the Committee considered the cases of serious failure by Member States to respect their reporting and other standards-related obligations. The result of the examination of these cases is contained in section D of Part One of this report. More detailed information on that discussion is contained in section II of Part Two of this report.
24. The Committee held a special sitting for the purpose of discussing the application of Conventions Nos 87 and 98 in Belarus as decided at the 111th Session of the International Labour Conference⁴ with a view to securing compliance with the recommendations of the Commission of Inquiry established to examine the observance of these two Conventions by the Government of Belarus. The record of this discussion and related documentation is contained in Section III of Part Two of this report. The conclusions are reflected in section E of Part One of this report.
25. The Committee then considered 24 individual cases relating to the application of various Conventions. The examination of the individual cases was based principally on the observations contained in the Committee of Experts' report and the oral and written explanations provided by the governments concerned. As usual, the Committee also referred

² Work of the Committee on the Application of Standards, International Labour Conference, 112th Session, [CAN/D.1](#) (see Appendix 1).

³ International Labour Conference, 112th Session, Committee on the Application of Standards, [CAN/D.2](#).

⁴ [Resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus](#), 111th Session, International Labour Conference, Geneva, June 2023.

to its discussions in previous years, comments received from employers' and workers' organizations and, where appropriate, reports of other supervisory bodies of the ILO and other international organizations. With reference to its examination of these cases, the Committee reiterated the importance it placed on the role of tripartite dialogue in its work and trusted that the governments of the countries selected would make every effort to take the necessary measures to fulfil their obligations under ratified Conventions. The information submitted by governments and the discussions on the examination of individual cases, are contained in section IV of Part Two of this report. The conclusions adopted by the Committee are contained in section F of Part One of this report.

26. The adoption of the report and the closing remarks are contained in section G of Part One of this report.

Working methods of the Committee and list of individual cases

27. **Chairperson:** One of the important challenges that our Committee will have to face once again this year will be to complete its crucial work in a tight time frame and this brings me to the question of how best to manage our time. 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. Let me emphasize certain key steps in this respect. First, 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 very strictly and I count on your support and understanding. Details about time limits are contained in Part IX of document D.1 which is also available on the Committee's web page. During the interventions, 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 of interrupting the speaker. The speaking times will be adjusted according to the number of speakers who may have registered. Where necessary, I will have recourse to the possibility of deciding, in consultation with the Officers of the Committee, 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, thus allowing them to adapt the text (more precisely shorten the text) of their statements to the time they will finally be allocated. Speakers who have not registered in advance may only be given the floor if time allows.
28. Let me now turn to registration on the list of speakers. 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 and registered in the Committee 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 can@ilo.org. In addition, in line with the practice of the Committee, observers can be placed on the list of speakers after approval by the Officers of the Committee. The list of speakers will be visible on screens in both the rooms for each sitting of the Committee. The number of speakers registered to take the floor will be clearly indicated. Moreover, group interventions are encouraged over individual statements or interventions.
29. Let me now turn to the minutes of the sitting. The discussions of the Committee will be produced in the form of verbatim transcripts. Each intervention will be reported in extenso in the working language in which it has been delivered or, failing that, the language chosen by the government, which is English, French or Spanish. The verbatim draft minutes will be made available online on the Committee's dedicated web page.

30. It has been the Committee's practice to accept amendments to the verbatim draft minutes of 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. Delegates are kindly requested to send their amendments to the secretariat by email with track changes. Where needed, in order to make track changes, delegates are invited to request the Word version of the draft verbatim minutes by sending an email. Also, to avoid delays in the preparation of the Committee's Report, no amendments may be accepted once the draft minutes have been approved.
31. Finally, in accordance with Part X of document 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 responsibility as Chairperson of this Committee to ensure that the rules of decorum are respected. During the Committee's sittings, filming is not allowed and delegates may not take photos of delegations other than their own. Nor is it allowed to send live tweets during Committee sittings.
32. In conclusion, let me underline 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.
33. **Worker members:** The content of document D.1 is the product of informal tripartite consultations which are held each year before the Conference. These consultations offer an opportunity for the three groups to agree on the working methods of our Committee.
34. The Members who have followed the work of our Committee over recent years will recall the major disruptions in our working methods due to the COVID-19 pandemic. And yet, this is the second consecutive year in which our Committee has been able to return to the normal course of its work. We have nevertheless retained a number of improvements introduced during that troubled period which enable us to carry out our work more effectively, without however undermining the quality and intensity of the discussions. That does not take away from the fact that we have very fine margins to complete all the work of our Committee during the allotted time. It is therefore essential to ensure scrupulous observance, as just recalled by the Chairperson, of the rules agreed in document D.1 so as not to jeopardize the sound functioning of our Committee.
35. With reference to the right to strike, raised by the Employer spokesperson in his opening statement, the Worker members limit themselves to recalling that this difference of interpretation has existed for years. But we nevertheless found a *modus operandi* in 2015, ten years ago, and the referral of the question by the ILO Governing Body to the International Court of Justice should not change anything in our current functioning.
36. We have also adopted document D.2, which contains the list of cases that will be examined by our Committee. Even though this is more a matter for our general discussion, the Worker members would already like to recall that the selection of cases is carried out on the basis of the report of the Committee of Experts. We thank the Committee of Experts for the professionalism, impartiality and independence that it has demonstrated in the exercise of its mandate. We welcome its impartiality, and we respect its autonomy within the framework of the ILO supervisory system.
37. With regard to the list that we have just adopted, it consists of cases on which we will have the opportunity to engage in a constructive dialogue with a view to contributing to the resolution of the issues which arise in the Member States concerned. The selection of these cases is the

product of negotiations between the Employer spokesperson and the Worker spokesperson of our Committee. The selection criteria are set out in paragraph 26 of document D.1. It is clear from the criteria listed that it is the substance of a case that must primarily guide us in the establishment of a list of cases. Any other considerations, whether political or strategic, which lose sight of the substance of the discussions in our Committee should not in any event influence the negotiations concerning the list. That involves the risk of our Committee losing sight of the objectives of its action, the founding principles of which are set out in the Constitution of our Organization and the Declaration of Philadelphia. And each of the three groups that make up the Organization subscribes to these founding principles.

38. Inclusion on the list of cases to be examined by our Committee should be seen more as an opportunity than a burden by the Member States concerned. While it offers an opportunity for Member States to work in collaboration with the ILO for the resolution of the issues that have arisen, it is often a fundamental requirement for those who are the victims of the violations noted in the application of international labour Conventions. These victims are mainly women and men workers who hold out the hope of the ILO finding a solution to the difficulties with which they are confronted. The examination of a case by our Committee gives rise to hope. Such hopes are therefore materializing for all those who are concerned by the 24 cases adopted today for examination.
39. Many other situations that would have also merited examination by our Committee will unfortunately not be discussed this year. They are too numerous for them all to be reviewed exhaustively. We will limit ourselves to some of those which were on the long list.
40. In Indonesia, we have to note with deep concern that the serious problems that we examined last year in our Committee have not disappeared. There remain important violations of Convention No. 98 in relation to protection against anti-union discrimination, restrictions on the scope of collective agreements and interference in free and voluntary collective bargaining. And, at this stage, we see no prospects of an improvement in the situation. A new Government has recently been elected in Indonesia. We call on this new Government to ensure the implementation of the conclusions agreed through consensus last year in consultation with the social partners and with the assistance of the Office.
41. Also in Costa Rica, workers are victims of anti-union discrimination, and collective bargaining, particularly in the public sector, has been left without substance. Moreover, the generalized practice of direct agreements with non-unionized workers runs counter to the promotion of collective bargaining with trade unions, as set out in Convention No. 98. Technical assistance is currently being provided by the ILO to improve the situation in the country. We hope that the implementation of the conclusions adopted last year will be covered in this framework and that the social partners will be fully involved in the process.
42. Young male and female workers in the Republic of Korea, often barely 16 or 17 years old, are exposed, under the pretext of apprenticeship programmes, to hazardous conditions of work. These cannot be apprenticeship programmes, as these young people do not benefit from any supervision or guidance, which means that on-the-job training is almost non-existent. These hazardous conditions of work expose the young workers to occupational accidents, which often result in serious and sometimes fatal injuries. We regret not being able to discuss this within the context of the final list of cases.
43. Finally, in Guinea-Bissau, a new minimum wage has still not been set for the private sector even though, following its examination of the case last year, our Committee requested the Government, among other action, to review without delay the minimum wage in the public and private sectors, in close consultation with independent and freely constituted unions and

employers' organizations. We are deeply concerned by Government interference in the selection of workers' representatives for technical assistance and follow-up activities. This amounts to interference in trade union activities, in clear violation of Convention No. 87, which the Government ratified last year.

44. We will not fail to follow closely developments in the situations in these countries and in many others in which violations have been noted in the application of international labour Conventions. The Workers' group underlines its full solidarity with the women and men workers who are suffering the consequences of these violations. We will continue to mobilize, within and outside the context of this Committee, to ensure positive developments in these Member States. The report produced by the Committee of Experts and the recommendations that it makes must in any event allow Member States to glimpse the solutions that need to be adopted to resolve the violations noted in the application of international labour Conventions.
45. **Employer members:** We agree to the adoption of the list of cases this year, but we would 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.
46. In addition, 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, Nicaragua, Netherlands – St Maarten, Philippines, Tunisia, El Salvador, Ecuador, Eswatini, and Japan, all of which concern Convention No. 87.
47. 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, we appreciate that a number of governments have already provided additional information which will be taken into account, and we look forward to a fruitful tripartite discussion.
48. **Government Colombia:** We are included in the final list of cases under the [Vocational Rehabilitation and Employment \(Disabled Persons\) Convention, 1983 \(No. 159\)](#). We will approach this exercise as an opportunity to enter into dialogue with the experts and demonstrate to them the progress that Colombia has made in this domain. In this regard, we thank you for having included us in the list because we consider that it is a good opportunity for this Government to report on what it has really done in this area, that is, great efforts to end discrimination of persons with disabilities. We would like to ask what criteria is applied for the selection of countries for the final list. Without drawing conclusions, I am wondering how countries in my region which supported the referral to the International Court of Justice of the old conflict regarding the right to strike find themselves on the list. We hope to participate constructively and positively in this debate before the Committee and we will do so with great pleasure in contributing to the development of labour standards.
49. **Government Algeria:** The delegation notes that Algeria is included in the list of 24 cases. With regard to Convention No. 98, the Committee of Experts invited the Government to provide its replies in full in 2025, even though we are included because of accusations in 2024. We also note that the list of 24 individual cases includes 2 countries in the same subregion, whereas the criteria for the selection of cases, as adopted in 2015 and contained in paragraph 25 of

document D.1, states that the selection must take into account geographic balance. Nevertheless, this is an opportunity for the Algerian delegation to present progress made and its responses to the recommendations and observations made by the Committee of Experts.

B. General questions relating to international labour standards

Statement by the representative of the Secretary-General ⁵

50. As the representative of the Secretary-General for your Committee, I have the privilege of leading the Secretariat team that is ready to provide you with all the necessary assistance to ensure the effective functioning of your Committee which, as you know, is a permanent Committee of the International Labour Conference.
51. The mandate of your Committee is to examine and bring to the attention of the Plenary of the Conference the measures taken by Members at the national level, on the one hand, to give effect to the provisions of the international labour Conventions to which they are parties and, on the other, to comply with their obligations to communicate information and reports under articles 19, 22, 23 and 35 of the Constitution. The work of your Committee and its role of regularly supervising compliance with the international obligations of the Members of the Organization accordingly goes to the very essence of the ILO's historical normative role. For this purpose, your Committee has before it the [report](#) produced by the Committee of Experts at its last session and the General Survey of the Committee of Experts entitled "Labour administration in a changing world of work", as already indicated by the Chairperson of the Committee. Through their respective and distinct mandates, your two Committees are the pillars of the regular supervisory system and work together to ensure that all the Member States of the Organization comply with their commitment to give effect to the standards that you – the Governments, workers and employers of the world – have collectively adopted and decided to apply at the national level in full sovereignty in order to keep the promise of social justice, the promise of social progress and a better future, as set out in the Declaration of Philadelphia, of which we are celebrating the 80th anniversary.
52. In her inaugural speech at the opening of the Conference this morning, Professor Jayati Ghosh demonstrated the extent to which the principles and values of the Declaration of Philadelphia remain a project that unites us. The project that unites us is our common determination to achieve freedom and dignity for all humanity, as Wilfred Jenks, former Director-General of the Organization and one of the co-authors of this founding text, reminded us. And to this end, in his own words – and I quote:

Our common determination is to pursue peace; to live together with tolerance and good neighbourliness; to found our common life on good faith and respect for truth; to practice and uphold the equality of man; to preserve and expand personal freedom; to devote science and technology to the common good; and to promote social justice by economic growth and translate economic growth into social justice.
53. Given the crises that are profoundly disrupting our world, I thought it essential to take a moment at the start of your work to recall and put into perspective the purpose of your Committee's discussions, which are one of the barometers of social justice, just as you did, Chairperson, in your opening remarks.

⁵ International Labour Conference, 112th Session, Committee on the Application of Standards, [CAN/D.3](#).

54. Let me now turn to the work of your Committee. All the measures that will allow your Committee to discharge its constitutional obligations are set out in document D.1. They reflect the outcome of the informal tripartite consultations on the Committee's working methods held for the 18th time in March 2024. These informal tripartite consultations have resulted in numerous improvements in your Committee's working methods. They are summarized in the information provided on the Committee's web page. I am pleased to inform the Government delegates that, once again this year, the adoption of the final list of "individual cases" to be discussed by the Committee has been scheduled during today's opening session. This should no doubt facilitate preparations for the examination of the 24 individual cases. I would like to remind you that the Committee's report will be submitted for adoption to the Plenary of the International Labour Conference on Friday, 14 June.
55. I would now like to draw to your attention to certain standards-related developments that are relevant to your discussions. Since the Committee's last meeting in June 2023, 40 ratifications of ILO Conventions have been registered, confirming the continued commitment of Member States to a rules-based multilateral system. The great majority of the ratifications registered have been to the [Violence and Harassment Convention, 2019 \(No. 190\)](#), which now has a total of 39 ratifications, as well as the two new fundamental Conventions on occupational safety and health – the [Occupational Safety and Health Convention, 1981 \(No. 155\)](#), and the [Promotional Framework for Occupational Safety and Health Convention, 2006 \(No. 187\)](#).
56. However, there have been no ratifications registered for the three Conventions of which we are celebrating the anniversaries this year: quite logically, in the case of the [Worst Forms of Child Labour Convention, 1999 \(No. 182\)](#), adopted 25 years ago, which is the only ILO Convention to have achieved universal ratification. Protecting every child throughout the 187 ILO Member States against the worst forms of child labour, Convention No. 182 marked a turning point in the ILO's history as, alongside the [Minimum Age Convention, 1973 \(No. 138\)](#), it has become the normative pillar of the fundamental principle of combating child labour and the first standard to be promoted through a fully-fledged development cooperation project, which has now become Alliance 8.7 to end forced labour, modern slavery, human trafficking and child labour.
57. In the case of Convention No. 98, adopted 75 years ago, no ratifications have been registered over the past 12 months. Forming, together with Convention No. 87, the DNA of our Organization, in November 2023, the Governing Body adopted an integrated strategy for the promotion and implementation of the right to collective bargaining, which aims to strengthen the coherence and effectiveness of the ILO's approach to collective bargaining and the Organization's capacity to promote policy coherence in this area within the multilateral system. The Conference this year will be holding a Recurrent Discussion on the fundamental principles and rights at work, and its conclusions will inform decisions relating to the programme and budget and will guide the Organization in promoting the achievement of the fundamental principles and rights at work over the next five years.
58. Finally, adopted 35 years ago, the [Indigenous and Tribal Peoples Convention, 1989 \(No. 169\)](#), is a beacon for the entire United Nations system, as the only internationally binding instrument on the rights of indigenous peoples. As such, it is one of the ILO instruments referred to most often in the Universal Peer Review (UPR) process. Convention No. 169 is an example of the impact that national and international solidarity can have on those most left behind. It also illustrates how international labour standards, adopted decades ago, can remain at the forefront of today's challenges, including the just transition and the protection of the environment. Despite its global influence, the Convention has received 24 ratifications, with a skewed regional focus. The Convention will be reviewed this year by the [Standards Review](#)

[Mechanism Tripartite Working Group](#) during its ninth meeting, which will be held from 16 to 20 September 2024.

59. I would now like to refer briefly to the important steps that are being taken to modernize the ILO's normative activities and promote a body of standards that is robust, clear and up to date. First of all, the Tripartite Working Group established under the Standards Review Mechanism (SRM) met for the eighth time in September 2023. It reached consensual conclusions in relation to the instruments concerning maternity protection, social security (old-age, invalidity and survivors' benefits) and minimum age; and it postponed its decision on the classification of certain instruments concerning the night work of children and young persons, pending research that it requested from the Office, until its next review at an appropriate time. The follow up to the SRM's recommendations is an institutional priority that calls for a redoubling of efforts to ensure that the relevant Governing Body decisions result in the promotion of ratifications at the national level and the modernization of certain standards that have been identified. For example, as a follow up to the identification by the SRM in 2017 of a gap in the body of standards concerning protection against biological hazards, the Conference will commence a discussion with a view to the development of new international standards on the subject. Finally, and again with a view to giving effect to the recommendations of the SRM, the General Affairs Committee will examine the abrogation of four international Conventions which have been found to be obsolete.
60. In November 2023, the Governing Body requested the Office to develop proposals to streamline the reports requested under article 22 of the ILO Constitution with a view to facilitating compliance with the obligations to provide information and reports to the Committee of Experts. These proposals will be developed in consultation with the tripartite constituents, and you will have received our invitation to the separate meetings that we are organizing with each of the three groups on 24 June.
61. Finally, the Office is continuing to make technical assistance available to Members to ensure that normative guidance by your Committee, all the other supervisory bodies as well as the Conference and the Governing Body, gives rise to tangible results at the national level. As can be seen on your Committee's web page, the Office is in the process of following up on practically all the cases discussed at the Committee's previous session in order to promote the effective implementation of the conclusions and recommendations adopted in June 2023. We have also just concluded the International Labour Standards Academy, which was delivered both online and in person at the ILO International Training Centre in Turin.
62. This brief overview of certain standards-related developments that are of relevance to your discussions shows that the Organization's standards policy is dynamic. Constantly evolving, it is sensitive to the needs of social justice in our time. In conclusion, the International Labour Standards Department is honoured once again this year to place its expertise at the service of your Committee. I wish to take this opportunity to acknowledge the many invisible colleagues in my Department who are at the service of your Committee under the able leadership of Ms Karen Curtis, Chief of the Freedom of Association Branch, and Mr Horacio Guido, Chief of the Application of Standards Branch. Once again this year, they will accompany me in leading the secretariat of your Committee. I would also like to thank the two coordinators of the Committee's secretariat, Ms. Rosinda Silva and Mr. Carlos Magalhaes, for their great professionalism.

Statement by the Representative of the Chairperson of the Committee of Experts

63. I am honoured to be here today to bring remarks on behalf of the Chairperson and members of the Committee of Experts. 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 which are essential to the effective functioning of the system for supervising the application of standards. In 2023, as in previous years, the Committee of Experts 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.
64. 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.
65. 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 legal 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.
66. 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, the supervisory system 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, as amended \(MLC, 2006\)](#), the Committee adopted a general observation urging governments to restore the protection of seafarers' rights.

67. 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.
68. 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 Universal 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.
69. 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.
70. 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.
71. 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.

72. 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 a 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.
73. 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

Statement by the Chairperson of the Committee on Freedom of Association

74. 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, 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 constituent understanding of 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 Joint Statement of 2015⁶ to support the complementarity of the ILO supervisory mechanisms while avoiding duplication of procedures.

75. 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 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.
76. 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.
77. 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 type of allegation as well as by region.
78. 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

⁶ ILO, *Outcome of the Meeting*, Tripartite Meeting on the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), in relation to the right to strike and the modalities and practices of strike action at national level, 25 February 2015, Annex I.

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 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.

79. 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 on the other. 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.
80. 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 at their disposal. This support by the Department and the Branch, enables constructive engagement between governments and their social partners. I extend to the Committee my sincere wishes for a very constructive and fruitful debate that would further boost the achievement of our common objectives.

Statement by the Employer members

81. The Employer members welcome all Committee members to our general discussion. We would also like to welcome Judge Thomas-Felix, representing the Committee of Experts. The Employer members value the opportunity to continue the dialogue with her and by extension the Committee of Experts. We also extend our congratulations to the three new members of the Committee of Experts, Advocate Irene Kashindi, Professor Mia Rönnmar and Judge Iain Ross on their appointment.
82. We would now like to address a few points that the Employer members consider important for the supervisory work of our Committee. On the status of compliance with ratified Conventions, the Employer members note that this year's report of the Committee of Experts, which is an important basis of our work, has around 1,100 pages and contains approximately 612 observations. In addition, the Committee of Experts has made 1,053 direct requests which are not contained in the report itself. These figures show once again that there exists large-scale non-compliance with ratified Conventions or related Committee of Experts' views of them. For the Employers, this again raises questions about Member States' approach to the ratification of ILO Conventions and their application:

- Do Member States carry out reliable pre-ratification assessments to have a clear idea of what changes in law and practice are necessary in order to comply with the Convention and if they have the ability to implement it?
- Do Member States also consider in their pre-ratification assessments the interpretations of the Committee of Experts that are not evident from the text of the Conventions, as well as the related reporting obligations for ratified Conventions?
- Are the national social partners, including representative and independent employers' organizations, adequately consulted by the government and their needs and views adequately taken into account in making a decision on ratification and implementation?
- Do Member States follow up on the results of pre-ratification assessments and develop action plans to ensure correct implementation prior to ratification?

- 83.** The Employer members have strong doubts that this is the case and note the following in this regard: the Committee of Experts lists in its 2024 report some 90 countries which could benefit from ILO technical assistance as regards implementation of one or more ILO Conventions. This indicates to us that many countries ratify Conventions without necessarily having the technical capacity to ensure correct implementation. The Director-General's Reports to the Governing Body, which regularly provide information on new ratifications since previous sessions, show that certain Member States ratify Conventions, sometimes several at the same time, despite significant problems with the implementation of, or reporting on, already ratified Conventions. The Employer members wish to reiterate that ratification should only take place once there is reasonable clarity that proper implementation can be ensured, ideally in a way that reconciles the needs of all tripartite constituents. The large number of comments made by the Committee of Experts however, suggests that ratifications often take place prematurely or without proper pre-ratification assessments.
- 84.** The Employer members would like to stress that the Office and the Committee of Experts have an important role to play in providing guidance in this regard. In its promotion of the ratification of ILO Conventions, the Office should advise constituents to take a careful and considered approach to ensure that ratification comes only at the end of the process when it is clear that the envisaged Convention can be correctly implemented. The Committee of Experts may stress in its annual report that the ratification of a Convention is not just a political statement but the assumption of an obligation under international law to implement the Convention. The Employer members believe that the application of ratified Conventions could be considerably improved if ratification were approached in a consistent and strictly compliance-oriented manner. This would significantly reduce the number of comments by the Committee of Experts and thus the burden on the supervisory system, allowing it to focus on particularly persistent and complicated cases of non-compliance.
- 85.** The Employer members once again need to come back to the issue of the distinction between direct requests and observations in the Committee of Experts' report. The Employer members noted the explanations given by the Committee of Experts as regards the differences between observations and direct requests in paragraph 101 of its report; however, they do not find this differentiation meaningful. In particular, the Employer members wonder why substantial compliance issues of a "technical nature" or emerging from a "first report" are dealt with only in direct requests and not in observations. Given that direct requests are not part of the Committee of Experts' report and are thus not discussed in the Committee, this is not just a theoretical question. The Employer members noted the view of the Worker members according to which nothing prevented the Committee from taking into account direct requests

during the examination of individual cases. However, this only shows that the distinction between observations and direct requests is not really needed. The Employer members therefore wish to suggest that any compliance assessments by the Committee of Experts, whether technical or not and whether concerning first or later reports, are made in the form of observations, and that direct requests are discontinued altogether. Mere requests for clarification or additional information could be informally obtained by the Office from the governments concerned, for example, via email, without the need for the Committee of Experts to make a formal direct request. In the Employer members' view, this would not only simplify matters but also make the difference between the preparation of the information basis for standards supervision on the one hand, and the actual standards supervision on the other, more transparent.

86. As regards the long-standing issue of the right to strike in relation to Convention No. 87, the Employer members would like to recall that in November 2023 the matter was referred to the International Court of Justice for an advisory opinion. This referral followed a controversial debate and vote in the Governing Body which left ILO constituents divided. The Employer members and many governments were not in favour of the referral to the International Court of Justice as they considered that a balanced and sustainable solution could only be achieved through tripartite social dialogue in the ILO, including through standard-setting. The Employer members are deeply concerned that the Committee of Experts while noting the referral of the matter to the International Court of Justice in paragraph 40 of this General Report, maintained its comments on the right to strike in relation to Convention No. 87 unchanged and unabated. Of its 65 comments on Convention No. 87, 55, that is 84 per cent, relate partly or exclusively to the question of the right to strike. Moreover, of its 43 direct requests, 35, or 81 per cent, deal one way or another with the right to strike. Finally, one case on Convention No. 87 that includes the contentious views on the right to strike has been double footnoted by the Committee of Experts. For the Employer members, the best way forward would have been to suspend any comments on the right to strike until the International Court of Justice's advisory opinion was published as we have asked at the Committee of Experts' special sitting. Indeed, as part of the ILO supervisory system, the Committee of Experts should act in accordance with the ILO Governing Body decisions. This would have been appropriate to avoid any appearance of interference or of intention to influence the cause and outcome of the proceedings by the Committee of Experts. We should not give the impression that the International Court of Justice has no choice but to confirm the contentious interpretation of the right to strike. This would be to disrespect the International Court of Justice's autonomy and disregard the position of those ILO constituents who do not share the Committee of Experts' opinion on this issue. For the same reasons, the Employer members would have preferred the dispute on the right to strike and therefore the comments that are based on the disputed interpretations to have been excluded from this Committee's meeting. However, as this has not occurred, the Employer members will reaffirm their disagreement with the Committee of Experts' comments on this topic in all Convention No. 87 cases that will be discussed. Furthermore, as usual, the right to strike in all related aspects will not be mentioned in the conclusions of Convention No. 87 cases.
87. The Employer members noted that the Committee of Experts welcomed the Governing Body's adoption of an ILO strategy for achieving decent work in supply chains. The Committee of Experts states in this context that it will "follow up on these tripartite-agreed objectives within its mandate, recalling that it has considered in the past the issue of supply chains in its supervision of international labour standards, given its relevance to many key decent work deficits." The Employer members would like to recall that the mandate of the Committee of Experts is to examine compliance by governments with obligations under ratified Conventions at national level. This is different from ensuring the compliance with ratified Conventions

within supply chains. It must be emphasized that on the one hand, governments have a responsibility under ratified Conventions to implement these Conventions everywhere in their countries, not just in supply chains within their countries. On the other hand, governments have no responsibility for ensuring compliance with ratified Conventions in those parts of supply chains that are outside their countries. The Employers trust that the Committee of Experts will take due account of this difference. The consideration of supply chains in the supervision of standards must not lead to a blurring of the responsibilities of national governments for the obligations arising from ratified Conventions.

88. The Employer members also noted the Committee of Experts' remarks on sustainable enterprises in paragraphs 50–54 of its General Report. The Committee of Experts seems to take the view that: "the mandate given to it, notably to undertake an impartial and technical analysis of how ratified Conventions are applied in law and practice by Member States, is an important contribution ... to the enabling environment in which sustainable enterprises can flourish". It appears from this that the Committee of Experts does not consider it necessary to pay particular attention to the needs of sustainable enterprises in its standards supervisory work. The Employer members find even more concerning the Committee of Experts' primarily negative perception of "regulatory reform and the removal of business constraints" in this context which the Committee of Experts sees as potentially undermining labour standards. The Committee of Experts does not seem to recognize that sustainable enterprises comply with national laws and regulations and contribute to economic growth, employment creation and socio-economic progress. While respect for international labour standards can be seen as one of the prerequisites for a favourable environment for sustainable businesses, it is equally true that only sustainable businesses can guarantee the proper application of international labour standards providing for decent jobs and decent job creation. The Employer members would reiterate that the ILO Centenary Declaration is clear in stating that: "International labour standards ... need to ... protect workers and take into account the needs of sustainable enterprises ...", and thus recognizes that protecting workers and taking into account the needs of sustainable enterprises should go hand in hand. The Employer members therefore trust that the Committee of Experts will duly take into account the needs of sustainable enterprises in its supervisory work, including when determining the scope and meaning of obligations under ratified Conventions. Giving due attention to the needs of sustainable enterprises would, in fact, improve the balance and thus the relevance and acceptance of the Committee of Experts' recommendations. The Employer members will pay particular attention to this point when considering the Committee of Experts' comments on ratified Conventions.
89. The Employer members also noted from paragraph 61 onwards that a thematic discussion to commemorate the 75th anniversary of the Universal Declaration of Human Rights and Convention No. 87, took place this year. While the Employer members support the idea of creating synergies between ILO standards and different UN Human Rights treaties, we would like to stress the distinct nature and content of the individual instruments, as well as the distinct mandates and competences of the individual treaty bodies concerned. In particular, it is important not to blur the differences between Convention No. 87 on the one hand and the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights on the other. Although the protection of freedom of association is included in all these instruments, the modalities of protection are different. It should also be noted that these instruments were adopted in different contexts and with different intentions. Of particular importance is the fact that the ILO, unlike the UN, is a tripartite organization. Tripartite participation in standard-setting and supervision is a special feature that fundamentally distinguishes Convention No. 87 from the other UN human rights instruments. Finally, we would like to emphasize that although the

Committee of Experts has a specific technical mandate for the monitoring of ILO standards, it does not represent the ILO standards monitoring system as such and cannot speak on its behalf.

90. In conclusion, the Employer members would like to affirm their ongoing commitment to the ILO standards supervisory system. In order for ILO standards supervision to have a real and lasting impact, it needs to be balanced and take duly into account the situation and needs of ILO's three constituents. In this spirit, we look forward to cooperating with Government representatives and Worker members at this session of the Committee.

Statement by the Worker members

91. The Worker members would first of all like to welcome the representative of the Committee of Experts, Judge Thomas-Felix, and the Chairperson of the Committee on Freedom of Association, Professor Kalula, who honour us with their presence.
92. As usual, the Worker members wish to recall that the aim of this exchange is not to expose divergences between any particular group and the Committee of Experts. Rather, we see it as an opportunity to discuss on equal terms ways and means for increasing the effectiveness of the supervisory system. For example, we do not see why the Committee of Experts, which is an independent and impartial body, should refrain from making comments on the right to strike. The fact that the issue is pending in the International Court of Justice does not entail any consequence for the supervisory work of the Committee of Experts. Of course this in no way affects the work of our Committee.
93. The Worker members reject the requests made to the Committee of Experts to justify in detail the choice of double-footnoted cases. This is a choice for the Committee of Experts to make. These requests constitute a further attempt to undermine the independence of the Committee of Experts, and we cannot condone this.
94. The Worker members would also like to emphasize that we have heard people singing the praises of social dialogue in recent months. These grandiloquent speeches are not compatible with the practice of voicing reservations on the result of what has been negotiated. The same applies to remarks aimed at pre-empting the possible conclusions of discussions by setting limits. This is especially true as it does not contribute anything new to the *modus operandi* followed by our Committee for a number of years without any problem.
95. The Worker members have noted with great interest the various topics discussed within the Committee of Experts, as reflected in this report. But the time allocated for our discussion does not allow us to address everything in detail. We will therefore return briefly to a few aspects. The Worker members have duly noted the developments related to the supervision of standards in a context of austerity. They therefore agree with the finding that the Committee of Experts often learns of the impact of economic reforms *a posteriori* but is never informed *ex ante* of the preparation and implementation of these reforms. If we agree that one of the key elements of the future social contract must be the coherence between economic and social policies, this aspect will need to be remedied. The Worker members propose that we should reflect on what means exist to enable the ILO to play a preventive role in this field. There will certainly be a need for creativity, but this is an exercise that will generate added value.
96. The Worker members have also noted with interest the points made by the Committee of Experts concerning the concept of sustainable enterprises. We have already explained our point of view on this subject on several occasions. Nevertheless, we will take the liberty of underlining a number of aspects. Firstly, the Worker members are the first group affected by

the sustainability of enterprises. Some people tend to forget, but it is the workers who contribute to the production of goods and services. When an enterprise is obliged to cease operating, for example because of poor choices by management, the first victims are to be found among women and men workers and their families. It goes without saying that there is no enterprise without workers. The latter are very attached to the sustainability of enterprises. As recalled by the [conclusions](#) of the General Discussion on the Promotion of Sustainable Enterprises at the 2007 Conference, one of the conditions of sustainability is respect for the rights of workers.

97. Another important point is that if we support the promotion of enterprises, it is solely with a view to improving the life of workers. Contrary to what has sometimes been said, it is not a question of us denying that enterprises pursue legitimate economic goals. Our work at the ILO does not entail discussions without definition or substance. The discussions are aligned to the mandate of the Organization and its *raison d'être*. And so, the pursuit of economic objectives is a legitimate quest but one that must serve the objectives of the Organization and in particular, seek to improve the lives of workers and their families. On this basis, in the context of the ILO, enterprises must be seen as a means, not an end.
98. Seeking to optimize the work of the supervisory bodies is an endless quest. We commend the work done by the Office to give visibility to the follow-up work related to our Committee's conclusions. We continue to advocate the setting up of a mechanism to raise the profile of the colossal amount of work done by the Office in this regard. Looking at the information available on the Committee's website, we can see that the vast majority of governments react positively to the observations of the supervisory bodies, and this is something we appreciate enormously. This is evidence of the credibility of our supervisory system and the capacity of the Office to play a key role in the matter.
99. We will finish by referring to the record in the report regarding the exchange that took place between the Committee of Experts and various UN treaty bodies. This exchange took place in the context of the celebration of the 75th anniversary of the Universal Declaration of Human Rights. This once again illustrates the vitality of the Committee of Experts and its capacity for opening up to other bodies which pursue objectives similar to its own. It is further evidence of this rapprochement which must be encouraged between the bodies, of course taking into account the ILO's specificities, such as tripartism, and those of the organizations to which these other bodies belong. Good dialogue is a never a source of friction.

Statement by Government members

100. **Government member, Belgium speaking on behalf of the European Union (EU) ⁷ and its Member States:** the candidate countries, Albania, Montenegro, North Macedonia, the Republic of Moldova, Serbia and Ukraine, and the European Free Trade Association (EFTA) country, Norway, member of the European Economic Area (EEA), aligned themselves with this statement.
101. We welcome the discussion at the Conference Committee, a crucial pillar of the ILO supervisory system. We strongly believe in the fundamental importance of international labour standards, their ratification, and the effective and authoritative supervision of their implementation. We highly appreciate the analysis and expertise of the Committee of Experts as shown in its annual

⁷ 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 Government members of the group or organization in question, who are members of the ILO and are attending the Conference.

report, which provides a solid basis for the work of our Committee. We value and put our trust in the guidance provided by the Committee of Experts, which helps to implement international labour standards. We recall our strong commitment to the independence, objectivity, and impartiality of the Committee of Experts. We would like to recall the importance of complying with reporting obligations and doing so in due time, as the functioning of the supervisory system is based primarily on the information provided by governments in their reports, as well as on the observations submitted by social partners. In this regard, we welcome the ongoing efforts to modernize and streamline the reporting system in order to ease the reporting burden on governments. We appreciated the information session that the Committee of Experts held for a second time with governments and look forward to a new meeting in 2024.

- 102.** We share the concern of the Committee of Experts that multiple and interlocking crises, coupled with austerity measures, are leading to increasing inequalities and are having an adverse impact on the application of international labour standards, leading to stagnation or even a regression in progress. We emphasize that in times of crisis, international labour standards acquire their full significance by providing guidance on a way forward. We are regrettably in a situation where we are off track to reach Sustainable Development Goal (SDG) 8, on decent work and economic growth, with the social and environmental dimensions lagging behind the economic dimension. However, in the upcoming year there are historical opportunities to set the right momentum and reverse these trends. The EU and its Member States are currently providing input to New York-based negotiations of the Pact for the Future. An ideal outcome of the Summit of the Future is a Pact which fosters social inclusion and social justice, social dialogue on advancing universal social protection, decent jobs and green and digital skills. Moreover, we see the upcoming World Social Summit as an important opportunity for the world to rebuild the social contract through a comprehensive approach based on human rights, social cohesion, solidarity and decent work. As recalled by the Committee of Experts, a new social contract, drawing upon the common values expressed in international labour standards, is more necessary today than ever. Furthermore, the EU and its Member States have consistently and strongly supported Director-General Hounbo's flagship initiative to establish the Global Coalition for Social Justice and its ambition to advance social justice and decent work for all. One of its priorities is "realizing labour rights as human rights", which is fully in line with the objectives of the EU Action Plan on Human Rights and Democracy. To date, 12 EU Member States have joined the Coalition as partners along with the European Commission on behalf of the EU.
- 103.** Last year and this year mark the 75th anniversary of Conventions Nos 87 and 98 respectively. We recall the central and enabling rights' nature of these instruments and welcome the [ILO integrated strategy for the promotion and implementation of the right to collective bargaining](#) adopted by the Governing Body in autumn 2023. We are pleased that the Committee of Experts continues to deepen its cooperation with the United Nations Human Rights Treaty Bodies, most recently through a thematic exchange on the fundamental right to freedom of association. This collaboration is crucial to enhance the effective fulfilment of human rights, including labour rights. We encourage further such exchanges as they provide scope for mutual inspiration, cooperation and synergies, while respecting the autonomous mandates of all bodies.
- 104.** Let us share some of the latest legislative and policy advances through which we aim to contribute to further advancing decent work. We are working towards the ratification by all EU Member States of two new fundamental ILO Conventions on a safe and healthy working environment. We are also aiming to ensure that labour standards, as well as access to adequate social protection, are guaranteed for all workers, including those engaged in non-

standard and new forms of work. We are therefore pleased to have reached a historical agreement on a new Platform Work Directive. This directive aims to ensure decent work for people on digital labour platforms. We look forward to the standard-setting discussion on this topic at the International Labour Conference in 2025.

105. We are committed to supporting partner countries through technical assistance projects to enhance the effective application of labour standards, with an emphasis on fundamental ILO Conventions. The ILO is our privileged implementing partner in these efforts. We promote decent work through the EU's bilateral and regional trade and investment agreements and unilateral preferential trade schemes. Recent legislative advances in this area show our further increased focus on decent work in supply chains via a soon-to-be-adopted Forced Labour Regulation and a Corporate Sustainability and Due Diligence Directive. Let us conclude by reiterating our full support to the well-functioning and authoritative supervisory system of the ILO, which is built on tripartism and social dialogue. This unique and robust system provides a valuable example of a multilateral rules-based order. We are looking forward to constructive engagement with tripartite constituents during the debates in this Committee.
106. **Government member, Argentina:** We are proud to play an active role in the ILO supervisory system, which we view as a collaborative, rather than inquisitorial, tool for examining States' conduct. The observations of the Committee of Experts are therefore an important part of ensuring effective compliance and the ethical building of a world of fair trade and work.
107. I would like to underscore the importance of social dialogue as the ILO supervisory system's main means for consensus-building in several areas: firstly, respect in the framework of co-existence among actors in the world of work; secondly, seeking convergent paths to resolve the different issues that arise in the implementation of ILO Conventions; and, thirdly, effectiveness, since social dialogue allows for continuity over time when addressing such issues. I also wish to highlight the assistance in complying with international commitments that is provided by the Office, which affords States ongoing guidance in improving their fulfilment of international obligations.
108. I would also like to draw attention to the importance of the work of the Committee of Experts in other areas of the United Nations system, including in relation to SDG 8 on growth that is fair and equitable for all parties, particularly target 8.7 on the eradication of child labour and forced labour. Moreover, I wish to point out the respect enjoyed by the Committee of Experts and the ILO's reports within the United Nations system. The International Court of Justice has referred to the ILO's opinions, citing their importance and effectiveness. The Inter-American Court of Human Rights has done likewise. This is high praise for the system, the members of the Committee of Experts and the Office.
109. Lastly, the supervisory system and the standards system are facing a significant challenge due to the social conditions imposed by new forms of work, technological advances, the platform economy and the supply chain, requiring new relationships between States and social partners to ensure that, even in these areas, a just world can be built.

Reply of the Representative of the Chairperson of the Committee of Experts

110. I would like to thank you once again for the invitation extended to the Committee of Experts to attend this meeting. I am honoured to represent the Committee of Experts on this occasion, and assure you that I will report to my peers on the discussions and views expressed in this forum. The annual visit of the Workers' and Employers' Vice-Chairpersons to the Committee of Experts' meeting, and your invitation for the Chairperson of the Committee of Experts to participate in the works of this Committee, undoubtedly strengthen the links and underline

the complementarity of the two Committees in their supervisory work. The exchange on normative issues, that we had in 2023 with governments, were also very informative and I have heard the interest expressed by some governments to repeat this meeting in 2024.

111. I have taken note of the comments expressed during the discussions and in particular those relating to:

- (1) the criteria and characteristics for distinguishing between observations and direct requests;
- (2) the possibility of providing more detailed information on the footnotes inviting governments to communicate information to the Conference Committee; and
- (3) the opportunity to take into account the needs of the constituents in the supervisory work.

I have also taken note of the comments on issues related to the right to strike and Convention No. 87.

112. I am pleased to recall that you will find in paragraph 101 of the General Report the Committee of Experts' explanation on the differences between observations and direct requests. I have taken note of your concerns in this regard, which I will pass to my colleagues. I also recall that the criteria established by the Committee of Experts for the inclusion of footnotes can be found in paragraphs 108 and 109 of the General Report. In its last session, the Committee of Experts detailed the specific reasons justifying the insertion of a double footnote in the selected cases.

113. I especially note and welcome the statements that recalled and emphasized the importance of democracy for freedom of association. The Committee of Experts shares the concerns raised about the regrettable increase of authoritarian regimes and the impact this has had on the autonomy and independence of employers' and workers' organizations. Several comments in the Committee of Experts' report pick up on this theme and urge governments to cease criminalizing the activities of these organizations, interfering and obstructing their functioning or impeding their rights to formulate their programmes of action. The Committee of Experts' report continues to raise the alarm bells on all such threats in this regard when they concern employers' organizations and workers' organizations, in the full exercise of its mandate. We have, on innumerable occasions in our nearly 100 years of existence as a Committee, stressed that freedom of association lies at the heart of democracy and that adherence to the rule of law is a prerequisite for social dialogue, collective bargaining and tripartite cooperation, which ultimately leads to social justice.

114. A few speakers referred to the Committee of Experts' increasing collaboration with the United Nations and made comments that I will share with my peers. The Committee of Experts' exchange with the Chairs of eight Human Rights Treaty Bodies and with two special rapporteurs is based on mutual respect for our respective mandates and a common resolve to join forces to encourage respect for human rights, including international labour standards, at a moment when the world is moving seriously offtrack in the implementation of the SDGs, including SDG 8, as noted by the speakers this morning.

115. With regard to taking into account the needs of constituents, I am pleased to recall that the Committee of Experts has consistently indicated, in its Report, the importance of comments by Employers' and Workers' representatives on the application of ratified Conventions or linked to the elaboration of the General Surveys. Such observations provide the Committee of Experts with up-to-date information from social partners and are essential to enable it to assess the application of Conventions in national law and practice. I encourage the social partners to continue and even reinforce this most useful practice for the supervisory system. More

specifically with regard to sustainable enterprises, it is important to recall that in paragraph 54 of its Report, the Committee of Experts indicated that the mandate given to it, notably to undertake an impartial and technical analysis of how ratified Conventions are applied in law and practice by Member States, is an important contribution to the enabling environment in which sustainable enterprises can flourish along with the responsible business practices that sustainable enterprises are adopting.

- 116.** I have taken note of what has been said regarding the modernization of the reporting system and we will follow closely any developments in this area. It is important for governments to be able to send the most accurate information possible and any methods which help in this respect are to be welcomed and will be welcomed.
- 117.** With respect to the General Survey, I would like to express my sincere gratitude for the rich exchange of opinions here today which has allowed me to hear first-hand your comments on this General Survey prepared by the Committee of Experts. This discussion shows the importance of effective and coordinated labour administration systems to respond to the challenges in the world of work and hence underscores the relevance of the instruments examined. You can rest assured that I will share your views on the General Survey with the other members of the Committee of Experts.
- 118.** Finally, the Subcommittee on Working Methods of the Committee of Experts meets annually during our session and will address all the issues which have been highlighted. The forthcoming visit of the Vice-Chairpersons of the Conference Committee to the Committee of Experts and the exchange with governments will allow us to have a fruitful dialogue in this regard. Once again, I thank you for the invitation and I am confident that the dialogue of our two Committees will continue in the future.

Reply of the representative of the Secretary-General

- 119.** I would like to respond just to two issues that were raised during the discussions and that concern the Office more specifically. On the one hand, the technical assistance made available to you by the Office and on the other, the modernization of the current methods for presenting and submitting reports under article 22 of the Constitution of the ILO.
- 120.** With regard to the technical assistance furnished by the Office, I would first like to express my sincere thanks for the trust that you have repeatedly expressed throughout your discussions, and your gestures of appreciation of the standards-related technical assistance furnished and implemented by the Office. It is very important to us to ensure that our services respond to your needs, either when you are considering ratification or when you are faced with difficulties in implementation. It is very important to us to ensure that our services respond to your needs in as timely a way as possible. Let me take this opportunity to reassure the Employer members that the support we provide to governments when they are considering ratifications takes fully into account all of the guidelines previously provided by the supervisory bodies on the Convention in question. With regard to the General Surveys, they are one of the main sources of information and guidance that we use when we are supporting countries in their consideration of ratification of a given instrument.
- 121.** The fact that there may be difficulties that arise following the ratification of a Convention must not be construed as revealing or resulting from a lack of diligence in the prior examination of the conditions for ratification. Allow me to use the analogy of a health check-up. You have a health check-up one day and you are in perfect health, but this does not protect you against the possibility of falling sick the next day or the day after that. This does not mean that the health check-up was bad but there are unforeseen events in life that mean one day you are in

good health and, the next day, less so. As mentioned in your own comments, the world of work is in constant transformation, and this changes the context in which the Conventions are implemented and presents new challenges to governments concerning their implementation. For general information, we have a certain number of meetings planned in the margins of the plenary sessions during which we discuss in detail the new challenges that the governments are facing in the implementation of the Conventions. These are very valuable exchanges that permit us to prioritize our technical assistance follow-up.

- 122.** I wish to turn next to the request made by the Worker members on the use of the information that we provide on our follow-up to the conclusions that you adopt each year, in particular when the Committee calls on governments to avail themselves of the technical assistance of the Office. We have taken due note that you would like to have a reflection on a new, or at least different, way of making this information available. I think that we are totally open to considering this together and to providing you with this information so that it can be as useful as possible to you.
- 123.** Turning now to the modernization of the reporting obligations, I remind you as indicated in my introductory remarks, that we would like to develop the proposals in full consultation with each of the three groups and that we have sent you an invitation to the consultations that will take place on 24 June. I invite the governments in particular because we will organize these meetings in a hybrid format in order to enable officials in the capitals who compile these reports to participate in the discussions and share with us your difficulties, views and expectations regarding the modernization of the reporting methods.

Concluding remarks on the general discussion

- 124. Worker members:** The Worker members would like to come back to a few points raised this morning. Regarding the distinction between direct requests and observations of the Committee of Experts, we are not going to repeat in detail what we have been saying for a number of years. Like the criteria for the selection of individual cases examined by our Committee, the distinction between direct requests and observations is not an exact science. The explanations that the Committee of Experts has already given on this subject are sufficient and its autonomy regarding the choice of the most appropriate means for conducting dialogue with governments should be respected. That is a choice for the Committee of Experts. In any case, we note that the main recipients of observations and direct requests, especially governments, have never expressed the slightest concern in this regard. This shows clearly that these governments are not involved in a theoretical debate but are more focused on the best way to fulfil their obligations, which is a testimony to their good will.
- 125.** We have also noted the remarks to the effect that the size of the Committee of Experts' report points to a kind of hazardous or hasty ratification on the part of governments. For us, however, this reasoning is based on a questionable assumption. Experience shows us, rather, that conformity with standards depends more on the political priorities of governments in place at a given moment. One day the diagnosis may be healthy, the next day something changes. As the famous saying goes, nothing lasts forever – not even diamonds. A look at the list of cases which we will be examining this year shows that respect for standards depends to a large extent on political choices made by the governments having responsibility at the time. There are always improvements that can be made, and the supervisory bodies are there to support governments in this exercise. This support may take the form of technical assistance which can draw on the expertise of the Office as well as meet the specific needs of the countries concerned, since there are various different situations. This assistance also sometimes benefits the social partners – employers and workers – on the ground and enables their capacities to

grow. It does not reflect poor preparations for ratification but rather the changes experienced by different countries. We should avoid any diagnosis of problems that do not exist. This will prevent us from prescribing remedies that would actually make real problems worse.

126. The Worker members would now like to return briefly to the link between the supervision of standards and supply chains. We do not dispute the fact that the application of standards must be observed in relation to the territory of the country which has ratified the Convention, but that must be tempered by recalling that national courts have repeatedly recognized the responsibility of enterprises outside their national territory with regard to respect for human rights. Nor can the discussions and initiatives regarding enterprises' due diligence be ignored. It would be rather strange if the ILO were to remain in the background with regard to these developments when its supervisory system empowers it to play a key role.
127. Much was said this morning about the concept of sustainable enterprises. When the Committee of Experts says that certain reforms can adversely affect workers' rights, they are merely describing the gloomy reality encountered in a number of countries. It can still be seen that, in the name of the development of economic activity, policies of deregulation are conducted which fail to respect international labour standards. Nobody here is questioning the role that can be played by enterprises in the promotion of decent work but the importance of this role cannot result in a means and an end being placed on an equal footing. We will recall as often as is necessary that workers' rights are human rights and remain the ultimate objective of our Organization.
128. In conclusion, we would like to express the wish that these divergences within the Committee will no longer apply in the future and that the Committee will be able to reflect serenely with the Committee of Experts on the way to optimize the impact of the supervisory system on the ground. It might be useful to draw up a list of topics on which consensus has been reached and which will guide future exchanges between our committees.
129. **Employer members:** Let us start by thanking the Governments and the Worker members for the very rich contributions to the general discussion, and to the discussion of the General Survey on Labour Administration. The Employer members also appreciate the participation of Judge Thomas-Felix as a representative of the Committee of Experts. We strongly believe that ongoing dialogue between the Committee of Experts and the Conference Committee is important, for the ILO constituents to better understand standards-related requirements, but above all to facilitate the Committee of Experts' understanding of the realities and the needs of the users of the supervisory system. For the effectiveness of ILO standards supervision, it is of utmost importance that there is as much convergence as possible between the Conference Committee and the Committee of Experts in providing clear and practical guidance to tripartite constituents in ILO Member States. Past experience has demonstrated that where the Conference Committee and the Committee of Experts speak with one voice, more positive responses are obtained from governments and social partners on the ground, leading to faster, better and more sustainable compliance with ILO standards both in law and in practice. Unity on the essentials seems all the more important in the face of the uncertain world that we are increasingly confronted with, as evidenced by the global challenges.
130. Different from what the Worker members seem to think, the Employer members believe that the general discussion in the Conference Committee serves as the right forum to provide tripartite feedback to the Committee of Experts and to make our joint work more relevant. The Employer members wish to respond to some remarks made earlier today during the general discussion and yesterday during the opening session. First, we do not deny that respect for labour rights is one of the concurring conditions for the creation of an enabling environment

for sustainable enterprises. Yet, what we stress is that workers' protection, as a concurrent condition, should be balanced against the needs of sustainable enterprises and not be considered as the only criterion in carrying out standards supervision. After all it is recognized in the ILO Centenary Declaration that the requirements of an enabling environment for sustainable enterprises must be taken into account when considering the protection needs of workers. While this balance between the two perspectives is clearly visible in the discussion and outcomes of the standards supervision in the Conference Committee, unfortunately we still do not see it in the comments of the Committee of Experts, which focus exclusively on the protection needs of workers. In fact, this may seem to bolster the repeated certainty from the Worker members that sustainable enterprises are merely a means to an end which is seen as the protection of Workers, which is unfortunate. The Committee of Experts emphasizes its neutrality and impartiality, but this is often not how ILO constituents perceive it. This should give the Committee of Experts pause for thought.

131. Secondly, the Employer members have noted that the Committee of Experts, in this year's General Survey, provided its opinions on various topics that have little to do with the standards on labour administration. These include topics that are controversial, such as supply chains, or what will be addressed in ILO standard-setting such as digital labour platforms. The Employer members wish to point out that such statements by the Committee of Experts can interfere with the tripartite opinion-forming process, notably when standard-setting is ongoing. For future occasions, the Employer members would prefer that the Committee of Experts limit its analysis to the specific instruments and issues at stake and avoid issuing observations and opinions on standards and topics not under examination.
132. Thirdly, the Employer members strongly believe that any major questions regarding the scope and meaning of the provisions of ILO Conventions or related gaps should be examined and resolved through tripartite social dialogue, in particular, through standard-setting. If such major questions arise in its supervisory work, the Committee of Experts should point them out to the Governing Body. The Committee of Experts does not have the role, we believe, of a substitute legislator for the ILO, which can itself identify regulatory gaps and fill them with international labour rules that it defines itself. Finally, let us be clear that the Employer members do not intend to give instructions to the Committee of Experts or "encroach on its independence". The Employer members do recognize that the Committee of Experts exercises an essential function in the ILO regular standards supervisory system and it is for this very reason, that we see it as our duty to provide constructive feedback to the Committee of Experts. It is in this spirit that the Employer members asked the Committee of Experts to abstain from providing certain interpretations. Contrary to what the Worker members seem to think, an authoritative opinion on how to interpret an ILO Convention clearly has an impact on the Committee of Experts supervisory work. All in all, the Employer members agreed with the Committee of Experts on many points but also respectfully expressed disagreement on some of its views and findings. In doing so, we have sought to contribute to a more factual and results-oriented debate. We thank others who have also provided their feedback in this regard.
133. The Employer members look forward to ongoing exchanges between the Conference Committee and the Committee of Experts to continue building convergences on matters of application of International Labour Standards. We count on the Office to facilitate the dialogue and the building of convergences. To conclude, the Employer members would like to reaffirm their full commitment to continue improving the international labour standards supervisory system including regular standards supervision so that it remains credible, relevant and balanced.

C. Reports requested under article 19 of the Constitution

General Survey: Labour Administration in a Changing World of Work

- 134.** The Committee dedicated a sitting to the discussion of the General Survey carried out by the Committee of Experts concerning the Labour Administration Convention (No. 150) and Recommendation (No. 158), 1978. The record of this discussion is contained in section I of Part Two of this report.

Concluding remarks on the General Survey

- 135.** At the meeting on the adoption of the outcome of the discussions on the General Survey, the following statements were made by members of the Committee.
- 136. Worker members:** The Worker members welcome the adoption of the conclusions on the General Survey. While the General Survey itself is a very useful instrument for ILO Members, the conclusions that we adopt enable us to indicate the path that the Worker and Employer members are ready to take consensually. They also indicate the actions and means that our two groups wish the ILO to employ in this fundamental question of labour administration. Follow-up to the discussion of the General Survey does not stop at the closure of the session of the Conference. It goes well beyond, so that the adopted conclusions serve in various initiatives taken by the ILO and the Member States. The Worker members express the wish that thorough follow-up be given to the conclusions adopted by our Committee in all the initiatives related to this matter in both the ILO and the Member States. We therefore fully encourage the provision of ILO tailored technical assistance to actively support the governments, and workers' and employers' organizations, in the strengthening of labour administration systems.
- 137.** The ILO is also invited to develop an action plan in consultation with the social partners to accompany governments, workers and employers in exploring the potential of strengthening their labour administrations. This action plan will comprise various initiatives, such as the preparation of teaching material to support the ratification and implementation of Convention No. 150, and the development of capacity-building activities. It will be helpful for our Committee to, in future, be informed of the initiatives taken to implement this action plan. We hope that the recurrent discussion scheduled for 2026 on the strategic objective of social dialogue will also take our conclusions into account.
- 138.** Our conclusions also set out expectations for Member States. We therefore ask Member States which have ratified Convention No. 150 to continue and intensify their efforts to ensure its full implementation. For those member States that have not yet done so, our conclusions fully encourage them to consider ratifying the Convention.
- 139.** The purpose of all these initiatives is to serve the ILO's fundamental missions. A labour administration that operates at its optimum is a labour administration that decisively contributes to the realization of decent work. We recall in our conclusions that labour administrations play a central role in the achievement of the 2030 Agenda for Sustainable Development, the materialization of the objectives of the ILO Centenary Declaration and the achievement of a rights-based, human-centred recovery that is inclusive, sustainable, resilient. The actions put in place to meet these objectives must be constantly re-evaluated against the vast and rapid changes facing the world of work.
- 140.** Digitalization is one of these vast changes. It is giving rise to atypical forms of employment that evolve in an ill-adapted regulatory framework. Hence why our labour administrations must

constantly adapt to these new realities the regulatory framework and the services they provide. This is the only way that labour administration may benefit all workers. The emergence of platform work is one of the consequences of digitalization. Platform work still remains today a new reality that is difficult for our labour administrations to apprehend and that reveals serious shortcomings in terms of decent work for platform workers. Management of algorithms is also a product of digitalization. This type of management shows up not only in platform work. It is spreading increasingly to various sectors and it is time that there are rules governing this practice.

141. Globalization of the economy presents many challenges for our labour administrations. They can no longer envisage fully discharging their missions without incorporating the transnational dimension of decent work deficits. They have an essential role to play in the protection of the rights of workers in the global supply chains. The powers of labour administration are unfortunately limited to their national territory. They cannot therefore impose sanctions on enterprises when violations of workers' rights are committed within their supply chain. Enterprises' economic activities cross borders but their responsibility stops there. This is especially the case when countries in which activities are carried out do not have fully operational labour inspection services. This is no longer viable, and our labour administrations must be given means of intervening in these situations.
142. While these few aspects that I have just referred to can be read between the lines of our conclusions, the Worker members would have hoped that they could have been reflected more specifically in them. These are in practice some of the challenges faced by our labour administrations. We won't be able to hide them under the carpet for long.
143. Allow us to conclude on a point on which there is consensus. We emphasize in our conclusions the fundamental need to involve workers' and employers' organizations at all levels of labour administration. Social dialogue and tripartism are the founding principle of the ILO. But social dialogue and tripartism cannot be genuine unless freedom of association and the right to collective bargaining are fully respected by governments. These principles should also provide the basis for any system of labour administration in order to ensure that all the services and policies contribute to the objective of the achievement of decent work, with the support of the social partners.
144. **Employer members:** The discussion on the General Survey on Labour Administration in a Changing World of Work, was extraordinarily rich and brought together diverse views, in a way which, in our view, is reflected very clearly in the Report. The Employer members would like to thank all the speakers who contributed to the discussion. The agreed outcome has shown that effective labour administration systems are vital for the good governance of labour matters, as well as for economic and social progress. On the one hand, labour administration systems, along with public employment services and labour inspection can make decent work a reality in the workplace by enforcing labour standards. On the other hand, labour administration systems can contribute to economic growth by increasing competitiveness and productivity, ensuring a predictable environment for business, as well as developing and implementing policies aimed at producing high employment rates and social cohesion. The General Survey has enabled us not only to highlight the progress made in certain countries, but also to become fully aware of the complex and sometimes difficult situation in many countries. The Employer members trust that the outcome of the discussion of the General Survey will contribute to further progress in this regard and therefore commend the report to the Committee.

Outcome of the discussion of the General Survey

145. The Committee approved the outcome of its discussion, which is reproduced below.

Introduction

146. The Committee welcomed the opportunity to examine the General Survey prepared by the Committee of Experts which is titled *Labour administration in a changing world of work*. The Survey encompassed two instruments: the Labour Administration Convention, 1978 (No. 150), and the Labour Administration Recommendation, 1978 (No. 158). The Committee observed that labour administration had been the subject of a previous General Survey in 1997.
147. The Committee underlined the timeliness of the General Survey in light of the fundamental and rapid changes in the world of work, as well as the various crises it has been experiencing. It underscored that effective labour administrations in line with Convention No. 150 are vital in achieving decent work, in ensuring the promotion and respect of fundamental principles and rights at work and in creating an enabling environment in which sustainable enterprises can contribute in their operations towards those achievements.
148. The Committee highlighted that the challenges posed by the COVID-19 pandemic show that labour administrations have a key role in protecting workers' rights, in mitigating the employment impact of crises and in ensuring a human-centred recovery. Therefore, there is a need to build, foster and maintain sound labour administration systems that can withstand financial, economic, social and environmental crises. The creation of strong and effective labour administrations is also essential in achieving the objectives set out in the ILO Centenary Declaration for the Future of Work and the ILO's Global Call to Action for a human-centred recovery from the COVID-19 crisis that is, inclusive, sustainable and resilient.
149. The tripartite constituents highlighted that, within national governments, labour administrations are the main interlocutors of the ILO and aim at building upon the need to bring together relevant actors with a common ambition to promote strong, sustainable and inclusive development through strengthened global solidarity, policy coherence and concerted action.

The situation and needs of Member States

150. The Committee underlined that effective tripartite social dialogue, founded upon respect for freedom of association and collective bargaining, should be an integral part of every function performed by the labour administration system. This contributes to a participatory and inclusive governance and builds trust among all partners in the labour administration system. Social dialogue is a driving force for social and economic resilience, competitiveness, stability, growth and sustainable and inclusive development. Therefore, the Committee highlighted that labour administrations should ensure that mechanisms for bipartite and tripartite cooperation, consultations and negotiations are granted appropriate resources and support and become or remain prominent in policymaking.
151. The Committee also noted the emphasis placed by tripartite constituents on the need for close cooperation and coordination across government agencies and between the different actors responsible for labour administration systems, including parastatal agencies. This is key to ensure that labour policies and regulatory measures are harmonised with other policy areas within the government agenda and effectively implemented. To protect the most vulnerable workers in the labour market, a comprehensive government response is needed and should involve multiple ministries and stakeholders.

- 152.** Among the functions performed by labour administrations, the Committee highlighted the importance of sound, human-centred and evidence-based policymaking, based on reliable and up-to date information and data. In this respect, the Committee underscored the significance of the activities of labour administrations concerning research and studies in order to ensure that the complexities and novelties of the evolving world of work are properly reflected. The involvement of social partners in these activities is crucial for enhancing the relevance of research and policy outcomes.
- 153.** The Committee underlined the essential role of labour inspection within the labour administration system. The tripartite constituents stressed that a well-functioning labour inspection system is crucial for the effective implementation and monitoring of labour standards, to ensure social peace, promote good governance and contribute to economic and social progress. The Committee underscored that private compliance initiatives and self-regulation mechanisms can complement public labour inspections, but do not diminish governments' responsibilities in this area or replace regular and thorough public labour inspections.
- 154.** Depending on the national context, the Committee highlighted that the creation of public-private partnership can prove beneficial for the delivery of certain labour administration services, including partnerships with universities and training institutions. At the same time, the Committee stressed that the overall organization and effective operation of labour administration remains the obligation and responsibility of the governments. It underlined the importance for governments to ensure transparency, coordination, control and the participation of representative and independent employers' and workers' organizations in the design, implementation and evaluation of such initiatives. These partnerships should complement but cannot replace the role of the government in designing and implementing labour policies, laws and regulations.
- 155.** The Committee highlighted that digitalization, including the use of artificial intelligence, provides for both opportunities and challenges and that labour administrations have a pivotal role in designing policies and other measures, including regulatory measures, to benefit from and respond to these technological changes, in close cooperation and consultation with representative and independent employers' and workers' organizations. The Committee particularly noted that the introduction of digital technologies requires investments in technology infrastructures and cybersecurity which can pose challenges in terms of costs, implementation and maintenance, in particular for SMEs. The Committee also drew attention to the unequal access of workers and employers to digital technologies or the necessary digital literacy skills which may result in a digital divide.

Common understanding

- 156.** In view of the rapidly changing world of work, the Committee emphasized the fundamental role that labour administration plays in anticipating and adapting to such transformations for the benefit of promoting decent work, good governance and sustainable enterprises that can generate productive employment and promote innovation. Labour administrations should continuously adapt and modernize in order to ensure that their services remain relevant and to ensure more resilient, sustainable and inclusive labour markets for the future. Modernization efforts may require exploring new approaches to governance and management, including new policies, services and approaches for strengthening labour standards. The tripartite constituents stressed that modernization efforts should respect the rule of law, tripartism, social dialogue, public interest, good governance and transparency.

- 157.** Noting that the lack of resources continues to undermine the effectiveness of labour administration systems in many countries, the Committee affirmed the importance of ensuring that labour administrations are equipped with appropriate human and financial resources, as well as technological and material means, for their proper functioning and the efficient performance of their tasks, including during crises. The Committee highlighted that this is particularly relevant for the labour inspection services, given that they are faced with new or persistent challenges such as a growing informal economy, the changing nature of employment relationships, and the emergence of new work-related hazards. Resources should also include adequate digital means to generate, store and process data whilst ensuring the protection of workers' personal data.
- 158.** The tripartite constituents stressed that policy frameworks for the governance of labour may be underpinned by appropriate legal and regulatory measures aimed at ensuring decent work for all while taking into account the needs of sustainable enterprises, in particular SMEs, to effectively realise decent work. Such measures should be designed to ensure coverage of all workers, including those most vulnerable to decent work deficits, such as workers in the informal economy, women, young workers, older workers, workers with disabilities, and migrant workers. Recognizing that the digital economy is rapidly emerging as one of the most significant transformations in the world of work, the Committee highlighted the need for labour administrations, where national conditions so require, to promote progressively the extension of labour administration functions to the conditions of work and working life of appropriate categories of workers, in line with Article 7 of Convention No 150. In addition, in a world that is increasingly interconnected, labour administrations are key in addressing challenges of the world of work that transcend national borders and in making decent work a priority at all levels.

ILO means of action

- 159.** The Committee underscored that the General Survey reaffirms the relevance of the instruments examined and recalled that they offer considerable flexibility in designing systems of labour administration that respond to the particularities of each national context. The Committee recalled to Member States that have ratified the Convention the importance to step up efforts to ensure its full implementation. It also encouraged non-ratifying Member States to consider the possibility of ratifying the Convention and recalled that they could avail themselves of technical assistance from the Office, to assess potential obstacles to ratification and ways to overcome them.
- 160.** The Committee emphasized the significance of integrating good governance principles into labour administration systems, as enshrined in the ILO instruments and aligning with UN principles referred to in the General Survey. Such an approach will serve to promote the achievement of decent work while advancing the realization of the 2030 Agenda for Sustainable Development, including, in particular, the Sustainable Development Goal 16, target 6, which requires the development of effective, accountable and transparent institutions at all levels.
- 161.** The Committee also endorsed for prioritized tailored technical assistance to be provided by the Office to Member States, where requested, with a view to strengthening national labour administration systems and supporting governments and employers' and workers' organizations in designing and implementing effective and coordinated labour administration systems.

- 162.** In this regard, the Committee called upon the ILO to develop an action plan in consultation with social partners, to guide governments, employers and workers, to explore the potential for further strengthening of labour administration at the national level. This action plan could include strategies for the elaboration of labour policies, enforcement and social dialogue, supported by appropriate capacity-building activities. It could also encompass the development of a series of tools, including guidance materials that can assist in the ratification and implementation of the Convention by providing information on best practices and further clarifications regarding the content of the instruments.
- 163.** Finally, the Committee requested the Office to take into account the General Survey on *Labour administration in a changing world of work*, the tripartite discussion that followed and the outcome of its discussion in relevant ILO work. It expressed the hope that the General Survey will provide useful information and guidance for the 2026 International Labour Conference's recurrent discussion on the strategic objective on social dialogue.

* * *

D. Compliance with specific obligations

1. Cases of serious failure by Member States to respect their reporting and other standards-related obligations

- 164.** During a dedicated sitting, the Committee examined the cases of serious failure by Member States to respect their reporting and other standards-related obligations. As explained in document D.1, Part V, the following criteria are applied: failure to supply the reports due for the past two years or more on the application of ratified Conventions; failure to supply first reports on the application of ratified Conventions for at least two years; "Urgent appeals" – failure to supply reports on the application of ratified Conventions for at least three years and failure to supply first reports on the application of ratified Conventions for at least three years; failure to supply information in reply to all or most of the comments made by the Committee of Experts; failure to supply the reports due for the past five years on unratified Conventions and Recommendations; failure to submit the instruments adopted for at least seven sessions to the competent authorities; and failure during the past three years to indicate the representative organizations of employers and workers to which, in accordance with article 23(2) of the Constitution, copies of reports and information supplied to the Office under articles 19 and 22 have been communicated. The Chairperson explained the working methods of the Committee for the discussion of these cases. The record of this discussion is found in section II of Part Two of this report.

1.1. Failure to submit Conventions, Protocols and Recommendations to the competent authorities

- 165.** In accordance with its terms of reference, the Committee considered the manner in which effect was given to article 19(5), (6) and (7) of the ILO Constitution. These provisions required Member States within 12, or exceptionally 18, months of the closing of each session of the Conference to submit the instruments adopted at that session to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action, and to inform the Director-General of the ILO of the measures taken to that end, with particulars of the authority or authorities regarded as competent.
- 166.** The Committee noted that, in order to facilitate its discussions, the report of the Committee of Experts mentioned only the governments which had not provided any information on the

submission to the competent authorities of instruments adopted by the Conference for at least seven sessions (from the 99th Session (2010) to the 111th Session (2023), because the Conference did not adopt any Conventions and Recommendations during the 97th (2008), 98th (2009), 102nd (2013), 107th (2018), 109th (2021) and 110th (2022) Sessions). This time frame was deemed long enough to warrant inviting Government delegations to the dedicated sitting of the Committee so that they may explain the delays in submission.

167. The Committee took note of the information and explanations provided by the Government representatives who took the floor during the dedicated sitting. It noted the specific difficulties mentioned by certain delegates in complying with this constitutional obligation, and in particular the intention to submit shortly to competent authorities the instruments adopted by the International Labour Conference. Some governments have requested the assistance of the ILO to clarify how to proceed and to complete the process of submission to national parliaments in consultation with the social partners.
168. The Committee recalled 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. It also recalled that governments could request technical assistance from the Office to overcome their difficulties in this respect.
169. The Committee noted that the following countries were still concerned with the serious failure to submit the instruments adopted by the Conference to the competent authorities: **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**. The Committee expressed the firm hope that appropriate measures would be taken by the governments concerned to comply with their constitutional obligation to submit.

1.2. Failure to supply reports and information on the application of ratified Conventions

170. The Committee took note of the information and explanations provided by the Government representatives who took the floor during the dedicated sitting. Some governments have requested the assistance of the ILO. The Committee recalled that the submission of reports on the application of ratified Conventions is a fundamental constitutional obligation and the basis of the system of supervision. It also recalled the particular importance of the submission of first reports on the application of ratified Conventions. It stressed the importance of respecting the deadlines for such submission. Furthermore, it underlined the fundamental importance of clear and complete information in response to the comments of the Committee of Experts to permit a continued dialogue with the governments concerned. In this respect, the Committee recalled that the ILO could provide technical assistance to contribute to compliance in this respect.
171. The Committee noted that, by the end of the 2023 meeting of the Committee of Experts, the percentage of reports received (article 22 of the ILO Constitution) was **74.7** per cent (70.9 per cent for the 2022 meeting). Since then, further reports have been received, bringing the figure to **81** per cent (as compared with 76.2 per cent in June 2023).
172. The Committee noted that no reports on ratified Conventions have been supplied for the past two years or more by the following States: **Afghanistan, Barbados, Comoros, Dominica, Grenada, Haiti, Papua New Guinea, Saint Lucia, Somalia, Syrian Arab Republic, Tonga, Tuvalu, Vanuatu and Yemen**.

- 173.** The Committee also noted that first reports due on ratified Conventions have not been supplied by the following countries for at least two years: **Djibouti, Grenada, Iraq, Lebanon, Marshall Islands, Sudan, Tonga, Tuvalu and Vanuatu.**
- 174.** The Committee noted that no information has yet been received regarding any or most of the observations and direct requests of the Committee of Experts to which replies were requested for the period ending 2023 from the following countries: **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.**

1.3. Urgent appeals

- 175.** Following the decision of the Committee of Experts to institute a new practice of launching urgent appeals for cases corresponding to countries which have failed to send, under article 22 of the Constitution, the reports due for at least three years, and failed to send first reports for at least three years, to draw the attention of the Committee on the Application of Standards to those cases, the Committee invited the countries concerned to provide information during the examination of cases of serious failure to fulfil reporting obligations, and expressed the hope that the Governments of **Afghanistan, Comoros, Grenada, Marshall Islands, Saint Lucia, Sudan, Syrian Arab Republic, Tuvalu and Vanuatu** will supply their reports due as soon as possible.
- 176.** The Committee brought 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 government has not sent the corresponding report. The Committee recalled the possibility of governments availing themselves of the technical assistance of the Office in this regard.

1.4. Supply of reports on unratified Conventions and Recommendations

- 177.** The Committee stressed the importance it attaches to the constitutional obligation to supply reports on unratified Conventions and Recommendations. These reports permit a better evaluation of the situation in the context of the General Surveys of the Committee of Experts. In this respect, the Committee expressed the firm hope that the governments concerned will comply with their obligation to supply these reports and recalled that the ILO can provide technical assistance to contribute to compliance in this respect.
- 178.** The Committee noted that over the past five years none of the reports on unratified Conventions and Recommendations, requested under article 19 of the Constitution, have been supplied by: **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.**

1.5. Communication of copies of reports to employers' and workers' organizations

- 179.** The Committee welcomes the fact that no Member State has failed to indicate during the past three years the names of the representative organizations of employers and workers to which, in accordance with article 23(2) of the Constitution, copies of reports and information supplied to the ILO under articles 19 and 22 have been communicated. The Committee pointed out that the fulfilment by governments of their obligation to communicate reports and information to

the organizations of employers and workers was a vital prerequisite for ensuring the participation of those organizations in the ILO supervisory system. The Committee expresses the firm hope that this is a sign of genuine tripartite social dialogue in all ILO Member States. The Committee encourages Member States to continue in that direction.

2. Application of ratified Conventions

- 180.** The Committee noted with **interest** the information provided by the Committee of Experts in paragraph 117 of its report, which lists new cases in which that Committee has expressed its satisfaction at the measures taken by governments following comments it had made as to the degree of conformity of national legislation or practice with the provisions of a ratified Convention. In addition, the Committee of Experts has listed in paragraph 120 of its report cases in which measures ensuring better application of ratified Conventions have been noted with interest. These results are tangible proof of the effectiveness of the supervisory system.

3. Participation in the work of the Committee

- 181.** The Committee wished to express its appreciation to the **25** Governments which collaborated by providing information on the situation in their countries and participating in the discussion of the individual cases and special sitting concerning their country.
- 182.** The Committee nevertheless **regretted** that the Governments of the following States failed to take part in the discussions concerning the fulfilment of their reporting and other standards-related obligations: **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.**
- 183.** Overall, the Committee expresses **regret** at the large number of cases of serious failure by Member States to respect their reporting and other standards-related obligations. The Committee observes that some governments have provided written information after the session dedicated to examining this question. While acknowledging the efforts made in this regard, the Committee trusts that in the future governments will act swiftly to enable it to carry out this examination in full knowledge of the facts. The Committee recalls that governments may request technical assistance from the Office to overcome their difficulties in this regard.

E. Special sitting concerning the application by Belarus of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), in application of the resolution adopted by the International Labour Conference at its 111th Session (2023)

- 184.** The Committee held a special sitting on Belarus as decided at the 111th Session of the International Labour Conference⁸ with a view to securing compliance with the recommendations of the Commission of Inquiry established to examine the observance by the Government of Belarus of Conventions Nos 87 and 98. The Committee adopted conclusions by vote: 1,272 votes in favour, 52 votes against and 64 abstentions.
- 185.** The full record of this discussion and the Committee's conclusions appears in Section III of Part Two of this report. The Committee's conclusions are also reproduced below.

The Committee held a special sitting on the application by Belarus of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), further to the resolution adopted by the International Labour Conference at its 111th Session, concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution calling on Belarus to implement the recommendations of the Commission of Inquiry and the supervisory bodies.

It noted the oral and written information submitted by the Government, and the discussion which followed.

The Committee noted with deep concern the persistent disregard of the guidance, conclusions and recommendations of the Commission of Inquiry, the supervisory bodies and the Governing Body by the Government of Belarus and refusal to accept and implement them.

The Committee expressed its deep concern and regret at the use of criminal sanctions against trade unionists engaged in legitimate trade union activities and the judicial harassment of trade union members, including arrests, prosecution and imprisonment. It deplored the repression against independent trade unions and the imprisonment of trade unionists and urged the Government to immediately release them, drop any charges and quash any convictions brought against them.

It recalled that this case had been discussed repeatedly in the Committee before the appointment of a Commission of Inquiry, and deeply deplored the lack of progress towards the observance of the Conventions by the Government of Belarus.

The Committee noted the action plan to implement the article 33 measures. It also noted actions taken by the ILO constituents and other international organizations in response to the ILC 2023 resolution on Belarus to review their relations with the Government of Belarus and take appropriate measures to ensure that the Government of Belarus cannot take advantage of such relations to perpetuate or extend the violations of workers' rights in respect of freedom of association and collective

⁸ Resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus.

bargaining referred to by the Commission of Inquiry. The Committee called on ILO constituents and other international organizations to continue to do so.

Pursuant to information submitted to the Governing Body and to the Committee, the Committee deeply deplored the climate of state violence, intimidation and fear in Belarus which is not conducive to the free exercise of civil liberties, the continuing deterioration of freedom of association and the right to collective bargaining and the erosion of the rule of law exemplified by the complete lack of independence of the judiciary.

The Committee took note of the March 2024 Governing Body action plan to implement the ILC 2023 resolution and the High-Level Roundtable to discuss freedom of association in Belarus, which took place on 28 May 2024 and evidenced the persistent general climate of non-respect for basic civil liberties necessary to the exercise of freedom of association.

The Committee called on the Government to take all possible measures with the greatest urgency to implement the recommendations of the Commission of Inquiry and all subsequent observations made by the supervisory bodies of the ILO regarding compliance with the Conventions.

The Committee also requested the Government with the utmost urgency to accept:

- an international humanitarian mission to ensure that independent doctors can visit all imprisoned trade unionists to assess their health and offer medical assistance, as necessary; and
- an ILO tripartite mission to assess the situation and visit trade unionists that are currently in prison or detention.

Considering the need of permanent and continuous monitoring of the situation in Belarus, the Committee expected that the ILO Director-General would appoint a special envoy in Belarus shortly and mandate her or him to interact with the Government and relevant UN agencies to ensure the full implementation of the recommendations of the Commission of Inquiry.

In line with the Conference resolution, the Committee expected that the Director-General would engage with UN Human Rights Bodies and other relevant international bodies with a view to ensuring coordinated and joint action towards the implementation of the recommendations of the Commission of Inquiry and the supervisory bodies and to explore the possibility of setting up a working group of the ILO and other UN institutions.

The Committee expected that the Office would continue collecting information on measures that Member States have undertaken the Conference resolution and, as requested, include such information in reports to the supervisory bodies and Governing Body of the ILO, including measures to:

- respect the principle of non-refoulement to ensure that trade unionists forced into exile in their countries are not returned to Belarus where they may be subject to persecution, arbitrary arrest and torture;
- assist Belarusian citizens residing in their countries who may not have valid travel documents due to their inability to receive consular services, and to facilitate the issuance of tourist visas to Belarusian citizens persecuted for their trade union activities and their relatives, as appropriate.

The Committee expected that the special envoy would systematically and regularly report to the Governing Body which will assess what further steps are necessary to be taken by the Government or by the ILO and its Member States. The Committee further recalled that the Government should provide a detailed report to the Committee of Experts before its next session on all measures taken to implement these recommendations in order to ensure observance of the Conventions in law and in practice.

Finally, the Committee decided to include the discussions and conclusions of the special sitting in a separate part of its report.

F. Examination of the individual cases

186. At its present session, the Committee also examined 24 individual cases relating to the application of various Conventions. The information submitted by governments, the discussion and conclusions of the examination of the individual cases are contained in section IV of Part Two of this report.

187. The conclusions adopted this year are also presented below.

Uganda (ratification: 2003)

Minimum Age Convention, 1973 (No. 138)

The Committee took note of the oral information provided by the Government and the discussion that followed.

The Committee noted with deep concern the recent significant increase in the incidence of child labour in the country, including children between the ages of 5 and 11 years, and noted with deep concern that a large number of children continue to be involved in hazardous work.

The Committee noted the willingness of the Government to address the issue.

Taking into account the discussion, the Committee urged the Government, in consultation with the social partners, to take effective and time-bound measures to:

- intensify its efforts to ensure the progressive elimination of child labour by children under the minimum age for employment or work, as well as for all children engaged in hazardous work, in particular by: (i) implementing measures concerning child labour awareness and community sensitization; (ii) intensifying its efforts to facilitate access to free basic education for all children.
- strengthen the capacity of the labour inspectorate (i) to detect cases of child labour, by providing all the human, material, financial and technical resources and by adequately training the labour inspectorates; and (ii) to ensure that the relevant provisions on the employment of children and young persons providing for penalties are effectively implemented.
- intensify its efforts towards early identification of high-risk areas and vulnerable groups and improve resources allocation for this purpose;
- provide detailed information on: (i) the implementation of the NAP II and of the ACCEL Africa project, and the results achieved; (ii) the concrete measures taken to improve child labour awareness and community sensitization; (iii) the efforts taken to facilitate

access to free basic education for all children as well as school attendance, maintenance and dropout rates; (iv) the number and nature of violations involving children detected by the labour inspectorate, in particular by communicating a copy of all recently published Annual Labour Inspection reports; (v) the measures taken to strengthen the capacity of the labour inspectorate and the results achieved; and (vi) statistics, disaggregated by age and sector of activity, on the situation of children engaged in child labour in the country.

The Committee called on the Government to continue with and to intensify the ongoing ILO technical assistance and review, where necessary, the ongoing projects to effectively implement all the above-mentioned Committee's recommendations.

The Committee requested the Government to provide a detailed report on the measures taken to implement the above-mentioned recommendations and the results achieved before the deadline of 1 September 2024.

Paraguay (ratification: 1967)

Labour Inspection Convention, 1947 (No. 81)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee noted with concern various issues relating to the effective functioning of the labour inspection system in the country, including a lack of human and material resources, the instability of employment of labour inspectors, and the absence of means to function effectively and independently through the unrestricted access of labour inspectors to workplaces without prior authorization.

Taking into account the discussion, the Committee requested the Government, in consultation with the social partners, to take effective and time-bound measures to:

- intensify efforts to ensure that: (i) the number of serving labour inspectors is sufficient to enable the efficient and effective functioning of the inspection services, including in areas which are underserved at present; and (ii) labour inspectors are provided with material, operational, financial, administrative and logistical resources necessary for the performance of their duties;
- ensure that all labour inspectors are appointed as public officials on a permanent basis in order to secure their stability of employment and continue to ensure that their salaries and benefits are at least commensurate with the remuneration arrangements in place for other public officials;
- promote the effective functioning of the inspection system by removing the legal and practical constraints that hinder the effective work of labour inspectors, in order to, among other things, ensure that labour inspectors are empowered to make visits without previous notice and without requiring prior authorization from a higher authority, and that they are able to undertake labour inspections as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions, in line with the Convention; and
- provide all outstanding information requested by the Committee of Experts.

The Committee requested the Government to submit a detailed report, including the above-mentioned information as well as the measures taken and progress achieved on the implementation of the Convention by 1 September 2024.

The Committee further requested the Government to avail itself of ILO technical assistance to implement the Committee's recommendations and to ensure full compliance with its obligations under the Convention in law and in practice.

Türkiye (ratification: 1952)

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

The Committee took note of the oral information provided by the Government and the discussion that followed.

The Committee noted with concern the high number of cases of anti-union discrimination in the country and the lack of sufficiently dissuasive sanctions to combat this phenomenon in law and in practice. The Committee noted with concern the significant gaps in law and practice regarding the scope of collective bargaining.

Taking into account the discussion, the Committee called on the Government, in consultation with the social partners, to take appropriate and effective measures to:

- ensure the independent, expeditious and in-depth investigation into the alleged anti-union dismissals under the state of emergency decrees in the framework of procedures presenting all the guarantees of due process;
- adopt effective and dissuasive sanctions against anti-union discrimination, including anti-union dismissals, in both the public and private sectors, and ensure that workers who have suffered such prejudice are entitled to appropriate remedies (including reinstatement, financial compensation, etc.);
- engage in a comprehensive review of judicial and non-judicial mechanisms for the effective and timely investigation and redress of cases of anti-union discrimination;
- establish a robust system for collecting data on anti-union discrimination in both the public and private sectors;
- prevent interference in legitimate trade union activities and use of violence against trade union members and workers;
- amend section 34 of Act No. 6356 with a view to enabling parties in the private sector wishing to engage in cross-sector regional or national agreements to do so;
- ensure that minority trade unions are able to exercise their rights protected under the Convention;
- ensure that court proceedings on the legal validity of trade union majority certificates are concluded within a reasonable time;
- amend section 28 of Act No. 4688 with a view to removing restrictions on the material scope of collective bargaining in the public sector and to ensure that the parties concerned can autonomously decide the subjects for negotiation;

- amend existing legislation to ensure that prison staff, locum workers and public servants without a written contract can effectively exercise their right to organize and bargain collectively under the Convention;
- provide efficient and rapid remedies against the dismissal of trade union members based on state of emergency powers;
- review the method of appointment of members of the public employee arbitration board so as to ensure its independence and impartiality;
- elaborate and implement awareness-raising campaigns and programmes to educate the police and security forces, the judiciary and the administration on trade union rights; and
- provide any outstanding information requested by the Committee of Experts before its next session together with detailed information on the measures taken to implement these recommendations, and on the results achieved.

The Committee invited the Government to avail itself of ILO technical assistance to effectively implement all of the Committee's recommendations.

Cambodia (ratification: 1999)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the written and oral information provided by the Government and the discussion that followed. The Committee also noted the conclusions and recommendations of the ILO direct contacts mission to Cambodia, which took place from 28 March 2022 to 1 April 2022.

The Committee noted the long-standing nature of this case in the Committee and deeply regretted the lack of timely reporting by the Government on the application of the Convention to the Committee of Experts. Taking into account the discussion, the Committee urged the Government of Cambodia to:

- take all necessary measures to prevent the arbitrary arrest, detention and prosecution of trade unionists for undertaking legitimate trade union activity;
- conclude the ongoing investigations into the murders of trade union leaders Chea Vichea and Ros Sovannareth (in 2004) and Hy Vuthy (in 2007) and expedite the investigations of all other allegations of violence perpetrated against trade unionists;
- review the list of pending cases related to the January 2014 demonstrations with the trade unions concerned;
- ensure that no criminal charges or sanctions are imposed in relation to the peaceful exercise of trade union activities and that trade unionists detained for undertaking legitimate trade union activity are immediately released;
- develop guidelines and provide regular and systematic training to all relevant public officers with a view to ensuring that legitimate trade union activity is not suppressed;
- take further appropriate measures to facilitate registration of trade unions through a simple, objective and transparent process;

- promote the effective enjoyment of the rights under the Convention by civil servants, including public sector teachers, and by domestic workers and workers in the informal economy;
- amend sections 17 and 27 of the LTU, so that audits to the financial statements and activity reports are only required if there are serious grounds for believing that the actions of an organization are contrary to its rules or to the law;
- amend the relevant provisions of the LTU to ensure that workers' or employers' organizations can only be dissolved on the basis of the procedures laid down by their statutes, or by a court ruling, and that the determination of the procedures for dissolution by members is left to the trade unions' or employers' associations own rules and by-laws;
- take appropriate measures to ensure that all trade unions have the right to represent their members in collective disputes in grievance proceedings at the enterprise level and the ministerial level, as well as before the Arbitration Council; and
- increase efforts to make the Arbitration Council an effective and sustainable institution in handling labour disputes.

The Committee called on the Government of Cambodia to provide any outstanding information requested by the Committee of Experts before its next session together with detailed information on the measures taken to implement these recommendations, and on the results achieved.

The Committee also requested the Government to fully implement the road map and simplify its progress report, in full consultation with the social partners and with the support of the ILO.

The Committee noted the willingness of the Government to cooperate with the ILO and invited it to avail itself of ILO technical assistance to effectively implement all of the Committee's recommendations.

Nicaragua (ratification: 1967)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee deeply deplored the persistent climate of intimidation and harassment of independent workers' and employers' organizations.

The Committee noted with deep concern the allegations of the arrest and detention of employer leaders since last year and the further deterioration of the situation.

The Committee also noted with deep concern the absence of any progress and cooperation on the part of the Government since last year's discussion.

Taking into account the discussion, the Committee urged the Government, in the strongest terms, to:

- ensure that workers and employers can establish their own organizations and operate without interference and in that regard ensure that, the Higher Council for Private

Enterprise of Nicaragua (COSEP) is able to operate again without previous authorization in line with article 2 of the Convention;

- immediately cease all acts of violence, threats, persecution, stigmatization, intimidation or any other form of aggression against individuals or organizations in connection with both the exercise of legitimate activities of trade unions and employers' organizations, and adopt measures to ensure that such acts are not repeated;
- ensure that representatives of employers' organizations who have been deprived of the Nicaraguan nationality have it restored without delay;
- take all measures to ensure that there is a climate free of fear and intimidation regarding the exercise of freedom of association rights;
- immediately release any employer or trade union member who may be imprisoned in connection with the exercise of the legitimate activities of their organizations and report on all the measures adopted to ensure compliance with such request;
- restore social dialogue with its independent social partners without further delay including the establishment of a tripartite dialogue round table under the auspices of the ILO, as recommended by the Conference Committee in 2022 and 2023; and
- provide information on all the measures adopted to ensure that effect is given to each of the recommendations made by the Conference Committee and on any progress achieved in the implementation of these measures.

The Committee urged the Government to fully respect the conclusions of the Committee on this matter and to avail itself of the technical assistance of the ILO to ensure full compliance with them.

Colombia (ratification: 1989)

Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

The Committee noted with satisfaction the Government's indication that it continues to develop, periodically review and implement a national policy on vocational rehabilitation and employment of persons with disabilities based on the principles of equality of opportunity and treatment and non-discrimination.

Taking the discussion into account, the Committee requested the Government to:

- continue to ensure that social partners, persons with disabilities and representative organizations of persons with disabilities are consulted and their views are fully considered in the design, implementation and review of labour market policies and regulations, in line with the Convention;
- redouble its efforts, in collaboration with the social partners to continue to applying the Convention in law and practice.

The Committee requested the Government to submit a report to the Committee of Experts in accordance with the regular reporting cycle on these measures.

Philippines (ratification: 1953)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee noted the long-standing nature and the prior discussion of this case in the Committee, most recently in 2023.

The Committee deplored the new allegations of murders of trade unionists and anti-union violence, including red-tagging, since its previous discussion, as well as a lack of effective and expeditious investigations into these allegations.

The Committee noted with deep concern the ongoing, serious and systemic violations of the right to freedom of association in the country.

The Committee regretted that the social partners were not consulted in the drafting of EO23.

Taking the discussion into account, the Committee requested the Government, in consultation with the social partners, to:

- take immediate and effective measures, in line with previous recommendations of the Committee and the ILO High-Level Tripartite Mission to put an immediate end to any violation of freedom of association, including threats and harassment, surveillance, arbitrary arrest and detention, and extra-judicial killings, against union members for the legitimate exercise of their rights under the Convention;
- undertake, without delay, effective and independent investigations into the new allegations of violence against members of workers' organizations and expedite those that are pending with regard to all allegations reported since 2015;
- take measures to ensure the effective prevention of any violence perpetuated in connection with the exercise of workers' and employers' organizations legitimate activities and ensure that such organizations can exercise their activities within the framework of a system which guarantees the effective respect of civil liberties and freedom of association rights;
- address as a matter of urgency all concerns relating to the status and content of the road map with the social partners and ensure their full participation in its monitoring and implementation;
- ensure the effective functioning of the monitoring bodies and provide regular information to the Committee of Experts in this regard;
- continue to promote comprehensive training activities, with a solid focus on freedom of association and collective bargaining, among government agencies with the help of ILO technical assistance;
- ensure that the Anti-Terrorism Act is not implemented so as to restrict legitimate union activities and related civil liberties contrary to the Convention;
- ensure that the following legislative matters are promptly addressed with a view to bringing national legislation into conformity with the Convention as soon as possible: House Bills Nos 1152 and 4941; and

- ensure that all workers without distinction are able to form and join organizations of their choosing in accordance with Article 2 of the Convention.

The Committee requested the Government, in consultation with employers' and workers' organizations, to submit a detailed report to the Committee of Experts by 1 September 2024 containing information on the implementation of the above measures and progress made in this regard.

Lao People's Democratic Republic (ratification: 2008)

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

The Committee noted with concern, that 16 years after the ratification the Government has yet to take the necessary steps to bring its legislation fully into conformity with the Convention.

Taking the discussion into account, the Committee urged the Government, in consultation with employers' and workers' organizations, to take effective measures to:

- clearly define direct and indirect discrimination in law;
- clearly define, prevent and prohibit sexual harassment in both employment and occupation and ensure that protections and adequate remedies for victims of harassment are provided for in law and practice;
- ensure that the Ministerial Decision on domestic workers is aligned with Convention No. 111 by expressly listing the grounds for prohibited discrimination in accordance with Article 1(1)(a);
- ensure that the prohibitions of discrimination contained in Article 1(1)(a) apply to civil servants and that those protections as contained in the Labour Law and related legislation cover both employment and occupation;
- amend the Labour Law (2014) to expressly prohibit discrimination in employment and occupation on at least all the grounds set out in Article 1(1)(a) of the Convention, including sex; and
- provide information on the application in practice of (i) section 83(4) of the Labour Law, which allows a worker to bring an end to the employment contract in the event of sexual harassment; and (ii) section 141(4), which prohibits employers from violating the personal rights of employees, including with respect to cases of sexual harassment.

The Committee requested the Government to provide a detailed report on the measures taken to implement the Convention in law and practice, notably the above-mentioned recommendations, and progress achieved before the deadline of 1 September 2024.

Tunisia (ratification: 1957)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee noted with deep concern the reports of arrests, accusations, criminal prosecutions and administrative measures taken against trade unionists for carrying out activities protected under the Convention.

Taking into account the discussion, the Committee urged the Government of Tunisia, in consultation with the social partners, to:

- restore an environment conducive to the enjoyment of freedom of association free from intimidations, threats and arbitrary arrests;
- ensure that workers' and employers' organizations are able to organize their administration and activities and to formulate their programmes in full freedom, in accordance with the Convention;
- ensure that representatives of independent international workers' and employers' organizations are allowed to support their affiliates in accordance with Articles 5 and 6 of the Convention;
- ensure that the Labour Code is brought in conformity with the Convention;
- ensure that the determination of representative organizations at sectoral and enterprise level is based on clear, pre-established and objective criteria.

The Committee invited the Government to seek ILO technical assistance, if necessary, in the implementation of the above-mentioned recommendations.

The Committee requested the Government to report to the Committee of Experts on all measures taken and progress achieved in order to implement the Committee's recommendations and on all outstanding information requested by the Committee of Experts before 1 September 2024.

Turkmenistan (ratification: 1997)

Abolition of Forced Labour Convention, 1957 (No. 105)

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

While taking due note of the Government's explanations regarding collaboration with the ILO to address the issue of forced labour in cotton harvesting, the Committee deplored the persistence of the widespread use of forced labour in relation to the annual state-sponsored cotton harvest in Turkmenistan.

Taking into account the discussion, the Committee urged the Government, in consultation and cooperation with the social partners, to take all necessary measures to:

- ensure the complete elimination of the use of compulsory labour;
- improve recruitment and working conditions in the cotton sector in line with international labour standards;

- eliminate the compulsory quota system for production and harvesting of cotton and ensure that no one is threatened with punishment for the lack of fulfilment of production quotas in line with the Convention;
- issue clear instructions on the prohibition of the use of forced labour and strengthen labour inspection and law enforcement;
- prosecute and sanction appropriately any public official who participates in the forced mobilization of workers for the cultivation or harvest of cotton;
- ensure that victims of the forced mobilization have access to effective remedies, including measures to prevent future harm;
- ensure that, in line with the Convention, the State of Emergency Act, the Emergency Response Act, the Act on preparation for and carrying out of mobilization in Turkmenistan and article 19 of the Labour Code are not used as a legal basis or pretext for forced labour; and
- promote social dialogue and continue engaging with the ILO and independent employers' and workers' organizations, to ensure the full application of the Convention in practice, including within the framework of the 2024–2025 Road Map and to provide information on concrete measures taken and tangible results achieved in this respect, including within the framework of the 2024–2025 Road Map.

The Committee requested the Government to provide a detailed report to the Committee of Experts on the implementation of the Committee's recommendations by 1 September 2024.

Algeria (ratification: 1962)

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

While noting the Government's ongoing process to reform the national legislation on the right to organize and collective bargaining, the Committee expressed concern about the numerous allegations of anti-union discrimination and interference. It further noted that the Committee of Experts had asked the Government to report on the implications of the new legislation in 2025.

Taking into account the discussion, the Committee requested the Government to take all necessary measures, in consultation with the social partners, to:

- strengthen cooperation with the independent social partners with a view to overcoming any outstanding challenge posed by the new legislation in order to provide the necessary guarantees for the protection of the right to organize and collective bargaining, in line with the Convention;
- adopt and effectively enforce legislation to strengthen the protection of workers against any forms of anti-union discrimination and acts of interference, including by intensifying the role of labour inspection;
- improve and speed up administrative and judicial procedures to identify and remedy acts of anti-union discrimination;

- ensure sufficiently dissuasive sanctions against anti-union discrimination;
- revise the procedures for registering trade unions in order to reduce the duration of those procedures and ensure that measures to protect union leaders and members against reprisals are effectively implemented during such procedure;
- avoid any act of interference with the functioning of workers' organizations and employers' organizations, including CGEA, to preserve their full autonomy and independence;
- review the relevant sections of Act No. 23-02 with a view to ensuring the right to freely form workers' and employers' organizations to ensure that they set out precise, pre-established and objective criteria for the determination of employers' and workers' organization representativeness and that such criteria are effectively applied and ensure that employers' and workers' organizations are not prevented from receiving financial or other assistance by international workers' and employers' organizations;
- guarantee the right for minority unions to bargain at least on behalf of their own members; and
- guarantee that personal data of employers' and workers' organization members received to assess the continued representativeness of the respective organizations is kept under strict confidentiality so as to discourage any acts of anti-union discrimination.

The Committee requested the Government to provide a detailed report on the implementation of its recommendations and results achieved by 1 September 2024.

Australia (ratification: 1969)

Employment Policy Convention, 1964 (No. 122)

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

Taking the discussion into account, the Committee requested the Government, in consultation with employers' and workers' organizations, to continue to develop and implement employment policies in line with the Convention, including those aimed at increasing both the quality and quantity of jobs for women.

The Committee requested the Government to submit a report, including information on its ongoing efforts to support First Nations Peoples in the world of work, to the Committee of Experts in accordance with the regular reporting cycle.

Netherlands – Sint Maarten

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

Taking the discussions into account, the Committee requested the Government to:

- define in meaningful and effective consultation with respective social partners, criteria of representativeness of employers' and workers' organizations that are clear, pre-determined and objective;
- engage in meaningful and effective dialogue with workers' and employers' organizations on all matters affecting their interests or of their members, in full compliance with the Convention, including on the composition of the socio-economic council (SER); and
- take the necessary measures to ensure that workers' and employers' representatives on the SER are only appointed by fully autonomous organizations freely established or chosen by workers and employers and convene the SER without delay.

The Committee requested the Government to provide information on the above measures including all outstanding information requested by the Committee of Experts by 1 September 2024.

El Salvador (ratification: 2006)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the oral information provided by the Government and the discussion that followed.

The Committee noted with concern the allegations of ongoing violations of the Convention by the Government, including the absence of tangible progress in the investigations into the murders of trade unionists and reported acts of harassment against an employers' organization (ANEP).

The Committee also expressed concern regarding the allegations of interference by the authorities in the appointment of employers' and workers' representatives in public tripartite and joint bodies.

Taking the discussion into account, the Committee urged the Government, in consultation with independent and representative employers' and workers' organizations, to:

- immediately cease all acts of violence, threats, persecution, stigmatization, intimidation or any other form of aggression against individuals or organizations in connection with both the exercise of legitimate trade union activities and the activities of employers' organizations, and adopt measures to ensure that such acts are not repeated;
- re-ensure respect for the freedom of workers and employers to constitute the organizations of their choosing, organize their administration and activities and formulate their programme of action without interference from the public authorities;
- expedite and conclude the ongoing investigations into the murders of trade union leaders with a view to establishing the facts, determining culpability and punishing the perpetrators;
- provide detailed information on the content and status of the parliamentary process of the proposed reform to the Penal Code, the consultation processes with social actors that exist in relation to this initiative and the results obtained;

- expedite the processes of registration and issuing credentials to boards of directors to ensure the right of workers' and employers' organizations to form and freely elect their representatives;
- repeal the legal obligation for trade unions to request the renewal of their legal status every 12 months;
- reactivate, without delay, the Higher Labour Council (CST) to ensure the full participation of workers' and employers' organizations in social dialogue and tripartite consultation;
- develop a time-bound road map to implement without delay all recommendations made by the ILO high-level tripartite mission of 2022 and the Committee's previous recommendations relating to the Convention; and
- send information on the institutional change from INSAFORP to INCAF and ensure that it has a tripartite structure.

The Committee requested the Government to submit a detailed report on the implementation of the Convention in law and practice, with regard to all of the above matters, including information on the content and outcome of tripartite consultations, to the Committee of Experts before its next meeting.

Peru (ratification: 1994)

Indigenous and Tribal Peoples Convention, 1989 (No. 169)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee noted with deep concern the persistence of acts of violence and attempts against the life of indigenous persons when defending their rights as well as the situation of impunity that this phenomenon generates.

Taking into account the discussion, the Committee urged the Government to:

- undertake expeditious investigations into the allegations of violence and incitement to violence and ensure that the perpetrators and instigators of the murders of indigenous leaders in Alto Tamaya-Saweto are prosecuted and punished as a matter of utmost urgency;
- take all necessary measures to protect the life, physical safety and psychological well-being of the members of the families of the murdered indigenous leaders without delay;
- take without delay effective measures to prevent violence against indigenous persons and their defenders;
- take steps, in consultation with the most representative employers' and workers' organizations, to identify and address difficulties in the implementation of consultation processes with indigenous peoples, including in relation to the mining sector;
- provide information to the Committee of Experts on:

- measures taken to identify, demarcate and regularize the lands traditionally occupied by the peoples covered by the Convention in the various regions of the country;
- progress on the investigations into the complaints concerning illegal logging and the cases of forced labour linked to the *habilitación* system in the department of Ucayali;
- the activities of the Standing Multisectoral Committee for the Application of the Right to Consultation, explaining the manner in which the aforementioned Committee follows up on agreements and takes action in cases of non-compliance with agreements concluded in the consultation processes;
- how provision is made to secure the cooperation of the indigenous peoples in assessing the social, spiritual, cultural and environmental impact of mining exploration or exploitation projects which may affect their rights;
- the criteria used by the Ministry of Energy and Mining to determine which indigenous peoples must be consulted with regard to a project; and
- the measures taken to inform indigenous peoples regarding the importance of consultation and to promote their participation in these processes.

The Committee urged the Government to avail itself of ILO technical assistance with a view to implementing the above recommendations and giving full implementation to the Convention and to submit a detailed report to the Committee of Experts by 1 September 2024.

Spain (ratification: 1984)

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee recalled that tripartite consultation to promote the implementation of international labour standards is of paramount importance.

Taking the discussion into account, the Committee requested the Government to continue to guarantee effective consultation with representative employers' and workers' organizations in the procedures required under the Convention and to provide information on the frequency of those consultations and working methods.

The Committee requested the Government to provide the information requested as well as information on the measures taken to implement the above recommendations in accordance with the regular reporting cycle.

Eswatini (ratification: 1978)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

The Committee noted with deep concern the deteriorating state of public order and its negative impact on trade union rights in the country as well as a culture of impunity for the perpetrators of crimes against trade unionists.

Taking into account the discussion, the Committee urged the Government to take effective, urgent and time-bound measures to:

- refrain from the violent treatment, intimidation or harassment, including judicial harassment, of leaders and members of trade unions in the education sector conducting lawful trade union activities, including the Swaziland National Association of Teachers (SNAT) President and Secretary-General Messrs Mbongwa Dlamini and Lot Mduduzi Vilakati;
- release, quash convictions and drop all charges brought against individuals for having exercised lawful trade union activities and ensure the safe return home of all trade unionists living in exile, including the General-Secretary of the Swaziland Transport, Communication and Allied Workers' Union (SWATCAWU), Sticks Nkambule;
- conduct without delay independent investigations into: (i) alleged instances of intimidation, harassment or violence, including the murder of Mr Thulani Maseko and the persecution of Mr Mbongwa Dlamini, with a view to determining culpability and punishing the perpetrators and instigators of these crimes; and (ii) investigate violence and interference by the police in lawful, peaceful and legitimate trade union activities and hold accountable those responsible;
- ensure that employers' and workers' organizations, including the Trade Union Congress of Swaziland (TUCOSWA), the SNAT and the SWATCAWU, are given the autonomy and independence they need to fulfil their mandate and represent their members;
- repeal any administrative orders or legislative provisions that have the effect of prohibiting or restricting the right to freedom of assembly of trade unions and ensure in practice that trade unions fully enjoy the right to hold public meetings as enshrined in the Convention, including by training to police and security forces, municipal councils and the judiciary; and
- address the findings of the Investigation Committee and the national voluntary conciliation and implement the planned sensitization campaign on the Codes of Practice in full consultation with the social partners and with the technical assistance of the ILO.

The Committee requested the Government to submit a detailed report on the measures taken and progress achieved with regard to the above recommendations, including all outstanding information requested by the Committee of Experts by 1 September 2024.

Gambia (ratification: 2000)

Minimum Age Convention, 1973 (No. 138)

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

The Committee noted with concern the high incidence of child labour in the country and the numerous gaps remaining in legislation.

Taking into account the discussion, the Committee urged the Government to take effective and time-bound measures, to:

- effectively introduce, as soon as possible, compulsory schooling up to the minimum age for admission to employment or work of 14 years;
- ensure that a minimum age for admission to apprenticeship of at least 14 years is established by law in both the formal and informal economy and that the types of activities, the number of hours and the conditions under which children under 14 years can carry out light work are introduced in the revision of the Children's Bill and the Labour Bill;
- intensify its efforts to ensure that labour inspectors are adequately trained and resourced to be able to detect cases of child labour;
- ensure that regulations providing for sanctions in case of violation of provisions on the employment of children and young persons are effectively enforced;
- implement strategic policies aimed at addressing the root causes, risk factors and socio-economic circumstances that lead to or result in the exploitation of children; and
- continue to work with the ILO with a view to bringing legislation and practice in line with the Convention.

The Committee requested the Government to continue to avail itself of ILO technical assistance to ensure full and expedited implementation of the Convention in law and practice.

The Committee further requested the Government to provide a detailed report on the measures taken to implement the above recommendations before 1 September 2024.

Georgia (ratification: 1993)

Equal Remuneration Convention, 1951 (No. 100)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

Taking into account the discussion, the Committee urged the Government to take effective measures, in consultation with the representative employers' and workers' organizations, to:

- amend the Labour Law and the Law on the Public Service in order to give full legislative expression to the principle of "equal remuneration for men and women for work of equal value";
- effectively address the persisting horizontal and vertical segregation prevailing in the country including through targeted vocational training, occupational quotas, incentives and awareness-raising activities;
- regularly review wages in sectors in which women are concentrated;
- implement effective enforcement and detection mechanisms;

- review existing complaint mechanisms so as to ensure that procedures are easily accessible, effective and speedy;
- provide detailed and comprehensive information on its efforts to train and raise public awareness on the principle of the Convention;
- regularly collect and analyse statistical data on the number of men and women employed, disaggregated by economic sector and occupational level; and
- provide the Committee of Experts with any outstanding information it requested.

The Committee invited the Government to avail itself of ILO technical assistance.

Guinea (ratification: 1961)

Abolition of Forced Labour Convention, 1957 (No. 105)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee deeply deplored the deterioration of trade union rights in the country.

Taking into account the discussion, the Committee urged the Government to take effective and time-bound measures, in consultation with the representative employers' and workers' organizations, to:

- quash the convictions brought against Sekou Jamal Pendessa, Secretary-General of the Guinean Press Professionals' Union (SPPG);
- ensure that no punishments involving compulsory labour, including as part of a prison sentence, may be imposed on persons who express certain political opinions or who peacefully express views ideologically opposed to the established system, including in the context of peaceful public demonstrations;
- take necessary measures, including through a review of the relevant provisions of the Criminal Code and of the Act of 23 December 1991 establishing a charter of political parties in order to restrict the scope of these provisions to meet the requirements of Article 1(a) of the Convention; and
- provide information on (i) any convictions handed down under the above-mentioned provisions, including the alleged acts giving rise to the convictions and the penalties imposed; and (ii) specific penalties imposed for violating the prohibition on demonstrations on public thoroughfares.

The Committee invited the Government to avail itself of ILO technical assistance to address the issues identified and to report the requested information by 1 September 2024.

Japan (ratification: 1965)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

The Committee noted the long-standing nature and the prior discussion of this case in the Committee, most recently in 2018.

Taking into account the discussion, the Committee requested the Government, to consider, in line with the Convention and in consultation with employers' and workers' organizations:

- further improvements of the status and labour conditions of firefighters;
- what categories of prison officers are considered part of the police, thus exempted from the right to organize, and those categories that are not considered part of the police, and having the right to organize;
- with regard to public service employees:
 - ensure that the National Personnel Authority (NPA) procedures guarantee effective, impartial and speedy conciliation and arbitration procedures;
 - continue to examine carefully the autonomous labour-employer relations system and seek solution to the various obstacles to it, in line with the Convention; and
- review the Local Public Service Act and any other related legislation to ensure that local public sector workers enjoy the rights and guarantees set out in the Convention.

The Committee requested the Government to submit a report to the Committee of Experts on progress achieved on all of the above matters by 1 September 2024.

Ecuador (ratification: 1967)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee noted the long-standing nature and the prior discussion of this case in the Committee, most recently in 2022. In this context, it expressed concern that the Government has so far not accepted a direct contacts mission or availed itself of ILO technical assistance, as previously requested by the Committee.

The Committee deplored the failure of the Government to register a tripartite delegation to the Conference and noted with concern the general anti-trade union climate prevailing in country which is not conducive to the free exercise and full enjoyment of the rights and freedoms set out in the Convention.

Taking into account the discussion, the Committee urged the Government of Ecuador to take effective and urgent measures to:

- immediately and effectively take the necessary steps to determine culpability and punish the perpetrators of the murder of Mr Sandro Arteaga Quiroz;
- prevent violence in relation to the exercise of trade unions' legitimate activities;
- ensure that trade unionists are able to exercise their activities in a climate free from violence, harassment and intimidation, and within the framework of a system which guarantees the effective respect of civil liberties and freedom of association rights;

- ensure that all workers, without distinction whatsoever, including self-employed and informal workers, have the right to establish and join trade unions of their own choosing in law and practice;
- amend, in full consultation with the social partners, the following legal provisions in order to bring them into line with the Convention:
 - sections 443, 449, 452 and 459 of the Labour Code which require an excessive number of workers for the establishment of workers' associations and limit the possibility of creating trade unions by branch of activity;
 - section 10(c) of Ministerial Decision No. 0130 of 2013 on compulsory time limits for convening trade union elections;
 - section 459(4) of the Labour Code which requires Ecuadorian nationality to be eligible for trade union office;
 - section 459(3) of the Labour Code which allows the role of an enterprise committee to be filled by any worker, whether or not trade union member;
 - section 11 of the Basic Reform Act which excludes certain categories of public workers from the right to form and join trade unions;
 - provisions of the Basic Reform Act which grant privileges to majority committees of public servants and deprives all other organizations of the possibility to defend the interests of their members; and
 - decree No. 193 which allows for administrative dissolution of public servants' unions;
- take all possible measures to register the National Federation of Education Workers (UNE) without delay.

The Committee requested the Government to provide information on progress made and results achieved on all of the above points to the Committee of Experts by 1 September 2024.

The Committee invited the Government to avail itself of ILO technical assistance to effectively implement all of the Committee's recommendations.

Kazakhstan (ratification: 2001)

Labour Inspection Convention, 1947 (No. 81)

Labour Inspection (Agriculture) Convention, 1969 (No. 129)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee noted with concern various issues relating to the effective functioning of the labour inspection system in the country due to numerous restrictions to the powers of labour inspectors such as prior authorizations needed to conduct an inspection, limitations on the number of inspections to be conducted, limitations to the measures labour inspectors can take when confronted with hazardous working conditions and limitations to the scope of the inspections.

Taking into account the discussion, the Committee urged the Government to take effective and time-bound measures to:

- recruit a sufficient number of labour inspectors and provide them with sufficient material, financial and operational resources in order to ensure the proper functioning of the labour inspectorate;
- strengthen the role of labour inspection by transferring them to the subordination of the central executive body as recommended by ILO experts in 2018;
- ensure that labour inspectors can carry out labour inspections as often and as carefully as is necessary to ensure the effective application of legal provisions, in line with the Conventions;
- amend sections 144(3) and (4), 156(2), 144(13), 144-1, 144-2, 145, 146, 143(3) and 151 of the Entrepreneur Code in order to ensure that labour inspectors are empowered to make visits to workplaces without previous notice, and to carry out any examination, test or enquiry which they may consider necessary;
- indicate whether inspectors are now empowered to undertake inspection visits at any time of the day and night following the repealing of section 197 of the Labour Code and section 147(2) of the Entrepreneur Code, in line with the Convention;
- amend section 141 of the Entrepreneur Code in order to ensure that labour inspectors are able to undertake labour inspections as is necessary to ensure the effective application in line with the Conventions;
- revise section 50(12) of the Law on Civil Service and sections 151 and 156 of the Entrepreneur Code in order to ensure that investigations carried out by labour inspectors are not limited in scope or invalidated, and that no penalties are imposed on labour inspectors authorized by law;
- amend sections 136, 144-1 and 144-2 of the Entrepreneur Code to ensure that labour inspectors are empowered to take measures with immediate executory force and are able to initiate legal proceedings without previous warning, where required;
- ensure that labour inspectors do not encounter undue obstruction while performing their duties, including by amending section 12 of the Entrepreneur Code; and
- ensure the establishment and publication of an annual report on the work of the inspection services containing all the subjects listed under Article 21 of Convention No. 81 and Article 27 of Convention No. 129 and to transmit it to the ILO.

The Committee requested the Government to report to the Committee of Experts by 1 September 2024 on the measures taken to implement the Committee's recommendations and to provide all outstanding information requested by the Committee of Experts.

Mexico (ratification: 1952)

Equal Remuneration Convention, 1951 (No. 100)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

While welcoming the legislative proposals by the Government to comply with the Convention, the Committee noted that these reforms still require a thorough assessment to ensure full compliance with the Convention.

Taking into account the discussion, the Committee called upon the Government, in consultation with employers' and workers' organizations, to:

- conduct an in-depth study on employment and wages in the country, including wage disparities, by taking into account factors such as skills, responsibilities, tasks and working conditions, irrespective of job title and free from any gender stereotypes;
- give full legislative expression to the principle of equal remuneration for "work of equal value" as enshrined in the Convention;
- promote and implement effective detection and enforcement mechanisms to ensure that the principle of equal remuneration for men and women for work of equal value is applied in practice; and
- collect statistical information to analyse in greater depth compliance with the Convention in practice and the pay gap between men and women.

The Committee invited the Government to avail itself of ILO technical assistance to ensure full compliance with its obligations under the Convention in law and in practice.

G. Adoption of the report and closing remarks

188. The Committee's report was adopted, as amended.
189. **Worker members:** The adoption of the General Report marks the culmination of our Committee's work. Throughout our work, we have had frank and intense, but constructive discussions. The conclusions that we have adopted for the General Survey and the individual cases are evidence of this. We also hope to come back to certain subjects that we had the opportunity to address during our exchanges.
190. The Worker members always appreciate their exchanges with the Committee of Experts but, as we have become accustomed to pointing out, this cannot become a forum for putting the Committee of Experts on the spot. A constructive dialogue among the supervisory bodies must adhere to certain conditions. Those conditions include, firstly, respect for the independence and autonomy of each of the bodies. The Committee of Experts is free to choose the forms of dialogue it engages in with governments, as long as it remains within the framework of its mandate. The Worker members note that this is indeed the case.
191. In addition, we must emphasize the specificities of the Committee of Experts and of our Committee. The aim of our Committee is to draw conclusions from the observations made by the Committee of Experts. It engages in a discussion of a political nature before arriving at consensual conclusions. These exchanges can, depending on the circumstances, reflect convergent but also sometimes divergent views. This is why the work of the Committee of Experts is essential to our work. It enables us to have a technical and objective analysis that constitutes an essential reference point for our discussions.
192. We also note that some have criticized the Committee of Experts for having taken too much liberty when making general comments on certain issues such as compliance with standards in supply chains. We think, on the contrary, that it is the role of the Committee of Experts to draw attention to the subjects that it considers worthy of interest. It is very useful for the constituents to have an overview of certain subjects that the Committee of Experts comes across time and again in the implementation of its mandate.
193. The Employer members have also suggested that the Committee of Experts refrains from issuing certain interpretations. While the interpretations of the Committee of Experts are

generally accepted, as soon as they run counter to the views of the Employer members, the latter request the Committee of Experts to review their assessments. This is a flagrant contradiction. The credibility of the supervisory system cannot tolerate this kind of ambiguity.

194. We now return to our discussion on sustainable enterprises. The Worker members wish to reaffirm that enterprises are an important means of promoting decent work. It follows that, like any means, they must serve a purpose and not claim to be placed on an equal footing with the aim pursued. The ILO's overall objective is the protection of workers' rights and the improvement of their quality of life. The Worker members do not hold this conviction based on what one or another supervisory body may say. It originates simply from the mandate of this Organization and the content of the standards formulated within it. Demanding the Committee of Experts to attend additionally to the needs of enterprises amounts to asking it to step into the unknown. It is also to ask it to perform a task that is not part of its work, as these aspects are potentially considered when the standard is adopted and not when it is being supervised. The Committee of Experts' mission is not to please or satisfy one of its constituents. Nor does it make pledges with one group or the other but must continue to perform its task conscientiously and impartially.
195. These discussions must not prevent us from seeing the points on which there is broad consensus in our Committee. The Worker members have noted with much satisfaction, for example, the statements of the Employer members regarding their attachment to freedom of association. The autonomy and independence of the organizations representing employers and workers are the cornerstone of tripartism. In her statement before our Committee, the representative of the Committee of Experts said no different, emphasizing the fundamental importance of this freedom. We have the responsibility of building on this common understanding. More generally, we wish to recall the proposal we made during the general discussion. It would be helpful if our next exchanges with the Committee of Experts were based on the themes that give rise to consensus between our respective committees and if we together examined ways to follow up on our common understanding. Lastly, we thank the Office for its response regarding our proposal to give more visibility to the follow-up work on the conclusions and stand ready to continue the dialogue in this regard. This is a new domain which allows us to see our work from another perspective.
196. We could not conclude our statement without expressing some thanks. The Worker members, express sincere thanks to: the Chair of our Committee who led the work with care; the Reporter for his conscientious work; the entire Secretariat for its immense contribution, most especially the representative of the Secretary-General, Ms Corinne Vargha and her deputies Ms Karen Curtis and Mr Horacio Guido; the interpreters and organizers; the delegates who contributed to our discussions, for their input; and my Employer partner, Mr Moyane, who, despite the difficulties, held out his hand for dialogue. We thank of course also the members of our group, for their active participation and solidarity, in particular those who took the role of spokesperson during the examination of certain cases. We would like to mention: Paola, Marta, Nina, Mikyung, Tjalling, Stephen, Clare, Alejandra, Amal and Jocelyne. Finally, we thank all direct collaborators in the International Trade Union Confederation (ITUC) and the ILO Bureau for Workers' Activities (ACTRAV) for their support.
197. **Employer members.** The Employer members endorse the report of the Committee and recommend its adoption. We are pleased that the Committee was able to successfully conclude its work on time, thanks to the discipline and cooperation of all delegates. In particular, we thank our Chairperson for the effective time management of our work. The Committee once again demonstrated its ability to conduct a results-oriented tripartite dialogue and adopt conclusions in all the cases discussed. Regarding the discussion of 24 individual cases and the

special sitting, the Employer members were pleased to note that the majority of governments constructively engaged in the process and expressed commitment to engaging with the Office with a view to addressing the compliance issues discussed in the Committee.

198. At the outset, the Employer members would like to come back to a point stressed at the beginning of the Committee's session regarding cases on Convention No. 87. We firmly believe that, in order to respect and protect the integrity of the proceedings before the International Court of Justice, the Committee of Experts should have suspended its recommendations regarding the right to strike so that this topic could have been excluded from our discussions. We regret that this was not the case.
199. Furthermore, once again we call on the Committee of Experts to adequately take into consideration the needs of sustainable enterprises in its compliance assessments in order to ensure balance in, and acceptance of, its recommendations. This important element, highlighted in the ILO Centenary Declaration, must be duly recognized in ILO's standards promotion, application and supervision. The persistent view expressed by some members of this house that the ILO only exists to protect workers is unfortunate. There can be no rights of workers to protect in the absence of sustainable enterprises to create jobs for them.
200. We would like to take this opportunity to encourage the Committee members, the Committee of Experts and the Office to continue to cooperate with a view to increasing the transparency, efficiency, balance, relevance and tripartite governance of the ILO standards supervisory system in good faith and in a constructive manner. We highlight a few proposals in this regard.
201. First, transparency: regarding the determination of double footnoted cases, the Employer members would appreciate more transparency on the criteria followed in each case by the Committee of Experts in order to come to such determination. In particular, we would like the Committee of Experts to elaborate further on the reasons why a case has been double-footnoted and to include such reasoning in its General Report. While this would allow more transparency, it would also ensure that objective criteria are faithfully respected and applied consistently. The list should be balanced between fundamental/technical conventions, geographical representation and level of development of the country.
202. Second, cases of progress: Regarding the list of cases, the Employer members wish to stress once again the importance of including cases of progress alongside those on violations of Conventions. Unfortunately, this session did not include any individual case of progress. We believe the final list of cases should not become or be perceived as a "blacklist" where Governments fear to appear. This is not in line with the logic of this Committee's work. As we have already stressed at the outset of this session, the Committee is not a tribunal where Governments are condemned for their lack of compliance with Conventions and the obligations they contain, but rather a forum for engaging in a constructive tripartite dialogue with a view to identifying the best way forward towards fulfilling the commitments Governments have taken up by ratifying ILO Conventions. We are of the view that giving more attention to cases of progress would provide an important opportunity for the Committee to showcase good practice by ILO member States in the application of international labour standards and to commend, on a tripartite basis, Governments' successful efforts to improve their compliance with ratified Conventions. This point is particularly important to the Employer members, and we are in favour of including and even increasing the share of cases of progress among the shortlisted cases.
203. Third, concerning the discussion of individual cases we would like to stress two points: (i) the Employer members note with regret that during the discussion, there were several accusatory remarks noting certain cases as "Employers' cases" or "Workers' cases". We wish to make it

clear that these remarks are unhelpful for our discussion and should be avoided in the future. The final list is supported by the consensus reached between Worker and Employer members, as it represents the outcome of negotiations between them. The reason that a case is discussed in the session is because both groups consider that it merits a tripartite discussion; (ii) the Employer members observe that several interventions during the discussion of individual cases, notably on the part of certain non-governmental organisations, were outside the scope of the topics and issues of the case. Given the limited time available during the two weeks of the Committee to discuss 24 cases, we consider it essential to keep the discussion focused on the matters at stake in each case, while avoiding discussions on unrelated issues.

- 204.** On the credibility of the Committee's work and ILO standards: we believe that our conclusions should fairly reflect the seriousness of the cases examined. This is a point on which the Worker and Employer members must continue to collaborate in order to refine it further. This is important for the credibility of our Committee and the impact we seek to make through it. In addition, we recall the 2015 Joint Statement of Workers' and Employers' Groups, according to which the Committee "should adopt short, clear and straight forward conclusions. What is expected from governments to better apply ratified Conventions should be clear and unambiguous. Conclusions could also reflect concrete steps agreed with the governments to address compliance issues. The conclusions should reflect consensus recommendations. Where there is no consensus there will be no conclusions. Divergent views can be reflected in the [Committee's] record of proceedings." In this regard, any long commentary and mere repetition of the Committee of Experts' observations should be avoided while the focus should remain on the concrete actions expected from the Government concerned.
- 205.** On the follow-up to the Committee's conclusions: we would like to place emphasis on the importance of the follow-up to the Committee's conclusions. These represent tripartite consensus on compliance issues and thus define, and limit, the mandate of related Office technical assistance and follow-up missions. In this spirit, specialists from the Bureau for Employers' Activities (ACT/EMP) and Bureau for Workers' Activities (ACTRAV) should be systematically involved in such follow-up action to assist employers' and workers' organizations from the respective countries in contributing to the resolution of compliance issues in a way that takes their needs into account. Reports on technical assistance provided and missions undertaken should be made available online within a reasonable period.
- 206.** On the role of the Office: the key role that the Office plays in helping countries better comply with their standards-related obligations cannot be stressed enough. We trust that this will continue to be done in a balanced and realistic manner, in consultation with the International Organisation of Employers (IOE) and ITUC as the Employers' and Workers' secretariats.
- 207.** We firmly believe these proposals could further improve the relevance and acceptance of regular ILO standards supervision. We look forward to discussing these proposals in more detail at the next informal consultations on the Committee's working methods. In conclusion, the Employer members note with satisfaction the overall constructive operation of this year's session. Discussions were held respecting time limits in most cases, consensus was reached wherever possible, and disagreements, where they existed, were respectfully highlighted.
- 208.** We would like to conclude with words of thanks and appreciation to the International Labour Standards Department for facilitating this session. Also, a special thanks goes to our Chairperson for the fair, parliamentary running of the Committee's meetings this year and very effective time management. We would also like to thank the Employer members, especially Paul Noll, Annick Hellebuyck, Fernando Yllanes, Paul Mackay, Laura Gimenez, Guido Ricci, Michael Congiu, Juliana Manrique, Jackie VanDerMeulen and Tala Khoury for their support and

assistance in preparing and presenting our perspective on individual cases and the General Survey. We are grateful for the invaluable support of Rita Yip, Altea Rossi and Emilie Villet from IOE, and Christian Hess, Maria Angeles Palmi Reig and Andres Yuren from ACT/EMP. Last but not least, we thank the Worker Vice-Chairperson Marc Leemans and his team, and the government representatives that participated actively in the Committee to ensure that our discussions were constructive and productive.

209. Government, Belgium speaking on behalf of the European Union and its Member States:

The candidate countries North Macedonia, Montenegro and Bosnia and Herzegovina, and the EFTA country Iceland, member of the EEA, align themselves with this statement. We would like to start by warmly thanking the Chairperson of the Committee for his efficient leading of the discussions and his very good time management. We also extend our warm thanks to the Vice-Chairpersons and the Reporter for their constructive spirit, contributions and efficiency. We also thank the Office for its dedicated support and guidance throughout the sittings.

- 210.** We welcome the discussions and the constituents' positive approach and engagement in the process. However, we very much regret that not all decisions could be adopted by consensus this year, thus going against the long-established practice of our Committee. Nevertheless, we are pleased to have reached concrete conclusions, which will provide guidance on the way forward to effectively implement international labour standards, in law and practice.
- 211.** We strongly believe in the fundamental importance of international labour standards, their ratification, and the effective, independent and authoritative supervision of their implementation. We share the view that human rights and international labour standards, are fundamental for relations between peoples and nations.
- 212.** The Committee is a crucial pillar of the ILO supervisory system and embodies the core values of the ILO based on social dialogue and tripartism. It enables all constituents to discuss the implementation of ILO Conventions in a constructive, respectful and tripartite manner.
- 213.** We highly appreciate the analysis and expertise of the Committee of Experts, which provides a solid basis for the work of our Committee. We value and put our trust in the guidance provided by the Committee of Experts, which helps to implement international labour standards. We recall our strong commitment to the independence, objectivity and impartiality of the Committee of Experts. We are very pleased that the Committee of Experts continues to deepen its cooperation with the United Nations Human Rights Treaty Bodies to enhance the effective fulfilment of human rights, including labour rights. "Realizing labour rights as human rights" is one of the priorities of the Global Coalition for Social Justice, an initiative strongly supported by the EU and its Member States. Through the EU Action Plan on Human Rights and Democracy, we also put increased emphasis on human rights, including labour rights.
- 214.** We attach great value to the General Survey of the Committee of Experts. It helps us to analyse difficulties in the application of standards and identify means to overcome them. Labour administration and inspection systems have faced great challenges during recent economic crises and the COVID-19 pandemic and we welcome this year's timely General Survey on the matter and its recommendations for improvement.
- 215.** We welcome the fact that the Committee's conclusions are more action-oriented. They provide guidance to the constituents and foster the commitment of ILO Member States. We encourage Member States to comply with the conclusions to the greatest extent possible, where appropriate with the support of the ILO's technical assistance, which may also entail missions. We will continue to fully support and reinforce the ILO's supervisory system. We remain convinced that it is one of the most extensive and valuable elements of the multilateral rules-

based order. We are looking forward to constructive engagement with the ILO Office and the tripartite constituents in the follow-up to the conclusions of the Committee.

- 216. Chairperson:** Before concluding the official business of our Committee, let me share some personal reflections on the incredible journey we have undertaken together. When we embarked on our mission on Monday, 3 June, we faced a landscape filled with complex challenges in various regions globally. On that day, when we set the sail, I realised that the course would not always be smooth and that we would have to navigate through the sometimes challenging waters of the divergent viewpoints.
- 217.** The task we are concluding today, and which we have been tirelessly – and I mean tirelessly – carrying out for the last ten days, is an important opportunity to remind us, once again, about the objective which has given meaning to our actions. Some of our discussions might have been of a rather technical nature but the objective leading our discussions has always been the same. Our journey together has underscored the uniqueness and critical importance of the ILO's supervisory system and this Committee as part of it, in mobilizing and helping Member States to meet their international obligations in order to improve the working lives of ordinary people around the world. The example of my own country which I shared with you during my opening statement two weeks ago clearly illustrates it.
- 218.** As we are all aware, the unique tripartite structure of the ILO was founded on social dialogue. Therefore, I regret that despite the well-established practice of this Committee to take decisions by consensus, as well as protracted attempts of the Vice-Chairpersons and myself to seek convergence or flexibility, not all conclusions could be adopted by consensus. Notwithstanding this, I welcome the fact that this year's conclusions are again action-oriented, ambitious and achievable. One of the great pleasures of performing this role was understanding in depth the ILO and its tripartite structure. I have had an opportunity to get to know a lot of other constituents, Workers and Employers, as well as my fellow Government delegates from different regions. I would describe this special ILO surrounding as a family, where family members may have different visions or opinions but they commit to work hard together and support each other. I will take this experience with me for the rest of my career.
- 219.** Each of you has played a vital role as a member of this crew. Therefore, before bringing our work to a close, I would like to express my gratitude to all the distinguished members of the Committee for your constructive and engaged participation in its work. Special thanks to the Government group for nominating me as a captain on this journey and for supporting me throughout. My sincere appreciation must go to the Vice-Chairpersons, Mr Marc Leemans, from the Worker members, and Mr Kaizer Moyane from the Employer members, for your energy and professionalism in performing your work. I extend my thanks to those who acted as spokespersons of their groups for their constructive spirit and contributions. Thank you for speaking on behalf of those who cannot make themselves heard. Allow me also to thank Mr Abdelkrim Siyoucef, the Reporter of this Committee for his assistance and warm support during all the sittings.
- 220.** Gratitude and special appreciation must be extended to the interpreters and translators for making it possible for us to understand each other, as well as to the technical support here in this room and also on the sixth floor. They have been the anchor keeping our boat steady. Thank you for all your hard work behind the scenes. I would like to thank my own delegation for its unwavering support and covering a lot of work during this International Labour Conference, so that I could fully dedicate myself to steering this Committee. My special thanks go to Ms Joanna Žeber, last year's Reporter of the Committee and *spiritus movens* of this chairmanship. Her support and advice were invaluable for me. Finally, in this voyage, the

International Labour Office, in particular the International Labour Standards Department, has been our lighthouse. I would like to express particular gratitude for the work of the Office for its immense support and guidance throughout these two weeks, and well before the beginning of the work of our Committee. I would like to assure you – and now I have experienced it personally during the work of our Committee – that the International Labour Standards Department, Ms Rosinda Silva and Mr Carlos Magalhaes under the skilled leadership of the Director, Corinne Vargha, places all its expertise at the service of this Committee, so that it may play its pivotal role within the ILO's constitutional framework.

- 221.** I am filled with a deep sense of pride and accomplishment for what we have achieved. I hope that this activity, all your efforts and all your work, continues to serve the dignity of human labour and the authentic progress of humanity. Together, we have navigated challenging waters and reached a meaningful destination.

Geneva, 13 June 2024

(Signed) Mr Łukasz Różycki
Chairperson

Mr Abdelkrim Siyoucef
Reporter

Annex I

International Labour Conference
112th Session, Geneva, 2024

► CAN/D.1

Committee on the Application of Standards

Date: 3 May 2024



Work of the Committee

I. Work of the Committee

1. This document sets out the manner in which the work of the Committee on the Application of Standards (the Committee) is carried out. It is submitted to the Committee for adoption when it begins its work at each session of the Conference.¹ This document reflects the results of the discussions and informal tripartite consultations that have taken place, since 2002, on the working methods of the Committee, including on the following issues: the elaboration of the list of individual cases to be discussed by the Committee; the preparation and adoption of the conclusions relating to these individual cases; time management; and respect for parliamentary rules of decorum.
2. 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. These consultations confirmed the decisions taken in 2023 to reintroduce some of the adjustments that had been put in place to address the special circumstances in the context of the COVID-19 pandemic and that were considered to contribute to the ongoing smooth functioning of the Committee's work.

II. Terms of reference and composition of the Committee, voting procedure and report to the Conference

3. Under its terms of reference as defined in article 10, paragraph 1, the Conference shall establish a Committee on the Application of Standards to consider:
 - (a) compliance by Members with their obligations to communicate information and reports under articles 19, 22, 23 and 35 of the Constitution;

¹ Since 2010, the document is appended to the General Report of the Committee.

- (b) individual cases relating to the measures taken by Members to give effect to the Conventions to which they are parties;
 - (c) the law and practice of Members with regard to selected Conventions to which they are not parties and Recommendations, as chosen by the Governing Body (general survey).
4. In accordance with article 10, paragraph 2, of the Standing Orders, the Committee shall also consider reports transmitted by the Governing Body to the Conference for the Committee's consideration.
 5. In accordance with article 10, paragraph 3, of the Standing Orders, no resolutions may be submitted under article 41 to the Committee on the Application of Standards.
 6. In accordance with article 10, paragraph 4, of the Standing Orders, the Committee shall submit a report to the Conference. Since 2007, in response to the wishes expressed by ILO constituents, the report of the Committee has been published both in the record of proceedings of the Conference and as a separate publication, to improve the visibility of the Committee's work.
 7. Questions related to the composition of the Committee, the right to participate in its work and the voting procedure are regulated by Part 4 of the Standing Orders of the Conference.
 8. Each year, the Committee elects its Officers: its Chairperson and Vice-Chairpersons, as well as its Reporter.

III. Working documents

A. Report of the Committee of Experts

9. The basic working document of the Committee is the report of the Committee of Experts on the Application of Conventions and Recommendations (Report III (Parts A and B)), printed in two volumes.
10. Report III (Part A) contains, in Part One, the General Report of the Committee of Experts, and in Part Two, the observations of the Committee of Experts concerning the sending of reports, the application of ratified Conventions and the obligation to submit the Conventions and Recommendations to the competent authorities in Member States. At the beginning of the report there is an index of comments by Convention and by country. In addition to the observations contained in its report, the Committee of Experts has, as in previous years, made direct requests which are communicated to governments by the Office on the Committee's behalf.²
11. Report III (Part B) contains the General Survey prepared by the Committee of Experts on a group of Conventions and Recommendations decided upon by the Governing Body.

B. Summaries of reports

12. At its 267th Session (November 1996), the Governing Body approved new measures for rationalization and simplification of the arrangements for the presentation by the Director-General to the Conference of summaries of reports submitted by governments under articles

² See [para. 102](#) of the General Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part A), International Labour Conference, 112th Session, 2024. A list of direct requests can be found in Appendix VII of the Report.

19, 22 and 35 of the Constitution.³ Requests for consultation or copies of reports may be addressed to the secretariat of the Committee.

C. Other information

13. During the course of the work of the Committee, the secretariat prepares documents (which are referred to, and referenced, as “D documents”) which are made available⁴ through the [web page](#) of the Committee and relate to:
 - (a) information on reports and other information which have reached the International Labour Office since the last meeting of the Committee of Experts; based on this information, the list of governments which are invited to supply information to the Conference Committee due to serious failure to respect their reporting and other standards-related obligations is drawn up;⁵
 - (b) written information supplied by governments to the Conference Committee in reply to the observations made by the Committee of Experts, when these governments are on the preliminary list of cases or on the list of individual cases adopted by the Conference Committee;⁶
 - (c) written information supplied by governments that have been requested to supply information on cases of serious failure to respect reporting or other standards-related obligations for the stated periods;⁷
 - (d) written information supplied by delegates for the general discussion.⁸

IV. General discussion

14. In accordance with its usual practice, the Committee begins its work with the consideration of its working methods on the basis of this document. The Committee then holds a discussion on general aspects of the application of Conventions and Recommendations and the discharge by Member States of standards-related obligations under the ILO Constitution, which is primarily based on the General Report of the Committee of Experts.
15. During the informal tripartite consultations of March 2024, it was decided to continue the practice to allow the possibility for delegates to submit written information. Information received prior to the relevant sitting will be published as early as possible, to the extent possible translated into three languages, and included in the Committee’s final report⁹. It was also decided that in order to provide guidance to the speakers, speaking time limits could be suggested and that the speaking time limits for the discussion of the General Survey could be used as a basis.
16. The Committee will also hold a discussion on the General Survey, entitled *Labour administration in a changing world of work*. The General Survey concerns the Labour Administration

³ See report of the Committee of Experts, Report III (Part A), Appendices I, II, IV, V and VI; and Report III (Part B), Appendix II.

⁴ D documents will only be made available online on the Committee’s dedicated web page.

⁵ See below Part V.

⁶ See below Part VI (supply of information).

⁷ See below Part V.

⁸ See below Part IV.

⁹ The Committee’s report will distinguish between written information and information shared orally.

Convention, 1978 (No. 150), and the Labour Administration Recommendation, 1978 (No. 158).¹⁰

17. The informal tripartite consultations of March 2024 have confirmed the total time for the discussion of the General Survey, which should be a maximum of four hours, as well as the increase in speaking times for the initial remarks of the Employer and Worker spokespersons, and also for the Governmental groups.¹¹

V. Cases of serious failure by Member States to respect their reporting and other standards-related obligations

18. Governments are invited to supply information on cases of serious failure to respect reporting or other standards-related obligations for stated periods. These cases are considered in a dedicated sitting of the Committee. Governments that submit the required information or reports before the sitting will not be called before the Committee. The discussion of the Committee, including any explanations of difficulties that may have been provided by the governments concerned, and the conclusions adopted by the Committee under each criterion are reflected in its report.
19. The informal tripartite consultations of March 2024 have maintained the possibility for the governments concerned to communicate written information on such failures one week before the date of the special sitting, i.e. Tuesday, 28 May 2024. This information will be published in three languages prior to the sitting.
20. During the sitting, the governments concerned may, if they so wish, provide information on any new development and the Employer and Worker spokespersons will present their remarks on this subject.
21. It should be recalled that the Committee identifies the cases on the basis of criteria which are as follows:¹²
 - 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;
 - 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;¹³

¹⁰ It should be recalled that the subjects of General Surveys have been aligned with the strategic objectives that are examined in the context of the recurrent discussions under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization (2008).

¹¹ See below, Part IX.

¹² These criteria were last examined by the Committee in 1980 (see *Provisional Record* No. 37, International Labour Conference, 66th Session, 1980, para. 30).

¹³ This time frame begins at the 99th Session (2010) and concludes at the 111th Session (2023), bearing in mind that the Conference did not adopt any Conventions or Recommendations during its 97th (2008), 98th (2009), 102nd (2013), 107th (2018), 109th (2021) and 110th (2022) Sessions.

- 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 reports and information supplied to the Office have been communicated.

22. At its 88th and 89th Sessions (2017 and 2018), the Committee of Experts decided to institute a new practice of launching “urgent appeals” on cases corresponding to certain criteria of serious reporting failure.¹⁴ The aim is also to draw the attention of the Committee to these cases, so that governments may be called before it. Thus, at its session in November–December 2023, the Committee of Experts issued urgent appeals to 11 countries that had failed to send the reports requested for three years or more.¹⁵ The countries to which urgent appeals have been addressed will be invited to provide information to the Committee during the examination of cases of serious failure to comply with reporting obligations.

VI. Individual cases

23. The Committee considers a certain number of cases relating to the application of ratified Conventions. These cases, so-called “individual cases”, are selected on the basis of the observations published in the report of the Committee of Experts.

Preliminary list

24. Since 2006, an early communication to governments of a preliminary list of individual cases for possible discussion by the Committee concerning the application of ratified Conventions has been instituted. Since 2015, this list has been made available 30 days before the opening of the International Labour Conference. The preliminary list is a response to the requests from governments for early notification so that they may better prepare themselves for a possible intervention before the Committee. This list may not in any way be considered definitive, as the adoption of a final list is a function that only the Committee itself can assume. During the informal tripartite consultations of March 2019, it was decided to provide the opportunity for governments appearing on the preliminary list of cases to provide, if they so wished, written information to the Committee. This information provided, on a purely voluntary basis, should concern only new developments not yet examined by the Committee of Experts. They must be transmitted in at least one of the three working languages of the Office at the latest two weeks before the beginning of the opening of the session of the Conference¹⁶ and, to the extent possible, shall not exceed 2,000 words. A specific [template](#) for transmission of the information is available on the web page of the Committee.

Establishment of the list of cases

25. The list of individual cases is submitted to the Committee for adoption, after the Employers’ and Workers’ groups have met to discuss and adopt it. In the context of the informal tripartite

¹⁴ See [paras 9 and 10](#) of the General Report of the Committee of Experts, Report III (Part A), International Labour Conference, 107th Session, 2018.

¹⁵ See “[general comments](#)”, section I of Part II of the Report of the Committee of Experts, Report III (Part A).

¹⁶ Before Monday, 20 May 2024.

consultations in March 2024, it was decided that the final list, this year again, could be adopted during the first sitting of the session of the Committee, to be held on Monday afternoon, 3 June 2024.

26. As of the revision in 2015 of the criteria for the selection of cases, the selection should take into consideration, on balance, the following elements:

- the nature of the comments of the Committee of Experts, in particular the existence of a footnote;
- the quality and scope of responses provided by the government or the absence of a response on its part;
- the seriousness and persistence of shortcomings in the application of the Convention;
- the urgency of a specific situation;
- comments received by employers' and workers' organizations;
- the nature of a specific situation (if it raises a hitherto undiscussed question, or if the case presents an interesting approach to solving questions of application);
- the discussions and conclusions of the Conference Committee of previous sessions and, in particular, the existence of a special paragraph;
- the likelihood that discussing the case would have a tangible impact;
- the balance between fundamental, governance and technical Conventions;
- geographical balance; and
- the balance between developed and developing countries.

27. There is also the possibility of examining one case of progress as was done in 2006, 2007, 2008 and 2013.¹⁷
28. Since 2007, it has been the practice to follow the adoption of the list of individual cases with an informal information session for governments, hosted by the Employer and Worker Vice-Chairpersons, to explain the criteria used for the selection of individual cases.

Automatic registration

29. Since 2010, cases included in the final list have been automatically registered and scheduled by the Office, on the basis of a rotating alphabetical system, following the French alphabetical order. The "A+5" model has been chosen to ensure a genuine rotation of countries on the list. This year, the registration will begin with countries with the letter "N". Cases will be divided into two groups: the first group of countries to be registered following the above alphabetical order will consist of those cases in which the Committee of Experts requested governments to submit full particulars to the Conference ("double-footnoted cases").¹⁸ The Office will then register the second group, which will comprise the other cases on the final list, also following the above-mentioned alphabetical order. The Office can adapt this practice of planning taking into account the complexity of cases in order to ensure a certain predictability for the governments and social partners of the country concerned.¹⁹

¹⁷ See [paras 114–120](#) of the General Report of the Committee of Experts. The criteria developed by the Committee of Experts for identifying cases of progress are also reproduced in Appendix II of this document.

¹⁸ See [para. 112](#) of the General Report of the Committee of Experts.

¹⁹ Participants in the tripartite consultations in March 2024 noted that the adjustments made to the planning of the examination of cases had been useful and allowed for good time management.

- 30.** Information on the agenda of the Committee and the date on which cases may be heard is available:
- (a) through the *Daily Bulletin* and the Committee's dedicated [web page](#);
 - (b) by means of a D document containing the list of individual cases and the working schedule for the examination of these cases, which is made available to the Committee as soon as possible after the adoption of the list of cases.²⁰

Supply of information

- 31.** Prior to their oral intervention before the Conference Committee, governments may submit written information that will be summarized by the Office and made available to the Committee.²¹ This written information is to be provided to the Office at least two days before the discussion of the case. It serves to complement the oral intervention by the government representative of the country concerned. It may not reproduce the information contained in the oral statement nor any other information already provided by the government. The total number of pages is not to exceed five.

Adoption of conclusions

- 32.** The conclusions regarding individual cases are proposed by the Vice-Chairpersons and submitted by the Chairperson to the Committee for adoption. The conclusions should take due account of the elements raised in the discussion and information provided in writing by the government. The conclusions should be short, clear and specify the action expected of governments. They may also include reference to the technical assistance to be provided by the Office. The conclusions should reflect consensus recommendations. Divergent views can be reflected in the Committee's record of proceedings.
- 33.** Conclusions on the cases discussed are adopted at dedicated sittings. During the informal tripartite consultations in March 2024, it was agreed that the conclusions of all the individual cases continue to be adopted at the end of the session of the Committee and the draft conclusions would be transmitted to a person designated by the government concerned two hours before the adoption of the text.²² During the sitting, the conclusions are made visible on a screen. The government representatives may take the floor after the Chairperson has announced the adoption of the conclusions.
- 34.** As per the Committee's decision in 1980,²³ Part One of its report will contain a section entitled "Application of ratified Conventions", in which the Committee draws the attention of the Conference to: (i) cases of progress, where governments have introduced changes in their law and practice in order to eliminate divergences previously discussed by the Committee; (ii) certain special cases, which are mentioned in special paragraphs of the report; and (iii) cases of continued failure over several years to eliminate serious deficiencies in the application of ratified Conventions which it had previously discussed – including "urgent appeals".²⁴

²⁰ Since 2010, this document is appended to the General Report of the Committee.

²¹ See above Part III(C).

²² The two sittings dedicated to the adoption of conclusions on individual cases are scheduled for Wednesday afternoon, 12 June, and Thursday morning, 13 June.

²³ See footnote 12.

²⁴ See section V.

VII. Participation in the work of the Committee

35. As regards failure by a government to take part in the discussion concerning its country, despite repeated invitations by the Committee, the following measures will be applied, in conformity with the decision taken by the Committee at the 73rd Session of the Conference (1987), as amended at the 97th Session of the Conference (2008),²⁵ and mention will be made in the relevant part of the Committee's report:
- In accordance with the usual practice, after having adopted the list of cases regarding which Government delegates might be invited to supply information to the Committee, the Committee shall invite the governments of the countries concerned in writing, and the *Daily Bulletin* shall mention these countries.²⁶
 - Three days before the end of the discussion of individual cases, the Chairperson of the Committee shall request the Clerk of the Conference to announce every day the names of the countries whose representatives have not yet responded to the Committee's invitation, urging them to do so as soon as possible.
 - On the last day of the discussion of individual cases, the Committee shall deal with the cases in which governments have not responded to the invitation. Given the importance of the Committee's mandate, assigned to it in 1926, to provide a tripartite forum for dialogue on outstanding issues relating to the application of ratified international labour Conventions, a refusal by a government to participate in the work of the Committee is a significant obstacle to the attainment of the core objectives of the International Labour Organization. For this reason, the Committee may discuss the substance of the cases concerning governments which are registered and present at the Conference, but which have chosen not to be present before the Committee. The debate which ensues in such cases will be reflected in the appropriate part of the report, concerning both individual cases and participation in the work of the Committee. In the case of governments that are not present at the Conference, the Committee will not discuss the substance of the case, but will draw attention in its report to the importance of the questions raised.²⁷ In both situations, a particular emphasis will be put on steps to be taken to resume the dialogue.

VIII. Minutes of the sittings – Verbatim

36. In the context of the informal tripartite consultations on the working methods of the Committee of November 2018 and March 2019, it was decided that the general discussion, the discussion of the General Survey, as well as the discussion of cases of serious failure to respect reporting or other standards-related obligations and the discussion of individual cases will be produced in the form of verbatim transcripts. Each intervention will be reproduced in extenso in the language of work in which it has been delivered, or failing that, chosen by the government – English, French or Spanish – and the verbatim draft minutes will be made

²⁵ See *Provisional Record* No. 24, International Labour Conference, 73rd Session, 1987, para. 33; and *Provisional Record* No. 19, International Labour Conference, 97th Session, 2008, para. 174.

²⁶ This information also appears on the web page of the Committee.

²⁷ In the case of a government which is not accredited or registered to the Conference, the Committee will not discuss the substance of the case, but will draw attention in its report to the importance of the questions raised. It was considered that no country should use inclusion on the preliminary list of individual cases as a reason for failing to ensure that it was accredited to the Conference. If a country on the preliminary list registered after the final list was approved, it should be asked to provide explanations (see *Provisional Record* No. 18, International Labour Conference, 100th Session, 2011, Part I/54).

available online on the Committee's dedicated web page.²⁸ It is the Committee's practice to accept amendments to the verbatim draft minutes of 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 the Chairperson when they are made available to the Committee. The amendments should appear clearly in the relevant document and submitted electronically.²⁹ In order to avoid delays in the preparation of the Committee's report, no amendments may be accepted once the draft minutes have been approved. To the extent that the discussions are reproduced in extenso in the form of verbatim draft minutes, their amendments will be limited exclusively to the elimination of transcription errors.

37. With regard to the structure of the Committee's report, the first part of the report of the Committee will contain the verbatim minutes of the general discussion, the outcome of the discussions on the General Survey, the conclusions adopted following the examination of the "automatic" cases and the examination of the "individual" cases – including, where appropriate, the special paragraphs – as well as the verbatim minutes of the discussion on the adoption of the report and the closing remarks. This first part of the report will be produced in the form of a consolidated document and will be translated into the three languages for adoption by the Conference in plenary session.
38. The second part of the report of the Committee will consist of trilingual (patchwork) verbatim minutes of the discussion of the General Survey, the discussion of "automatic" cases and the discussion of "individual" cases. These verbatim minutes will be available online on the Committee's web page as they are adopted. The second part of the report of the Committee will be submitted to the plenary sitting of the Conference for adoption only in electronic format.
39. The full report (first and second parts) translated into the three languages will be made available online 30 days after its adoption by the plenary sitting of the Conference.

IX. Time management

40. Every effort will be made so that sessions start on time and the schedule is respected. During the informal tripartite consultations in March 2024, it was decided to maintain the speaking time limits established in 2023, which were the same as those applied before the pandemic with some adjustments. The speaking times will be as follows.
 - With regard to the discussion of individual cases:
 - 15 minutes for the government whose case is being discussed;
 - 10 minutes for the spokespersons of the Workers' and the Employers' groups;
 - 10 minutes for the Employer and Worker members, respectively, from the country concerned, to be divided between the different speakers of each group;
 - 7 minutes for Government groups;

²⁸ These new modalities result from the informal tripartite consultations of March 2016. Delegates who will be intervening in a language other than English, French or Spanish will be able to indicate to the Secretariat in which of these three working languages their intervention should be reflected in the verbatim draft minutes.

²⁹ Please refer to Appendix III or contact the secretariat in relation to the procedure for amendments to draft minutes.

- 5 minutes for the other members;³⁰
 - 15 minutes for the concluding remarks by the government whose case is being discussed;
 - 10 minutes for the concluding remarks by the spokespersons of the Workers' and the Employers' groups.
 - With regard to the general discussion, and for guidance purposes:
 - 20 minutes for the spokespersons of the Workers' and the Employers' groups;
 - 15 minutes for the representative of the Secretary-General, the Chairperson of the Committee of Experts and the Chairperson of the Committee on Freedom of Association;
 - 12 minutes for statements by Government groups;
 - 5 minutes for the other members.
 - With regard to the discussion of the General Survey:³¹
 - 20 minutes for the spokespersons of the Workers' and the Employers' groups;
 - 12 minutes for Government groups;
 - 5 minutes for the other members;
 - 10 minutes for the concluding remarks by the spokespersons of the Workers' and the Employers' groups.
- 41.** Both for the general discussion and for the discussion of the General Survey, the Chairperson, in consultation with the other Officers of the Committee, may nevertheless decide to reduce the time limits where the situation of a case would warrant it, for instance, where there is a very long list of speakers, on the understanding that the total duration of the discussion of the General Survey should not exceed four hours. These time limits will be announced by the Chairperson at the beginning of each sitting and will be strictly enforced.
- 42.** During interventions, the remaining time available to speakers will be displayed on the screen and will be visible to all speakers. Once the maximum speaking time has been reached, the speaker will be interrupted.
- 43.** The list of speakers will also be visible on the screen. The delegates should register on that list as soon as possible to enable the Office to draw up a list of speakers 24 hours before the examination of each item on the Committee's agenda. Delegates who are accredited to the Conference and registered in the Committee should request their inclusion on the list of speakers by filling and sending by email the [form](#) available on the web page of the Committee to CAN@ilo.org. The speaking times will be adjusted according to the number of speakers registered. Speakers who have not registered in advance may be given the floor if time allows. In addition, 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.

³⁰ This time limit may be reduced to three minutes by the Chairperson, in consultation with the other Officers of the Committee, for instance where there is a very long list of speakers. In this case, the Office will try as far as possible to inform the delegates on the list of speakers.

³¹ These arrangements result from the informal tripartite consultations of March 2016, April 2023 and March 2024.

X. Respect of rules of decorum and role of the Chairperson

- 44.** 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.
- 45.** It is the role and task of the Chairperson to maintain order and to ensure that the Committee does not deviate from its fundamental purpose to provide an international tripartite forum for full and frank debate within the boundaries of respect and decorum essential to making effective progress towards the aims and objectives of the International Labour Organization.

Appendix I

Criteria developed by the Committee of Experts for footnotes

Excerpts of the General Report of the Committee of Experts (112/III(A))

107. As in the past, the Committee has indicated by special notes (traditionally known as “footnotes”) at the end of its comments the cases in which, because of the nature of the problems encountered in the application of the Conventions concerned, it has deemed it appropriate to ask the government to supply a report earlier than would otherwise have been the case and, in some instances, to supply full particulars to the Conference at its next session in June 2024.
108. In order to identify cases for which it inserts special notes, the Committee uses the basic criteria described below, while taking into account the following general considerations. First, the criteria are indicative. In exercising its discretion in the application of the criteria, the Committee may also have regard to the specific circumstances of the country and the length of the reporting cycle. Second, the criteria are applicable to cases in which an earlier report is requested, often referred to as a “single footnote”, as well as to cases in which the government is requested to provide detailed information to the Conference, often referred to as a “double footnote”. The difference between these two categories is one of degree. Third, a serious case otherwise justifying a special note to provide full particulars to the Conference (double footnote) might only be given a special note to provide an early report (single footnote) when there has been a recent discussion of the case in the Conference Committee. Finally, the Committee wishes to point out that it exercises restraint in its recourse to “double footnotes” in deference to the Conference Committee’s decisions as to the cases it wishes to discuss.
109. The criteria to which the Committee has regard are the following:
 - the seriousness of the problem; in this respect, the Committee emphasizes that an important consideration is the necessity to view the problem in the context of a particular Convention and to take into account matters involving fundamental rights, workers’ health, safety and well-being, as well as any adverse impact, including at the international level, on workers and other categories of protected persons;
 - the persistence of the problem;
 - the urgency of the situation; the evaluation of such urgency is necessarily case specific, according to standard human rights criteria, such as life-threatening situations or problems where irreversible harm is foreseeable;
 - the quality and scope of the government’s response in its reports or the absence of response to the issues raised by the Committee, including cases of clear and repeated refusal on the part of a State to comply with its obligations.
110. In addition, the Committee wishes to emphasize that its decision not to double footnote a case which it has previously drawn to the attention of the Conference Committee in no way implies that it has considered progress to have been made therein.
111. At its 76th Session (November–December 2005), the Committee decided that the identification of cases in respect of which a government is requested to provide detailed information to the Conference would be a two-stage process: first, the expert initially responsible for a particular group of Conventions recommends to the Committee the insertion of special notes; second, in light of all the recommendations made, the Committee will, after discussion, take a final, collegial decision once it has reviewed the application of all the Conventions.

Appendix II

Criteria developed by the Committee of Experts for identifying cases of progress

Excerpts of the General Report of the Committee of Experts (112/III(A))

114. Following its examination of the reports supplied by governments, and in accordance with its standard practice, the Committee refers in its comments to cases in which it expresses its **satisfaction** or **interest** at the progress achieved in the application of the respective Conventions.
115. At its 80th and 82nd Sessions (2009 and 2011), the Committee made the following clarifications on the general approach developed over the years for the identification of cases of progress:
- (1) The expression by the Committee of interest or satisfaction does not mean that it considers that the country in question is in general conformity with the Convention, and in the same comment **the Committee may express its satisfaction or interest at a specific issue while also expressing regret concerning other important matters** which, in its view, have not been addressed in a satisfactory manner.
 - (2) The Committee wishes to emphasize that **an indication of progress is limited to a specific issue related to the application of the Convention and the nature of the measures adopted by the government concerned.**
 - (3) The Committee exercises its discretion in noting progress, taking into account the particular nature of the Convention and the specific circumstances of the country.
 - (4) The expression of progress can refer to different kinds of measures relating to national legislation, policy or practice.
 - (5) If the satisfaction relates to the adoption of legislation, the Committee may also consider appropriate follow-up measures for its practical application.
 - (6) In identifying cases of progress, the Committee takes into account both the information provided by governments in their reports and the comments of employers' and workers' organizations.
116. Since first identifying cases of satisfaction in its report in 1964, the Committee has continued to follow the same general criteria. The Committee expresses **satisfaction** in cases in which, **following comments it has made on a specific issue, governments have taken measures through either the adoption of new legislation, an amendment to the existing legislation or a significant change in the national policy or practice, thus achieving fuller compliance with their obligations under the respective Conventions.** In expressing its satisfaction, the Committee indicates to governments and the social partners that it considers the specific matter resolved. The reason for identifying cases of satisfaction is twofold:
- to place on record the Committee's appreciation of the positive action taken by governments in response to its comments;
 - to provide an example to other governments and social partners which have to address similar issues.
- ...
119. Within cases of progress, the distinction between cases of satisfaction and cases of interest was formalized in 1979. In general, cases of **interest** cover **measures that are sufficiently advanced to justify the expectation that further progress would be achieved in the future and regarding which the Committee would want to continue its dialogue with the government and the social partners.** The Committee's practice has developed to such an extent that cases in which it expresses interest may

encompass a variety of measures. The paramount consideration is that the measures contribute to the overall achievement of the objectives of a particular Convention. This may include:

- draft legislation that is before parliament, or other proposed legislative changes forwarded or available to the Committee;
- consultations within the government and with the social partners;
- new policies;
- the development and implementation of activities within the framework of a technical cooperation project or following technical assistance or advice from the Office;
- judicial decisions, according to the level of the court, the subject matter and the force of such decisions in a particular legal system, would normally be considered as cases of interest unless there is a compelling reason to note a particular judicial decision as a case of satisfaction; or
- the Committee may also note as cases of interest the progress made by a state, province or territory in the framework of a federal system.

Appendix III

Procedure for amendments to verbatim draft minutes

This note provides information on the new procedure for amendments to verbatim draft minutes referred to in Part VIII of this document. It should be noted that each intervention is reflected in extenso in the verbatim draft minute only in the working language used or chosen by the delegate for this purpose ¹ (English, French or Spanish). The verbatim draft minutes will be made available online on the Committee's dedicated web page.

It is recalled that the Committee's practice is to accept amendments to the verbatim draft minutes of 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 the Chairperson when the verbatim draft minutes are made available to the Committee.

To the extent that the discussions are reproduced in extenso in the form of verbatim draft minutes, the amendments will be limited exclusively to the elimination of transcription errors.

Delegates should submit their amendments to the secretariat **electronically** in "track changes" via the following email address: CAN@ilo.org. In order to make amendments directly in track changes, delegates are invited to request the "Word version" of the verbatim minutes by sending an email to the address above.

Amendments will be received **only if they are sent from the email address** which will have been provided by the delegate concerned when requesting the floor. The secretariat will acknowledge receipt of the amendment and may contact the delegate concerned when the request does not fulfil the requirements contained in Part VIII. Delegates should specify the verbatim draft minute concerned and make clearly visible the changes they wish to make.

¹ When filling in a request for the floor, delegates will be requested to indicate in which working language (English, French or Spanish) their intervention should be reflected in the verbatim draft minute, if this intervention is not in one of these three languages. They will also be requested to provide an email address and a phone number.

Annex II

International Labour Conference
112th Session, Geneva, 2024

► CAN/D.2

Committee on the Application of Standards

Date: 3 June 2024

► Cases regarding which Governments are invited to supply information to the Committee

The list of 24 individual cases on the application of ratified Conventions
appears in the present document

► CAN/D.2

2

GOVERNMENTS INVITED TO SUPPLY INFORMATION TO THE COMMITTEE

COUNTRY	CONVENTION NUMBER
ALGERIA	98
AUSTRALIA	122
CAMBODIA **	87
COLOMBIA	159
ECUADOR	87
EL SALVADOR	87
ESWATINI	87
GAMBIA	138
GEORGIA	100
GUINEA	105
JAPAN	87
KAZAKHSTAN	81/129
LAO PEOPLE'S DEMOCRATIC REPUBLIC	111
MEXICO	100
NETHERLANDS – SINT MAARTEN	87
NICARAGUA	87
PARAGUAY **	81
PERU	169
PHILIPPINES	87
SPAIN	144
TUNISIA	87
TÜRKIYE **	98
TURKMENISTAN	105
UGANDA **	138

** Double-footnoted cases